Perhaps even more chilling is the Washington Star's conclusion of the matter:

The Supreme Court has moved into uncharted territory. Whether the potential dangers materialize, as we move ahead, depends on the practical and moral judgment of nine very powerful men.

If the potential dangers so clearly described in this editorial are to be averted, it will not be through the Casper Milquetoast attitude of resigned acceptance so tragically reflected therein. Only the Congress can call a halt.

The first and immediate decision must be whether we act by the process of constitutional amendment or by statutory curtailment of the appellate authority of the Supreme Court.

That decision should be dictated by the practicalities and urgency of the situation, but the method, once chosen, must be pursued with speed and all-out effort.

Otherwise, we are indeed reading the obituary of the Republic—an obituary we have written by our own default here in the Congress of the United States.

Under permission to extend and revise my remarks, I include the June 17 editorial:

THE REAPPORTIONMENT DECISIONS

It is somewhat late in the day for handwringing over the leading role assumed by the Supreme Court in deciding what sort of country we are to live in. It is no longer cause for surprise that the Court makes its decisions, not on the basis of an interpretation of existing law, but on the basis of its personalized idea of what is right—what is good for us.

That the Court does this is a fact of modern political life. We may experience a shudder of doubt when it shakes things as hard as it has done in its decision on legislative reapportionment in the States. We may wonder whether our system of government benefits when judges do what voters will not do. For all that, it is done. As with the historic school decisions of a decade ago, things will never be the same again.

And, as with that earlier decision, to say that there is danger in the Court's assumption of power is not to say that the effects of the application of this power will be evil. That depends, in each particular case, on the practical and moral validity of the Court's collective judgment.

Philosophical doubts about the function of the modern Court do not overweigh the feeling that, in the current reapportionment cases, the practical and moral effects of the rulings probably will be for the good. No one reading the analyses of rural-urban voting discrepancies that form the backbone of these opinions can fail to recognize the unfairness of the present system. No one who looks honestly at population trends can escape a realization that the situation was bound to become progressively untenable, and eventually would become intolerable.

Locally, the effects of the new rulings cannot be anything but helpful. The nearby areas of Maryland and Virginia will gain new and deserved power in their State governments. Around the country, it seems doubtful that either political party will gain appreciable advantage from the change. The Democrats, it is predicted, will pick up city votes. But the Republicans may well gain as much in the even faster-growing suburbs.

The Court ruled that from now on, so far as is practical, every vote must have the same value in balloting for the State legislatures. This means, of course, that each election district must have reasonably close to the same number of voters. And the Court went the whole way in applying this principle. It refused to exempt either house in a bicameral legislature from the "one person, one vote" requirement. It rejected the contention that State senates, like the one in Maryland, are justified by analogy to the Federal setup. That setup, the Court pointed out, was a compromise adopted so as to make it possible to bring the Federal Union into being. The considerations which prompted its establishment do not apply to State governments today.

This is a reasonable argument—what was good for the Federal Government may not now be good for the States. At the same time, one may be pardoned the suspicion that what is ruled right for the States today may logically be ruled right for the Federal Government tomorrow. Why should not every vote, for example, have the same value when it comes to election of the President, who is President of all the people of the United States? The raising of this old issue, as a matter of law, may not be too far off. For that matter, what is the modern justification for the U.S. Senate, under the philosophy of these rulings? What indeed is the justification for the Federal system itself?

The Supreme Court has moved into uncharted territory in disposing of these cases. To repeat: Whether the potential dangers materialize, as we move ahead, depends on the practical and moral judgment of nine very powerful men.

ADJOURNMENT

Mr. ALBERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 10 minutes p.m.) under its previous order, the House adjourned until Monday, June 22, 1964, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2191. A letter from the Comptroller General of the United States, transmitting a report on a review of unnecessary costs to the Government in the leasing of electronic data processing equipment by the Army Finance Center, Indianapolis, Ind., Department of the Army; to the Committee on Government Operations.

2192. A letter from the Comptroller General of the United States, transmitting a report on unnecessary costs for rebuild of used 9–97 track for tanks, Department of the Army; to the Committee on Government Operations.

2193. A letter from the Comptroller General of the United States, transmitting a report on a review of unnecessary payments to local housing authorities owning former Federal land to be used for low-rent housing project sites, Public Housing Administration, Housing and Home Finance Agency; to the Committee on Government Operations.

2194. A letter from the Acting Archivist of the United States, General Services Administration, transmitting a report on records proposed for disposal under the law; to the Committee on House Administration.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. KING of New York:

H.R. 11676. 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. UDALL:

H.R. 11677. A bill to protect the domestic economy, to promote the general welfare, and to assist in the national defense by providing for an adequate supply of lead and zinc for consumption in the United States from domestic and foreign sources, and for other purposes; to the Committee on Ways and Means.

By Mr. SENNER:

H.J. Res. 1045. Joint resolution granting the consent of Congress to the States of Texas, New Mexico, Arizona, and California to negotiate and enter into a compact to establish a multistate authority to modernize, coordinate, and foster passenger rail transportation within the area of such States and authorizing the multistate authority to request the President of the United States to enter into negotiations with the Government of Mexico to secure its participation with such authority; to the Committee on the Judiciary.

MEMORIALS

Under clause 4, of rule XXII,

The SPEAKER presented a memorial of the Legislature of the State of New Jersey, memorializing the President and the Congress of the United States to propose an amendment to the Constitution of the United States of America authorizing the repeating of the Lord's Prayer and the reading of portions of the Old Testament of the Holy Bible in public schools and other public places, which was referred to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. PATMAN presented a bill (H.R. 11678) for the relief of Mrs. Willie Reese Sloan, which was referred to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

940. The SPEAKER presented a petition of Henry Stoner, Avon Park, Fla., relative to a Florida law as it relates to a man's sanity, which was referred to the Committee on the Judiciary.

SENATE

FRIDAY, JUNE 19, 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, God, in a world so full of change and decay, by the still waters and green pastures of Thy abiding presence, we would keep alive our faith in values that are permanent, and our reliance on the Kindly Light which, if our hearts keep their meekness and purity, will shine through all the shadows of our confusions and uncertainties.

We lift our petitions for those who in such a day serve here in the ministry of national concerns, that their words and counsels, so laden with possibilities to affect the life of the Nation and of the whole earth, may add to the world's store of good will and be for the healing of the open sores which afflict mankind.

And now, as—after the wearying strife of tongues—each Member of this body of governance stands in the sovereignty of his own uncoerced conscience, may a voice resound in every individual soul standing in the valley of decision, saying with comforting and strengthening reassurance—

Men may misjudge thy aim,
Think they have cause for blame,
Say thou art wrong.
Hold on thy quiet way;
God is the judge—not they.
Fear not—be strong.

Amen.

THE JOURNAL

On request of Mr. HUMPHREY, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, June 18, 1964, was dispensed with.

ORDER FOR TRANSACTION OF ROUTINE BUSINESS

Mr. HUMPHREY. Mr. President, I ask unanimous consent that there be a morning hour for 30 minutes, with statements therein limited to 3 minutes.

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

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

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

The Chief Clerk proceeded to call the roll.

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

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

EXECUTIVE COMMUNICATIONS, ETC.

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

REPORT ON UNNECESSARY PROCUREMENT OF PHOTOGRAPHIC SUPPLIES FOR THE ATLANTIC MISSILE RANGE

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on unnecessary procurement of photographic supplies for the Atlantic Missile Range, Department of the Air Force, dated June 1964 (with an accompanying report); to the Committee on Government Operations.

REPORT ON UNNECESSARY COSTS IN THE LEASING OF ELECTRONIC DATA PROCESSING EQUIPMENT, DEPARTMENT OF THE ARMY

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the unnecessary costs to the Government in the leasing of electronic data processing equipment by the Finance Center, Fort Benjamin Harrison, Indianapolis, Ind., Department of the Army, dated June 1964 (with an accompanying report); to the Committee on Government Operations.

REPORT ON UNNECESSARY COSTS FOR REBUILD OF USED T-97 TRACK FOR TANKS, DEPARTMENT OF THE ARMY

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on unnecessary costs for rebuild of used T-97 track for tanks, Department of the Army, dated June 1964 (with an accompanying report); to the Committee on Government Operations.

REPORT OF UNNECESSARY PAYMENTS TO CERTAIN LOCAL HOUSING AUTHORITIES

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on unnecessary payments to local housing authorities owning former Federal land to be used for low-rent housing project sites, Public Housing Administration, Housing and Home Finance Agency, dated June 1964 (with an accompanying report); to the Committee on Government Operations.

DISPOSITION OF EXECUTIVE PAPERS

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

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

PETITIONS AND MEMORIALS

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

By the ACTING PRESIDENT pro tempore:

Petitions of C. R. Mead, of Westport, Conn., relating to his claim for a redress of grievances; to the Committee on the Judiciary.

Two petitions of Henry Stoner, Avon Park, Fla., relating to the use of Federal troops for the preservation of peace in Mississippi and the history of the Central Intelligence Agency; to the Committee on Armed Services.

The petition of Henry Stoner, Avon Park, Fla., relating to the floating of bond issues by all levels of government; to the Committee on Finance.

The petition of Henry Stoner, Avon Park, Fla., relating to the organization of Federal departments and agencies; to the Committee on Government Operations.

Four petitions of Henry Stoner, Avon Park, Fla., relating to apportionment of State legislatures, the arrest of Martin Luther King, Bible reading, and changing of all Federal corporations to Federal administrations; to the Committee on the Judiciary.

The petition of Henry Stoner, Avon Park, Fla., relating to the maintenance of Federal schools in Prince Edward County, Va.; to the Committee on Labor and Public Welfare.

The petition of Henry Stoner, Avon Park, Fla., relating to the chairmanships of Senate committees; to the Committee on Rules and Administration.

Four petitions of Henry Stoner, Avon Park, Fla., relating to the preservation of peace, constitutional rights for the mentally ill, and so forth; which were ordered to lie on the table.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations, with amendments:

S. 2464. A bill to establish the Roosevelt Campobello International Park, and for other purposes (Rept. No. 1097).

BILLS INTRODUCED

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

By Mr. SALTONSTALL:

S. 2926. A bill for the relief of Manuel D. Karoghlanian; to the Committee on the Judiciary.

By Mr. MUNDT:

S. 2927. A bill to amend the Communications Act of 1934 in order to prohibit certain broadcasts of Federal election results until after the closing time of polling places in all the States; to the Committee on Commerce.

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

UNDESIRABILITY OF ADVANCE BROADCAST OF ELECTION RESULTS

Mr. MUNDT. Mr. President, I send to the desk a bill and ask that it be appropriately referred.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 2927) to amend the Communications Act of 1934 in order to prohibit certain broadcasts of Federal election results until after the closing time of polling places in all the States, introduced by Mr. MUNDT, was received, read twice by its title, and referred to the Committee on Commerce.

Mr. MUNDT. Since it is short and deals with a highly important subject, I shall read it. It is a bill to amend the Communications Act of 1934 in order to prohibit certain broadcasts of Federal election results until after the closing time of polling places in all the States.

I shall read the new section:

SEC. 331. No licensee shall broadcast the results, including any opinion, prediction, or other matter based on such results, of any election of electors for President and Vice President of the United States or Senators or Representatives in Congress in any State or part thereof until after the latest official closing time of any polling place for such an election in any other State on the same day.

Mr. President, the country and the Congress is well aware of the repercussions which followed the California primaries and the sensational scoops of the Columbia Broadcasting System in particular and other networks in trying to foretell in advance on election night the results of an election on the day that it has been cast.

The election of a President is a serious exercise in self-determination and self-government. It was never designed primarily to become a television spectacular.

I am fortified in my conviction that something needs to be done in this area by the fact that Mr. James E. Hagerty, vice president of the American Broadcasting Co., former White House Press Secretary under President Eisenhower, said on June 17 that he would welcome proposed legislation to prevent television networks from announcing presidential election returns in an Eastern State while any west coast polls are still open.

To indicate that this is not merely one man's opinion, I should like to quote also from what Governor Sawyer, of Nevada, said the other day when he pointed out that he would very much favor having a system which would eliminate the announcing of election results in any area while other areas of the country are still voting.

Governor Sawyer points out that he has talked with campaign aids of both the Senator from Arizona [Mr. GOLDWATER] and Governor Rockefeller in the California primary and both had told him that when the Goldwater victory was announced on television more than a half hour before the polls closed, many voters in both parties, for both candidates, refused to vote. He said:

> There was "panic" among precinct workers on both sides, and he believes some persons changed their votes to catch the winners just as the State delegations do at the conventions when the trend becomes strong.

Mr. President, let me say that I introduce the bill with somewhat of an unusual feeling. Normally when a Senator or Representative introduces a bill, he is dead sure that he has found the final answer to some problem. However, I have no such certainty in my own mind in this case. I am not certain I have proposed the optimum solution.

I introduce the bill, however, in the hope that some hearings will be held, that some other solutions will also be discussed, and that my proposed solution will be considered among others. I emphasize, I am not sure in my own mind that this is the proper or the best approach, but I am perfectly sure that it is desirable that something remedial should be done by voluntary restrictions on the part of the television networks and the radio companies, by legislation, or by action of the FCC, or by an act of Congress.

Obviously, if we are going to continue to have election returns announced on the east coast 3 hours or more before the polls close in other parts of the country, for many American voters this makes an election something like a replay of a race which has already been run at the Kentucky Derby and the winner determined. The results have been announced, but people are privileged to vote in a sort of replay of an election where the results are already clear.

This has its impact in many ways. Many voters are not well informed on issues or deeply dedicated to candidates, so a premature announcement of results in the populous Eastern States has an important impact on many voters and discourages many others who come to feel their vote is useless if their personal preference is running badly in the eastern cities.

So here is a problem to which I believe serious-minded Americans should devote attention. I welcome other suggestions. I hope introduction of this bill will help stimulate constructive thought on the problem with which it deals. I introduce this suggestion as a starter, perhaps as a focal point around which hearings should be held. I repeat, I am not sure this is the proper answer, but I am sure there is a problem here which merits the serious attention of Congress, of Americans generally, and of the leaders of our great privately owned radio and television industry. I earnestly solicit discussion of this problem and other sugtions for its solution.

Mr. President, I ask unanimous consent to have included at this point in the RECORD an article containing the statement by Mr. James Hagerty from the New York Times of June 18, 1964; also an article containing a statement by Governor Sawyer, of Nevada; and also an article from the Associated Press, the headline of which is "Hagerty Recalls Efforts To Sway West's Voters," in which he gives us a peek behind the scenes when, as a politician, he tried to use the early announcement of returns on votes from the east coast in a deliberate effort to induce votes in the West, and which indicates a recognition of the significance of such reporting.

To a considerable degree, these "quickie returns" and the calculator evaluations of votes from large east coast cities gives the eastern seaboard an unfair and undersirable advantage in determining the winners of our presidential elections if they are publicized nationally while citizens are still voting in many States of this Republic.

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

Mr. MUNDT. I am glad to yield.

Mr. MAGNUSON. The Senator presents a very conspicuous problem. It has been one about which our committee has been thinking. The problem has been highlighted in the last few days. The networks are quite concerned about it. There is a difference of an hour or two between South Dakota and the East, for example.

Mr. MUNDT. The difference in time between the Senator's State and the East is even more.

Mr. MAGNUSON. At one time there was a difference of 4 hours between my State and the east coast.

Mr. MUNDT. I cannot at the moment calculate how Hawaii is affected by the time differential but it is many hours.

Mr. MAGNUSON. The news has quite an effect on people who get early returns, especially when the polls are open until 8 or 9 o'clock in the evening. We certainly should look into the problem.

However, I am sure the Senator from South Dakota joins with me in the statement that the networks, the Associated Press, and the other news-gathering media are helping as a result of their efforts, which apparently are going to be successful, to pool the reporting of the election. The problem will become easier because of the sharing and pooling of the returns.

Mr. MUNDT. The Senator is correct. Perhaps self-restraint is the answer if it is formalized by a publicized code to be self-enforced by the radio-TV industry. Otherwise if all the networks do is to pool their returns, the problems created by a premature reporting of them while others are voting could actually aggravate a situation which is already bad.

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

[From the New York Times, June 18, 1964]

HAGERTY FOR LAW ON VOTE RETURNS—WOULD BAR BROADCASTS TILL ALL POLLS ARE CLOSED

FORT SLOCUM, N.Y., June 17.—James C. Hagerty, vice president of American Broadcasting-Paramount Theaters, Inc., said today he would welcome legislation to prevent television networks from announcing presidential election returns in Eastern States while west coast polls are still open.

Mr. Hagerty, who was White House press secretary under President Dwight D. Eisenhower, said there was no doubt that such announcements have "band wagon influence" on western voters and that this was to be deplored.

He made these remarks after relating that as press secretary for the Republican presidential candidates in 1948 and 1952 he had hoped to influence west coast voters by claiming a Republican victory in certain Eastern States on the basis of early returns.

"We said Governor Dewey was ahead in one State," he said, "even before we knew he was winning it. We claimed victory in States that we were sure Eisenhower would win before we actually knew he was winning."

He asserted that "the Kennedy people did the same thing in Connecticut in 1960."

Mr. Hagerty addressed the students and faculty of the Army's information school here. The school trains officers and enlisted men to staff the Army's radio and television facilities, newspapers and public information offices. Mr. Hagerty's topic was the military's use of commercial radio and television but, prompted by questions from the audience, he spoke also about other subjects.

One possible remedy to the problem caused by broadcasting early returns, he said, is legislation preventing such broadcasting until all polls in the Nation are closed. Another, he said, is rearrangement of voting hours in the various States to lessen the time gap between poll closings.

Mr. Hagerty deplored television predictions, based on early returns, of the outcome of a political contest. He criticized the Columbia Broadcasting Co. for its early forecast of the victory by Senator BARRY GOLDWATER in the recent California Republican primary. ABC, he said, would refrain from making such early predictions "even though this might hurt us competitively."

GOVERNOR SAWYER PLANS PLEA

Gov. Grant Sawyer, of Nevada, the Democrat who is chairman of the National Governors' Conference, said in an interview on the "Martha Dean Show" on WOR radio yesterday that he was planning to meet with representatives of the communications media to try to persuade them not to announce the winners of elections before the polls are closed.

He said campaign aids of both Governor Rockefeller and Senator BARRY GOLDWATER in the California primary had told him that

when a Goldwater victory was announced more than half an hour before the polls closed, many voters in both parties refused to vote. There was "panic" among precinct workers on both sides, he said, and he believes that some persons changed their votes to catch the winner, just as State delegations do at conventions when a trend becomes strong.

[From the Washington Star, June 18, 1964]

HAGERTY RECALLS EFFORTS TO SWAY WEST'S VOTERS

NEW ROCHELLE, N.Y., June 18.—James C. Hagerty, broadcasting executive and former White House press secretary, told yesterday how Republicans claimed victory in some Eastern States on the basis of early returns in the 1948 and 1952 presidential elections—in the hope of influencing west coast voters.

Mr. Hagerty, vice president of American Broadcasting-Paramount Theaters, Inc., addressed students and the faculty of the Army's Information School at Fort Slocum.

Mr. Hagerty, who was White House press secretary in the Eisenhower administration, said he approves the proposal for legislation to prevent television networks from announcing presidential election returns in Eastern States while west coast polls are still open.

He said there is no doubt that such amendments have "bandwagon influence" on western voters, and that this is to be deplored.

Mr. Hagerty made these remarks after telling of attempts to influence west coast voters when he was press secretary to Thomas E. Dewey, who was beaten by President Truman in 1948, and to Dwight D. Eisenhower, who defeated Adlai E. Stevenson in 1952.

Mr. Hagerty said:

"We said Governor Dewey was ahead in one State even before we knew he was winning it. We claimed victory in States that we were sure Eisenhower would win before we actually knew he was winning."

Mr. Hagerty said "the Kennedy people did the same thing in Connecticut in 1960."

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATION BILL, 1965—AMENDMENT (AMENDMENT NO. 1058)

Mr. SALTONSTALL (for himself, Mr. FULBRIGHT, and Mr. CLARK) submitted an amendment, intended to be proposed by them, jointly, to the bill (H.R. 10433) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1965, and for other purposes, which was ordered to lie on the table and to be printed.

AMENDMENT OF SUBSECTION (B) OF SECTION 512 OF INTERNAL REVENUE CODE OF 1954 (AMENDMENT NO. 1059)

Mr. HARTKE submitted an amendment, intended to be proposed by him, to the bill (H.R. 6455) to amend subsection (b) of section 512 of the Internal Revenue Code of 1954 (dealing with unrelated business taxable income), which was referred to the Committee on Finance and ordered to be printed.

AMENDMENT OF TITLE II OF SOCIAL SECURITY ACT (AMENDMENT NO. 1060)

Mr. JAVITS submitted an amendment, intended to be proposed by him, to the bill (H.R. 287) to amend title II of the Social Security Act to include Nevada among those States which are permitted to divide their retirement systems into two parts for purposes of obtaining social security coverage under Federal-State agreement, which was ordered to lie on the table and to be printed.

ONE-YEAR EXTENSION OF CERTAIN EXCISE TAX RATES—AMENDMENTS (AMENDMENTS NOS. 1061, 1062, AND 1063)

Mr. KEATING. Mr. President, I introduce, for appropriate reference, three amendments to H.R. 11376, which is a bill to provide a 1-year extension of certain excise tax rates and ask that they be appropriately referred.

The first of the three amendments deals with all four categories of the so-called retailers' excise taxes; that is, the 10-percent levy on jewelry and related items, on furs, on toilet preparations, and on luggage, handbags, and similar leather goods. The amendment, if adopted, would repeal all of these levies effective immediately, except that with respect to jewelry and furs, only the first $100 of the retail price would be excluded from application of the tax, only the excess of the price above $100 being taxable.

The second amendment, if adopted, would repeal in its entirety only the retailers' excise tax on luggage, handbags, and similar leather goods, effective immediately.

The third amendment, which is cosponsored by Senators JAVITS, WILLIAMS of New Jersey, and HRUSKA, would affect only the retailers' excise tax on ladies' purses and handbags. In effect, it would repeal the tax as applied to so much of the retail sales price of any of these articles as does not exceed $50. This is the same amendment which was offered but rejected in connection with H.R. 8363 earlier this year, which became the Revenue Act of 1964.

The merits of the case for all three of these amendments are well known, and I will defer further comment until after the Committee on Finance has had an opportunity to study them and determine whether or not the Senate will be given a chance to vote on them. Action to remove these grossly discriminatory levies is long overdue. Nearly everyone recognizes that as a fact, and I am hopeful that the Committee on Finance will lend its favorable consideration to these amendments at this time.

The ACTING PRESIDENT pro tempore. The amendments will be received, printed, and appropriately referred.

The amendments were referred to the Committee on Finance.

SENATOR HARTKE'S ACCEPTANCE SPEECH AND LETTER FROM THE PRESIDENT

Mr. MANSFIELD. Mr. President, on June 12, our distinguished and outstanding colleague the senior Senator from Indiana [Mr. HARTKE], addressed the Indiana Democratic State convention, at Indianapolis. I ask unanimous consent that there be printed in the RECORD his acceptance speech on being accorded the unanimous endorsement of the convention for renomination to membership in the U.S. Senate, plus a letter addressed to Senator HARTKE by the President of the United States.

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

ACCEPTANCE SPEECH OF SENATOR VANCE HARTKE, INDIANA DEMOCRATIC STATE CONVENTION, INDIANAPOLIS, JUNE 12, 1964

Thank you from the bottom of my heart. You have made this day a great one by your unanimous endorsement of my first 6 years in the U.S. Senate. You have testified to the strength of democracy in Indiana. You have affirmed that we are a united party, that we have a program, that we have goals, that we know where we are going, that we are above factions, above the divisive influences of selfish interests. We have but one objective—the welfare and strength of all of the people. There is but one way in which this can be achieved—and that is service—service without distinction as to race, creed, or color.

No nation can be healthy and strong if any one part is ill.

No nation can achieve true greatness unless the whole body of all its people is employed. This is our mission. This is our purpose, to which we here today rededicate ourselves.

If we carry this message to our citizens, if we explain the issues, if they understand our purpose and believe in our pledge, then and only then shall we be victorious.

My past record is not, however, my campaign document for this year. It is only my credentials, a pledge of good faith which I present to the American people and to the people of the State of Indiana as I ask for the opportunity to lead them into the new and greater society.

This will be a hard campaign, but it will be based upon information in which the keystones will be integrity, dedication, and the history of accomplishments.

You know me—my family—my record.

In 1958 you honored me by asking me to lead the campaign. Ours was an unequaled victory. In 1964 it shall be even greater, for heading our ticket is a proven leader and an acknowledged statesman, President Lyndon B. Johnson.

We cannot fail. We must not fail—for too much is at stake.

The ticket which is nominated here today is the answer to the needs of our people, the response to their aspirations. We shall go forth to this battle strong in your unstinting support, confident in our cause, and resolved to victory.

Now as a nation we are fortunate in being guided by a new brand of leadership—a leadership interested in the welfare of the people—(1) giving assistance where needed without encroaching upon the freedom of the individual; (2) attentive to the will of the majority without ignoring the rights of minorities; and (3) preserving the peace without sacrificing the beliefs of freemen.

The waters around us are not calm. It is the experienced navigators of the Democratic Party who are steering us clear of the rough waters. Now is not the time to change helmsmen.

In this year's campaign we will be working for more than the Democratic Party—we will be working to insure steady prosperity, to insure a frugal economy, to insure responsible effective control of Government adaptable to the wants of all the people, and to preserve and encourage the free enterprise system.

In a great country such as ours, there must always be a close link between the people and

their elected representatives. I believe I have been close to all the people of Indiana. I shall continue to be that close link. We cannot, we will not permit that tie to be severed by men who choose to neglect the public, by men who are oblivious to the world situation, from poverty to the use of atomic power, and by men who offer to stand firm on their views, at least for a day.

We are moving forward and will continue to move this country into better times. I am honored to represent Hoosiers in their bid to improve the coordination between Government and the individual, and I am optimistic that all loyal Americans will give a hearty endorsement to the Democratic leaders who are forming an era of which our children will be proud, of which generations not yet born will be thankful.

Ours is an appeal to reason, an appeal to concern. Our record and our future is prudence and progress dedicated to peace and prosperity.

Hate and violence find no food on which to feed in our party. Those who would turn back the clock have no place on our ticket.

We seek men of good will who recognize the problems and the needs, the issues of the day and who will work to solve them. We ask that all people who are of good will and seek to solve problems with programs counsel with us, reason with us, debate with us, work with us—and share with us, and join us in the victory that can come for all the people.

I gratefully accept your mandate to head our ticket again. I promise you a cooperative, coordinated campaign dedicated to telling the truth, reciting the record, meeting the people and doing my part for total victory for all the people. And I tell you we are going to win that total victory.

THE WHITE HOUSE,
Washington, D.C., June 11, 1964.

DEAR VANCE: The spirit and dedication of Indiana Democrats is an inspiration to members of our party everywhere.

For you, Vance, Martha, and the family, I know this occasion is a proud and happy one. Especially so, since you are on the same day commencing your campaign for reelection and celebrating the 21st anniversary of your marriage.

Those of us who have worked in the Congress admire you as a leader who gets the job done for his State and Nation. I am proud of our years of friendship in the Senate. Your close association and counsel since that time has been a comfort to me.

The road ahead of us is filled with hope and opportunities. It is a road for all Americans to travel together, and I am proud to have you at my side.

Lady Bird and I give you our best wishes for every success.

Sincerely,

LYNDON B. JOHNSON.

ASSESSMENTS OF MONTANA FLOOD DAMAGE

Mr. MANSFIELD. Mr. President, the latest assessments of Montana flood damage and repairs are beginning to reach my office. These reports can now give more accurate estimates, and recommend appropriate action.

One of the most obvious conclusions reached in surveying this most devastating disaster is that wherever there was a large Federal storage project, it managed to reduce flood crests to manageable levels. However, in the Sun River area, where the flood damage was the greatest, there is no operational storage of any significance. Surveys have been made in the area by both the Bureau of Reclamation and the Corps of Army Engineers. Preliminary information indicated that the construction of a project on the Sun River above Gibson Reservoir would have alleviated a great part of the flooding. The Sun Butte site has been opposed in the past by some local and conservation interests.

In view of the unprecedented damage created by the flooding on the Sun River this year, I feel that we should again appraise the desirability of constructing this flood-control project. I have asked for, and received, comprehensive reports and analyses from both the Bureau of Reclamation and the Corps of Army Engineers. This is an area in which the Bureau has been most active; and I intend to discuss with the Senate Appropriations Committee the need for the necessary funds to permit the preparation of feasibility reports required for the necessary construction authorization.

Mr. President, I ask unanimous consent to have printed at this point in the CONGRESSIONAL RECORD reports from the Bureau of Reclamation and the Corps of Army Engineers, dated June 17 and June 15, respectively.

Also, I have new, up-to-date reports, from the Farmers Home Administration and the Bureau of Public Roads, on their activities in Montana. These reports are additional evidence of the excellent cooperation that has been received from all Federal agencies in bringing relief to the victims of this disaster.

I ask unanimous consent to have these two reports, dated June 17, printed at the conclusion of my remarks in the CONGRESSIONAL RECORD.

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

U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF RECLAMATION,
Washington, D.C., June 17, 1964.

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

DEAR SENATOR MANSFIELD: In response to your suggestion, the writer, in company with Commissioner Philleo Nash of the Bureau of Indian Affairs, conducted a thorough survey of areas in the State of Montana affected by recent floods on the Sun, Milk, and Marias Rivers in the Missouri River Basin and on the Flathead River in the Columbia River Basin.

In general, we found inundation and devastation essentially as reported by the news media. Flooding was widespread, and loss of life and property was of locally disastrous proportions. Reservoirs constructed by the Bureau of Reclamation performed to reduce flood crests to manageable levels in those cases where flood control has been included as a project purpose.

In the Marias River watershed, the surge from two upstream dams, which failed during the flood, was totally absorbed by our Tiber Reservoir. During the height of the flood, Tiber Reservoir's effect was illustrated by an inflow rate of 143,000 cubic feet per second being regulated to a flow of 1,200 cubic feet per second.

Near the end of the flood, Fresno Reservoir of the Milk River project was only about 75 percent filled and could contain remaining floodflows down the Milk River. Sherburne Reservoir, also in the Milk River project, retained storage space and absorbed the flows of Swift Current Creek without any problem.

Clark Canyon Dam in the East Bench Unit, Missouri River Basin project, contributed substantially to reducing peak flows of the Beaverhead River near Dillon, Mont., even though the structure is unfinished.

On the western slope of the Continental Divide, Hungry Horse Dam and Reservoir reduced floodflows of the South Fork of the Flathead River from 55,000 cubic feet per second to 500 cubic feet per second, the balance being stored in the reservoir. Flows of the Flathead River are receding, but were still above flood stage on June 11, when Hungry Horse Reservoir had 385,000 acre-feet of remaining storage space.

However, on the Sun River the only operational storage of any significance was about 15,000 acre-feet of unfilled space in Gibson Reservoir of the Sun River project. This space had been held for snowmelt runoff and proved to be quite inadequate to contain the flows developed by heavy rain on the snowpack at high elevations. Although we have not yet developed estimates of inflow to Gibson Reservoir, it was sufficient to completely fill available space, operate the spillway to full capacity, and overtop the parapet wall to a depth of approximately 1 foot. This resulted in flows passing Gibson Dam of 50,000 cubic feet per second or more, which, when augmented by local tributary runoff below the dam, contributed to river stages greatly in excess of the 8,000 to 10,000 cubic feet per second channel capacity of Sun River. Gibson Dam, being of concrete construction, sustained overtopping without significant damage. The Fort Shaw division of the Sun River project, however, sustained extensive damage to its diversion, conveyance, and distribution system.

An added effect of these flows in the lower lying areas of Great Falls was to produce stages from 5 to 8 feet higher than previous floods of record. Some reduction of these stages was achieved by restricting main-stem flows at Canyon Ferry Reservoir. It was possible to reduce Missouri River flows at its juncture with Sun River by approximately 75 percent by regulating Canyon Ferry inflow of 20,000 cubic feet per second to a reservoir release of about 3,000 cubic feet per second.

Our first analyses of this flood based on meager runoff data indicate that 240,000 acre-feet of storage on Sun River would have been adequate to regulate that stream to 10,000 cubic feet per second and thereby would have limited damage to that which might be expected from minor tributaries below Gibson Reservoir. The only physical opportunity for accomplishing this degree of regulation as identified by preliminary studies today is at the Upper Sun Butte site on the Sun River above Gibson Reservoir. An alternative site downstream but still above Gibson Reservoir is known to exist but has not been evaluated.

A reservoir at the Upper Sun Butte site, identified previously as Wilson Dam and Reservoir, was included as an element of the general comprehensive plan for the Missouri River Basin project authorized by the Flood Control Act of 1944.

Shortly after World War II, the Bureau of Reclamation undertook a program of investigations designed to amplify and perfect the plans presented in the original authorizing documents for the Missouri River Basin project. Included among these was a study of the Sun-Teton division which centered on the potential Upper Sun Butte Reservoir. The reservoir area extends into the Bob Marshall Wilderness Area and the Sun River Game Preserve, although the damsite is outside of these areas. Because of this potential intrusion upon wilderness areas, our program of investigation was opposed by recreation and fish and wildlife interests. When secretarial order No. 2618 was issued by the Secretary of the Interior in 1951, calling for discontinuance of investigations of

water resources projects affecting national parks, monuments, or wilderness areas without the written approval of the Secretary, the program of the Bureau of Reclamation for the Sun-Teton division was affected. It is relevant to this report to observe that the reservoir would inundate only about 2,500 acres of the 950,000-acre total in the wilderness area.

With support by the affected irrigation districts and other State and local agencies, an appeal was made to the Secretary of the Interior, and permission was obtained from the Secretary to enable completion of a reconnaissance report to serve as a vehicle for presenting information on available opportunities and as a summation of engineering information. The plan of development set forth in the reconnaissance report contemplates a reservoir at the Upper Sun Butte site with a total capacity of 260,000 acre-feet at an estimated cost which, when indexed to current price levels, would be about $10,500,000. Of this storage capacity, 224,000 acre-feet would have been for flood control, partly on an inviolate basis and partly for joint use with irrigation. The remaining storage capacity would have been exclusively for irrigation regulation and, when used in conjunction with joint-use space, would have enabled irrigation of approximately 50,000 acres of land in the Teton Slopes area of the Teton River Basin.

It is credible to assume that Upper Sun Butte Reservoir would have accomplished, in a coordinated operation with Gibson Reservoir, sufficient regulation to have restricted flood damage along the lower Sun River and in the city of Great Falls to the economic minimum.

At your specific request, we have analyzed our program and our capabilities for sustaining an expedited program of investigations of measures and facilities to prevent recurrence of this damaging event. It is our belief that a program of $100,000 would enable us to compile sufficient information to produce a report of authorizing caliber on Upper Sun Butte Dam and Reservoir. Consideration of alternative sites, as now appears desirable, would have the effect of increasing fund requirements by $25,000 to $50,000. This amount of money would also finance a reconnaissance appraisal of the irrigation features of the Sun-Teton division in sufficient detail to support the inclusion of irrigation storage capacity in the reservoir at the time the dam is constructed. This would not be intended to support request for authorization of the irrigation facilities themselves, and an additional $150,000 over a 2-year term would be required when irrigation interest crystallizes to the point that such investigations are warranted.

Sincerely yours,

FLOYD E. DOMINY,
Commissioner.

U.S. ARMY ENGINEER DISTRICT,
CORPS OF ENGINEERS,
Omaha, Nebr., June 15, 1964.

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

DEAR SENATOR MANSFIELD: In accordance with your recent discussion with Colonel St. Clair at Great Falls, the following information is furnished with respect to initiating and completing studies of the Sun River Basin. Subsequent to this meeting we have made a rather rapid examination and evaluation of previous studies in this basin and it is our view that a detailed investigation could be essentially completed in about 1 year. However, in all past investigations we find that even though the studies may be complete, some period of time is required for final coordination between Federal and State agencies and local interests. Therefore, it is our view that about 18 months would be required on the Sun River investigation from inception to processing a report to higher authority. Of course, we will exert the utmost effort in order to process a report as rapidly as possible.

This office has requested funds and authority to proceed immediately with a postflood evaluation of both the Sun River and Marias River Basins. We expect to initiate necessary fieldwork with respect to these evaluations within the next few days. The type of data and the subsequent analyses would be instrumental in advancing the proposed Sun River investigation. The estimated cost of the latter is about $100,000, and since postflood investigation of the Sun River area would be equivalent to about a $20,000 to $30,000 effort, funds required for the formal investigation would approximate $70,000. Accordingly, this amount would be required for the Sun River study in order to complete it within the next 12 to 18 months.

During the postflood survey we would gather and accumulate basic hydraulic, hydrologic, and economic data which would provide a suitable basis for proceeding with the detailed project planning in the general area. Generally the investigation would be conducted along the following lines:

(a) Conduct a public hearing to solicit views of local interests with respect to the types of improvements desired.

(b) Complete basic engineering and economic studies leading to project development.

(c) Develop alternative project proposals. These will include local levee and channel improvements for each of the various urban areas, an evaluation of the need and value of upstream storage, and the possibility of diverting some of the flows to other areas or for temporary storage.

(d) Present alternatives to local interests and coordinate with other Federal and State agencies.

(e) Prepare report and submit to higher authority for processing to the Congress.

During your discussion with Colonel St. Clair you inquired as to the type of studies made in connection with Sun Butte dam and reservoir and the ultimate disposition of proposals relative to that project. The Sun Butte dam and reservoir has been studied by both the Corps of Engineers and the Bureau of Reclamation. The corps studies indicated that a large part of the rural flood damages along the main stem of the Sun River could be prevented but significant flood reductions could not be expected in the lower reaches, especially at Great Falls, and development of the project specifically for flood control was not economically feasible. Similar evaluations of the Sun Butte River Reservoir under consideration by the Bureau of Reclamation was made and the information furnished that agency. With respect to Bureau of Reclamation studies of this project you may wish to contact that agency for further information. Of course, you may be assured that during the investigation of Sun River Basin we will review studies of the Sun Butte project, in light of current conditions, in order to determine whether it now would be of value to go ahead with that project.

We trust that the above information clarifies and provides information that you desire. You may be assured that we will keep you informed of any significant developments with respect to studies and evaluations of the Sun River Basin. If we can be of further assistance please call on us.

Sincerely yours,

Lt. Col. CARROLL C. JACOBSON, Jr.,
Corps of Engineers,
Deputy District Engineer.

U.S. DEPARTMENT OF AGRICULTURE,
FARMERS HOME ADMINISTRATION,
Washington, D.C., June 17, 1964.

Hon. MICHAEL J. MANSFIELD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MANSFIELD: This is to inform you that the Department of Agriculture has authorized the making of emergency loans pursuant to section 321 of Public Law 87–128, through June 30, 1965, to eligible farmers and ranchers in the following counties in Montana: Cascade, Chouteau, Flathead, Glacier, Pondera, Teton, Toole.

This action was taken because of tremendous damage and losses to dwellings, farm buildings, livestock, farm machinery and equipment, irrigation systems, crops, and fences as the result of flooding which began on June 8. Emergency loans are already available in Glacier, Pondera, and Toole Counties through June 30, 1964. The current authorization extends the period for making loans in these counties.

Any farmer or rancher desiring information about emergency loans or other types of assistance available through this agency should get in touch with the local office of the Farmers Home Administration serving his county.

Please call on us whenever we can be of service.

Sincerely yours,

FLOYD F. HIGBEE,
Acting Administrator.

U.S. DEPARTMENT OF COMMERCE,
BUREAU OF PUBLIC ROADS,
Washington, D.C., June 17, 1964.

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

DEAR SENATOR MANSFIELD: I appreciate receiving your letter of June 11 containing estimates of the extent of the damage due to the recent floods in Montana. Our field people met with the Governor on June 9 to brief him on procedures that are being used by the Montana State Highway Commission and Bureau of Public Roads, working together to assess damage to roads and bridges, to authorize temporary emergency repairs and to plan for permanent repairs or reconstruction. We understand that engineers of public roads and the State highway commission flew over the area on June 11 to establish priorities for the emergency repair work.

Section 125 of title 23, United States Code, "Highways" authorizes an appropriation of $30 million annually for the repair or reconstruction of highways, roads, and trails which have suffered serious damage as the result of disaster over a wide area. These funds are available on a 50–50 matching basis for the reconstruction of highways on the Federal-aid highway systems and on a 100-percent basis for the repair or reconstruction of forest highways, forest development roads and trails, park roads and trails, and Indian reservation roads, whether or not such highways, roads, or trails are included in the Federal-aid highway systems.

Roads and bridges not eligible for repair or reconstruction under section 125 may be eligible under Public Law 875 by the Office of Emergency Planning. The Bureau of Public Roads assists the Office of Emergency Planning by assessing the damage and providing such other technical assistance as may be required. Some roads not on the Federal-aid systems but within national forests or Indian reservations would have the option of repair under either law.

You may be assured Public Roads will fully cooperate with the Montana State Highway Commission in the restoration of travel at the earliest opportunity and the financing

of reconstruction to the extent permissible under the controlling legislation.

Sincerely yours,

REX M. WHITTON,
Federal Highway Administrator.

THE 300TH ANNIVERSARY OF HOPKINS ACADEMY, HADLEY, MASS.

Mr. SALTONSTALL. Mr. President, Massachusetts has long been proud of its pioneering role in the founding of educational institutions traditionally dedicated both to the advancement of learning and to community and national service. Hopkins Academy, located in Hadley, Mass., and founded in 1664, was one of the first of such New England institutions.

Currently celebrating its 300th anniversary, the academy was one of several schools supported by a bequest from the estate of Edward Hopkins, an early Governor of Connecticut. The Governor's support indicated his belief in the importance of education and his firm desire, according to his own words, "to give some encouragement for the breeding of hopeful youths both at the grammar school and college, for the public service of the country in future times."

During the 300 years since its founding, Hopkins Academy has continued this early tradition of public service and concern for the well-being of the individual. Its graduates include many distinguished men and women, dedicated to the fields of law, government, science, medicine, and education. The spirit of patriotic and human concern which motivated the founders of the school continues today to inspire its students and alumni.

Massachusetts can indeed be proud of Hopkins Academy, a school which is endowed not only with a tradition of high educational standards, but also with a history of outstanding service to community and country.

LONG ISLAND PROGRESS

Mr. KEATING. Mr. President, Long Island's Tri-County Labor-Management Institute sponsored jointly by the Long Island Press and the National Conference of Christians and Jews has done a fine job in stimulating intelligent discussion and action on Long Island problems. Particular credit goes to Austin Perlow, of the Long Island Press and Jay Kramer, commissioner of the New York Labor Relations Board, for their energetic leadership.

Mr. President, among a number of significant speeches delivered at the Tri-County Labor Management Institute sessions at Hofstra College was one by Keith McHugh, New York State commissioner of commerce.

Commissioner McHugh emphasized the need for recognition by Long Island leaders of community problems and coordinated planning to meet them. He specifically endorsed my own proposal for a Long Island Economic Commission to chart the area's economic growth for the years ahead.

Commissioner McHugh also gave some very encouraging facts and figures on New York's export expansion office.

Mr. President, I ask unanimous consent to have printed, following my remarks in the RECORD, the text of Commissioner McHugh's address.

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

WHAT CAN LONG ISLAND DO TO STRENGTHEN ITS ECONOMY?

(Talk by Keith S. McHugh, New York State commissioner of commerce, before the Tri-County Long Island Labor-Management Institute, Hofstra College, Hempstead, June 9, 1964)

I greatly appreciate being invited to speak to this forum today and wish to compliment the Long Island Press and the National Conference of Christians and Jews for sponsoring this labor-management institute. The institute's statement of purposes "that leaders of labor, management, and the public may discuss problems of mutual concern to insure industrial progress and labor peace" is, indeed, worthy and forward looking.

For a great many years, I have been deeply interested in Long Island, its extraordinary growth record and its great future potential. I lived and worked on the Island in the twenties and, later, as president of the New York Telephone Co. from 1949 to 1959, saw the population of Nassau and Suffolk Counties more than double in the decade of the fifties. To meet the telephone and communications requirements of the people on the Island, during those 10 years, we authorized capital expenditures of $772 million for communication plant and equipment. That is a lot of money to spend for improvement and growth; frankly, there were moments when I wondered if we were not overbuilding. But, happily, the Island kept growing and, today, has more telephones than 43 of the 50 States.

Long Island, indeed, has had a proud rate of growth; both of people and industry and its employment and unemployment records have generally been excellent. During the last 5 years, when, as State Commerce Commissioner, I have had a special interest in the State's economy, total employment in Nassau and Suffolk Counties has increased steadily from 534,000 in 1958, to 675,000 at the end of 1963. And each of the first 4 months of this year shows gains in total employment over the corresponding months of 1963. Further, during the last 16 months, from January 1963 through April, the rate of unemployment in the two counties has been quite favorable and better than the State average. Since the State average rate of unemployment is generally better than the national average, the Long Island record is indeed an enviable one.

While this is gratifying, it is natural that thoughtful leaders on the island want to do everything possible to insure its continued growth and prosperity. This problem is important, not only to the thousands now employed on the island and others dependent upon these payrolls but, also, to the thousands of stockholders and entrepreneurs who have their savings invested here. These two great counties have been outstanding for growth and progress—all of us want to see that continue.

I have been asked today to suggest lines of action which Long Island people might take to help strengthen your economy for the future. That is obviously a very large question if one were to explore the subject in detail. I must necessarily confine myself, therefore, to a few observations which I hope will prove useful.

At the outset, let me say that I do not intend to speculate on the magnitude and rate of speed of possible defense cutbacks—or the possible effects of such cutbacks on the economy of these two counties. This subject is obviously of deep concern to many on the island as, indeed, it is to others elsewhere in the State and the Nation. I will only say that, as desirable as it may be for all of us who pay Federal taxes to reduce the total cost of our defense effort, I hope that the executive leadership in the Federal Government will be wise enough to phase out any prospective cuts over a period of years, giving advance notice as early as possible to the companies and communities particularly affected.

Today, therefore, I will make suggestions which I hope will be helpful for the whole economic growth of the two counties, even though I fully realize that a substantial part of your present industry will always be interested in doing Federal work so long as such work exists.

What, then, are some of the things which you might consider for the future good of the region? Without submitting anything like a comprehensive list, here are a few:

First. I like Senator KEATING's suggestion, made at your last meeting, that you form an economic commission to take stock of your economic assets—and liabilities—and to help form sound judgments for future action.

There are, of course, a number of ways to accomplish this purpose.

One possibility might be to follow up a plan which has already been suggested by some of your county planning people to our State commerce planning bureau; namely, to create a bicounty planning agency and make a regional master plan study. If such a program could be set up and properly qualify under section 701 of the Federal Housing Act, substantial Federal, and State financial support would be available. As part of this study it might be possible to contract for an economic base study of the two counties, push this through as rapidly as possible, and complete other phases of the master plan later. This would provide useful economic information early and help guide other action, if needed. My people, of course, would be happy to cooperate fully should such a plan be seriously considered.

Second. Some genuine thought and consideration should be given to greater unity of action by all organizations working to promote industrial development and tourism.

Your present Long Island Association, of course, encompasses membership in and interest concerning the whole of the two counties. Both Nassau and Suffolk Counties have persons or groups charged with industrial development. The towns of Islip and Brookhaven and the area of Brentwood within Islip, have separate industrial development activities. The Huntington Township Chamber of Commerce and the Freeport Industrial Committee are both working actively. No doubt there are others that I have missed.

In addition, there are three nonprofit local development corporations organized to take advantage of loans for industrial development under our State job development authority lending program.

Far from decrying this multiple action by many people and organizations, I applaud it, for it shows an active interest in the growth problem. One's natural desire is, understandably, to secure all expansion, new industrial growth establishments, and vacation travelers for one's own area. But if this

desire can be subordinated a bit and if pertinent information common to both industrial and tourism promotion is currently exchanged between all working groups, I believe greater total gains can be made and more employment will result. Site possibilities, labor, available market studies to pinpoint industrial sales—there are many examples of information which could be usefully exchanged.

After all, a businessman wishing to establish an important new plant is not too interested in the minutiae of comparisons between communities, but, rather wants to know about the region as a whole. He expects to draw employment in all probability from the region, not necessarily from the community alone, and the general business climate of the region, its markets and transportation, among other things, are the general factors which are apt to concern him most.

Similarly, the tourist or vacationist wants to know what the region has to offer in the way of recreational facilities, housing, and transportation. The private owners of resorts, motels, hotels, and attractions, can be counted on to advertise the merits of their individual establishments; business groups and associations and local government might best confine their efforts to bringing people into the region and making them want to come back again.

Some practical method or clearinghouse by which information and resources can be pooled by all groups interested in the promotion of both industrial development and tourism, would, I think, be helpful and productive of better results at lower cost. And this should actually strengthen the efforts of individual organizations which, naturally, wish to preserve their own identities.

Third. I urge that some plan be adopted for continuing action on a broad front to encourage the expansion of existing and the location of new research and development laboratories. This probably should be a joint effort combining the best resources of business, labor, your great universities and colleges, and of county government.

I cannot stress too strongly my personal belief that the best way to attract the new industry of tomorrow is to combine in this region the finest possible college and university facilities, including, especially, advanced degree centers, with a solid, growing base of research and development laboratories. This combination of assets has enormous attraction for research-oriented industry. Such industry, in turn, is generally the fastest growing in our industrialized society, for it is literally true that many of the products being sold today came out of the laboratory within the last few years.

I urge you to work hard to improve the present fine record of growth of such laboratories in Long Island.

In 1960, our State commerce department gathered and published a directory of all research and development laboratories in the State, both company-owned and those associated with universities and colleges. That survey showed a little over 1,100 such laboratories in New York which, even then, was nearly as many as the total of the next 2 leading States.

We are just completing a revised and updated statewide directory of such laboratories and the total will be, approximately, 1,200. In 1960 our directory showed 128 such laboratories in Nassau-Suffolk. The new directory, shortly to be published, will show the total here now to be 187, an increase of 59 over 1960, or a 46-percent increase in these 4 short years. This is an extraordinary record of growth of which all can be proud.

Some of you know that Governor Rockefeller appointed an advisory council for the advancement of industrial research and development some 4 years ago. It is composed of 40 of the leading scientists and laboratory directors in our State and has a number of representatives from Long Island including my good friend, Dr. Ernst Weber, of Brooklyn Polytechnic Institute. Last year, the council sponsored, with Dr. Weber's leadership, a most interesting symposium on research and development as a key to the future of Long Island. No doubt, many of you attended this symposium. The council has been extraordinarily helpful in our overall State objective of increasing the strength and number of research laboratories in the State and research activity generally. I think the council members could be helpful if you wish to carry on more active promotion in this area.

The State, too, has taken action, effective January 1, this year, which should help greatly in expanding or building research and development facilities. Now, all new capital costs of such research facilities can be written off, for State tax purposes, in 1 year.

Further, the new law permits industry to write off all other new depreciable plant and equipment at twice the rate permitted by the Federal Government.

Both these new tax provisions should help us in the competition for industry because no other State has such a favorable plan.

Fourth. My final suggestion today is that I believe it would be helpful to the future growth of industry and jobs in the two counties if you would encourage a wider and more active interest in export sales by manufacturers and suppliers of the two counties.

I base this recommendation on the actual experience which we have had in State commerce during the last 3 years in the promotion of increased export sales by New York firms. As many of you know, we are the first State to set up a division of international commerce, and the first to establish a permanent commerce office for Europe in Brussels, Belgium.

The results of this new State effort have been so extraordinary that I thought you might be briefly interested and might find them useful for consideration.

We began this operation on a test basis 3 years ago. The new division of international commerce was formally set up late in 1962, and fully organized by April 1963. Its principal purpose is to inform industrialists of the countries of the free world that here in the State of New York our manufacturers make 403 of the 416 nationally recognized classes of products for export; that if they have need of goods of U.S. manufacture we will, without cost to them, put them in touch with firms here which can supply them with quality products. We say to them, "Why bother going to all the other 49 States when you can find what you want here so easily?"

Here in the State we have a carefully checked list of approximately 9,500 manufacturers, suppliers, and exporters who have indicated an interest in selling certain types of goods abroad.

We began very modestly with small advertisements in newspapers in each of six countries. Today our State advertising appears in 49 newspapers in 30 countries. And the word has spread, for we are now receiving inquiries for New York goods from 80 countries of the free world. These cover everything from apples and milk products to the entire range of manufactured products.

In the first quarter of this year, we averaged 1,500 inquiries per month for New York goods. This was 2.5 times the number in the corresponding period of 1963 and 5 times the number in the test year—1962. And the rate is still going up, for in April we received over 1,800 such inquiries. Each letter inquiry, incidentally, will generally seek an average of between 2.5 and 3 different categories of manufactured items.

We sent out 27 Foreign Trade Opportunities bulletins in April to a total mailing of nearly 50,000 firms in the State.

Based on a careful survey of the firms on our list last year, we are confident that our sales leads were instrumental in selling $30 million worth of goods in 1962. To produce the goods for these sales, we estimate, requires about 4,500 manufacturing jobs. We know that 1963 results will be substantially above these figures, but the questionnaire to the manufacturers was only mailed last week, and we will not have complete figures until sometime in July.

Of the statewide list of 9,500 firms which receive our Foreign Trade Opportunities bulletins, 377 such firms are in Nassau County, and 70 are in Suffolk County.

While the 2 counties, therefore, have nearly 450 firms now receiving these bulletins, we are satisfied from our 3-year experience that there are many medium and small manufacturers which either could make more export sales with profit or are not in foreign markets at all and hence missing substantial profit opportunities. A relatively small number of firms in the State do a very large part of the total dollar volume of New York exports; there should be a much larger number.

With Europe, Japan, and certain other areas of the world growing at very rapid rates and with the enormous future markets which will come into being as the underdeveloped countries of the world begin to improve their economies, I, therefore, urge all manufacturers to take a new, hard look at the export possibilities.

There is another good reason for doing this. The competition today is getting tougher all the time—both between businesses in this country for domestic markets and from foreign imports. Further, we must consider the possibility of forthcoming results from the so-called Kennedy round of tariff discussions. While I do not predict the outcome of these discussions, it may well be that many industries in the State must expect increased domestic competition from firms abroad if we reduce our tariffs. By the same token, we ought to take a harder look at increased export possibilities since, presumptively, all countries involved in the agreement should be reducing their tariffs on our goods.

If you businessmen, or your organizations in Nassau-Suffolk, therefore, think well of these points and wish to become more actively interested in export possibilities, my Nassau-Suffolk regional office and international division people will be happy to assist in any possible way. I, personally, think this area of opportunity could mean much more business and many more jobs and help your growth problem.

I'd like to conclude this talk by saying that while there are things which State and local government can do, especially to create a good climate for our free competitive system to grow, flower, and prosper, I am convinced—from a long experience in both business and government—that in the end we must look to business management and farsighted labor leaders to keep our economic ship on an even keel, going ahead vigorously.

At the moment, for example, you and we are concerned about the economic effects of prospective defense cutbacks or the possible closing down of certain Federal establishments. This problem, of course, emphasizes a fact that many of us have always known, that is, that Federal business is great when you have it, and can be an awful headache when you lose it. But, more importantly, it underlines what every business manager worth his salary knows from experience, namely, that if he is to fulfill his obligations to his stockholders and to his employees and to continue to merit the respect and business of his customers, he must be alert to change of all kinds. He must anticipate change whenever practicable and plan his business' future accordingly. Change is not new in

business. It is always with us. It comes from new competition in products or materials, from changing markets and, obviously, as in the case of defense contracts, from the changing requirements of the customer. Those who anticipate change from all causes, plan for it and are prepared to meet it, survive and grow and prosper, adding to the economy and to the general welfare; those who either fail to anticipate change or are unable to cope with it have a very bad time, give many other people a very bad time and, finally, the business goes the way of all mortals.

This may be a fairly brutal analysis but the history of business in our free competitive society shows it to be true.

While the fundamental responsibility to meet change, therefore, lies with the business manager, I believe it is also true that the wise leader of organized labor will also see these problems of survival under change, not only within the industry in which he is most active but, hopefully, even with a broader horizon. The business manager has a right to expect both understanding and cooperative action to help meet changing conditions, vital to the industry, from his counterpart, the leader of labor. The leader of labor, in turn, has the right to expect the manager to understand labor's problems. But both have a completely common interest in fundamental changes in the business, for if the business cannot remain competitive, it means loss to everybody—the shareholders, the employees and the public generally.

In the long run, labor does best in those businesses which are growing and prospering. No one in his senses wants to work for a company that is going downhill—if he can help it.

I close, therefore, with the hope that the suggestions I made earlier may be helpful in your consideration of the future of Nassau and Suffolk counties and with the personal plea for the closest possible understanding and cooperative action between business and labor for the common good and future welfare of all in the region.

VISITS BY AMERICANS TO CUBA IN VIOLATION OF PASSPORT AUTHORITY

Mr. LAUSCHE. Mr. President, on September 10, 1963, on the floor of the Senate, I made a statement concerning 59 young Americans who had visited Cuba in violation of their passport authority. Those 59 young men from various parts of the United States, paid their passage to New York City. In New York City they boarded ships going to the Hague, London, Amsterdam, and Prague. Their transportation was paid by the Communist Party or by others connected with the Communist Party.

From Prague they went to Cuba, and in Cuba began a practice of praising the Communist government of Cuba and denouncing that of the United States.

When they came back to this country the question was raised as to whether or not their disobedience of the law would go unchallenged.

I stated on the floor of the Senate on September 10:

> I say today on this floor, Mr. Attorney General Robert Kennedy, you must understand that our Government cannot survive if individuals can defiantly and brazenly violate the law without being required to pay the penalty for such violation.

When they were challenged on their return to New York, the officials contemplated stamping their passports as invalid. Fifty-nine of them sat down and indulged in a sitdown strike in the port of entry.

Action was taken against those 59 men but as of this date has not been adjudicated.

Now, in June of 1964, 73 young men, in a similar circuitous route, made a trip to Europe, and from Europe to Cuba. The report is that among those young men, while in Cuba, four of the students in substance argued that destruction of the U.S. Government was needed.

The PRESIDING OFFICER (Mr. RIBICOFF in the chair). The time of the Senator has expired.

Mr. LAUSCHE. Mr. President, may I have 3 additional minutes by unanimous consent?

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

Mr. LAUSCHE. I read from an article which appeared in the Warren, Ohio, Tribune-Chronicle of June 13:

> Destruction of the U.S. Government is advocated by 4 students among 73 Americans visiting Cuba in defiance of State Department restrictions.
>
> A statement denouncing the North American racist government was issued by the four. It added, "We realize the U.S. Government is the biggest farce in history and must be destroyed.
>
> A 23-year-old New Yorker, Ed Lemansky, identified himself as the group's leader and a Communist.
>
> He distributed a statement declaring: "We have different reasons for coming to Cuba, but we are united in our opposition to our Government's efforts to prevent U.S. citizens from traveling to Cuba."

At this point we are again faced with the question, What will be done with these young men when they come back? Shall we deal with them with silken gloves, or shall we make certain that the law is obeyed and that order is maintained?

I now call upon the Attorney General to give attention to this matter immediately, to see that these deeds of deception and betrayal of our country shall not be countenanced by our Government.

THE PRESIDENT DOES WHAT IS NATURAL

Mr. WALTERS. Mr. President, I ask unanimous consent to have an editorial from the Nashville Tennessean of May 11, 1964, entitled "President Does What Is Natural" printed in the RECORD.

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

[From the Nashville Tennessean, May 11, 1964]

PRESIDENT DOES WHAT'S NATURAL

Some of the stiffer collared members of the Republican press corps are beginning to look down their noses at President Johnson's talent for hitting it off with the common people.

It has been some time since these paragons of political manners have been able to find anything to criticize in the way Mr. Johnson does his job. So in their frustration they turn to the way he pulls the ears of his beagles, shows tourists about the White House grounds and invites families of newsmen to press conferences and permits their children to play with the beagles.

All of these acts, say some of the "stiff collars" are mere gimmicks which are beneath the dignity of a President. The voters like a dignified Chief Executive, said one critic, implying that the President is too folksy.

But it is no gimmick when a Chief Executive is just being himself and giving free expression to his warm regard for people and their problems. That is the kind of folksiness President Johnson exudes and he does it so easily because it is natural and he can't help it. When the occasion requires, he has great dignity.

The President's ability to blend dignity, sincerity, and genuine folksiness has been no better demonstrated than it was Friday in Georgia, where record crowds turned out in Atlanta and Gainesville to hear and applaud his forthright views on equal rights for all citizens. Despite the delicacy of the subject, the President did not pussyfoot about it. The people appreciated his honesty and sincerity and cheered him wildly.

This is genuine rapport with the people which the stiff collars misinterpret and decry as undignified folksiness. But the only thing about it that really bothers them is the fact that it wins for Mr. Johnson too many loyal and substantial friends.

Mr. WALTERS. Mr. President, I am glad to call attention to this fine editorial because it fittingly reflects the human qualities which are so much a part of President Johnson. Those who have met him, be they ordinary citizen or king, come away with the same feeling—that they have come in contact with an unusual human being, someone who is capable of communicating warmth and friendship through a handclasp or a sentence or two. This characteristic of the man at the head of our great Nation has endeared him to millions of Americans and has greatly added to our image with our oversea neighbors. President Johnson has the rare formula for combining all of the elements which should go into a man of the people without detracting in any way from the dignity of his high office.

THE FIRST LADY HAS PERSONIFIED THE BEST POLITICS

Mr. WALTERS. Mr. President, I ask unanimous consent that an editorial from the Louisville Courier-Journal of May 23 on the First Lady be printed in the RECORD at this point.

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

[From the Louisville Courier-Journal, May 23, 1964]

THE FIRST LADY HAS PERSONIFIED THE BEST POLITICS

Lady Bird Johnson has returned to Washington after her triumphal tour of eastern Kentucky, leaving in her wake throngs of slightly dazed admirers and a few frustrated critics. The First Lady came and saw, say the critics, but she conquered nothing beyond a few headlines. The poverty, the improverished, the stubborn problems of the hills, they say, remain the same. They are not quite right.

True, the same problems beset the region that plagued it before she came—the same historic lack of roads, the same substandard schools, the flood-prone creeks and overcut hills, the same deep, lingering wants of jobs, the same lack of health and sanitary facilities. The visit of the President's wife will not convert the Lick Branch School into

the modern school its children want and need. It will not turn the rocky road up Warshoal Branch into a hard-surfaced highway.

But perhaps Mrs. Johnson, in her kindly way, left something as precious as roads or schools. She left hope, and a reminder as real and solid as a Texas smile that there is someone in Washington who knows firsthand of the needs of the mountains, who cares about the people there, and who is determined to do something about them. Today, along the ridges and hollows of Breathitt County, it is a little more realistic to hope that the time is not too far off when the schools and roads and hospitals are better, when the towns are prosperous and there are jobs for those who will work.

There are lives, too, that will not be quite the same again. For hearts are kept warm by memories as the body is warmed by central heating. Wonder nourishes the spirit more than hot lunches. And years from today Breathitt Countians will recall memories of the great lady, the President's wife, sitting on the front porch, admiring a sweatshirt, complimenting a report card. If this be politics, Lady Bird made the most of it.

Mr. WALTERS. Mr. President, we are most fortunate to have Lady Bird Johnson as the First Lady of the land. This editorial from the Courier-Journal graphically illustrates how important a thing known to us as hope can be and how graciously and willingly Lady Bird gives of her time and energy to restore this vital human element to some of our less fortunate citizens. As the editorial states, it may be some time before we achieve the ultimate solution of the problems which beset the east Kentucky region, but I know the warmth of her smile and the firmness of her handclasp has done much to lift the pall of defeat and hopelessness that pervades and destroys the normal incentives toward a better way of life. Her gift of hope to the people of Breathitt County is a priceless one, bringing with it a reassurance that they are indeed not forgotten, and this in itself will generate a stronger desire to overcome their unfortunate deficiencies.

PRESIDENT JOHNSON'S PERFORMANCE IN OFFICE

Mr. MUSKIE. Mr. President, President Johnson's performance in office has been the subject of comment nationwide on a scale seldom seen in our history. The entire country is curious, interested, impressed, and somewhat awed by the man and his capacity for getting things done.

Two excellent articles on this subject have recently appeared in the San Francisco Chronicle and the Times Picayune.

I ask unanimous consent to have them printed in the RECORD.

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

[From the San Francisco Sunday Chronicle, May 24, 1964]

THE COOL MR. J.

(By Henry Brandon)

WASHINGTON.—What strikes me most after 2 months' absence from Washington is how lighthearted confident this usually excessively crisis-conscious Capital feels today under President Johnson's leadership. How much its ingrained skepticism has been swept away by an intoxication with the President's earthy Americanism, his human spontaneity, his power display in getting things done.

Mr. Johnson's seemingly inexhaustible kinetic energy now ranks with such awe-inspiring natural wonders as the Grand Canyon. But it all adds up to the important fact that he has now become President in his own right.

Mr. Johnson, who is his own sort of one-man public relations firm—but in blue jeans rather than gray flannels—continues to keep an extraordinarily high popularity rating: 75 percent give him their approval.

This he achieved not simply by being oblivious to Presidential dignity nor by being so uninhibited in the use of corn that the commonplace becomes the unique and inimitable, but by proving that he is a man who gets things done.

His performance is a demonstration of what a superb politician with long experience, with indefatigable industry and an intrinsic sense for the use of power can achieve.

Among Americans I think he is not really a popular figure, but an understandable one. They do not particularly care about style but about substance, and so far on that score he has done remarkably well.

His two great aims—and they are of far-reaching historic significance—are:

(1) To weld this country, which is still a confederacy, into a union. As a man with an unmistakable honeyed southern lilt, who has also strong support in the North, there is no one who has a better chance of accomplishing this. His appeal to reason the other day in Georgia showed both statesmanship and courage.

(2) To establish a better understanding between the White House and Congress.

At a time when this country is passing through one of its great historic tests—the Negro revolution—it is not surprising, therefore, that a great majority is anxious to see this kind of leader succeed. It is also reassuring that the economic boom looks as if it will hold up for the rest of the year and that the detente between East and West continues.

The crucial turning point in Mr. Johnson's position was his personal success in averting a railway strike. "It wasn't collective bargaining, it was compulsory Johnson," an official remarked later.

Unlike Mr. Kennedy, he did not question his advisers about the details of the strike issues, but merely asked what the consequences of a nationwide strike on the country would be. By dangling carrots and wielding the stick in the best Rooseveltian manner, he finally relieved the country of this nightmare of economic troubles.

This success also gave him that final inch of confidence in himself which he still needed. It led him to drop his grave self-conscious dignity, and to act entirely as himself. His speeches are still more pep talks than declarations of policy.

Except for what are more day-to-day problems, he does not have to think of new policies yet. He shrewdly chose to be the executor of the Kennedy legacy and he is managing this with great aplomb.

Nothing seems to nonplus Mr. Johnson, and wherever he has aroused criticism he has shown a touch of genius for turning it into laughter. First he angered all dog lovers by pulling his beagle up by the ears, but now he has owners of beagles holding up their dogs to him in the crowd to have their ears pulled.

"I found out," the President says to them, "that beagles have a constituency and I am glad to be out of the doghouse."

His answer to the reporters' early complaints that he did not hold enough press conferences was to dispense information at every possible or impossible opportunity. Their cry now is "freedom from information."

Meanwhile it is not surprising for him to ask, as he did recently, putting his arm around Republican Senator EVERETT DIRKSEN: "Don't you think I am quite a President?"

Even President Kennedy, if he has a chance to watch from somewhere, would, in his wry, detached way, have nodded.

[From the Times-Picayune, May 18, 1964]

L.B.J. CAMPAIGNS WITH AN OBJECT

What's all President Johnson's furious campaigning about—New York, Atlantic City, Appalachia, the Tennessee Valley, Atlanta, and so on, all in the space of a few days?

To hear the political analysts talk, Mr. Johnson isn't concerned about the Democratic Convention and a few southern delegations he might not get; he is looking forward to November. For when the election comes he may have to look south as well as east, north, and west.

The Republicans, of course, have not settled on a candidate. But they might well have one if Senator GOLDWATER wins the California primary 4 weeks hence.

It seems to be agreed that GOLDWATER might make the going hard for the Democratic campaign in parts of the South and West. What Alabama did in going 4 to 1, and in some districts 10 or 20 to 1, for unpledged delegates to the Democratic Convention, had some significance for Democratic campaign managers. It is not that the vote of Alabama, or such other Southern States as may follow suit, would be a Johnson problem in the convention. But it might mean, in conjunction with Governor Wallace's showing in Indiana and Wisconsin, that come November too many Democratic votes may be found slipping over into the Republican GOLDWATER column if he is the GOP nominee.

So it may be the part of wisdom for Mr. Johnson to drive as hard as he can from now on to induce as many Democrats as possible to quit threatening to jump the party fence.

TRIBUTE TO PRESIDENT JOHNSON

Mr. MORSE. Mr. President, the Nashville Tennesseean has published recently two fine editorials paying deserved tribute to President Johnson. The first is entitled "Second Johnson Visit Can Only Mean: Move." The second editorial is entitled "Mr. Johnson at Midyear Still Going Like Dynamo."

I am privileged to ask unanimous consent to put the two editorials in the RECORD. Although I vigorously disagree with some aspects of his foreign policy, I have the highest regard for the President as the leader of my party, and look forward, as chairman of my State delegation at the National Democratic Convention, not only to urging his nomination—which is a foregone conclusion—but to campaigning vigorously for his election when the campaign is on.

Mr. President, I ask unanimous consent to have these two editorials printed in the RECORD.

[From the Nashville Tennessean, May 5, 1964]

SECOND JOHNSON VISIT CAN ONLY MEAN: MOVE

President Lyndon Johnson pays his first official visit to Tennessee, but his second to Appalachia, as Chief Executive, Thursday. The Volunteer State welcomes him.

Mr. Johnson is touring several Appalachian States caught in the throes of chronic poverty. He will stop in Knoxville for an hour

or so, possibly to confer with Tennessee Valley Authority officials.

Though such trips always have political overtones, there is much to be gained by them. In this instance, the gain is the region's. This will be the President's second visit to Appalachia in a very short time. It is certain to alert the Federal establishment in Washington, a comparative stone's throw away, that it is not all politics; Mr. Johnson means business.

The chances for bureaucratic footdragging, frequent enemy of progress, are immeasurably reduced.

There are other enemies, to be sure. Senator GOLDWATER thinks it foolish to invest Federal dollars in public works for stricken mountain counties. His supporters oppose the sort of public welfare that has sustained the people of this region too long already. But when the economic base to make them self-sufficient—a base of dams and roads and other public works—is proposed, administration critics deplore this too as a doleful waste of dollars.

There are unthinking Americans who oppose the sort of program Mr. Johnson proposes on grounds that the region itself, and the people within it, are not worth the expense entailed to salvage both. Those in need should just move elsewhere and get themselves jobs, it is argued.

Second thoughts, of course, question where those jobs might be found for unskilled men and women confronting alien lives in urban centers crowded already with unemployed. And this force grows as automation cancels more and more job opportunities.

Up to this point, the Nation has engaged in foolish economics in dealing with Appalachia.

It has watched disastrous floods pour through and level such cities as Hazard, Ky. It has then rushed in with millions of dollars—an estimated $25 million after the 1956 flood—to sustain the stricken and build back the losses. Only to have it predictably happen again, all for want of a dam.

The Nation, again, has seen the bottomland farms that once sustained families wither beneath the impossible competition of flatland superfarms where much machinery and a few men pile up storehouses to overflowing.

Then the Government warns the mountaineer to compete, subsidizes the Midwestern competitor and sends his surplus grain to the hills for handout.

Congress has created a magnificent agency—the TVA—to demonstrate how to conserve and develop a region's resources. Then the Nation has allowed that agency to stimulate with its coal-purchasing policies one of the worst Appalachian conservation offenses—hillside strip mining—ever visited upon our land.

President Johnson, with his special Appalachian program, is headed in the proper direction. There is more needed, particularly in the areas of recreational and public power development, and these will come in due course. Visits such as President Johnson's Thursday will speed the day.

[From the Nashville Tennessean, May 24, 1964]

MR. JOHNSON AT MIDYEAR STILL GOING LIKE DYNAMO

President Lyndon Johnson has just completed the first 6 months in office and has established himself as a "can-do" President whose product of a half year is extraordinary.

He took over the Presidency under the most stunning of tragedies in Dallas last November. And the transition was so smooth that one cannot pay tribute to the wisdom of the Founding Fathers without regard for the political skill and acument of President Johnson.

White House newsmen have come to regard the President as a veritable human dynamo who works day and night, holds news conferences at the drop of a hat—18 so far—makes speeches at a lecturer's pace—in one spurt, he made 30 speeches in 13 days—skips around the country at a jet pace. He has traveled the Appalachian trail twice, opened the New York World's Fair and visited enough States to begin forming a travel map.

He is a political animal given to contemplation, but he nevertheless sticks his neck out and gets away with it. He vowed to close down unneeded military bases and trim the Federal payrolls and got little reaction, although such moves are guarded generally as risky. He went into Atlanta, Ga., and made a ringing civil rights speech and was hailed by enthusiastic Georgia crowds. He intervened personally in the long-stalemated and bitter railroad labor dispute, amid warnings he would fail and damage the prestige of his office. He went on anyway, insisting that the two sides could settle their differences, and they did.

His tangible accomplishments have reached from the restless seas of international relations to the turbulent halls of Congress. The President cooled the Panama crisis and brought it to the bargaining table. He extracted from Mr. Khrushchev a limited agreement on nuclear materials making and seems to have brought some added relaxation between the two countries.

In Congress, he broke the logjam on the stalled tax cut legislation and got it passed. When the House stalled his foreign aid bill at year's end, he managed to get a vote. When Congress has defeated or sidetracked important bills, he has insisted on another vote and has usually got them. Examples are the food stamp plan, wheat price supports, financing of the International Development Association and other measures.

Currently his administration is embroiled in a growing crisis in southeast Asia. A good many see the situation in that part of the world as hopeless, but Lyndon Johnson is a man who tackles hopeless situations hopefully. The rail strike settlement and the tax cut bill were regarded as minor miracles, so no one is betting against further miracles, even on the international scene.

At home and abroad, Mr. Johnson has completed 6 months as a man of action and a man of force and even his political foes grudgingly admit he's a hard man to slow down. If the various polls are any indication, the majority of American voters approve his efforts and seem willing to gamble that if anybody can solve the Nation's difficult problems at home or abroad, President Johnson is the man.

The coming 6 months will be tougher, filled with a great deal more political pitfalls for a President and a party standard bearer. But President Johnson's start has been auspicious. His leadership has given a sense of security both to the country and his own political party.

THE COMMUNITY COLLEGE IS PROVIDING BETTER EDUCATION AND TRAINING

Mr. BREWSTER. Mr. President, as our population and technology expand, we must recognize the needs of more Americans for better education and training.

One of the most encouraging developments in this important area is the community college.

Last Sunday, I had the pleasure to address the graduating class of the Essex Community College, Baltimore. Essex Community College is one of several educational institutions in Maryland, similar to hundreds across the Nation which are providing advanced education and training at the local level in rapidly growing suburban and exurban areas.

Mr. President, I ask unanimous consent to have my remarks on that occasion printed in the RECORD.

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

SPEECH BY SENATOR DANIEL B. BREWSTER, COMMENCEMENT EXERCISES, ESSEX COMMUNITY COLLEGE, JUNE 14, 1964

Members of the class of 1964—congratulations. Dr. Koch, members of the faculty, parents and friends of the graduating class, I am pleased to be at an institution which represents one of the most exciting developments in contemporary American education.

In the past few decades, education in the United States has faced a critical challenge. In part, it has been a challenge of numbers. In part, it has resulted from the demands created by advancing automation. And in part, it represents a revolution of rising expectations on the part of American students and their parents.

Once only a small percentage of high school graduates could hope to continue their education. A college education is now the expectation of increasing numbers every year. This development has brought us to a crisis in education.

The nature of our educational crisis is this: We are required to educate more people than ever, better than ever, for more skills, vocations, and professions than ever; and we must give them an education which is flexible enough to meet the demands of the constant change which is the heritage of this century.

You represent the stunning response of private and public agencies to this crisis in education. Within remarkably few years, the community college has emerged as the institution which can help American education meet the needs of our changing civilization.

The rapid growth of the community college attests to its success. In 1900, only 8 schools existed in this country which could be described as community or junior colleges. By June 1963, 704 such schools were sending qualified men and women into all areas of economy, or on to institutions of higher learning.

As early as 1901, David Starr Jordan, president of Stanford University, recognized the potential of the 2-year college when he said: "We look upon the junior college movement which is now spreading throughout the United States as the most significant occurrence in American education in the present century."

In 1960, the President's Committee on National Goals underscored the importance of 2-year community institutions which provide terminal programs, programs for transfer to 4-year schools, vocational and subprofessional programs, and courses in adult education. In this context, the 2-year colleges have become known for their versatility and excellence.

The Higher Education Facilities Act of 1963 set aside funds to provide academic facilities for public community colleges. These funds will enable the construction of 25 to 30 new community colleges each year. President Johnson called this bill "the most significant education bill passed by the Congress in the history of the Republic."

I think that the phenomenal success of the community college comes directly from the fact that it is an institution uniquely suited to our educational needs at three critical levels—those of the individual, the community, and the Nation.

For the individual, the community college opens a door where formerly one was closed. Previously, a graduate who was unable to go

to college, for any one of a number of reasons, reached an educational dead end upon graduation from high school. With the growth of the community college, the situation has changed.

In 1960, 227 members of the Essex community were enrolled in colleges, here and elsewhere. By 1962, this college alone accounted for 187 full-time students and 210 part-time ones. By 1975, 1,200 students are expected to be enrolled here.

No institution is better equipped to identify the specific needs of its immediate area, and to provide the kind of trained citizens who will meet the needs of that area. I am sure that the graduates of this fine institution could testify to that fact.

In this particular community, more than half of the labor force is employed in manufacturing. Such a community must be prepared for the unforeseen—for changes in methods of manufacture, in materials, for new process requiring new skills.

Education is always a continuing process. The existence of an institution such as this assures the members of its community that they will always be up to date, for the key to further training is within their grasp.

I was impressed to learn that, in addition to the 200 full-time students registered here in 1964, there are 200 part-time students. Many of both groups are adults. This indicates to me that this college is serving as a center for continuing education for all ages, and for people of diverse educational goals.

At the national level, the community college plays an increasingly crucial role in our complex educational scheme. All aspects of American life require a higher degree of education, of training, and of general awareness than was common a century ago. We are discovering, as George Meany, president of the AFL–CIO has said, that "modern technology has increased, rather than diminished the skills required of the individual craftsman."

This is an age which urgently demands an educated, alert citizenry. The social and political issues which face our Nation are at once complex and explosive. In this century, we find ourselves, as the most powerful nation in the world, acting with more restraint than ever before. It is a world in which the roles of large and small nations seem at times strangely reversed. Such a world requires of its citizens an ability to make subtle differentiations. We must possess a more than superficial understanding of our national and international scene in order to understand why large nations must act with restraint while small nations seemingly do not; to understand why our awesome nuclear power is not for casual use; to understand the complex social forces which make it necessary for the Government to help people who are unable to help themselves.

But these great international questions are not the only problems we face.

As our production efficiency increases, the workweek shrinks. Our problem is not simply how to spend our spare time, but how to allow for creative leisure. The increased amount you have for yourself may be a period of great personal productivity, or it may contribute only to the dulling of senses and muscles and a decline into mediocrity. Spare time in the future may well be the key element in creating what President Johnson has referred to as "the great society" which should characterize America.

In all these areas, the contribution of the community college is that it brings higher education to a greater number of Americans each year.

We have traditionally had a somewhat one-sided view of what education ought to do. It is my opinion that excellence in every walk of life produces an excellent nation. "An excellent plumber is infinitely more admirable than an incompetent philosopher. The society which scorns excellence in plumbing * * * and tolerates shoddiness in philosophy * * * will have poor plumbing and poor philosophy. Neither its pipes nor its theories will hold water."

With this realization, the community college was free to develop, and its curriculum is notable for its excellence within diversity.

The significance of such diversity is far reaching. It assures the Nation of a well-trained force of citizens ready to serve in a variety of roles. It erases the fear of having a large sector of the Nation unemployable because they lack skills to compete in modern industry and business. It helps to resolve a more personal problem as well—that of individual significance in a massive and impersonal world. Men and women who are well trained for a specific profession, and who have readily available to them the means of further education, will never be unneeded.

As citizens of this changing world, we must be constantly aware of the direction and the quality of change. Such awareness can come from educated citizens—from citizens who have a source of information, culture, and further education readily available to them.

Allow me to recall the words of President Johnson when he spoke a few weeks ago at Ann Arbor, Mich.: "For a century we labored to settle and to subdue a continent. For half a century we called upon unbounded invention and untiring industry to create an order of plenty for all of our people. The challenge of the next half century is whether we have the wisdom to use that wealth to enrich and elevate our national life, and to advance the quality of our American civilization."

Graduates, you are the men and women who can meet this challenge. Whether or not further schooling lies in store for you, the education you now possess, and the key to continuing education which lies within your grasp assures you, and assures our Nation, of citizens who can meet the challenge of change. Your achievements, and the achievements of the Essex Community College, are sources of confidence and courage for all Americans.

My congratulations and best wishes go with you.

TRIBUTES TO PRESIDENT JOHNSON'S HANDLING OF HIS ADMINISTRATION

Mr. McGOVERN. Mr. President, the press of the Nation continues to pay tribute to the activities of President Johnson.

I ask unanimous consent to have an editorial published in the Philadelphia Inquirer on May 25, 1964, entitled "The Active Pursuit of Peace," relative to the President's activities in promoting the peace of the world printed in the RECORD, together with two articles—one from the Topeka Capital Journal, of May 10, 1964, entitled "President Manages To Turn Foibles to His Own Account," and written by Alvin Spivak, and one written by John C. O'Brien and published in the Philadelphia Inquirer on May 28, 1964, entitled "How President Uses the Folksy Approach."

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

[From the Philadelphia Inquirer, May 25, 1964]

THE ACTIVE PURSUIT OF PEACE

In years to come, some may regard President Johnson's speech at the dedication of the George C. Marshall Research Library at the Virginia Military Institute as a turning point in American foreign policy.

It was undoubtedly an excellent presentation and an important one, in view of the recent drift of foreign affairs. And, as a tribute to the late General Marshall, architect of both war and peace, it was as timely as the praises of former Presidents Truman and Eisenhower.

However, it strikes us that, far from being a change, it is an intensification of long-established U.S. policy—the policy of reaching out with a friendly and helping hand, as exemplified by Marshall.

A key passage in Mr. Johnson's speech was this: "Peace is not a reward that comes automatically to those who cherish it. It must be pursued unceasingly and unswervingly by every means at our command."

Surely, that pursuit was diligently carried on by this country under the Marshall plan, and even those who are most reluctant to endorse other forms of foreign aid candidly admit that the immediate objectives of 1948 were handsomely accomplished. Shattered Europe rose from its ruins to great prosperity.

It is ironical, perhaps, that the offer of that helping hand was made, even then, to the equally prostrate Communist countries; only Czechoslovakia, of all the Red bloc, dared to accept the offer, then was bludgeoned out of it by Soviet pressures.

Now the offer is being renewed in the form of increased trade and cultural relations. It would be sanguine indeed to expect a wholesale flocking to the West by the Communist satellites, but the pressures on them today are of a different kind and quality. They are stirred by their own pride and patriotism.

The President, we believe, was quite right in stressing that our increased effort will demonstrate to these countries that their independence will not leave them isolated; and that the younger generations, not only in satellite countries but even in Russia, may be reminded of their ancient ties to the Western concepts of man and his destiny.

We do not look for instant miracles, but we believe this direction will be the most likely, in the long run, to provide durable peace—even as George Catlett Marshall's plan made peace possible.

[From the Topeka Capital Journal, May 10, 1964]

PRESIDENT MANAGES TO TURN FOIBLES TO HIS OWN ACCOUNT

(By Alvin Spivak)

WASHINGTON.—Backstairs at the White House:

By laughing in public at matters he has fumed about in private, President Johnson has managed to turn to his favor some foibles that otherwise might have been hurtful.

Published accounts of Johnson's speedy driving, and of how he pulled his beagles' ears, made the President furious. So did Republican taunts about "Lightbulb Johnson" keeping the White House in darkness.

"We get about 100,000 letters a week, and we get a good many criticisms—everything from beagles to speedometers," Johnson reported the other day.

Johnson's approach—after a day or two's cooling-off period—is to joke about such incidents. He makes himself the butt of those jokes.

Knowing exactly what the reaction would be, Johnson with a straight face announced at his Wednesday news conference he had just "accepted lifetime membership in the Vandenburgh Humane Society of Evansville, Ind." That was all he said, but there were loud laughs from the news contingent.

A reporter, renewing the point, asked Johnson—"Now that you have brought the subject up"—if he would tell the newsmen, and their children who were present, "the story of your beagles."

Johnson replied:

"Well, the story of my beagles is that they are very nice dogs and I enjoy them and I

think they enjoy me. I would like for the people to enjoy both of us."

Over the previous week, Johnson twice took newsmen for walks around the White House lawn—inviting the beagles along each time, scratching their stomachs, and stroking their ears to show he never really hurt them.

In several recent speeches, Johnson has uttered quips about his fast driving—including one about his wife, Lady Bird, being willing to ride with him after lightning struck a plane on which she was flying.

He has wisecracked frequently, as well, about his campaign to cut the White House electric bill by ordering lights turned out. He bristled, however, when Republicans mounted a "Pennies for Johnson" drive to finance a relighting of the exterior.

This, he did not answer with a laugh. Instead, his press office insisted that Johnson never had turned off any outside lights—only inside. And indeed, now that spring is here there are floodlights illuminating the water fountains on both lawns.

Johnson brought the beagles episode to what may have been a fitting conclusion after his news conference Wednesday. While Johnson was posing on a bandstand with some of the hundreds of children of newsmen he had invited to the session, a caretaker brought over the beagles, "Him" and "Her."

While tots and teenagers crowded around him, and some of them petted the dogs, Johnson leaned over and fed the animals biscuits that the caretaker had provided.

Republicans watching the scene may well have pondered:

How are they going to fight a politician who was showing a coast-to-coast television audience of millions that he is a lover of dogs and children?

[From the Philadelphia Inquirer, May 28, 1964]

WASHINGTON BACKGROUND: HOW PRESIDENT USES THE FOLKSY APPROACH

(By John C. O'Brien)

WASHINGTON. —The folksy approach is a time-tested politician's artifice for establishing rapport with the voters.

Almost every officeseeker attempts to use it, but only a few succeed. The late Franklin D. Roosevelt was an expert practitioner, and President Johnson, an ardent admirer, is the equal of the four-term President.

To identify with the audience, the officeseeker claims or feigns intimate acquaintance with the local politicos. This inflates their ego and predisposes them to work for the candidate.

Another sure-fire way of putting the audience in a friendly frame of mind is to flatter their State or particular locality.

To display such intimate knowledge of local celebrities and terrain, a candidate must often rely on advance briefings. Herein lie pitfalls. Moving swiftly by airplane, as candidates do these days, it is not always possible for the candidate to be sure where he is.

Former Gov. Thomas E. Dewey was painfully embarrassed on one campaign tour when he got his briefings mixed up and expressed his pleasure on being in the wrong State.

President Roosevelt used to claim a relative in so many widely separated places that newsmen began to think the Roosevelts were the most widely dispersed clan in the country. Once, when he omitted mention of a relative in the community, the newsmen expressed surprise.

"Well," said the President, "I think there must be a third or fourth cousin around here somewhere, but I just can't remember the name."

President Johnson would not admit that the traveling he has been doing in recent weeks was in any way connected with politics. But he has been practicing the folksy approach in a big way and no one can say that it isn't paying off.

He opened up on an audience at the airport at Knoxville, Tenn., with this unabashed cajolery:

"It is wonderful to be back in Tennessee. I like your weather. I feel part of your soil. I have loved your people and I never cease to remember that if there had not been a Tennessee there never would have been a Texas."

The hearts of Tennesseans would have to be cold as ice if that did not kindle the fires of local pride.

And what could have warmed the cockles of the Tennessee Members of the Senate and the House who were there to greet the Chief Executive more than to hear him tell their constituents: "For many years Tennessee has had one of the most able, aggressive, and influential delegations in the Congress."

It's a short leap by air from Knoxville to Goldsboro, N.C., but these folks respond to flattery as readily as in Tennessee. They smiled happily when the President told them, "I don't know when I have ever spent a day that I have enjoyed more than the day that I spent in the great State of North Carolina."

Mr. MOSS. Mr. President, in the Salt Lake City Tribune on May 16, 1964, there is published an editorial entitled "Johnson Shows He Can Grow."

This great daily newspaper in my State has set forth the position taken by the President of the United States on a matter that has occupied the Senate during these last 2½ months—to wit, the civil rights bill.

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

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

[From the Salt Lake City Tribune, May 16, 1946]

JOHNSON SHOWS HE CAN GROW

Making the rounds of the usual conservative journals is a quote from former Senator Lyndon B. Johnson, now President:

"If the law can compel me to employ a Negro, it can compel that Negro to work for me."

The quote is circulated to embarrass President Johnson's recent promise to the Nation that "we are going to have a civil rights bill if it takes all summer."

Actually, the statement by Senator Johnson is at best only an oblique rebuttal to the civil rights bill in today's Senate. Nothing in that bill compels the employer to hire a Negro. What the bill forbids is discrimination against the individual on grounds of skin color. There is a difference, although it will be lost upon those opposed to equal rights for all Americans.

There is also a tremendous difference involving the person who uttered both quotations.

As a Senator, Johnson spoke for Texans, the majority of whom at that time (March 9, 1949) probably did hope to keep the Negro preserved in his condition of servitude.

As President, however, Johnson must speak for every American, and most Americans recognize the dreadful contradiction implicit in a citizen being forced, because of color alone without regard to his capabilities, to endure an inferior, second-class existence from the moment of birth to the agony of death—and in the case of segregated graveyards, even beyond death.

Far from condemning President Johnson for an inconsistency, the knowledgeable American will applaud him for his willingness to mature in an office whose responsibilities make change in opinions as inevitable as the aging process makes change in physical appearance.

Mr. MAGNUSON. Mr. President, along the same line, I ask unanimous consent to have the privilege of having printed in the RECORD two succinct editorials commenting on President Johnson and how he has handled his office in his first 6 months' tenure, one published in the San Antonio Express and News of May 24, 1964, entitled "First Half Year in Office Sees President Firmly in Command," and the other published in the Miami News in Florida of May 17, 1964, entitled "L.B.J., the People's Choice," which points out the result of the polls and how the people of the United States have put their definite stamp of approval upon the way the President has handled his vast responsibilities.

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

[From the San Antonio Express and News, May 24, 1964]

FIRST HALF YEAR IN OFFICE SEES PRESIDENT FIRMLY IN COMMAND

Texas' first occupant of the White House has marked his first half year in office. President Johnson has moved swiftly and forcefully, playing the strengths of his office with confidence and sureness that comes with the years of study he has brought to the job.

Mr. Johnson had a sympathetic nation behind him when he was jolted into office by the tragedy of President Kennedy's assassination. Mr. Kennedy's program had ground to a halt through a combination of many forces: His narrow mandate of victory; a seeming unsureness in the face of extreme bitterness by various not-so-small segments of the country; the overplayed victory over United States Steel and others.

Mr. Johnson has embraced the Kennedy program. He will win much of it by a combination of his undoubted powers of persuasion and his unsurpassed skill of applying the art of the possible where it does the most good.

The President's "albatros" is foreign affairs, but so it has been with every other President since World War II. The problem there is more in terms of frustration than in outright failure. The problems we deal with involve other nations where we do not hold decisive authority. They involve dealing with untrustworthy foes and unhappy allies. The alternatives are often less than delightful.

The President's strength is his inherent feel for domestic politics.

His greatest impression has been that he quickly grasped his awesome task and took unquestioned command of it. We hope he paces himself, which he apparently is, in order to carry on the job.

[From the Miami (Fla.) News, May 17, 1964]

L.B.J., THE PEOPLE'S CHOICE

If the presidential conventions were over and the fall campaign in full swing, it is difficult to see how President Lyndon Johnson, as the Democratic candidate to succeed himself, could be more politically active than he has been in recent weeks.

Perhaps it is unkind to attribute political motives to the busy life he is leading, but certainly his program will be reflected in the election results.

The President inherited potent issues from his predecessor and he is showing a canny realization of their political effect.

In recent weeks he has traveled more than 10,000 miles, visiting 10 States. He made 30

speeches in less than a month. He talked to the Nation's editors, to the U.S. Chamber of Commerce, to Chicago Democrats, to the League of Women Voters and to audiences in the poverty areas of Appalachia, to mention some.

As the first President from the South since Reconstruction he has not hesitated to voice his strong support of civil rights as President of all the people.

Certainly his support of the civil rights bill has not endeared him to the South generally, but the issue may be settled by election time and the good it has done him with civil rights supporters may give him a political dividend.

Certainly his war on poverty and his firm support of medicare can be translated into votes from the underprivileged and the elderly.

One thing is certain, long before the actual campaign starts, President Johnson has made his stand plain on all the issues before the people. He has made himself a leader on moral issues as well as the Nation's chief administrator.

Whoever the Republican nominee may be, he faces an enormous task to catch up with his opponent in the short time between convention and election day.

MINNESOTA AND CALIFORNIA POLLS SHOW DEMOCRATIC VICTORY THIS NOVEMBER

Mr. HUMPHREY. Mr. President, I am happy to invite the attention of the Senate to a poll published in the Minneapolis Tribune on May 24, 1964, entitled "78 Percent in State See Democratic Victory," which should be most reassuring to the President and to his administration.

It shows that 78 percent of the State see Democratic victory, that more than 3 out of every 4 Minnesotans believe the Democratic Party would win if a national presidential election were to be held today.

Mr. President, I ask unanimous consent to have this poll, together with one published in California in the Los Angeles Times on May 19, 1964, which shows that the President leads all his GOP rivals in the State, printed in the RECORD.

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

[From the Minneapolis Tribune, May 24, 1964]

SEVENTY-EIGHT PERCENT IN STATE SEE DEMOCRATIC VICTORY

More than 3 out of every 4 Minnesotans (78 percent) believe the Democratic Party would win "if a national presidential election were being held today."

That is what the Minneapolis Tribune's Minnesota poll finds in a statewide survey of voting-age residents. Premonition of a Democratic victory this fall is felt:

By more than 9 out of 10 supporters of the Democratic-Farmer-Labor Party;

By 3 out of every 4 independent voters (75 percent).

By more than 6 out of 10 Republicans (62 percent).

While a large majority of Minnesotans think the Democratic Party holds the advantage this year, far fewer people want them to win. On that score, the question put to a representative sampling was:

"What party would you personally prefer to see win the presidential election?"

The replies:

[In percent]

	Prefer to see Democrats win	Prefer to see Republicans win	Other and no opinion
All adults	52	31	17
Men	53	30	17
Women	51	33	16
DFLers	92	3	5
Republicans	5	84	11
Independents	40	19	41
Southern Minnesota	41	47	12
Twin Cities area	53	26	21
Northern Minnesota	60	25	15

The preferences given above are far closer together than are the responses to a "trial heat" type of question in which President Johnson is paired against one of the Republican contenders.

In the two previous presidential elections, the party favored at this time of year also triumphed in the November election. The readings were:

[In percent]

	Prefer to see Democrats win	Prefer to see Republicans win	Other and no opinion
April 1956	44	46	10
May 1960	48	37	15

President Eisenhower won for the Republicans in 1956 and the late John F. Kennedy won for the Democrats in 1960, in Minnesota and the Nation.

The question asked first in the survey was:

"If a national presidential election were being held today in the United States, which political party do you think would win—the Republicans or the Democrats?"

The answers:

[In percent]

	Total	Men	Women
Democrats will win	78	81	76
Republicans will win	15	13	16
Other	(1)		1
No opinion	7	6	7
Total	100	100	100

[1] Less than 1 percent.

A plurality of Minnesotans correctly predicted in May 1960 that the Democratic Party would win the following November. A higher proportion of State residents called the turn properly early in 1952 and 1956, which were Eisenhower victories.

But in May 1948, 6 out of 10 State residents forecast a Republican victory, as did many pollsters that year. President Truman was elected in November.

[From the Los Angeles Times, May 19, 1964]

CALIFORNIA POLL: PRESIDENT LEADS ALL GOP RIVALS IN STATE

(By Mervin D. Field)

President Johnson continues to run far ahead of any of his possible November opponents at this stage of the campaign in California.

When paired against Senator BARRY GOLDWATER, President Johnson holds a 3-to-1 margin in voter popularity in California.

Ambassador Henry Cabot Lodge, who currently leads in most Republican popularity polls nationally, and in California as well, is the only GOP hopeful who gives Johnson a respectable run for his money at this time. Even so, however, Johnson has a 23-percent lead over Lodge.

Johnson's plurality over Nelson Rockefeller, Richard Nixon, and William Scranton, also, is substantial:

LATEST SOUNDING

The latest California poll sounding of public opinion throughout the State is based on a scientifically designed cross section sampling of 1,200 registered voters. Proportionate numbers of members of both parties in all parts of the State and from all walks of life were interviewed. The question was put this way:

"Suppose the presidential election were being held today, which of these candidates would you probably vote for?"

Each survey respondent was then shown a series of cards on which were printed the following candidate pairings that might turn up in November.

	Percent
Johnson	72
Goldwater	22
Undecided	6
Johnson	58
Lodge	35
Undecided	7
Johnson	70
Scranton	21
Undecided	9
Johnson	69
Rockefeller	23
Undecided	8
Johnson	69
Nixon	25
Undecided	6
Johnson	71
Romney	20
Undecided	9

Mr. WILLIAMS of Delaware. Mr. President, will the Senator from Minnesota yield for a moment?

Mr. HUMPHREY. I am glad to yield.

Mr. WILLIAMS of Delaware. I was wondering whether the poll to which the Senator has just referred is the same one that gave the election to Tom Dewey in 1948?

Mr. HUMPHREY. This is the poll which predicted that a certain Mr. HUMPHREY running for the Senate in 1948 would win—and he did.

UNITED PRESBYTERIAN CHURCH REAFFIRMS STRONG CIVIL RIGHTS POSITION AT 176TH GENERAL ASSEMBLY

Mr. HUMPHREY. Mr. President, one of the most refreshing developments in recent years has been the courageous and outspoken position of the religious leaders and laymen of this Nation in behalf of racial justice. Their support of the civil rights bill has been acknowledged by both friend and foe of this legislation.

We have heard much talk about the probable white backlash against the civil rights movement and H.R. 7152. It is, therefore, particularly encouraging to note the decisions taken by the 176th General Assembly of the United Presbyterian Church in the United States of America supporting and reaffirming the bold actions which the church has taken in the field of civil rights over the past year.

We have, for example, heard that congregations do not support their religious leaders on the question of racial justice. One group from the presbytery of west Tennessee brought a motion of censure to the general assembly to reprimand Dr.

Eugene Carson Blake, stated clerk of the United Presbyterian Church, for his forthright actions in the civil rights movement. However, this motion of censure was tabled and, instead, the general assembly adopted by an overwhelming margin a motion commending Dr. Blake for his contribution to the cause of civil rights and social justice.

Finally, the United Presbyterian Church chose as moderator of the General Assembly the Reverend Edler G. Hawkins, minister of St. Augustine Presbyterian Church, New York City. The significance of this action is best understood by quoting from the recent issue of Presbyterian Life:

Many men before him have been elected by a general assembly to underscore at a particular moment the church's interest in, say, the innercity ministry or oversea missions. Never before, however, has someone been called upon to symbolize a major denomination's unequivocal stand for civil rights. Edler Hawkins, a Negro, is that man, whether he likes it or not.

Mr. President, I urge every Senator to ponder the significance of these historic decisions by the United Presbyterian Church. They indicate the continued importance and urgency of making civil equality a living fact in America.

Mr. President, I ask unanimous consent to have printed in the RECORD three articles published in Presbyterian Life for June 15, 1964, outlining the decisions in behalf of racial justice taken by the United Presbyterian Church at the 176th General Assembly.

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

[From Presbyterian Life, June 15, 1964]

CIVIL RIGHTS: THE BACKLASH THAT WASN'T THERE

Civil rights was by no means the only issue faced by the Oklahoma City General Assembly, but it was the big issue. As it dominated the headlines on almost every newspaper that was printed in the last 12 months, it permeated the proceedings of the 176th general assembly.

Veteran observers were sadly predicting that this general assembly would be cautiously conservative. There was talk before the assembly of well-organized campaigns to scuttle the Commission on Religion and Race and to censure the stated clerk for his nationally prominent role in the racial crisis. There was supposed to be some kind of mild ecclesiastical backlash.

The backlash, the go-slow campaigns, the conservative reaction were illusions of anxiety, apparently, more than realities. They did not appear, at any rate. Had not the 175th assembly in Des Moines taken the many decisive actions that it did, the Oklahoma City commissioners would have done so. They were consolidators instead of bold initiators only because the courageous first steps had been taken before, and theirs was the task of consolidation. In its own way, the 176th general assembly had as impressive a score on civil rights as the 175th.

On the opening day of the assembly the still unofficial but powerful Presbyterian Interracial Council held a breakfast for almost 800 people. The main speaker at the breakfast was the Reverend John Lewis, the national chairman of the Student Nonviolent Coordinating Committee. At the breakfast, awards were presented to civil rights enthusiast and professional comedian Dick Gregory (in absentia), and to Dr. Eugene Carson Blake. In accepting his award, Dr. Blake addressed the meeting in terms that had a special poignancy: "Fellow jailbirds," he said, "the more I think about the wide publicity which I received as a result of my participation in the Baltimore demonstration last year, the more troubled I become about the Church of Jesus Christ. It is tragic that the secular press finds so much news when a Christian does what he says."

Dr. Blake was addressing many fellow jailbirds: men who as Presbyterian ministers and as members of the PIC had been in Hattiesburg, Miss., since January 1964, aiding the SNCC-sponsored local voter registration drive. John Lewis, it was revealed, had since 1961 been in jail 31 times for participating in peaceful demonstrations, sit-ins, and freedom rides. The Reverend Mr. Lewis, a 24-year-old Baptist minister, had the PIC on its feet and cheering at the close of his address, during which he said:

"In 1960 the movement for racial justice had dignity. We were respectable. We were well dressed and well mannered. But then the students joined the movement and went to the streets, and that encouraged more and more plain people. Now the movement is not so well dressed nor so respectable. Negroes have gotten involved, not cultured Negroes but the Negro masses. We wanted hamburgers in 1960. In 1964 we want our rightful free place in American society.

"The people against us say that we are going too fast; they say that we are violating law and order. Well, for a long time we have had order in the South but no law. The law was for some people. It protected them and guaranteed their rights, but it worked to deny our rights, and it did not protect us. This so-called order is false, one sided, and negative. In the New Testament, Jesus said that he came to bring not peace but a sword. He was talking about a spiritual sword, to be used against evil and unjust orders such as ours. We cannot sacrifice truth for a peace that is destructive to Negroes and good for the whites only. We have a spiritual sword and should aim at becoming inside agitators.

"Those of us in the Christian Church should be happy, feel happy, to be called agitators. Agitation is a device that is used in washing machines to clean clothes. We are engaged in agitation to cleanse and purify society. This is healthy agitation and costly. Over 50,000 of us have been arrested, mishandled, beaten, illegally jailed, assigned exorbitant bonds. But we have a divine mandate to destroy such a false order and to upset such an unreal peace. We must turn this Nation upside down in order to set it right side up. It is long past time when all of us must become involved."

Although forecasters seemed to think that Dr. Edler G. Hawkins was far ahead of Dr. A. Ray Cartlidge in the moderatorial campaign, there was uneasiness about the imponderable backlash as the assembly formally opened 15 minutes after the PIC breakfast closed. Dr. Hawkins' election allayed some fear but not all.

A sweeping series of actions finally demonstrated the baselessness of the fears.

It was announced that the constitutional amendments forbidding racial criteria in accepting people into the membership of the church had been ratified by the presbyteries of the denomination.

In the complicated matter of segregated synods and presbyteries, the assembly voted to hasten the day of absolute desegregation by (a) submitting an amendment of the Constitution to the presbyteries that deletes all legal grounds for segregated judicatories; and (b) setting January 1, 1967, as the date by which every presbytery in the synod of the mid-South must be geographically realined. This mysterious language means that every church within the geographical boundaries of a presbytery will be a functioning part of that presbytery without any regard to its racial composition, thus ending a scandal that has plagued nine previous general assemblies.

Commissioners from the Presbytery of Birmingham, the existing Negro presbytery that presently lies within the geographical boundaries of the Presbytery of Birmingham "A," an all-white presbytery, expressed sorrow at the recalcitrance of their white brothers, but admitted that there was no constitutional way in which final and complete desegregation could be accomplished any faster.

On Saturday morning, the Reverend Eugene S. Callender, pastor of the Church of the Master in New York City, conducted the morning devotions and roused the sensitivities of the assembly with these words:

"For 400 years Negroes in America have suffered all sorts of abuses, indignities, and injustices. The story of these numerous injustices is too well known to mention. But there comes a time when people get tired of being trampled over by the iron feet of oppression. There comes a time when people get tired of being plunged across the abyss of exploitation, where they experience the bleakness of nagging despair. There comes a time when people get tired of being pushed out of the glittering sunlight of life's July and left standing in the piercing chill of an Alpine November.

"What we are witnessing all over America today is the story of 22 million black Americans who are tired of injustice and oppression and who are willing to substitute battered bodies for tired souls until the walls of injustice are crushed by the battering rams of historical necessity.

"Sören Kierkegaard wrote about what he called the good news that with God we are always in the wrong. Kierkegaard did not belong to the Copenhagen chapter of the NAACP, but his words are peculiarly relevant to a denomination such as ours that too quickly has begun congratulating itself before our world, and would you believe it, before God, for its advanced position in the contemporary struggle for racial justice.

"Let us not too quickly consider ourselves in the right because of our illustrious moderator or our famed stated clerk. Let us not point too quickly with pride to our commission on religion and race or the Presbyterian Interracial Council. But let us remember that as long as we have segregated homes for the aged, as long as we maintain in our investment portfolios stocks of industries that do not have fair employment practices—we continue to be wrong in the sight of God. As long as white Presbyterians continue to move out of their neighborhoods when Negroes move in; as long as we continue to support backward local school boards back home, we are in the wrong."

The Reverend Mr. Callender's sermon effectively reminded the general assembly that thinking on the right side of the civil rights controversy is not enough. The doing is more important and costly. This point was made explicit by the moderator the next day as he preached first in the First Presbyterian Church of Oklahoma City, then in the Westminster Presbyterian Church of the city, and later in the day at the First Presbyterian Church of Tulsa. Dr. Hawkins said at the conclusion of his sermon:

"At one of the meetings of our National Council's Commission on Religion and Race, a young pastor expressed himself out of a deep frustration and despair—that the performance of so many church members is so far from their professing. He said he could understand why they would feel resentful, having been so little prepared for what the real mission of the church was in this area—that he could understand how they might

feel—that the ground rules had been switched on them in the middle of the game. 'It was almost as if they had been called in to play hopscotch, and now they were being asked to face a cross.'" That the game was not hopscotch was manifest to the commissioners the next day.

The assembly heard the story of two white ministers who were beaten in Camden, Ala. The Reverend Geddes Orman, of the Norwood Presbyterian Church, Knoxville, Tenn., and the Reverend Alexander M. Stuart, Jr., of First Presbyterian Church, Oak Ridge, Tenn., were introduced to the assembly on Monday morning, May 25, during the report of the standing committee on national missions. The two ministers described to the incredulous assembly how they had gone to Camden, a Deep South Alabama county seat, in order to consult with members and representatives of four small Negro churches in that area who belonged to the Presbytery of Union. Their visit was "purely ecclesiastical" and had nothing to do with civil rights as ordinarily conceived.

But during the night of May 11, they were awakened by a room clerk in the Camden hotel and severely beaten, barely escaping with their lives and most bones intact. (Mr. Stuart's right arm was broken, and he was still wearing a cast.)

The assembly at that moment did not have to be told explicitly that this single story of irrational brutality could be multiplied endlessly had all the civil rights workers and Negro citizens of the South been invited to address the assembly. Suddenly "civil rights" became more than a slogan, or an issue, or an ecclestical matter that worries the folks back home; the reality of the struggle for civil rights came crashing in on the superquiet gathering.

Commissioners and guests attended a popular meeting on Monday evening, May 25, to hear Mr. Roy Wilkins, executive secretary of the National Association for the Advancement of Colored People, under the sponsorship of the Commission on Religion and Race. Any anxiety about having Mr. Wilkins address the assembly had pretty much evaporated during the Camden story told that morning, to the largest crowd of any of the nightly popular meetings assembled to hear the NAACP chief. On the passage of the civil rights bill he said:

"For Negro citizens, this Senate discussion and delay, accompanied by intolerable 'arguments' on the racial situation and the relationship of the Federal Government to it, has been a humiliating experience. It is galling to have one's rights as a citizen debated as though the Senate were discussing the eligibility of a Tasmanian to the right and privileges of U.S. citizenship. In truth, it is not at all farfetched to assert that a Tasmanian would have an easier time securing full American citizenship than a 10th-generation American Negro."

On national and denominational resolve: "Are we a people smug in our little ignorances, swollen in our manifold vanities, able to see a suffering in Chile, to feel an indignation over injustice in Arabia, to have a kinship with Kenya, to reach out, even, to the widow of the man alleged to have assassinated our President, and yet to proceed with tentative testament and hesitant step to relieving poverty in our own land, to rebuking selfish arrogance around the corner, to daring the stand-patism of the racist evil under our Northern and Southern noses?

"The kind of people we are can lead us to a world of light and love and justice or can put us in the ways of death. I suggest that the present travail, whose wrenching of the spirit I do not lightly estimate, is another in the long series of trials of us all and especially of the ministers of the hardest gospel of all—the gospel of love. The uplifting events of recent years in God's vineyard reassure all those who sink their roots, spiritual and temporal, in St. Luke's pronouncement, in the ninth chapter: 'And Jesus said unto him, no man, having put his hand to the plough, and turning back, is fit for the kingdom of God.'"

Perhaps not all United Presbyterians have attended meetings where at the end people stand, join hands, and sing "We Shall Overcome." Some were embarrassed and some may have been piqued, but most all soon joined in its deliberate cadences and came to experience the reality of integrated community, of integrated resolve, and of the prayer offered by Dr. Marshal L. Scott, chairman of the commission, when he prayed, "Have mercy on the church which dares to bear the name of Christ."

The general assembly adopted the recommendations of the standing committee on church and society concerning "racial freedom and justice." If any commissioners had come to the general assembly prepared to cut down the activities of the commission on religion and race, their resolve had weakened by Tuesday night, or they had changed their minds. The assembly voted to expand the commission's mandate.

But attempts were made to alter a recommendation of the standing committee that the position of the 172d general assembly on civil disobedience be reaffirmed. That assembly had affirmed, "Some laws and customs requiring racial discrimination are, in our judgment, such serious violations of the law of God as to justify peaceful and orderly disobedience or disregard of these laws." It deplored "the violent reactions that have produced assaults on the persons of student demonstrators and the unjust arrest in some cases of the victims rather than the assailants." It then commented "those who, when struck, did not strike back; who, when cursed, did not curse back; who acted with patience and dignity in the face of violence and hostility." The 176th general assembly reaffirmed that still controversial pronouncement in the face of attempts to modify and repudiate it.

Attempts were also made to strike down a recommendation that calls on all bodies of the denomination "to expand their recruiting activities so that their search for pastors, employees, board and staff members, faculty and students begins in the predominantly Negro institutions and communities." These attempts also failed.

All of the recommendations were adopted, so that the general assembly affirmed, down the line, every activity that will specifically support the drive for full racial freedom and justice in America today.

On the last day, the assembly voted to take no action on an overture concerning the activities of the stated clerk in the area of civil rights, and beyond that, commended him for those actions.

No general assembly could have been more forthright, more positive in affirming previous positions and endorsing previous policies. The country once again has heard just where the United Presbyterian Church stands in the present social revolution. Although not as flamboyant as their predecessors in Des Moines, the Oklahoma City commissioners had their hand on the plow, and they didn't look back.

[From Presbyterian Life, June 15, 1964]

OVERTURE 22: THREATENED CENSURE BECOMES A TRIBUTE

The mere presence of overture 22 in the official papers that were transmitted to the commissioners of the 176th general assembly promised trouble, or at least the excitement of a real nonstop debate.

Overture 22 originated in a meeting of the Presbytery of west Tennessee in Greenfield, Tenn., on September 16, 1963. It sought to deal with three definite matters: (1) To deny the invitation of the Reverend Martin Luther King, Jr., "and all others who share his persuasion to disregard law and violate constitutional laws" to speak at sessions of the general assembly. (2) To refrain from allocating funds to demonstrations, projects, marches, or sit-ins. (3) The most substantial matter of all concerned the stated clerk of the general assembly. The west Tennessee brethren wanted to "remind the Reverend Eugene Carson Blake that by virtue of his office, his actions reflect on the United Presbyterian Church as a whole and request and require him to cease and desist from all violations of duly enacted laws of this land, and from any action that would bring disrepute or lower the dignity of the United Presbyterian Church in the United States of America during such time as he is known as 'the chief executive officer of the general assembly.'"

Concurrence with that overture would have repudiated the stated clerk himself, general assembly pronouncements for the past few years, and the fledgling Commission on Religion and Race. Few people credited the chances of the overture to win concurrence, but there were equally few people who did not look for a showdown between antagonistic points of view when the overture came to the floor.

Because of the delicacy of the issues involved, and because so much material on the docket had bearing on the issues it raised, the Standing Committee on Bills and Overtures announced that it would report on overture 22 on the last morning of the assembly; and it hung like a vaguely disconcerting anticipation over every session of the assembly.

When finally the chairman of the standing committee, the Reverend John B. Macnab, reported the committee recommendation, the general assembly had already taken some rather decisive votes. A clear and passionate presentation of the theological validity of civil disobedience by Commissioner Alan J. Pickering had won the assembly's vote during the preceding session. But still no one had any definite idea what would happen.

The committee recommended "no action" on the overture, which had the effect of killing it. Immediately, Commissioner Omar R. Buchwalter made a motion to amend the motion with a commendation. He said:

"Mr. Moderator, our stated clerk has been praised and honored for his moral and spiritual leadership in the struggle for racial justice by Jewish and Roman Catholic groups, as well as by other Protestant groups around the world.

"I think it would be a very great mistake if all we did was to answer overture 22 by taking no action. Before this 176th general assembly adjourns, we should pay tribute to the magnitude of Dr. Blake's contribution to the civil rights movement and the cause of social justice.

"I would like, therefore, to make an amendment to the recommendation of the bills and overtures committee: That this general assembly commends Dr. Blake for his courageous action and witness in the area of race relations; that we affirm his right and his duty as stated clerk to speak and act in consonance with the pronouncements and actions of general assembly; and that we spread on the minutes of this general assembly * * * the tribute paid to him by Dr. Leslie E. Cooke, preacher to this general assembly, which he gave at a breakfast on Tuesday morning. Dr. Cooke said:

"'This is a great church, and if I may speak as from the World Council of Churches at this time, then I would want to say, and I think I may say it on behalf of the Churches of the World Council, how much all of us are indebted to the vision and leadership which this church gives in the whole ecumenical movement.

"'And this, of course, is incarnate in your leaders. I know many of them. And you

would permit me, I'm sure, to say a personal word about your own stated "clark," as I would call him, but you call him stated clerk. I think all of us are indebted to the fact that you do not insist that your stated clerk should be simply a bureaucrat, handling the administration of this church, but that you permit him in the councils of the churches around the world to incarnate that vision and outreach and ecumenical intention and purpose of this great church. I've seen him at work, now, in councils of the world council, and you would have been proud of him at every turn, I'm quite sure, handling the finance and program committee, and as chairman of the finance committee in critical years between Evanston and New Delhi. I think you know how his own stand for Christian unity has had its reverberations around the world. He presides over this great deaconal ministry of the World Council of Churches. And now in these latter days, his voice and his stand have brought hope and encouragement to the hearts of colored peoples of all races in all churches around the world. And I hope that even sometimes if it may be of some costs and sometimes perhaps occasionally, a little embarrassment to the church, or maybe the administration of the church might suffer here and there, but I see no signs of it in this assembly * * * but even if it were, it would be worth while for you to bear that cost in order that you should be so incarnated in the councils of the churches and give this leadership.' "

The Reverend Mr. Buchwalter then concluded his statement by adding his personal thanks to the stated clerk for "putting his body where the general assembly's mouth was."

The vote was shortly taken, and four scattered "No" votes were cast against the amendment. As amended, the motion of no action on the west Tennessee overture was passed unanimously; and when the stated clerk returned to the platform from duties offstage, he was given a thundering, standing ovation.

Overture 22 did not, it turned out, provide the expected excitement of debate and parliamentary maneuvering. It provided the surprising and quiet different excitement of rendering spontaneous and passionate support of a man who the general assembly said is a great, brave, and good stated clerk.

[From Presbyterian Life, June 15, 1964]

EDLER G. HAWKINS: PASTOR, SPOKESMAN, AND MODERATOR

(Every Presbyterian body—whether it be a session, a presbytery, a synod, or the general assembly—must elect a moderator to preside over its deliberations. In the case of the general assembly, the moderator's most arduous duties begin after the assembly ends. During the following year, the moderator traditionally travels widely, both in the United States and overseas, in his capacity as unofficial ambassador and spokesman of the United Presbyterian Church U.S.A. This year, two outstanding pastors were endorsed months ago by their presbyteries for the office of moderator. They were the Reverend A. Ray Cartlidge, of the Church of the Covenant, Erie, Pa.; and the Reverend Edler G. Hawkins, of St. Augustine Presbyterian Church, New York. The nominating and seconding speeches over, the commissioners proceeded to ballot. Result: 368 votes for Dr. Cartlidge, 465 for Dr. Hawkins. The assembly then voted to make the balloting unanimous, and in a few moments the new moderator was acclaimed as he took office.)

The moderator of the 176th general assembly—Edler G. Hawkins—will doubtless carry out his new duties with the same gusto that has become his hallmark. Probably the only aspect of the moderatorship to which he doesn't look forward is that of being a symbol. Many men before him have been elected by a general assembly to underscore at a particular moment the church's interest in, say, the inner city ministry or oversea missions. Never before, however, has someone been called upon to symbolize a major denomination's unequivocal stand for civil rights. Edler Hawkins, a Negro, is that man, whether he likes it or not.

Frankly, he doesn't. He says: "I realize the subject of race relations is uppermost at present in both our church and our culture. It is frightening to think that I may be expected to have wisdom on subjects when I may have none. My life has simply been that of a parish minister."

As Dr. Hawkins would have to concede, his particular parish ministry is perhaps the best possible preparation for the coming year. Organizing St. Augustine Presbyterian Church, in New York City, was comparatively easy. Large numbers of Negroes began moving from Harlem to the southeast area of the Bronx only a short time before. White congregations, by refusing to welcome the newcomers, were left with two alternatives—merge or move out. The Presbytery of New York offered one of the closed churches, Woodstock Presbyterian Church, to the young pastor about to graduate from Union Theological Seminary. Dr. Hawkins enlisted nine Negroes who attended Woodstock to push doorbells and announce the forming of a congregation where their people would be welcome. More than 200 attended the first service on April 24, 1938. Numbers swelled quickly, partly because it was another 6 years before the second church to welcome Negroes opened its doors. Although there are 6 large congregations in the vicinity, St. Augustine (now more than 1,000) has never lost its numerical edge.

Helping to construct a community proved far more arduous for Dr. Hawkins than building a congregation. The area lacked the broad spectrum of social services essential to an overcrowded neighborhood, but most of all it lacked spokesmen. The pastor of St. Augustine Church became that voice before borough council and city agencies. He ran for the State assembly in 1948, not with the expectation of being elected, but to marshal the Negro community into political activity. Reflecting on the election, Dr. Hawkins says that it marked "the first time the people realized they would have to organize politically if they wanted to solve their problems."

These problems demanded solution: overcrowding, owing to illegal conversions of apartments; inadequate health services; ramshackle school buildings; no afternoon recreation programs for young people; a rising crime rate.

Dr. Hawkins founded, and until recently served as chairman of, the Forest Community Committee, a group with the following accomplishments to its credit: a health center, four new elementary and primary schools, an extension to the high school, a 1,300-family public housing unit, a cooperative apartment house for middle-income families.

The program at St. Augustine Church (165th Street and Prospect Avenue) helps fill gaps in community services. Elderly people, one of the most neglected groups in any city, meet twice a week at the church. A tutoring program, now taken over largely by the schools, had its inception at St. Augustine. Several hundred children would spend all summer on the streets were it not for a church-owned camp. Narcotics addicts have no place to turn except St. Augustine, which serves as a referral point and sponsors a weekly therapy session for former addicts. Fifteen years ago the church formed a credit union to counter complaints of gouging by small-loan companies. Two hundred youngsters, most of them not church members, belong to Scout groups which meet in the spacious basement. The church, in cooperation with a city agency, expects to open a service to which families may bring questions, such as: "Am I being overcharged for rent?" "How do I keep from being evicted illegally?" "How can I compel the landlord to make repairs?"

St. Augustine is the only predominantly Negro church in the area to welcome Puerto Ricans, the newest residents. Because of the language barrier, the Spanish-speaking members worship on Sunday afternoon.

Dr. Hawkins, although he keeps close tabs on all these programs, credits his staff of three men and one woman with their success. (Some salary assistance is provided by the board of national missions.) Even before he was elected moderator, Dr. Hawkins spent most of his time hurrying to board meetings of a score of church or community organizations.

Currently, his chief interest is civil rights. He is a member of the Commission on Religion and Race of the presbytery, of the United Presbyterian Church, U.S.A., and of the National Council of Churches. Speaking engagements, most of them in local churches, can average two or three a week. This winter he addressed all the area meetings of the United Presbyterian men. Invariably, he is asked to speak on the same theme—civil rights.

"I find most Presbyterians willing to move forward on civil rights, once they understand something of the problem," he states. Most persons, he feels, simply do not know about conditions either in the South or in Northern cities. "White Presbyterians take for granted community facilities unknown here in the Bronx."

Dr. Hawkins' gentle conversational pace accelerates. He ticks off the key problem areas on the fingers of one hand:

Schools: Teachers either are inexperienced or are substitutes; students attend classes in two or three shifts a day so that no one is in school more than 2½ hours; dropouts are high.

Employment: Poor education reduces chances for getting a job; also, the reluctance of unions to take on Negroes as apprentices precludes better-paying jobs. (As an adviser to the State human relations commission, Dr. Hawkins knows of one union which in its 45-year history has never had a Negro as an apprentice.)

Relief and narcotics indices: These are closely related to the rate of unemployment.

Housing: Fair housing laws do not eliminate a multitude of dodges which confine Negroes to ghettos.

Health services: Community services don't begin to meet the urgent need for assistance in many forms.

Dr. Hawkins feels that churches must help bridge the chasm between white and Negro America. This is the reason he seldom refuses speaking engagements. In the inevitable question-and-answer session, he is often told that whites favor civil rights but are tired of being annoyed with demonstrations.

He is patient but forthright. "I say they may well be annoyed, but they can't overlook the deep deprivation—not mere annoyance—endured by an entire racial group. I don't necessarily agree that every demonstration is wise strategy. But let us never lose sight of the civil rights struggle in a debate over tactics."

To his members and neighbors, Edler Hawkins is more than a spokesman for a cause, more than a community strategist. He is their pastor. On every trip he folds a copy of the sick list into his ticket envelope. Every person on it receives a letter. At home, he is willing to make calls at any hour and appears unafraid to venture onto dimly lighted side streets after dark. Hospitalized members aren't surprised to see him at 7 in the

morning. Only once has Dr. Hawkins failed to return for a funeral; that time he was in Europe.

He refuses to delegate instruction of the communicants' class and will adjust his travels accordingly. Not long ago he returned unexpectedly and drove to the church camp for a young people's retreat. As a treat, he baked a batch of biscuits, not from a mix but from the flour up.

His split-second timing for trains and planes is legendary. Miss Olga Terry, the church secretary, reports that she often trails him to the door to complete his dictation or give him last-minute papers. Since he habitually fails to allow enough time for flights, Mrs. Hawkins is his chauffeur. One might question whether at 56 he should continue climbing stairs two at a time or sleeping 4 or 5 hours a night or skipping meals to attend meetings. But Dr. Hawkins seems to thrive on an accelerated tempo.

All it takes to halt him in full flight is for someone to ask, "Could I speak with you a moment?" He takes what time is necessary, and tries to make it up later. It's no wonder that for many members, loyalty to Dr. Hawkins and to St. Augustine Church are practically indistinguishable.

The ample sanctuary of St. Augustine is well filled every week. On Anniversary Sunday, the last Sunday of April, there is standing room only. Former members return from considerable distances to renew old ties and to hear Dr. Hawkins preach on the text he traditionally uses for this occasion. He has based 26 sermons on I Corinthians chapter 16: "For a great door * * * is opened. * * * Watch ye, stand fast in the faith, quit you like men, be strong. Let all your things be done with charity."

For a man who is to be both spokesman and moderator, Dr. Hawkins could hardly have chosen a more appropriate text as his guide for the 12 months which are to follow.

JOSÉ ARTIGAS OF URUGUAY

Mr. HUMPHREY. Mr. President, today, June 19, our sister Republic of Uruguay and Uruguayans everywhere commemorate the 200th anniversary of the birth of José Artigas, the soldier-statesman who was the father of Uruguayan independence.

This anniversary will be observed with reverence in all the other American republics as well, for Artigas was a figure of truly international stature, whose idealism and democratic fervor inspired patriots everywhere in Latin America during the wars of liberation of the early 19th century.

Artigas ranks with Bolívar and San Martín, with O'Higgins and Sucre, among the great leaders of South American independence. Bold, resourceful, tenacious, and determined, he was cut to the same heroic pattern, and history has found in him few of the flaws that all too often mar the image of the great.

Artigas was born in Montevideo, then part of the Spanish Viceroyalty of the River Plate, in 1764. His family was of modest means, but owned some ranchlands near Montevideo on which young José spent much of his boyhood. Born to a family of cattlemen and soldiers, he was attracted to the outdoor life. He understood and liked the gauchos—the cowboy of the Uruguayan pampa—and they, in turn, liked and admired him for his manliness and courage. That, undoubtedly, is why they later chose him as their leader and followed him with such devotion in the long struggle to free Uruguay from colonial rule.

From the Franciscan Fathers, Artigas learned his Latin, reading, writing, and arithmetic. He emerged into manhood a kindly, austere and silent figure, much given to solitude and contemplation. He was a listener, rather than a talker, but he was a doer as well as a visionary.

Artigas fought against four flags to consolidate his country's freedom. A soldier by heritage and instinct, he served with Spain in the defense of Montevideo against British attack in 1807. When the citizens of Buenos Aires rose in revolt against the Spaniards in 1810, Artigas offered his services to the patriotic junta in the campaign to liberate Montevideo from Spanish control.

His services were accepted, and he quickly recruited a small and doughty army from among his beloved gauchos. He won his first victory against the Spaniards at Las Piedras, and from there went on to lay siege to Montevideo, with such success as to compel the Spanish Viceroy to call on Portugese troops from Brazil to help him hold the city.

A truce between the Buenos Aires junta and the Spanish Viceroy required Artigas to lay down his arms. Unwilling to submit to what he considered alien domination, Artigas refused to acknowledge the truce and made an historic decision. He organized a mass exodus of his followers and led them in the long trek across Uruguay to the west bank of the Uruguay River. As he marched across mountain and valley, he drew additional partisans around him, until one-fourth of the population of the colony was following his standard.

His final conflict, after 10 more years of battle, was with his erstwhile allies in Buenos Aires. Artigas stood for a democratic, representative, federal system of government. His opponent stood for highly centralized government. For 4 years Artigas waged war at one and the same time against Spaniard, Portuguese, and Argentine. Finally, defeated by vastly superior forces, he once more withdrew across the Uruguay River, never to return to his homeland.

From a small farm in neighboring Paraguay, where he lived until his death in 1850, Artigas saw the struggle he had begun culminate in full independence in 1825.

Uruguay, from that time on, has enshrined freedom and democracy as its most cherished ideals. It is a model democracy, in which the utmost respect exists for the rights and dignity of the individual. It is a land of equality before the law, of freedom of thought, speech, and religion. It is a stanch and traditional friend of the United States, and has consistently supported the principles of our collective security within the United Nations, the Organization of American States, and in many international conferences.

The bicentennial of Artigas' birth is being commemorated in many ways, and in many parts of the United States. It is fitting that we should here pay just tribute to a great American figure, and to the free and democratic nation which he helped bring into being.

FEDERAL BAR ASSOCIATION—SYMPOSIUM ON CIVIL RIGHTS

Mr. HARTKE. Mr. President, within the last 2 weeks the Federal Bar Journal, a strictly legal journal published by the Federal Bar Association, has been distributed—volume 24, issue No. 1—to the more than 10,000 members of that association, and to a large number of additional subscribers, such as law libraries throughout the Nation. This issue is devoted entirely to an impartial legal presentation as a symposium on civil rights. Both sides are presented by an outstanding and distinguished array of authors, three of whom are Members of the Senate.

A vast amount of legal research is represented in this fine publication, which will be of value to lawyers and to all persons interested in this subject for years to come. This symposium was chaired by Justice Stanley Reed of the Supreme Court.

I commend the association and its president, Mr. Conrad D. Philos, for the most timely publication of this issue of the Journal. I recommend this well-documented publication to all interested parties for reference, and I ask unanimous consent that the foreword by the president of the association, the introduction by Justice Stanley Reed, and the table of contents showing the authors and the subjects covered in the various articles, may be printed in the RECORD.

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

[From the Federal Bar Journal, Winter 1964]

SYMPOSIUM ON CIVIL RIGHTS

FOREWORD

(By Conrad D. Philos [1])

During the debates and discussions on the civil rights bill the word "accommodations" is heard more often than any other. In fact, it seems to synthesize the whole subject—as well as all approaches to it. Every solution, fancied or real, is confronted with the threshold problem of making accommodations between philosophies, between institutional and constitutional principles, and between social and economic forces.

In a less important sense the planners of this issue also had to make accommodations. In the past, symposium issues have not been devoted to legislation which was still under consideration; however, in the case of the

[1] President, Federal Bar Association.

civil rights bill, it was concluded that the Federal Bar Association would not be discharging its responsibility to the public, to the profession, or to its membership, if it limited its role solely to an after-the-fact contemplation and dissection of a completed product.

It was self-evident, also, that our association has a unique capability for playing a more vital and current function in connection with the present bill, for our membership includes not only scholarly authors, but also the very men who have designed the structure and the foundation of the bill, or who are engaging in the day-to-day decisions which mold its shape and growth.

Still another accommodation was inevitably involved, and it, too, required an adjustment in this symposium issue. It was apparent that some of the articles could utilize footnotes to set forth cases and precedents in the orthodox law journal manner. Other articles, or portions thereof, could not; for they do not involve the scholar's attempt to state what the law is in the light of existing precedents. Instead, the articles involve the stateman's or legislator's view of what the law should be or what it is going to be. In other words, many statements, as projections will not cite precedents. They will make them.

Our project involved, then, a voyage through uncharted seas—and over a route where the waters are troubled and turbulent. It was obvious that the journey required a seasoned and trusted captain, and we are deeply grateful to Justice Reed for agreeing to serve as the chairman of this symposium. This is still another illustration of his dedicated efforts for his profession and for this association. I would like also to add my thanks to the authors for their outstanding contributions and to the personnel of the journal. However, I wish to add special words of gratitude to Vincent Doyle and Richard Reynolds for their unfailing assistance to me in a number of organizational tasks connected with this issue.

MAY 11, 1964.

INTRODUCTION

(By Stanley Reed [1])

The events of the last year with mounting interest in civil rights throughout the Nation, naturally led the Federal Bar Journal's Board of Editors to choose civil rights as the topic of this symposium. No more significant problem has faced the Nation in the last 100 years. No domestic problem has had so many international overtones. No problem has been more difficult to solve than the one the people and the Congress are wrestling with this spring.

It was somewhat less easy to decide how this symposium should attack the problem. Before plans had progressed very far, it became clear that the vehicle for debate in Congress would be H.R. 7152, the administration's civil rights proposal. Should H.R. 7152 also be made the vehicle for the symposium, with one article written on each title of the bill? Or on these issues, which tend to cause even the most well intentioned lawyers to lose their sense of objectivity, to sacrifice logic for interest, reason for rationalization, should there not be two articles on each title, one pro and one con? Whatever merit this proposal might have had (and no one thought it had much), 14 or 18 articles were simply too many to include in one issue of the Journal.

Some thought that if we identified the nature of our audience we might shape the nature of the articles to reach it. Were the articles to be of interest to judges? Then each article must deal with a well defined issue and deal with it in depth. Were they to be of interest to Members of Congress? Then each measure of the bill should be discussed—and not simply the law of it but the wisdom of it. Was the symposium to reach the Federal Bar member who had not been living with the civil rights problem in the same sense that some of the lawyers in the Justice Department or on the President's Committee on Equal Employment Opportunity had been? Then the symposium articles must be principally expository.

Because we wanted to interest each of these groups, because we hoped that each group would take something away from the symposium, our problem had not yet been solved.

It was Conrad Philos who was the principal architect of the grand design which emerged from these preliminary discussions. His was the suggestion that the symposium explore three broad areas—political rights, property rights, and employment rights—with two authors writing in each area. Selecting authors who were known to have somewhat differing points of view without trying to tie them to any particular issue would lend variety to the symposium and at the same time eliminate the danger of it degenerating into a debater's handbook. We hope that the judges, the Members of Congress, the Federal lawyers, the private practitioners, and others who read the articles might have a better insight into the broad issues and be stimulated to work out for themselves more precise solutions to the narrower ones.

The final shape of the symposium, like the final shape of almost every effort to improve conditions, is the result of compromise. As the success of a law is to be measured by its effect upon those to whom it is directed, so the success of this symposium is to be measured by its effect upon its readers whoever they are. If it be successful, that result is due, in no small measure, to Paul G. Dembling, the editor in chief of the Journal, his associates, and of course to the authors who have given freely of their time and abilities to provide an understanding of these complex issues.

[1] Associate Justice, Supreme Court of the United States, retired.

DEPRECIATION GUIDELINES AND RESERVE RATIO TEST

Mr. HARTKE. Mr. President, in the 87th Congress I introduced a bill, S. 2231, to amend the Internal Revenue Code to stimulate replacement of equipment and machinery, and to simplify administration of the Treasury's depreciation guidelines. The same proposal was embodied in my amendment No. 319 to the tax bill passed this year, H.R. 8363, but was not adopted by the Finance Committee, despite a good deal of favorable testimony.

It has been Federal Government policy in recent times to try to provide investment and modernization stimulus to business through the 7-percent investment tax credit, and by other means. This was also the basic purpose of the new depreciation guidelines set by the Treasury last year in Revenue procedure 62–21. But these more liberal depreciation schedules stand in danger of nullification through the application, after a 3-year moratorium, of the Treasury's complex reserve ratio formulas as a test of the validity of guideline lives in particular cases. The uncertainties involved in application of these tests by field agents who may vary widely in their determination, and the complexity of the situation for the smaller companies in particular, has resulted in considerable failure to use the liberalized depreciation guidelines, thus depriving business of what has been estimated at more than $2 billion last year in investment capital.

My bill and amendment would have removed the uncertainty now present and would have encouraged new investment by requiring statutory guideline lives no longer than those now promulgated by ruling. These administrative depreciation schedules are subject likewise to withdrawal by ruling. Under my proposal, the reserve ratio test might still be used at the taxpayer's option, but it would not be mandatory and subject to the varying interpretations of Internal Revenue field officers.

These observations are stimulated by the publication of an editorial on this subject in the Journal of Commerce for Tuesday, June 16. That editorial contends—correctly in my opinion—that the present investment "boom" needs viewing in perspective, that it is too limited to require any artificial dampener, and that application of the reserve ratio rule should be held in abeyance, as my bill would have done by statute.

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

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

THE PACE OF CAPITAL SPENDING

Should the Treasury extend the present moratorium on the so-called reserve ratio method it will ultimately use to determine whether depreciation charges turn out to be excessive in relation to new investments under the depreciation guidelines it laid down in 1962?

A good many business enterprises think it ought to. In the course of this 3-year stay in the disallowance of depreciation deductions by Internal Revenue Service field agents, the liberalized guidelines have proved quite helpful in stimulating capital investment. But they feel there are so many potential quirks in the application of the reserve ratio rule that if it goes into effect as to 1965 incomes (as now planned) it may curtail investment spending sharply.

The Treasury apparently also has some qualms on the subject. Thus its moves to circularize business this fall on the probable impact of this ratio in the event its implementation results in wholesale disallowances of corporate depreciation deductions by IRS field men. The problem is quite complex and does not lend itself readily to generalities. But one or two corollary factors merit consideration.

The United States is now in the throes of what some people call a boom in capital investment. The 1962 depreciation guidelines plus the more recent 7-percent investment tax credit undoubtedly stimulated this spending. Spending for new plants has accelerated this year to the point that total outlays will probably come very close to $44 billion by December 31. This would mark a new record, well above that of $39.2 billion established last year.

If these figures were as good as they look and if the economy, in consequence, were generating a heavy head of steam, they might in themselves suggest extreme caution in planning any extension of this moratorium. In such circumstances a strongly inflationary trend might be anticipated. In the course of it, any artificial stimulus of capital investment might exacerbate these trends and pave the way for a subsequent tailspin punctuated by overcapacity and more unemployment.

It could also be argued that if implementation of the reserve-ratio rule is going to

put a damper on capital investment—even though temporary—it is better to apply the damper in boom times, when it will only slow the rate of acceleration, than in quieter periods when it might actually drive down the whole economy.

But the present investment "boom" is by no means the hot-and-heavy affair it is sometimes represented as being. This newspaper has noted that on several occasions in recent months, and we are glad to see that the economics researchers of the Chase Manhattan Bank, along with others, also believe it should be viewed in perspective.

The present boom is most impressive in terms of total spending. It was better last year than in 1957. But in 1957 the economy was smaller by nearly 25 percent than it is today. Only if total capital investment reaches the $44 billion mark this year will it beat the 1957 rate on the basis of this type of comparison.

Actually, business expenditures for new plant and equipment have tended to lag in recent years when subjected to the much more significant measure of their relation to the gross national product. In the early postwar years these exceeded 8 percent of the GNP, then they began to recede. From 1960 to the end of last year they accounted for less than 7 percent of the GNP.

Allowance must, of course, be made for the consideration that a great deal of investment capital had been dammed up between 1941 and the end of 1945 and that consequently the immediate postwar years could hardly be regarded as a normal period insofar as capital investment was concerned. Even so, a total outlay of $44 billion this year would not constitute a major investment boom. In its relation to GNP, as the Chase Manhattan Bank notes, it would still run below 12 of timespan and exceed the other 5 by not more than a "hairbreadth."

These are considerations that should be kept in mind when weighing the advisability of injecting the Treasury's reserve ratio procedure into the present investment picture. The "boom"—if such it is—is not only too limited a "boom" to require an artificial dampener, it is in all probability no more than is needed to keep the economy running with its present smoothness.

THE INTERNATIONAL EXECUTIVE SERVICE CORPS IS FORMALLY LAUNCHED

Mr. HARTKE. Mr. President, it is a most gratifying experience to see a dream become a reality. When I returned from a 5-week trip to Africa a year and a half ago, I proposed a new procedure for American aid—the establishment of a "businessmen's peace corps" which would send abroad to needy areas a commodity in very short supply—that is, executive and managerial knowledge, the famous know-how on which American commercial and industrial progress is firmly based. Explorations were undertaken by the Commerce Department and the Agency for International Development, and gradually the idea took shape.

Under the formal name International Executive Corps, the venture was chartered as a private nonprofit corporation on May 26. Last Monday, June 15, it was publicly launched in Washington with the first meeting of its newly elected board of directors, a press conference, a luncheon, and an address to the group by President Johnson in the flower garden. It was my privilege to be there, and to see this dream become a promising portent for assistance by American businessmen in the development of businesses and businessmen to strengthen the growth of nations abroad.

It is appropriate and desirable that this should take the form of a private, not a governmental, effort. It is significant that its board of directors comprises 38 of the top business leaders of the nations. In this private development, in which individuals give their time and valuable talents, and in which contributions from private sources will increasingly supplement the initial grant from the Agency for International Development made to the new organization last Monday, it is appropriate to recall the words of the late Pope John XXIII in the encyclical "Mater et Magister":

First of all, it should be affirmed that the economic order is the creation of the personal initiative of private citizens themselves working either individually or in association with each other in various ways for the prosecution of common interests.

But here, for the reasons our predecessors have pointed out, the public authorities must not remain inactive, if they are to promote in a proper way the productive development in behalf of social progress for the benefit of all citizens. Their action, whose nature is to direct, stimulate, coordinate, supply, and integrate, should be inspired by the principle of subsidiarity.

In the new Executive Service Corps, both conditions specified by the late Pope are met, with personal initiative of private citizens operating in conjunction with the public authorities.

President Johnson, in his foreign aid message on March 19, referred to the need for public-private cooperation, and made specific mention of his desire to see such an Executive Service Corps established. In that message he said:

We must do more to utilize private initiative in the United States—and in the developing countries—to promote economic development abroad.

He then spoke of the first new houses financed by private U.S. funds in Lima, Peru, under AID guarantees, and of the first rural electrification loan in Nicaragua, and the ties developed between California and Chile. He then said:

This effort must be expanded.

Accordingly, we are encouraging the establishment of an Executive Service Corps. It will provide American businessmen with an opportunity to furnish, on request, technical and managerial advice to businessmen in developing countries.

President Johnson in the flower garden reception of the new corps board of directors, and in an informal conversational meeting afterward around the table in the Cabinet Room, made clear his faith in this kind of approach and in the new organization.

The program that we are launching today—

He said—

is, I think, an inspiring example of sane and sensible, responsible and constructive cooperation between Government and private enterprise.

Mr. President, because of the importance of this new organization, a private structure cooperating with the Agency for International Development, I ask unanimous consent to have printed in the RECORD the text of the remarks made by the President in the flower garden, and the responses of the organizing committee's cochairmen, David Rockefeller and Sol Linowitz, together with news reports published in the Indianapolis Star, the New York Times, the Washington Post, and the New York Herald Tribune. I ask unanimous consent, also, for publication of the list of directors of the International Executive Service Corps, of a letter addressed to its chairman, C. D. Jackson, by President Chiari of Panama, and the text of a short brochure about the corps.

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

REMARKS OF THE PRESIDENT, AND DAVID ROCKEFELLER AND SOL M. LINOWITZ, INTERNATIONAL EXECUTIVE SERVICE CORPS, IN THE FLOWER GARDEN

The PRESIDENT. Ladies and gentlemen, we are delighted to have this talented group of businessmen visit us in the White House this morning. George Washington, our first President, once advised that we should let our discourse with business be short and comprehensive.

Brevity is always a good rule but, on the subject of free government and free enterprise working together, sometimes I am more comprehensive, I think, than I am short.

The program that we are launching today is, I think, an inspiring example of sane and sensible, responsible and constructive cooperation between government and private enterprise.

I have been somewhat amused in the 7 months I have been in this office that when you take the position that employers and employees should get along and can work together and that government need not be an irritant or an antagonist to either that they say you are talking out of both sides of your mouth, that you should either be for business and against labor or be for labor and against business, or for government and against them both.

Well, I believe that our strength in the world today will depend on our ability to unite all the strength of the free enterprise system which is made up of employers and employees, encouraged, led, and supported by their Government which is their servant and not their master.

You men are rendering a valuable service to our national objectives abroad which neither government nor business nor labor could do so well alone nor could do so well apart. You are making a most important contribution of high potential to the economic development of the free world, and the preservation of the free world may well depend on our success to see that economic development succeeds.

I want to express my appreciation this morning and my heartiest congratulations to the Congress, to all of those who have participated in this development, especially to Mr. Rockefeller, Mr. Linowitz, and the members of this committee, to the members of this board, to the organizations which have given their cooperation and their support, the U.S. Chamber of Commerce, the National Association of Manufacturers, the National Industrial Conference Board, and to other groups.

From my perspective, it is the breadth of the consent rather than the details of the execution that is the most meaningful aspect of the International Executive Service Corps.

With man's knowledge and capacity changing so dramatically and so rapidly, we of the free industrialized nations must rec-

ognize the reality of a great and grave gap developing between ourselves and other nations and the world of the next 50 years—knowledge itself with the great power, knowledge itself with the great force and the great wealth of the earth.

So, unless we concentrate on diffusing knowledge and unless we concentrate on sharing it widely, we can foster a most unwelcome sort of structure among the nations of the earth.

The International Executive Service Corps is a most welcome pioneering effort to explore a new field, a field in which the horizons will broaden to infinity during the next half century. New nations cannot and will not develop new economies to support their independence and their freedom unless they have access to the kind of new information and new guidance which can only be imparted by exchanges such as this program contemplates.

While some may not see it yet, no sector of our society has changed more rapidly or will continue to change more dramatically than the private sector of our private enterprise system.

If I may, I would like this morning to pay my personal high regards to one man here who personifies the change that I am mentioning—the Administrator, David Bell. Mr. Bell occupies about the most difficult post in American public life. He is a whipping boy for everybody who wants to give anybody a whipping, but I am proud to say that he has brought to this post the kind of lean, tough, and forward-looking mind that characterizes both the new management of business and the new administrator of government.

Such men, I believe, represent the kind of excellence that we must set as our standard for the future.

I would say the greatest disappointment that I really had in government in 7 months is the request that I have made of other people to come in and help us do distasteful and disagreeable and tough jobs, but they have always found that their families had problems, their wife was sick or their daughter was going off to college, or they just couldn't spare the time to help save the Republic.

Now, I think that these men this morning are setting an example of can do people, and I hope that it will be an example that other men and women in private life will follow.

I am hopeful that as we progress in raising the remuneration of public service that we can attract to government many more men like Dave Bell, and I am hoping if the Senate acts favorably on the pay bill that we can keep the good ones we have now.

A few weeks ago, before the House defeated the bill, a few were leaving to go back to draw two or three times as much in private industry. Good men are not an expense in managing an operation so vast and as modern as government. Good men are the best investment that we can make.

So, I want to congratulate you, and I want to thank you and I want to express the hope that this program will pay generous dividends. I hope and expect it will set a pattern for the future which will benefit our country and our cause and all that we do.

I would like to ask Mr. Linowitz and Mr. Rockefeller if they feel free to do so to tell us about the plans of their corps. I know that they will bear in mind that some of you gentlemen who have just come from Florida and have not been exposed to this sun may not want to stay out here too long this morning, but we do appreciate your being here.

I hope to get to meet with you a few moments after the ceremony. I thank you for your public service and we will have pictures when Mr. Linowitz and Mr. Rockefeller conclude.

Mr. ROCKEFELLER. Mr. President, on behalf of Sol Linowitz, C. D. Jackson, and Ray Eppert, the members of our newly constituted board of the International Executive Service Corps, the affiliated organizations, and our three first voluntary candidates, I should like to express our very heartfelt thanks to you, Mr. President, for your gracious and encouraging remarks.

Of course, we have had wonderful government assistance from the very beginning in connection with the launching of this program. Everyone from Mr. Bell, for whom I share your enthusiasm, Mr. President, and all of his associates, Sy Peyser and others, we have had the fullest cooperation, also, of course, from Senator HARTKE and from Senator JAVITS, from the Commerce Department, and most heartening of all was your own endorsement in the AID message.

Of course, we are aware that Government for a long time has been working in the developing areas and has been encouraging private enterprise to do what it can in this area as well. I do think that the International Executive Service Corps could perhaps be particularly helpful from the private point of view in stimulating the private sector. It is an area where I am hopeful we can make a contribution.

Managerial experience and talent in our judgment is often less available and more urgently needed than capital itself. We have a big reservoir of managerial talent in the United States, and it could be tapped for the benefit of the developing nations to their great benefit, and I think ours also, and it is here that one finds the origin of the concept of the International Executive Service Corps.

Through the efforts of my associates on the organizing committee, the corps was very rapidly brought into being, and we have our first three volunteers with us today who were sent to start off on their tasks in the very near future. We hope they are only the beginning of a corps of perhaps several hundred who can be interested in taking part in this project in the years ahead.

We have great faith in these volunteers and in those who will come after them.

The task is a difficult one, and I am sure that we will probably make our mistakes—most people do—but we will try to minimize them, and I am sure that with your help, Mr. President, and that of your administration, we will make as few as we possibly can. All of us will work with fresh zeal and because of the faith that you have shown in the program, because we do know, as you have said repeatedly and have demonstrated that you have a real belief in the free enterprise system and in business and government cooperation; so do we, and we will demonstrate this to you as time goes on.

We are very thankful to you for your good wishes, Mr. President, and grateful for your support.

Mr. LINOWITZ. Mr. President, if I might just add a word to what David Rockefeller has said, on behalf of all of us, you have called, Mr. President, for the creation of a great society.

Prof. Alfred North Whitehouse, once said, as I remember, that a great society is one in which its men of business think greatly of its functions.

We hope this will prove to be an instance in which men of business have indeed thought greatly of their functions. Thank you, Mr. President.

[From the Indianapolis Star, June 16, 1964]

EXECUTIVE'S PEACE CORPS COMES TO LIFE

WASHINGTON.—Senator VANCE HARTKE, Democrat, of Indiana, saw his idea of a retired businessmen's executive service corps come to life Sunday.

President Johnson hailed the formation of the senior citizens' counterpart of the Peace Corps as "an inspiring example of sane, sensible, responsible, and constructive cooperation" between Government and private enterprise.

The first two volunteers are Omer C. Lunsford, 58-year-old Anderson, Ind., native, who is operations manager for the American Oil Co., in the New York area, and Benjamin B. Smith, Los Angeles, Calif., retired business consultant.

Lunsford, who expects to retire soon after moving his home 13 times as a management troubleshooter for the oil company, said he wants a "continuation of challenge and opportunity."

The executive service corps will operate outside the Government, but with help and guidance from Uncle Sam. The Agency for International Development will give the new program an initial boost with approximately $100,000; but afterward it will rely on its own merits.

HARTKE brought back his idea of the executive corps from Africa, where he made a trip 3 years ago. The Hoosier said he found the biggest need in the dark continent was for management skill and know-how.

"The biggest need in underdeveloped countries today," HARTKE said yesterday, "is not for handouts, not for sympathy. What they have told us they need most of all is a strong, vibrant economy built around the American private enterprise system. They want to know how we do it. They need to learn the methods and techniques which have brought us the highest standard of living in history.

This is what the International Executive Service Corps will help to bring about. By sharing our know-how we will build our neighbors' strength and, by the same token, we will expand our markets abroad."

The Executive Corps was formed officially in a White House rose garden ceremony yesterday. David Rockefeller, president of the Chase Manhattan Bank, and Sol Linowitz, chairman of the Xerox Corp., are the cochairmen.

Frank Cruger, president of the Indiana Manufacturers' Supply Co., Indianapolis, is a member of the 15-man executive committee. Cruger is chairman of the board of the National Small Business Association.

After the ceremony, Cruger said HARTKE "deserves a lot of credit for pushing this through." Cruger said the Executive Service Corps offered an opportunity to shift foreign aid out of Government into a people-to-people operation.

The Service Corps will compile a roster of Americans who have retired from regular business and are willing to devote a period of time to teaching their skills to businessmen abroad. They may give their services, receive partial compensation, or be kept on the payroll of private firms, Cruger said.

The first three volunteers are the Argentinian accountant who has retired after a long career with a famous firm of American accountancy; an American businessman who will go to southeast Asia, and an oil company executive whose assignment is presently indefinite.

[From the New York Times, June 16, 1964]

PRESIDENT HAILS BUSINESS CORPS—EXECUTIVE SERVICE GROUP TO AID DEVELOPING NATIONS

WASHINGTON, June 15.—President Johnson hailed a business executives counterpart of the Peace Corps today as "an inspiring example of sane and sensible, responsible and constructive cooperation between Government and private enterprise."

He met in the rose garden of the White House with members of the board and staff of the International Executive Service Corps, which plans to send management experts abroad to help speed economic progress in the world's developing nations.

The President said he considered this project a "most important contribution of

high potential to the economic development of the free world."

He said this Nation's strength in the world would depend on ability to unite all segments of our society—employer and employee—to make the free enterprise system work.

GROUP'S MEMBERS PRAISED

Mr. Johnson said those who were joining in the businessman's service corps were "can-do people," who he hoped would set an example for other men and women in private life.

Since coming to the White House, Mr. Johnson said, he had been most disappointed by people who said they could not spare the time or, for personal reasons, could not come to help "save the Republic."

David Rockefeller, cochairman of the Executive Service Corps, told Mr. Johnson he hoped the group would help stimulate the private sector of the country to contribute in aiding underdeveloped nations.

He noted that managerial talent often was less available and more urgently needed than financial capital. Mr. Rockefeller is president of the Chase Manhattan Bank.

The service corps delegation went to the White House after a meeting of its board and selection of the first oversea volunteers.

[From the Washington (D.C.) Post, June 16, 1964]

FIRST BUSINESSMAN'S PEACE CORPS VOLUNTEERS SELECTED FOR OVERSEAS

(By David Fouquet)

The first group of volunteers who will lay the groundwork for the fledgling Businessman's Peace Corps program to aid progress in the world's developing nations, was introduced in Washington yesterday.

Called the International Executive Service Corps, the organization is a private nonprofit counterpart of its well-known forerunner. The Corps will recruit its members at the outset largely from the ranks of newly retired executives who will go overseas on assignment ranging from 3 months to 2 years.

Still in the formative process, plans for the Corps were announced in March and since then the organizers have received hundreds of applications and a "grubstake" of $100,000 from the U.S. Agency for International Development.

The organization is an outgrowth of proposals last year for such a group by Senator VANCE HARTKE, Democrat, of Indiana, and of David Rockefeller, president of the Chase Manhattan Bank, who was cochairman of the corps' organizing committee and is a member of its board of directors.

The corps hopes to give executive and management assistance to small and medium sized firms and has received notice of the need for its services from all parts of the world from such firms as food and metal processing plants, cement and textiles plants and breweries.

The first three volunteers, Omer C. Lunsford, who will retire shortly from the American Oil Co.; Benjamin B. Smith, who is a retired lawyer and business consultant, and William L. Chapman, an Argentine citizen who works for the Buenos Aires office of Price Waterhouse, Peat & Co., seem to have been motivated by the same enthusiasm which made the original Peace Corps successful.

Lunsford, 58, who has been a troubleshooter for his firm, and is being considered for an assignment in Panama, was wondering how to spend his retirement years after an active career. He said, "I am looking for continued challenging opportunity * * * it offers an opportunity to be productive and aid the free enterprise system."

Smith, 56, has traveled through all parts of the world, and said he was "bored of playing golf three or four times a week and I sought personal satisfaction in something in which financial gain did not play a part in. I started looking for something that I could get involved in." He will probably be sent to an Asian position.

Chapman, 41, will be on loan from his job to assist in the organization of the corps in its New York headquarters. He said he found a lot of enthusiasm for the corps plans in Argentina and added "I will be on the receiving end as well as the giving end," because his country will benefit from such aid.

These men and others who will be assigned overseas will be paid by the host company and it is anticipated the total force will number 1,000.

The leaders of the group met with President Johnson yesterday afternoon and he described the move as an "inspiring example of sensible, responsible, and constructive cooperation between government and private enterprise."

AID Administrator David E. Bell also said the venture "is a promising new idea * * *. We have been impressed by the enthusiasm and caliber of the American business leaders who have joined in establishing the corps and we look forward to cooperating with them as it gets underway."

The corps yesterday also named C. D. Jackson, senior vice president of Time, Inc., chairman of the board of directors.

[From the New York Herald Tribune, June 16, 1964]

PEACE CORPS IN BUSINESS

WASHINGTON.—A businessman's peace corps organized itself here yesterday, announced its first two volunteers for oversea assignments and received a warm sendoff from President Johnson.

Known as the International Service Corps, the organization is dedicated to the idea of using retired and active businessmen to spread the gospel of free enterprise in developing countries by providing managerial know-how for private companies.

David Rockefeller, president of Chase Manhattan Bank and one of the founders of the corps, said the aim is to have 100 management consultants active overseas within a year, with an ultimate goal of 1,000.

The first two volunteers, Omer C. Lunsford, of Anderson, Ind., and Benjamin B. Smith, of Los Angeles, called on President Johnson after the organization meeting had designated C. D. Jackson, senior vice president of Time, Inc., as chairman of the board.

Ray Eppert, president of Burroughs Corp. was named vice chairman.

Corpsmen will come from the ranks of retired business executives, supplemented by younger men whose companies are willing to lend them to the corps for a year or two.

Mr. Smith, 56, is a retired business consultant and lawyer who said he "became bored playing golf three or four times a week and started looking for something that I could get involved in."

He will be assigned to Asia, but the country has not yet been selected from among the dozen or more that have made inquiries.

Mr. Lunsford, 58, is operations manager for American Oil Co. in the New York area and he expects to retire soon. He said that as a management troubleshooter for American he had moved his home 13 times, and he wants "a continuation of challenge and opportunity."

The corps announced Dr. William L. Chapman, of Buenos Aires, as its third full-time volunteer worker and said he would be assigned to the New York office to supervise the processing of requests from abroad.

The corps is carrying out its organizational work with a $100,000 fund which came largely from U.S. foreign aid funds, but it hopes eventually to become self-supporting through money provided from private sources.

Mr. C. D. JACKSON,
Chairman, Board of Directors,
International Executive Service Corps:

I am gratified that Panama has been chosen one of the first countries to receive the volunteers of the International Executive Service Corps. I believe this new program of U.S. private enterprise can make an effective contribution to the commercial development and understanding between our countries.

Sincerely,

ROBERTO F. CHIARI,
President of Panama.

JUNE 11, 1964.

INTERNATIONAL EXECUTIVE SERVICE CORPS

The purpose of the International Executive Service Corps is to assist the developing nations of the free world by providing local enterprises with needed managerial knowledge and talent developed in the United States.

BACKGROUND

The basic concept of the International Executive Service Corps has evolved from several sources. Two proposals were especially prominent and received extensive consideration. In January 1963, following a 5-week inspection trip to Africa, Senator VANCE HARTKE, of Indiana, advocated the establishment of a corps to utilize overseas the skills and know-how of retired businessmen. The other major proposal was made by David Rockefeller, president of the Chase Manhattan Bank, in the keynote address at the 13th International Management Congress held in September 1963.

Mr. Rockefeller called for a managerial task force of free enterprise, a program whereby private companies in the industrial nations would provide volunteers from their management staffs to work in the developing areas. Serving by invitation only, individuals or team units would work in companies abroad for up to 2 years on projects beneficial to private enterprises and to national economic development.

These and other ideas were discussed at a meeting called by the Agency for International Development held in Washington, D.C., in March 1964. Attending were leaders of business, members of the administration, representatives of Congress and spokesmen of business and management organizations. As a result of this session, an organizing committee was formed under the cochairmanship of David Rockefeller and Sol M. Linowitz, board chairman of the Xerox Corp. Other members of the organizing committee are: Ray R. Eppert, president, Burroughs Corp.; C. D. Jackson, senior vice president, Time, Inc.; John H. Johnson, president, Johnson Publishing Co., Inc.; Dan A. Kimball, chairman of the board, Aerojet-General Corp., and William S. Paley, chairman of the board, Columbia Broadcasting System, Inc. The committee is now setting up the machinery to put the program in operation.

OBJECTIVE

One of the major factors limiting the growth of industrial enterprises in the developing countries is the shortage of appropriately skilled executive personnel.

It is the function of the International Executive Service Corps to help fill this need by providing qualified, volunteer, American executives (active or retired) to business firms overseas that ask for help and qualify for such assistance.

OPERATION

The International Executive Service Corps is a private, nonprofit organization incorporated under the laws of the State of New York, with operational headquarters in New York City.

The direction and control of this endeavor comes wholly from private business. The State Department and other Government

agencies, as well as many business organizations, will be available for counsel and assistance.

IESC concerns itself not only with the careful screening and selection of foreign companies requesting experienced volunteers but also with the selection, training and placement of these volunteer businessmen.

In each country where it operates, IESC will establish some form of local representation which will provide a liaison between the foreign companies and IESC. The representative will initially screen requests for volunteers and will also assure the smooth progress of relationships.

FINANCING

The International Executive Service Corps will eventually be financed by voluntary contributions from private businesses and foundations. However, to enable IESC to begin operation as soon as possible, the Agency for International Development has agreed to finance a major part of the program until the organization is firmly established. Foreign companies receiving IESC volunteers will be expected to contribute some of the funds needed to meet the expenses.

THE VOLUNTEER EXECUTIVE

IESC volunteers will come from the ranks of qualified business executives who have the desire to assist their country in carrying out some of its objectives overseas by helping the people of lesser developed nations. Volunteer candidates will be able and energetic executives who have retired from active managerial and business careers, or are on loan from various U.S. companies.

Final selection of volunteers will be determined primarily by the requirements of the specific assignment to be filled. Generally, the volunteer will be chosen on the basis of his managerial experience, his availability, and the sincerity of his desire to contribute time and energy to the program.

IESC's operation will begin modestly—but soundly. Only a small percentage of applicants can expect to be selected initially. It is anticipated that within 3 years there will be at least 1,000 IESC volunteers working abroad.

Training: The degree of training and orientation the volunteer will receive will be determined primarily by the nature and location of the assignment and the volunteer's knowledge and experience. Before being sent overseas, each volunteer will be well versed in the history, culture, and business attitudes and practices of the country to which he has been assigned. Before arriving on the scene, he will be as familiar as possible with the nature of the assignment, the employing company and the people with whom he will work.

The assignment: An effort will be made to assign each IESC volunteer to the job, company, and country of his choice. But, assignments will be based primarily on the suitability of each volunteer to the situation.

Volunteers will work with enterprises in need of executive assistance that are not able to obtain this help from other sources. They will work as consultants or in operational management positions. They will be sent only in response to specific requests from oversea firms or organizations.

Known requirements call for men who are active or who were recently active as management executives in production, industrial finance, and marketing. Areas of interest include manufacturing, merchandising, commercial banking, communications, major service industries, etc.

Assignments may last from 2 or 3 months to a maximum of 2 or 3 years.

In most cases, an individual will be the sole IESC volunteer at a particular company or organization. In others, he will work as part of a team. And in still others, one volunteer or one team will assist more than a single company.

Status: Volunteers will act under the auspices of the International Executive Service Corps and serve as private individuals.

It should be added that even though the IESC volunteer is in no way an employee of the Federal Government, he will be carrying out many of the international objectives of the U.S. Government. As President Johnson said in his message to Congress on March 19, 1964: "We must do more to utilize private initiative in the United States—and in the developing countries—to promote economic development abroad. Accordingly, we are encouraging the establishment of an executive service corps which will provide American businesmen with an opportunity to furnish, on request, technical and managerial advice to businessmen in developing countries."

Finances: Funds will be provided by IESC to cover the volunteer's expenses for living at a suitable level while on assignment as well as transportation and incidental expenses.

APPLICATION

Application forms for volunteer candidates are available by writing to: International Executive Service Corps, Post Office Box 530, Grand Central Station, New York, N.Y., 10017.

INTERNATIONAL EXECUTIVE SERVICE CORPS DIRECTORS

INCORPORATORS

1. Mr. Ray R. Eppert, president, Burroughs Corp.
2. Mr. C. D. Jackson, senior vice president, Time, Inc.
3. Mr. John H. Johnson, president, Johnson Publications.
4. Mr. Dan Kimball, chairman, Aerojet General Corp.
5. Mr. Sol M. Linowitz, chairman of the board, Xerox Corp.
6. Mr. William S. Paley, chairman of the board, Columbia Broadcasting System, Inc.
7. Mr. David Rockefeller, president, the Chase Manhattan Bank.

ADDITIONAL DIRECTORS

8. Mr. Eugene R. Black, director and consultant, the Chase Manhattan Bank.
9. Mr. Marvin Bower, chairman, McKinsey & Co.
10. Mr. Sidney Boyden, Boyden Associates, Inc.
11. Mr. Marion Boyer, executive vice president, Standard Oil Co. of New Jersey.
12. Dean Courtney Brown, Columbia University Graduate School of Business.
13. Mr. Frank M. Cruger, president, Indiana Manufacturers Supply Co., Inc., Indianapolis, Ind.
14. Prof. Peter F. Drucker, New York University Graduate School of Business Administration.
15. Mr. Willard W. Garvey, president, World Homes, Inc.
16. Gen. James M. Gavin, president, Arthur D. Little, Inc.
17. Mr. Eldridge Haynes, president, Business International.
18. Mr. Harry M. Hopkins, vice president, the Tool Steel Gear & Pinion Co.
19. Mr. Norman O. Houston, president, Golden State Mutual Life Insurance Co.
20. Mr. Neil C. Hurley, Jr., chairman and president, Thor Power Tool Co.
21. Mr. Donald M. Kendall, president, Pepsi-Cola Co.
22. Mr. Albrecht M. Lederer, A. M. Lederer & Co., Inc.
23. Mr. States M. Mead, vice president, the Chase Manhattan Bank.
24. Mr. Frank Pace, Jr., former chairman of the board, General Dynamics Corp.
25. Mr. H. Bruce Palmer, president, National Industrial Conference Board.
26. Mr. Gordon O. Pehrson, vice president, International Minerals & Chemical Corp.
27. Mr. Richard S. Perkins, chairman of the executive committee, First National City Bank of New York.
28. Mr. Rudolph A. Peterson, president, Bank of America.
29. Mr. Theodore S. Petersen, former president, Standard Oil Co. of California.
30. Mr. John J. Powers, Jr., vice chairman of the board, Charles Pfizer & Co., Inc.
31. Mr. Philip D. Reed, former chairman, finance committee, General Electric Co.
32. Mr. Henry R. Roberts, president, Connecticut General Life Insurance Co.
33. Mr. Henry B. Sargent, president, American & Foreign Power Co.
34. Mr. Whitney North Seymour, senior partner, Simpson Thacher & Bartlett.
35. Mr. Charles W. Stewart, president, Machinery & Allied Products Institute.
36. Mr. Charles E. St. Thomas, senior vice president, Engelhard Industries.
37. Mr. Peter Volid, chairman of the board, King Korn Stamp Co.
38. Dr. Gerrit van der Wal, deputy president, KLM Royal Dutch Airlines.

INDUSTRIAL ARTS ASSOCIATION SUPPORTS COLLEGE STUDENT AID BILL

Mr. HARTKE. Mr. President, on several occasions I have invited attention to the remarkable unanimity of support for the Hartke college student assistance bill, S. 2490, among the responsible leaders of higher education in this country. They include the largest and most powerful voices of concern, such as the National Education Association, but they also number a variety of smaller professional educational groups, such as those concerned with pharmacy and home economics. Among these latter is the American Industrial Arts Association, which is an affiliate of the National Education Association.

This association took formal official action to endorse S. 2490 on March 28, early in the period of consideration before the Education Subcommittee. The association's executive secretary, Kenneth E. Dawson, informed Chairman MORSE of the subcommittee of this action in a letter dated April 27, a copy of which he also sent to me.

Mr. President, I ask unanimous consent to have the text of that letter printed in the RECORD.

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

AMERICAN INDUSTRIAL ARTS ASSOCIATION, INC.,
Washington, D.C., April 27, 1964.

Attention Dr. Clair M. Cook.
Hon. WAYNE MORSE,
Chairman, Subcommittee on Education,
4230 Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: The American Industrial Arts Association of the National Education Association, by official action on March 28, 1964, endorsed S. 2490, the Higher Education Student Assistance Act of 1965. We appreciate the opportunity to express our views and congratulate Senator HARTKE on introducing this important legislation. The Hartke bill prudently looks into the future needs of our college students and we believe S. 2490 is in the best interest of American education today and in the future.

We realize S. 2490 is very similar to S. 580 of last session. Our association supported that bill, likewise. We believe passage of No. 2490 will greatly strengthen the American educational program and the defense of our country. Of course, we realize this is a beginning and would like to see the student assistance program much stronger.

We, the officers and members of the American Industrial Arts Association, strongly support S. 2490, the Higher Education Student Assistance Act of 1965.

Respectfully,

KENNETH E. DAWSON,
Executive Secretary.

CIVIL RIGHTS LAW TO BE ENACTED ON ANNIVERSARY OF APPEAL BY J.F.K.

Mr. McGOVERN. Mr. President, by an unusual coincidence, it was just exactly 1 year ago today, on June 19, 1963, that the late President Kennedy sent his message to Congress calling for the passage of a comprehensive civil rights law. One year later that law, which will stand along with the test ban treaty as the greatest achievements of our late President, is about to become the law of the land.

President Kennedy told Congress a year ago why this law is necessary. He said then:

> Justice requires us to insure the blessings of liberty for all Americans and their posterity—not merely for reasons of economic efficiency, world diplomacy and domestic tranquillity—but, above all, because it is right.

His words have not lost their meaning, although our young President did not live to see his vision become law. The civil rights law will not solve all our problems in the field of civil rights. There will be much soulsearching before we all learn to accept each other for our value as human beings, regardless of our race. But under this law we shall have made a beginning. We shall have moved one step closer to our great goal, set forth in the Declaration of Independence as a self-evident truth that all men are created equal, endowed by their Creator with certain unalienable rights, among these, life, liberty, and the pursuit of happiness.

I believe that it would be especially appropriate for us to enact this charter of civil rights today, on the first anniversary of our late President's eloquent appeal to the Congress.

RECENT DEVELOPMENTS IN RUMANIA AND OTHER IRON CURTAIN COUNTRIES

Mr. DODD. Mr. President, there has been a good deal of discussion concerning the significance of recent developments in Rumania and in other Iron Curtain countries. Some people have argued that these developments indicate a trend toward greater independence from Soviet control. Others have argued that the developments in question are of minor importance, that there are no essential policy differences between the Soviet Union and its European satellites and that Rumania's greater economic independence, for example, might conceivably enjoy the concurrence of the Kremlin.

I would like to call the attention of my colleagues to an important contribution to this discussion which appeared in the New York Times of last Friday, June 12, in the form of a letter to the editor. The letter was written by Mr. Brutus Coste, secretary general of the Assembly of Captive European Nations, which is the central body of the various European liberation movements in exile. Mr. Coste, in the prewar period, was recognized as one of the ablest members of the Rumanian foreign service. I consider Mr. Coste one of the most knowledgeable and original political thinkers we have in our country today; and I believe the many Members of Congress who have come to know him in his present capacity as secretary general of the Assembly of Captive European Nations share this opinion of him.

I ask unanimous consent to insert Mr. Coste's letter into the RECORD at this juncture, and I hope that my colleagues will accord it the careful study which, I believe, it merits.

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

[From the New York Times, June 12, 1964]

In a special dispatch from Washington you published on May 24 on the American-Rumanian negotiations your correspondent points out that "where possible, Washington would like to see national independence in Eastern Europe expressed also in terms of more civil rights and intellectual freedom domestically." Your correspondent adds that "by omitting that internal requirement, President Johnson's declaration made it clear that for the moment U.S. friendship would be exchanged for any sign of less dependence on Moscow."

The inference seems to be that human rights and fundamental freedoms are internal matters of the Communist regime in Rumania.

INTERNATIONAL OBLIGATION

The fact is, however, that human rights and fundamental freedoms in Rumania are not an internal matter but an international obligation of the 1947 peace treaty with Rumania, which reads in part:

"Rumania shall take all measures necessary to secure all persons under Rumanian jurisdiction, without distinction as to race, sex, language or religion, the enjoyment of human rights and of the fundamental freedoms, including freedom of expression, of press and publication, of religious worship, of political opinion and of public meeting."

In view of the general terms of this international obligation of Rumania, there can be no question that the enumeration of specific rights and freedoms in article 3 of the peace treaty is not exhaustive. It is merely indicative. Its true scope is as broad as the one given in the only authoritative definition of human rights, the Universal Declaration of Human Rights.

Accordingly, the Rumanian people and its free spokesmen hold that the United States is not only rightfully entitled, but even legally committed, to seek compliance with a treaty provision which the Rumanian regime has been flouting with impunity since 1947.

SOVIET ENDORSEMENT

The theory of an increasing assertion of independence by the Rumanian regime is based on a number of gestures which might be genuine, but might as well be calculated to achieve purposes the Soviet Union tacitly endorses. Among such purposes are that of giving the satellites a new international image to enable them to play a more effective role in the Communist political drive in the underdeveloped countries, as well as that of qualifying them for Western credits and economic aid the Soviet Union is in no position to grant. There is every indication that Moscow is no way opposed to efforts designed to bring about such results.

Since there is, to say the least, room for legitimate controversy on the independence theory, the one sure way to put it to the test is to ask compliance with a treaty provision assuring to the people of Rumania the enjoyment of rights which would provide the only solid foundation for national independence.

BRUTUS COSTE,
Secretary General, Assembly of Captive European Nations.
NEW YORK, *May 25, 1964.*

ONE HUNDREDTH ANNIVERSARY OF ARLINGTON NATIONAL CEMETERY

Mr. DODD. Mr. President, this week marks the 100th anniversary of the signing of the order by Secretary of War Stanton permitting the burial of Union soldiers at Arlington National Cemetery.

Prior to that time, one soldier had been interred at the estate owned by Gen. Robert E. Lee and his wife.

But since then over 124,000 Americans, from the humblest soldier to our beloved President, John F. Kennedy, have been buried at this beautiful and largest of all our national cemeteries.

Each year over 2 million people from all over the world visit Arlington, and they see 420 very beautiful and impressive acres located on gently rolling hills that overlook the Potomac River and the Nation's Capital, wherein are buried some of the great and some of the average Americans who have played an important part in protecting and preserving our country so it can be a good place to live, work, and raise our families.

Since Americans of all races, religions, and nationalities are buried at Arlington National Cemetery, indeed 231 out of the first 2,619 buried there were Negro soldiers, I think it is especially appropriate that this 100th anniversary should be observed during the same week that we are going to give final Senate approval to a historic civil rights bill.

Arlington National Cemetery is a magnificent and fully deserved shrine to those who have served their country, and an impressive and constant reminder to each of us that we are deeply indebted to many thousands of brave individuals, from all walks of life, for the freedom and the prosperity that we enjoy today.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

CIVIL RIGHTS ACT OF 1964

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 dsicrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

The PRESIDING OFFICER. The Senator from Tennessee [Mr. GORE] is recognized.

Mr. GORE. Mr. President, I send a motion to the desk and ask to have it stated.

Mr. KUCHEL. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from California will state it.

Mr. KUCHEL. Will the Chair direct that the proposal by the distinguished Senator from Tennessee [Mr. GORE] now be read, so that if there are any problems involved we then may have an opportunity to raise them.

The PRESIDING OFFICER. The motion will be stated for the information of the Senate.

The legislative clerk read as follows:

Mr. GORE. I move that the bill H.R. 7152 be referred to the Committee on the Judiciary with instructions to report the bill forthwith, with a further amendment to the substitute amendment No. 1052 as adopted, as follows:

At the end of title VI add a new section, as follows:

"SEC. 606. No action shall be taken pursuant to this title which terminates, reduces, denies, or discontinues, or which has the effect of terminating, reducing, denying, or discontinuing, Federal financial assistance for public education or the school lunch program in any school district unless such school district, or official thereof, shall have failed to comply with an order by a United States district court relating to desegregation of public schools."

Mr. KUCHEL and Mr. HUMPHREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. HUMPHREY. Mr. President, is the pending business now the Gore motion?

The PRESIDING OFFICER. Will the Senator restate his point?

Mr. HUMPHREY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senator from Tennessee has made a motion to commit the bill to the Committee on the Judiciary with instructions. That motion is now before the Senate.

Mr. HUMPHREY. I make the point of order that the motion of the Senator from Tennessee is out of order because the cloture rule provides that no amendment shall be received which has not previously been presented and read, and as the motion of the Senator from Tennessee directs the bill to be referred and reported with an an amendment, it would be out of order if that amendment had not been previously presented and read, before the vote on cloture.

I believe the motion is also subject to a point of order because it in effect is an amendment to the bill after the third reading had been had.

The motion is not debatable.

Mr. GORE. Mr. President, I should like to be heard on the point of order.

The PRESIDING OFFICER. The Parliamentarian advises that the point of order is not debatable.

Mr. GORE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. Under the cloture rule, debate is not in order on this point of order. The point of order of the Senator from Minnesota is well taken.

Mr. GORE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GORE. Would it be possible, under the circumstances, for the senior Senator from Tennessee to call attention to the fact that, as reported on page 13823 of the RECORD, the Senate agreed to the submission of the motion, and it was considered as read for purposes of the cloture rule?

The PRESIDING OFFICER. The Chair understands that the motion of the Senator from Tennessee had not been previously submitted and read before the cloture motion, and therefore would not be in order.

Mr. GORE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GORE. Did the Chair sustain the point of order of the senior Senator from Minnesota?

The PRESIDING OFFICER. The Chair has done so.

Mr. GORE. I appeal from the ruling of the Chair, and ask for recognition.

The PRESIDING OFFICER. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. KUCHEL. Mr. President——

The PRESIDING OFFICER. No debate is in order.

Mr. KUCHEL. Mr. President, may I suggest the absence of a quorum?

The PRESIDING OFFICER. The suggestion of the absence of a quorum is in order.

Mr. KUCHEL. I do suggest it.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. HUMPHREY. Mr. President, it has been brought to my attention by the Senator from Tennessee that as of yesterday he obtained unanimous consent to qualify his motion. While that may be somewhat unusual, it did happen; therefore, in justice to the Senator from Tennessee, I withdraw my point of order and I ask unanimous consent that the appeal may be withdrawn.

The PRESIDING OFFICER. Is there objection?

Mr. GORE. Reserving the right to object—and I shall not object—since the Senator spoke about this procedure being somewhat unusual, I wish to call attention to the fact that with respect to almost every amendment that was offered during the course of the debate—I offered only one and cosponsored one more—unanimous consent was requested to make the amendments conform to the Dirksen substitute, and so forth.

I conferred with the Parliamentarian. I waited until the Democratic leadership was on the floor of the Senate. I rose and obtained unanimous consent. I hope the Senator does not mean to make any snide remark. It was unusual to be sure. We are in an unusual situation. The whole procedure is unusual. I should like to know what the Senator meant by stating the procedure was unusual.

Mr. HUMPHREY. No snideness was intended. We are too good friends for that.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee [Mr. GORE].

Several Senators asked for the yeas and nays.

The yeas and nays were ordered.

Mr. GORE. Mr. President, the motion which I have offered, if agreed to, would bring instanter parliamentary procedure into play. If the motion is agreed to, the bill would never leave the clerk's desk. The pending business would be the amendment which the motion instructs the committee to report forthwith. So a second vote would be taken on the amendment.

The amendment would provide that financial assistance to public education and to the school lunch program shall not be denied to a school district which is not in noncompliance with Federal court order. I think all of us recognize—I surely recognize and believe—that upon the enactment of the pending bill, a great number of lawsuits will be brought to bring about desegregation of schools and school systems. I do not say that this would be wrong. It would be a natural consequence of the act, which I think will be passed by an overwhelming majority.

The people whom I have the honor in part to represent would much prefer to go before a Federal district judge whom they know and who has some knowledge of the situation prevailing in that vicinity, and submit a plan to him for the desegregation of their schools. If a Federal district judge approves the plan and enters an order with which the school system complies, a threat to terminate aid to the school lunch program, to the vocational educational program, the Federal assistance to federally impacted school districts should not be left hanging over the heads of the officials and citizens of the school district.

This week an order was issued affecting Memphis, Tenn. The court ordered that the schools be completely integrated by September 1966. That would appear to me to be a reasonably short time for a city of 600,000 people to complete this great change in its school program.

I daresay that the administration would not cut off aid in that case. I only say that we should write into the bill a provision that they shall not have the authority to do so, if Memphis, Tenn., complies with the order of the Federal district court.

In Nashville, Tenn., the court-approved plan of desegregation provided for desegregation of one grade a year. Nashville's schools are now desegregated up to the seventh grade. But Nashville still has some grades which are not yet desegregated.

This amendment would merely provide that aid would not be denied to a school district unless it were failing to comply with the order of a U.S. district judge.

I repeat that the people in my State—perhaps the people in States represented by almost every Senator—would prefer to submit their desegregation plan to a Federal district judge, for aproval or disapproval, and comply with the court orders, knowing thereby what they can do and what they cannot do, rather than have their case determined by some crusader from afar, perhaps from the Civil Rights Commission.

This is not a plea in abatement. I expect and hope that my State will comply with the law. I know that many citizens, many public officials were reluctant to consider the Supreme Court decision affecting school desegregation in 1954 as the law of the land. They felt that the Supreme Court had, in essence, exercised a legislative function. I did not so assert. From the beginning, I have accepted that decision as the law of the land. In my limited way, I have encouraged the people in my State to begin to comply. But as their representative in Washington I have pleaded and fought for time for my people to make the adjustment and accommodate to this change, in the light of the social mores and customs which have prevailed for many years. I plead now for this amendment.

The race problem will not be solved by riots in the streets, or wrestling matches in swimming pools. It must be solved in the hearts, the minds, and the conscience of the American people of both races. This will come only through tolerance, education, understanding, and good will.

I believe that my amendment would promote good will. I believe the people of almost any State would accept with greater grace an order of a Federal district judge, before whom they have gone to submit their plan for approval or disapproval, than they would accept an order from some source with which they are at least not as well acquainted.

This is not a complicated amendment. I do not wish to prolong the debate. I would like to state that, although many people would not accept the 1954 Court decision as the law of the land, this bill, which I predict will be passed by the Senate by approximately a 3-to-1 majority, will, upon enactment, become the law of the land.

We have all had our day in court, or rather in the legislative halls. The decision will have been made when the President signs the bill. I ask the people of my State to begin then to comply, to prepare their petitions, to prepare their plans to comply. But I do not want to see assistance withdrawn from the school lunch program, an act which would deny food to children of both races who may receive through that program their one good meal of the day.

Mr. LAUSCHE. Mr. President, will the Senator from Tennessee yield, on my time, for a question?

Mr. GORE. I yield.

Mr. LAUSCHE. Would the amendment submitted by the Senator from Tennessee apply to orders which now are in existence in Federal courts, and also to future orders which might be issued in connection with any new litigation brought after the bill was passed?

Mr. GORE. It would. If a school district were complying with the order of a U.S. district court, duly entered, financial assistance for the school lunch program could not be denied it.

Mr. LAUSCHE. What about orders made in the future, after the bill is passed?

Mr. GORE. It would so apply.

Mr. LAUSCHE. It would apply to both?

Mr. GORE. Yes.

Mr. LONG of Louisiana. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 2 minutes.

Mr. LONG of Louisiana. Mr. President, throughout this debate, it has been rather amusing to have people suggest to me that they know more about the race problem in Louisiana than I do.

When I was a very young boy, I was carried around by a colored woman, who was a servant in our home. She was everything a woman could be short of actually being the wife in the home and she would carry me in her left arm as she did housework. My right arm would be around her neck, and my left arm therefore was free. As a result, I reached for things with my left arm, and my family always suspected that to be the reason why I am lefthanded today. If in those days, perhaps when I was 2 years old, if I had been told that that colored woman was my mother, I would have probably believed it.

There have been good colored people in my home from that day to this.

I believe I know something about the colored people and about the race problem in my State. My home is in Baton Rouge, La. The Federal judge there, who was formerly my law partner, is a highly respected man, one of the most highly respected in that city. He ordered the schools in that city desegregated; and he established his own plan, beginning with the 11th grade, and working down each year to an additional grade, unless he finds it can be stepped up and can be done more rapidly. There was not so much as a picket in front of those school buildings, or so much as an argument, and no one so much as insulted anyone, believe it or not. Everything was completely harmonious—possibly because the people of that community realized that although the Supreme Court's decision might not be the law of the land, yet, as a former Governor of South Carolina once said, it is a fact of the land; and they complied with it.

But the people of my State are not going to integrate those schools just because some bureaucrat wants that done, and they are not going to integrate in order to qualify for hot lunches for the schoolchildren. If the bureaucrats demand that, the schoolchildren will have to go hungry.

Why do I say that? I say it because our people have already made that decision.

Go to St. Tammany Parish, which is just a short distance from my home. The people there were eligible for a large sum of Federal money as an impacted school area. The people there would not accept it or talk about it or even lay a predicate for it, because it would lay the foundation for the sort of thing that we find in this bill. So the children there will have to go hungry if this bill is to be used to force school integration. Who will be hurt the worst—the whites or the colored? Of course, the colored people will be hurt the worst. They have less money.

I am proud to state that my father, when he was Governor of Louisiana, instituted a free schoolbook program, which increased the school enrollment by 20 percent. About 80 percent of the additional number who then were able to go to the schools were Negro children whose families could not afford to buy them schoolbooks. Prior to that time, those children had not been able to attend school. That free schoolbook program helped the whites, but it helped the Negroes a great deal more.

Mr. President, if the motion and the amendment of the Senator from Tennessee are rejected, Senators who vote to reject may think they are hurting the South again and are drawing more blood from the southern people; but most of those who will be hurt will be the same Negroes who the proponents of the bill claim to be helping.

Mr. President, I hope the motion and the amendment will be agreed to.

Mr. PASTORE. Mr. President, I yield myself whatever time I need to make an explanation.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PASTORE. First, Mr. President, let us remember that we shall be passing this bill today to allow the Negro woman who carried our good friend, the Senator from Louisiana, in her right arm, if ever she is thirsty, to go to a soda fountain in a drugstore and get a glass of water, in the way any white person can. That is why we are passing this bill; and fundamentally that is the moral thing we should do.

Second, let me advise Senators that the failure of a district court to desegregate the schools will not jeopardize the school-lunch program; it absolutely will not. Even if a community does not desegregate, that will not jeopardize the school-lunch program—unless in that particular school the white children are fed, but the black children are not fed; and I refer Senators to page 33 of the bill, which states very, very clearly: "which shall be consistent"—in other words, the orders and the rules—"shall be consistent with achievement of the objectives of the statute authorizing the financial assistance."

We have a school-lunch program, and its purpose is to feed, not to desegregate the schools; therefore, that would not be consistent. But if a school district did not desegregate, it could no longer get Federal grants, let us say, to build a dormitory—not unless it integrated; and a hospital could not receive 50 percent of the money with which to build a future addition unless it allowed all American citizens who are taxpayers, and who produce the tax funds that would be used to build the addition, to have access to the hospital.

So we must remember that the shutting off of a grant must be consistent with the objectives to be achieved. A school-lunch program is for the purpose of feeding the schoolchildren. If the white children are fed, but the black children are not fed, that is a violation of this law. But if both the black children and the white children are fed, then, even if the school does not desegregate, that has no connection with this part of the law; that would come under title IV. There is nothing wrong with a law that provides that from here on in, if Federal funds are accepted in order to build a school or a hospital, in that case the doors of that building must be open to all citizens, regardless of their nationality, race, color, or national origin. But the school-lunch program is not jeopardized in any way.

So we do not need this amendment. This amendment is a repetition of what we have already voted down; and I hope that at this 11th hour, Senators will not be swayed by the propaganda being given now—that in the absence of the amendment, the school-lunch program will be destroyed and the white children will go hungry because the black children are not being fed.

Mr. LONG of Louisiana. Mr. President, the Senator from Rhode Island has made a speech based on a view in direct conflict with the plain language of this bill. In my hometown, right now, this very week, in the Federal court an order was issued to admit seven Negro students to Louisiana State University. The university did not take advantage of the technical defenses available to it, because agents of the Federal Government, out of Washington, said, "We are going to cut off your money under the Land-Grant Act unless you admit those seven colored students."

So the university authorities said, "All right. We have Negro students here already; and, Your Honor, if you give us the order, we will just admit those other colored students."

The university authorities were under the hammer and the threat of having this Federal money cut off, insofar as the university was concerned, because those seven colored students were demanding admission; and the university was in the position of having those Federal funds cut off before that Federal judge could decide the lawsuit. That is exactly the kind of thing we are talking about.

Furthermore, Mr. President, the colored people such as our maid would never have gone hungry as long as my kind of people were around. The faithful servant and friend, the colored woman I have mentioned, who carried me in her arm when I was a young child, would never have gone hungry, because she was loyal to my family, and my family was loyal to her. When she was on her deathbed, she heard an airplane motor, and called out, "That is Huey Long coming back to Shreveport to take care of me."

She would never in all her life have gone hungry, not for a minute.

Mr. PASTORE. Mr. President, will the Senator from Louisiana yield, on my time?

Mr. LONG of Louisiana. I yield.

Mr. PASTORE. Does not the Senator from Louisiana think that colored woman had a right to go into a drugstore and get a glass of water at the counter, the same as a white person could?

Mr. LONG of Louisiana. She did.

Mr. SMATHERS. Of course she could; of course she could go there.

Mr. PASTORE. But if she went there, she could not get a glass of water. That is why we are passing this bill.

Mr. SMATHERS. Mr. President——

The PRESIDING OFFICER. The Senator from Florida.

Mr. SMATHERS. Mr. President, it irritates me considerably to hear someone from Rhode Island—who knows nothing about this particular problem—begin to tell us what is happening in Louisiana, Florida, Georgia, and other Southern States, when he does not know what he is talking about.

Not one word does he understand of what he is talking about.

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

Mr. SMATHERS. I was born in New Jersey and raised in North Carolina and Florida. I can tell the Senator that I have never in my life seen any colored person go into a drugstore who could not get anything that any white person could get.

Mr. PASTORE. Could he be served at the counter?

Mr. SMATHERS. He could be served at most of the counters.

Mr. PASTORE. Then I have been reading the wrong newspapers.

Mr. SMATHERS. That is the trouble with the Senator; he has been reading only the wrong newspapers.

Mr. PASTORE. I do not know about that.

Mr. SMATHERS. If the Senator would actually see what is happening, the Senator would learn something. The trouble is that he reads only articles which have been published by prejudiced people—people whose minds are already closed. They have made up their minds as to what kind of discrimination is going on.

Mr. President, the time has come when people are becoming tired of seeing a few isolated cases built up as though they represented a general pattern in Florida, Georgia, Louisiana, and all the other States of the South.

That is not the case; and I challenge any Senator to find that that is true anywhere. He cannot do it. There has been some discrimination. There has been discrimination in the Senator's State. There is discrimination in New York. There is discrimination in Illinois. There is more discrimination in the cities I have mentioned than any other cities in the United States. The Senator's holy, mighty, and majestic statements when he is talking about his love and his concern for the colored people do not even begin to measure the love and concern expressed by the Senator from Louisiana [Mr. LONG] and most of the white people who have lived with colored people all their lives.

Mr. President, the time has come for hypocrisy to stop.

Mr. PASTORE. Mr. President, I yield myself 1 more minute.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 1 minute.

Mr. HOLLAND. Mr. President, will the Senator yield for a question?

Mr. PASTORE. In a moment. We have reached a sorrowful ending when we begin to hear now, at the 11th hour, as we are ready to pass the civil rights bill, that there is no segregation in the country at all, and we discover that we have been wasting our time.

Mr. SMATHERS. There is segregation in the Senator's State.

Mr. PASTORE. We have all been reading the wrong newspapers. We have been debating in the Senate for 3 months to do what? To waste our time.

Of course there is segregation. There is as much of it in the North as there may be in the South.

I do not condone it in the North. There is nothing holy and mighty about the Senator from Rhode Island. Naturally the question must be answered in the sanctuary of people's hearts. The Senator from Rhode Island understands that completely.

But we must make a beginning by enacting a law that will give the fundamental rights to these people so that they can enjoy them, like all other citizens. That is why we are here. We are here so that if a person is denied these rights in Florida or in Rhode Island, he will be brought to account, because today we shall say that, as a matter of policy, every citizen in the United States has equal rights. That is why we are here. If there is no discrimination in the South, Senators from that area of the country will have no worry about the bill and will have nothing to fear.

I am beginning to think that Senators are trying to protect what is called a way of life. And what is that way of life that we have been talking about on the floor of the Senate if it does not exist? Senators wish to give the Negro what they think they should give the Negro. Senators wish to be noble to the Negro on Christmas Day, and we wish to be noble to Negroes and all Americans 365 days of the year—and not merely to those that we like or the ones under our charge but all of them, every child, man, and woman, regardless of the color of his or her skin. Those are the people we are trying to protect—not only the mammy who carried the Senator, but everyone's mammy.

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

Mr. PASTORE. I yield.

Mr. HOLLAND. What I am trying to do is to get a little more light and a little less heat.

Mr. PASTORE. The Senator asked me to yield. When the Senator from Rhode Island speaks, he speaks not only for the benefit of the Senator from Florida, but for all of his people, and he speaks so that even down in Florida he can be heard.

Mr. HOLLAND. Mr. President, I hope they are listening. If the Senator will listen to my question, I assure him that it is a respectful one. The Senator has dwelt entirely on the school lunch feature of the amendment and not at all on that part which disturbs me most. I wish to ask the Senator whether or not, without that amendment, funds from the Federal Government to help operate the agricultural departments in high schools all over the country and the ROTC departments high schools all over the country which are not completely integrated, but which are being integrated under Federal court orders, so that complete integration will be accomplished in 2, 3, 4, or 5 years, according to the program that has been laid down, could be cut off at the whim of the bureau that is handling the distribution of those funds?

Mr. PASTORE. The word I do not like is "whim." First of all, those charged with the administration of these programs are not monsters. I believe that any locality which is making a good attempt in good faith to carry out the spirit of the law will not be hurt in any way. But we are declaring it to be public policy today that all the money of all the people of the United States cannot be used for the benefit of only a section of those people. It must be used without discrimination for the benefit of all. That is all we are declaring today as our policy. There are provisions in the measure for voluntary compliance. There are provisions in the measure for hearings and for reviews. There are provisions in the measure that before any action can be taken, the issue will rest before the Congress for a period of 30 days, and even then an appeal can be taken from the ruling of the court. Therefore, I say to my good friend from Florida that anyone who is acting in good faith, and anyone who intends to carry out the spirit of the proposed legislation will not be hurt in the case that has been cited as an example, or the hypothesis that has been put before us by the Senator from Florida. Anyone who is of good heart need not fear the law. It is only those who will insist on a way of life that is not American.

Mr. HOLLAND. Mr. President, will the Senator yield for a question?

Mr. PASTORE. Mr. President, how much time have I remaining?

Mr. HOLLAND. Mr. President, is not the time being charged to the Senator from Rhode Island?

The PRESIDING OFFICER. The time is being charged to the Senator from Rhode Island.

Mr. PASTORE. How much more time have I?

The PRESIDING OFFICER. The Senator from Rhode Island has 7 minutes remaining.

Mr. PASTORE. Mr. President, I yield. My present address is my valedictory.

Mr. HOLLAND. Do I correctly understand the distinguished Senator from Rhode Island to say that so long as school districts are desegregating, under the orders of the Court, and 4, 5, 6, or 8 years may be required to complete desegregation—but a district court of the United States has approved a particular program as to that particular school—so long as that is happening, no Federal funds under the proposed legislation could be cut off from such a school?

Mr. PASTORE. I shall not say for 5 or 6 years. That is too long a time. I do not see why we have to wait 5 or 6 years to desegregate. I can see how it might require 2 months, 6 months, or a year, but the process cannot take an eternity. Five or six years is not necessary.

Mr. President, all I am saying to the Senator that if he will read the measure from cover to cover, he will conclude that it is a reasonable bill. Every precaution has been taken in the proposed legislation not to make it a vindictive or punitive statute. No punishments are involved in the measure. Time and again we say that attempts must be made at voluntary compliance. We afford a hearing, an appeal, and an opportunity to have the matter come before the Congress.

I repeat. The Senator can state all all the hypotheses he desires. He can give me all the "ifs" and "buts."

I repeat that anyone who is of good heart need not fear the law. But the proposed legislation would enunciate the policy of the United States and proclaim, "You cannot use, under title VI, the taxpayers' money of this country unless you use it for the benefit of all citizens."

There are safeguards in the measure to make sure that no capriciousness will rule the land—that no whims will rule the land—for that is the word that is customarily used in the Senate. We hear about the whim of the individual.

Mr. President, who are those individuals? Is the Attorney General a monster? Is Secretary Celebrezze a monster? Those are men who have achieved prominence in our community because of public service. They will not push people around. They will not kick people in the face. They will make sure that the law is observed, and they will give people a reasonable opportunity to come into compliance. Those are the men who are representing our Government.

If we have lost faith in the mechanism of our democratic process, in the people who operate our Government, in the Senate and in the House of Representatives, then we are all wasting our time. But the law was never intended to do that. The law was intended to make people understand that, in 1964, we have reached the crossroads when the Declaration of Independence will mean and must mean something. That is equality of opportunity. That is all we are going to do in this law. We are trying to put in effect and are enunciating what our forefathers said many years ago when they said all men are created equal—and they meant whether a man was white or black.

Mr. HOLLAND. Does the Senator mean he has lost faith in district judges who have approved plans under which integration plans have been established?

Mr. PASTORE. I have not lost faith in any of them. All I am saying is that the proposed law provides for procedures even before the cases reach the judges. If they are not good enough, I think the Attorney General has still further ways to deal with problems in the departments.

Mr. HUMPHREY. Mr. President, I have very little time. I wish to yield myself 1 minute of time in order to make one clarifying statement as manager of the bill. I speak only for myself. I have studied the question raised by the Senator from Tennessee for long hours and have consulted many officials of our Government.

It is my view that title VI would not be used for action terminating, reducing, or refusing assistance in such a case as has been mentioned because of dissatisfaction with the terms of the applicable court order or the speed with which it directs desegregation procedure.

If there is dissatisfaction with the provisions of the bill, it seems to me the proper manner of proceeding would be to seek modification of the court order under title IV.

The Senator from Rhode Island is eminently correct. There must be some understanding and appreciation of fairness on the part of our officials. This is a highly complicated matter.

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

Mr. HUMPHREY. I yield myself 15 seconds.

The question will not be settled in a half hour on the floor of the Senate. I believe we can trust our public officials in the various agencies, and the courts of our Nation.

Mr. LAUSCHE. Mr. President, on several occasions within the past week I stated that the most inspiring aspect of the 83 days of debate was the absolute absence of acrimony on an issue that is of grave importance, one that easily could have generated hostility and anger. Throughout 83 days, so far as I can recall, there was not a single manifestation of hate or insult among the Members of the Senate.

To myself, I said it was majestic and noble for men of deep convictions to debate for practically 90 days, finally lose the argument, and never reveal one sense of resentment, if I may put it that way. The decision was accepted as the judgment of the Senate.

Today is the first time that there have sprung into the Senate debates the flames of anger and passion. I hope that by the time the Senate concludes its deliberations today the spirit which prevailed until today will be reestablished.

I have not voted for some of the proposals made, but I have respected the arguments and I recognize that the view of Senators on the other side of the question may be a bit different from my view. I recognize that they are honest, and that Senators believe that my views are honest.

The thing to be done, if there are any wounds that have come from the debate, is to heal them, in the interest of the future of our country.

Mr. MORSE. Mr. President, I yield myself 2 minutes, if I need that much time.

We can all take judicial notice that there is a great deal of racial discrimination in all parts of the country. In the long debate of the past 2 months or more, there has been constant discussion of discrimination that exists in public accommodation facilities throughout the country. Recently a dramatic example of segregation was played up in the press in regard to serving Negroes in a public accommodations facility. One cannot read the accounts of a great American, Dr. Martin Luther King, without knowing that segregation still exists.

I invite attention to the amendment, and point out what I think is a serious defect that would result from its adoption.

When the bill becomes law there will be procedures for ultimate decision. If a proposal of an administrative body provided for in the bill or a finding of a court in the process of adjudication is unfair, there can be an appeal. But under this amendment, there must be compliance with the finding of the district court.

It would be a great mistake to adopt this amendment. We are in the process of passing a bill that provides, as was stated by the distinguished Senator from Rhode Island [Mr. PASTORE], for procedures of mediation, conciliation, and investigation to try to protect the accused from being brought into court.

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

Mr. MORSE. I yield myself 1 minute more.

The retention of judicial procedures is also provided for in the bill, for procedures before the courts all the way up to the Supreme Court. We should not stop that kind of procedure by the new procedure at the district court level.

Mr. ALLOTT. Mr. President——

The PRESIDING OFFICER. The Senator from Colorado.

Mr. LONG of Louisiana. Mr. President, how much time have I left?

The PRESIDING OFFICER. The Senator from Louisiana has 6 minutes remaining.

The Senator from Colorado was seeking the floor before the Senator from Louisiana.

Mr. ALLOTT. Mr. President, I yield myself such time as I may use.

Mr. President, I had not intended to speak further on this question, but the distinguished senior Senator from Florida [Mr. HOLLAND] has raised a question which I think is answered in the bill. He is entitled to an answer; and I shall state my understanding of that question.

He asked whether or not schools, or others qualified, would be shut off from funds if they were attempting to comply with an order of the court.

On page 34 of the bill there is the following proviso:

> No such action shall be taken until the department or agency concerned has advised the appropriate person or persons of the failure to comply with the requirement and has determined that compliance cannot be secured by voluntary means.

It is inconceivable to me that this proviso could mean that the word "comply" means anything else or could mean anything beyond the lawful order of a court which had been properly entered.

I do not deem that it could be twisted or distorted in any such way that it could go beyond that meaning—in other words, that anyone who was seeking to cut off the funds of such a program could insist that any political unit of a State go beyond the lawful orders of a decree properly entered in a court.

I invite the attention of Senators to another point which has been repeated over and over again.

(At this point Mr. BAYH took the chair as Presiding Officer.)

Mr. ALLOTT. I invite attention to the last clause of that paragraph at the top of page 35: "and such action shall not be deemed committed to an unreviewable agency discretion within the meaning of that section."

What that clause means is that the review of this matter, under the Administrative Procedure Act, can even involve the discretion—I repeat—it can even involve the discretion of the agency that made the finding.

This is not ordinary law. This is contrary to the ordinary law that discretionary matters are not ordinarily reviewable.

I have just one other comment to make in conclusion. I am opposed to this particular motion and amendment and I invite attention to page 14317 of the CONGRESSIONAL RECORD of yesterday, to which the distinguished Senator from Tennessee [Mr. GORE] has referred, and in which his amendment is printed. Section 606 reads:

> No action shall be taken pursuant to this title which terminates, reduces, denies, or discontinues, or which has the effect of terminating, reducing, denying, or discontinuing, Federal financial assistance for public education or the school lunch program in any school district unless such school district, or officials thereof, shall have failed to comply with an order by a United States district court relating to desegregation of public schools.

What this means is that under no circumstances could the provisions of title VI be brought into play until such time as each and every school district in the United States, where it was sought to enforce the provisions of title VI, had been brought into court and the proceeding terminated and decision or judgment rendered.

In other words—to repeat—if Senators will read this closely, it would mean that title VI would become effective as to any school district only after that school district had been brought into court and a final decree secured against it.

Mr. President, as earlier stated, I did not intend to speak further on this matter but I believe the question raised by the distinguished Senator from Florida was not completely answered.

I hope that my own explanation will help to clarify the matter and make legislative history concerning it.

Mr. HOLLAND. Mr. President, will the Senator from Colorado yield to me for 10 seconds?

Mr. ALLOTT. I am glad to yield to the Senator from Florida at any time.

Mr. HOLLAND. I wish to express my appreciation to the Senator from Colorado for his responsiveness, and for his courtesy. I am sorry we are not receiving that kind of treatment from other sources.

Mr. LONG of Louisiana. Mr. President, when Senators vote on any amendment, they should understand what it is they are voting on. A rather confusing argument is being made against the amendment by the Senator from Colorado [Mr. ALLOTT] and the Senator from Rhode Island [Mr. PASTORE] to the effect that the amendment is not really necessary, that the school lunch money would not be cut off from the little children because the school was segregated.

Yet that is an obvious purpose of the title. Certainly, the Senator from New York [Mr JAVITS] spelled this out to the Senate, if the Senator from Rhode Island did not, that the whole purpose of the title is to cut off all Federal aid in any program with respect to which there is discrimination.

It is clearly understood that the Supreme Court ruled any segregation of a school is discrimination.

We should understand that

Let us look at the situation in my State, there are two parishes—Orleans, where the great city of New Orleans is located, and East Baton Rouge—only 2 parishes out of 64 where there has been any desegregation of the schools at all, and even those 2 parishes are not completely desegregated.

New Orleans has desegregated the first few grades of its public schools, and East Baton Rouge has desegregated the 11th and 12th grades. Even those two parishes could be held to have complied with this title. The whole purpose of the title is to cut off all Federal aid, which means that people will be told in 62 parishes, and perhaps 64, poor though they may be, but proud as they are, that they must swallow their pride in order to get a hot lunch for their schoolchildren with the help of the Federal Government, or their children will have to go without insofar as Federal help is concerned.

What I am trying to say is that the people will obey a court order, but they will not integrate just to get their share of Federal money. If they are not in violation of any law, if they are clearly within their rights in doing what they are doing, they will not surrender their convictions in order to get a handout of some of their own tax money.

Mr. President, I am proud that my uncle started the school lunch program in Louisiana. I suspect that Louisiana was the first State in the Union to have a State school lunch program for all children in public schools. This program was started without any Federal aid. If Federal aid should be cut off, we should try to feed those children without Federal aid.

The people of the South are poor compared to the people of the North generally. Since Reconstruction days, most of the people of the South have been

poor. But, we are proud. We shall not swallow our convictions merely to seek Federal money.

Mr. KEATING. Mr. President, this point may have already been made. If so, even if it is repetitive, I believe it should be made. In effect, we have already voted on this same question.

Three days ago, we voted down the amendment offered by the distinguished Senator from North Carolina [Mr. ERVIN], which would have required a court order before Federal funds could be cut off under title VI.

We defeated the amendment with the jury trial provisions by a 68-to-16 vote, and the amendment with the court trial provision by a 65-to-19 vote.

Those amendments were quite similar to this one. They were somewhat broader, but the principle involved was the same, and I hope the result will be the same today.

Mr. ELLENDER. Mr. President, in my speech yesterday I attempted to reemphasize some of my objections to the bill before the final vote. I am amazed to note that at this late hour some of the proponents of the bill are still filled with emotion when discussing it. They seem to permit their emotions to override their reason. They will not attempt to argue an issue when raised but they resort to a discussion of other parts of the bill. This is plainly an attempt to divert attention from an indefensible position.

My good friend, the Senator from Rhode Island [Mr. PASTORE], instead of relegating his remarks to the issue raised by the senior Senator from Tennessee, alleges that Negroes in the South are refused a drink of water if they go to a drugstore or to a motel or to a restaurant and ask for it. I doubt that, but the proprietor who owns and operates a drugstore, motel, or restaurant, is within his legal rights if he should refuse service of any kind.

As late as 1959 the Federal courts have held that a private business can refuse service to anyone. This was the Howard Johnson case. The Court held that the refusal to serve did not violate the 14th amendment nor the commerce clause of the Constitution.

It has been pointed out here on many occasions that Congress, in 1875, I believe it was, passed a law similar to title II that we are now attempting to enact, and which deals with public accommodations. The 1875 statute was litigated in the courts. It was not only unpopular, but the Supreme Court in 1883 declared it unconstitutional. That is still the law today.

Senators take the position that the "great" Dr. King is acting within the law when he attempts to force integration in motels, hotels, and other accommodations. I say he is acting against the law, because the Supreme Court of the United States decided in 1883 and later, as I have just indicated, that the owner of a restaurant, motel, or other accommodation is the master of it, and can serve anyone he chooses. He pays the taxes on these facilities. He manages them according to his own desires. There is still such a thing as private property. The people who participate in sit-ins on privately owned property are in violation of the law and the owners of such establishments have the right to have them prosecuted for trespass.

Many Senators do not seem to understand the problems with which the South has been confronted. They depend entirely too much on newspapers and other news media for their information. Newspapers, television, and radio are always eager to provide a big story. I saw a picture this morning, on the front page of the Washington Post, showing a policeman in St. Augustine, fully clad, minus his shoes, jumping into a swimming pool in order to arrest seven or eight Negroes who were in the pool in defiance of the law. I would not be a bit surprised to learn that the officer was induced to take the plunge by some photographer in order to obtain a dramatic shot. I know that the same sort of thing happened in Louisiana on two or three occasions. I saw pictures of cameramen from one of the national networks egging on a crowd, telling little children to scream and shout and wave their arms, when officers were attempting to clear the streets and maintain order.

There is no doubt in my mind—in fact I was told on two or three occasions—that some of the law enforcement officers were asked by a photographer to do such things to get a more sensational picture. That is the kind of claptrap that is printed all over the Nation and shown on television.

The South acted within the law with respect to school segregation. It has done so since the Supreme Court decided the case of Plessy against Ferguson in 1892 which provided that separate but equal facilities conformed to the Constitution. Our schools were constructed to provide facilities for both races strictly in accord with the law.

The Plessy case was followed by at least 30 other cases from that date until the Brown case of 1954.

Since the Court reversed the separate but equal facility doctrine, we from the South have been attempting to find a satisfactory solution to the problem of racial antagonism brought about by the Court. It will come in time, I hope. We are not going to help the process very much by sending the long arm of the Federal Government down there.

As many Senators and others have stated, we cannot force people by law to associate with people not of their choosing. I tried to make that clear in my speech to the Senate yesterday.

I hope my good friends in the Senate will take into consideration the fact that we have a vexing problem to deal with. We southerners may be a little hotheaded at times, but we have a serious problem in our part of the country. The North is beginning to have its troubles. I do not see the end of de facto segregation nor the attempts by Negroes to overcome it.

We have had the problems of a multiracial society in the South for 200 or 300 years, and we hope to solve them. I repeat, however, that it cannot be done by having the long arm of the Federal Government extend its force to coerce our people. I cannot understand how Senators can condone the encouragement of law violations such as sit-ins. Integration will come whenever the people of both races are prepared to accept it. Force bills such as the pending one will not accomplish this. It cannot change any hearts or minds.

The PRESIDING OFFICER. All time of the Senator from Louisiana has expired.

Mr. COOPER. Mr. President, when the Senator from Tennessee offered his amendment a few days ago, to strike from the bill title VI, I voted for the amendment, and I spoke in favor of it. I said then that the reason that I voted to strike title VI was that I believe title VI carries with it an element of coercion and an element of force which is alien to our system of government. I also supported the amendment of the Senator from Alabama [Mr. HILL], which would have assured that hearings consistent with Administrative Procedure Act requirements would be held under this title. That amendment also was defeated.

The Senate has expressed its will. The Senate will not amend the title, and it will not strike it out.

I must say to my friend from Tennessee that I do not think the amendment will be adopted. While I still believe that the title embodies the element of coercion and strikes at the innocent as well as the guilty, I shall not vote for the motion to recommit after all the many days of debate and discussion that have been held on the bill.

However, his effort should bear fruit, because when the regulations are issued under this title, they must be referred to committees of Congress.

I hope that when such regulations and orders are referred, that the committees of Congress and the Congress itself—perhaps by resolution or otherwise—will assure that title VI will be administered fairly; that it will not strike unduly at innocent people; and that the element of coercion may be limited. Therefore I must say that I believe the forthcoming vote is really a vote on whether to refer the bill.

I recognize the sincerity of the Senator from Tennessee, in offering this amendment, and I believe his efforts will bear fruit when regulations under title VI are issued and when the Congress passes on them. I have expressed my position in this debate and also by my votes on this title, but I cannot vote for the motion.

Mr. GRUENING. Mr. President, I yield myself such time as I may need to ask a question of the Senator from Tennessee. If the people of Memphis, in the example which he cited, are obeying the order of the Federal court, and are desegregating their schools, and have only 2 years to go to comply with the court's order, does he really believe that the Department of Justice would move in and overrule the judge's decision, which is being complied with by the people of Memphis, and penalize the city or the school district and the recipients therein of Federal aid for doing what the court had ordered to be done? I wonder whether the legislative history that is being written here would not obviate the problem. I hope it would.

Mr. GORE. Mr. President, in response to the question of the Senator, I would not assume that officials of the present administration or of any future administration would be cruel, partial, or arbitrary. However, I seem to recall what a great American statesman said—I may not be able to quote him exactly: "Where power is involved, trust no man."

We are writing a law. I am asking only for a simple amendment which would provide that in case the people of Memphis, or any other community, are complying with a court order, they will not be subject to this provision in the bill insofar as their schools are concerned. I should like to read the provision in the bill:

> Each Federal department and agency which is empowered to extend Federal financial assistance to any program or activity, by way of grant, loan, or contract other than a contract of insurance or guarantee, is authorized and directed—

This is the bill we are about to enact—

> to effectuate the provisions of section 601 with respect to such program or activity.

The bill before the Senate, to be voted upon, authorizes and directs every Federal agency and department that provides financial assistance to any program or activity to proceed to issue rules and regulations providing for the discontinuance of aid if there is discrimination.

Please understand, I do not support discrimination. This is not a perfect world in which we live. I did not rise to raise the entire civil rights issue. I seek adoption of an amendment which would give the people whom I represent some time to prepare their plans, go into court, and submit their plans for desegregation to the judge. Then if the court enters a proper order, which is subject to an appeal—if an appellate court does not agree with the order, it remands the case with instructions which then become the order—they would have time in which to comply. Once the Federal court approves their plan for desegregation, they can proceed in accordance with the terms of that order.

I do not assume that any official would be arbitrary, harsh, and unjust. But the point which is involved in the question of the Senator from Alaska and in the argument of the Senator from Rhode Island [Mr. PASTORE] against my amendment is that the bill we are about to pass will not be enforced. I must assume that it will be enforced. I do not assume that it will be enforced harshly or arbitrarily. I am not here attempting to kill the bill or obviate the entire program about which we have been debating.

Have I answered the Senator's question?

Mr. GRUENING. Yes. I thank the Senator from Tennessee.

I would hope that his fears prove to be groundless and that if a school district was, in good faith, carrying out the orders of a Federal judge, who is a part of the machinery of Federal enforcement, no penalty would be imposed. I am hopeful that the legislative history which is being made in the Chamber now will support that view. For the Federal enforcement authorities to do otherwise would seem to be a travesty on justice and should not be countenanced.

Mr. GORE. Mr. President, how much time have I remaining?

The PRESIDING OFFICER. The Senator from Tennessee has 7 minutes remaining.

Mr. GORE. Mr. President, I yield myself the remainder of my time.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 7 additional minutes.

Mr. GORE. Mr. President, I had intended to await the President's signature upon the bill, thus enacting it into law, before saying some of the things that I have said today, and some of the things that I am about to say.

The Senator from Minnesota [Mr. HUMPHREY] has advised his people that the bill would not affect them. I tell my colleagues that the bill will affect almost every single community in Tennessee. Tolerance, patience, and understanding on the part of the Senate would have borne good fruit. If, instead of arbitrarily voting down practically all amendments, the Senate had carefully considered each amendment on its merits, I am confident that I would now be making a speech in favor of passage of a much better civil rights bill. However that may be, that is now irrelevant.

When the bill becomes law, as I said earlier, I intend to urge, in consonance with my responsibility, that the people of my State undertake to comply with the law.

I say to my neighbor from Kentucky [Mr. COOPER], whom I love as a neighbor and a friend, that my people would prefer to submit to a Federal judge whom they know, and who has some knowledge of the circumstances that prevail, their plan for school desegregation, for approval or disapproval and the ultimate entering of an order. If they comply with the final order of the court, they should not be subject to denial, or the threat of denial of Federal aid.

I know there are some who prefer that an employee of the Civil Rights Commission fulfill this function, but I would like to ameliorate this issue that gnaws at the vitals of my country.

I say to the Senator from Minnesota that he probably has not had the experience of having leading citizens refuse to shake hands with him because he had not signed the southern manifesto. He has not had the experience of having leaders in communities of his State look the other way and cross to the other side of the street because he had voted for a civil rights bill.

I thought the southern manifesto was a great mistake for the South. It is my belief that this sweeping civil rights bill is now nearing enactment largely because of the massive resistance by the South to the 1954 Supreme Court decision. I believed that we should recognize that decision as the law of the land—and many of my people did so recognize it.

We have made great progress. We have much further to go. I wish to help my people make further progress. But it has been difficult, and it will continue to be difficult. Nevertheless, unless there is general compliance in the months ahead, enforcement procedures may become harsh indeed.

I urge adoption of an amendment which would provide that Federal assistance to public education, let me repeat, including Federal assistance to the school lunch program for children not old enough to vote, having no responsibility for what some official may have done, and no power to correct it, shall not be cut off, unless there is failure to comply with a desegregation order of a Federal court.

The PRESIDING OFFICER. The Senator from Tennessee has exhausted his time.

The question is on agreeing to the motion of the Senator from Tennessee. The yeas and nays have been ordered.

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

The PRESIDING OFFICER (Mr. BAYH in the chair). The clerk will call the roll.

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

[No. 434 Leg.]

Aiken	Gruening	Morse
Allott	Hart	Morton
Anderson	Hartke	Moss
Bartlett	Hayden	Mundt
Bayh	Hickenlooper	Muskie
Beall	Hill	Nelson
Bennett	Holland	Neuberger
Bible	Hruska	Pastore
Boggs	Humphrey	Pearson
Brewster	Inouye	Pell
Burdick	Jackson	Prouty
Byrd, Va.	Javits	Proxmire
Byrd, W. Va.	Johnston	Randolph
Cannon	Jordan, N.C.	Ribicoff
Carlson	Jordan, Idaho	Robertson
Case	Keating	Russell
Church	Kennedy	Saltonstall
Clark	Kuchel	Scott
Cooper	Lausche	Simpson
Cotton	Long, Mo.	Smathers
Curtis	Long, La.	Smith
Dirksen	Magnuson	Sparkman
Dodd	Mansfield	Stennis
Dominick	McCarthy	Symington
Douglas	McClellan	Talmadge
Eastland	McGee	Thurmond
Edmondson	McGovern	Tower
Ellender	McIntyre	Walters
Ervin	McNamara	Williams, N.J.
Fong	Mechem	Williams, Del.
Fulbright	Metcalf	Yarborough
Goldwater	Miller	Young, N. Dak.
Gore	Monroney	Young, Ohio

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

The PRESIDING OFFICER. A quorum is present.

Mr. YARBOROUGH. Mr. President, I yield myself 5 minutes on the motion.

The PRESIDING OFFICER. The Chair recognizes the Senator from Texas.

Mr. YARBOROUGH. Mr. President, I desire to point out that all the simple motion that has been made by the Senator from Tennessee would do would be to provide that no program for aiding a school district or Federal financial assistance for public education and the school lunch program shall be cut off from the school district unless such school district disobeys the order of a Federal court.

The question is not primarily one of civil rights; it is primarily an educational matter. I have reached that conclusion after 6 years' service on the Educational Subcommittee and experience

in my own State. I have listened carefully to the arguments on both sides of the question of the Gore motion. They have been primarily civil rights arguments, but I think they have failed to touch what is going on in school districts in my State and in many other States.

This is an educational amendment, not a civil rights amendment. In my opinion most of the argument on this motion has been directed at the bill itself, or broader questions than Federal aid to a local school district.

In my State many of the richest districts will not accept and do not use the school lunch program. The city of Dallas does not use it and will not have it. Many school districts over the State will not accept any Federal moneys for anything. The ultraconservatives control many of the school boards, and they say that the school lunch program, or any program of Federal aid to a school district, is a dole. They say, "Federal money is involved and we will not have it." Moneys are cut off and students do not get the benefit of the school lunch program.

Now we hear the ultraliberals on the other side saying, "We will cut the money off from local school districts for another reason." The result will be that the poor schoolchildren will be caught between the upper and nether millstones and their educational opportunities will be ground down.

The amendment would help education. A vote for the amendment is a vote for education, and a vote against the amendment is a vote against education, because just as sure as night follows day, if the bill goes into effect, a threat to cut off moneys will only give encouragement to that portion of the community that is now fighting Federal school aid programs in practically every district in my State. They are saying—and they have said over and over, when this question has been the issue in school board elections—"If you take this Federal money, the next thing you know they will be trying to tell you how to operate the schools."

Mr. President, I have visited school districts in my State and begged them to accept the school lunch money so that the poor children in the district could get a school lunch.

In many districts, they have refused. They have said:

> If we take the lunch money, the next thing we know they will be telling us how to operate the schools.

So the passage of the bill with these punitive provisions will not result in a change of attitudes of school boards. It will only give encouragement to that minority on the school boards or in the communities that has been fighting all kinds of Federal aid to schools all the time.

As a member of the Subcommittee on Education, I am a coauthor of the National Defense Education Act of 1958. Two years ago I visited the superintendent of one school district and said:

> Do you have the science laboratories and the foreign language laboratories in your high school that are provided under the National Defense Education Act in your high schools?

The superintendent said:

> Certainly not. We take care of our own. We will not accept that Federal money.

That is the fight which those of us who have been working for education for years have on our hands. We have been going to those communities and begging them to accept the school lunch money and the National Defense Education Act teaching aids so that the poor children in the district who are hungry can get a lunch each day in schools. Some of the largest and richest cities in my State will not accept the school lunch program. Most of the richest school districts will not accept it. But there are poor children in those districts who are going hungry every day.

To reject this amendment would weaken education, because rejection would not result in a change in attitude on the question of segregation or integration. Such a change in attitude would have to come through persuasion, through court actions, or by other means.

I point out that people who have been fighting Federal programs for years will have their hands strengthened by the proposed legislation. More schoolchildren will be going hungry to bed every night. There will be more schools without equipment and teaching aids in the sciences and foreign languages under the National Defense Education Act. More schools will be without scientific equipment in their high schools. More school districts will lack the electronic facilities and tape recorders that are provided under the National Defense Education Act program with which students can learn foreign languages. The net effect of rejecting the amendment would be to weaken education, particularly in those States that need the assistance the most.

The vote of this limited amendment is an education or an antieducation vote. I repeat that it is not a civil rights or an anti-civil-rights vote.

The schoolchildren are being squeezed between the contending social forces. If the best interests of the schoolchildren is the only consideration, they will not be punished, hungered, and deprived because of the disagreements of their parents. If we think only of the educational interests of the schoolchildren, all schoolchildren, black and white, we will feed them and give them the best teaching aids we can, while the fight over civil rights is being settled. When two women each claiming to be the true mother of a child brought it before King Solomon for solution, he rejected the claim of the woman who would see the child cut in twain before giving it up, and awarded the child to the true mother who would surrender it before seeing it killed. As one who taught school for years, I put the interest of schoolchildren and education first. Those who would punish the schoolchildren, deny them training and learning aids, deny them a nutritious meal at noon, leave them hungry and huddled and afraid, are false friends of the children and of education. Those who treat small schoolchildren in this manner are like the false mother before King Solomon, if she couldn't get her way, she would kill the child.

Let us not weaken our schools, but keep this school lunch money for all children, black and white.

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

Mr. TOWER. Mr. President, the motion is merely another assault on title VI, which I believe is a good provision of the bill. I think that if we had enacted a separate measure containing the provisions in title VI some time ago, we would not be asked to enact some of the other measures which we are asked to enact today. I believe that if people in the States and localities are going to accept Federal money and Federal support, they must not engage in any kind of discrimination which is contrary to Federal policy. Therefore I intend to vote against the motion of the Senator from Tennessee.

Mr. JAVITS. Mr. President, I yield myself 2 minutes and ask that the Chair notify me when I have used that time.

The PRESIDING OFFICER. The Senator from New York is recognized for 2 minutes.

Mr. JAVITS. The difficulty with the amendment is that it would mean that title VI would not reach the schools in the enforcement gap. The schools in the gap are those which are not already subject to court orders to desegregate, or those which the Attorney General will not for a time catch up with by bringing desegregation suits under title IV of the bill. Under the amendment, segregation in such districts would simply continue until suits finally caught up with them. A school district which is actually in good faith beginning the desegregation process is fully protected by the present language of title VI because a district can get judicial review of any order to cut off Federal aid, whether or not the aid statute itself calls for judicial review; if it does not, the district could get review under the present terms of title VI. If judicial review were sought, no court which had already entered an order for desegregation would enter a conflicting order under title VI of the bill.

As the Senator from Rhode Island has properly pointed out, the following protective words, with which I do not agree but which nonetheless are in the bill, will be enforced by the courts; that is, that an order cutting off funds "shall be consistent with the achievement of the objective of the statute" under which the aid is authorized. Where the objective of the statute is to feed children rather than to educate children, those funds will not be cut off if there is good faith compliance with the other parts of the law with relation to desegregation.

The danger of the amendment is that schools in what I have called the enforcement gap, which may last for 5, 6, 7, 8, 9, or 10 years, will not be reached at all. That is wrong, because it would defeat the purpose we are trying to accomplish. If there is one thing upon which this Nation agrees, it is that at long last the money of taxpayers, black or white, of the United States shall not be used to promote the segregation of our schools

or any other activity which is supported by public money. Therefore, the motion should be rejected.

The PRESIDING OFFICER. The 2 minutes of the Senator from New York have expired.

Mr. FULBRIGHT. Mr. President, I yield myself whatever time is necessary.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. FULBRIGHT. First, I agree with the statement of the Senator from Texas [Mr. YARBOROUGH] about the significance of the amendment. I believe that one of the most unfortunate effects of past actions in this field has been its effect upon education. Basically, the whole civil rights controversy goes back to the neglect of our education in this country for 75 or 100 years. We have done a miserable job, both at the national and the local level, in the field of education. The backlog of neglect has caught up with us. I think that was one of the reasons for the 1954 Supreme Court decision.

But the particular amendment to which reference has been made should be judged upon its own merits. In that connection, and in order to clarify the record, I should like to propound a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. FULBRIGHT. Is it not a fact that if the motion were agreed to by the Senate, no substantial delay in the proceedings and the ultimate vote would result? Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. FULBRIGHT. In other words, the Members of the Senate can consider this particular motion on its merits without entailing any delay whatever to a final vote. Therefore it should be considered entirely on its merits, and not in the context of a delay of a final vote upon the measure.

I think it was wise of the Senator from Tennessee to put the proposal in the framework that there will be no delay in a final decision of the Senate, and that therefore, the motion should be considered on its merits.

It has been stated that this proposal was voted on a few days ago and rejected. That statement is quite irrelevant to this issue, because we know, under the parliamentary situation that developed, with the great many amendments being offered under a limitation of time, most of those amendments were voted upon not because of the context of the amendments, but because of those who offered them. Senators came into the Chamber and asked, "Who offered it?" and made up their minds on that basis, not knowing what was involved.

Now, because there is a little more deliberate approach in the last minutes, and because this is the only motion I know of—there may be one more—to come up, the Senate can review this question on its merits.

I cannot understand why, in the important area of education, the Senate should not be willing to restrict this drastic provision of the bill—one of the most objectionable—to conditions which the Senator from Tennessee has incorporated in his motion; that is, where a school district is in violation of a decree of a U.S. district court.

It has already been stated very eloquently by the Senator from Tennessee and other Senators that this is one of the most delicate areas of all, and one that cannot only cause great difficulty and trouble, but involve imposition upon innocent victims, and interfere with the orderly administration of our educational system. This is the heart of the controversy.

It is tragic that this very difficult social problem has been focused on education. There is no question that for the past 10 years our educational system has suffered because of the civil rights controversy being so intimately connected with our public education system.

So I hope Senators will look at this particular amendment with an objective point of view, and accept it. It would not delay final enactment of the bill as a whole. It would give some assurance to some school districts, certainly of my State, and I am sure of other States, that if they are in compliance with, or not in violation of, an order of the court, they may proceed in the development of their educational system.

In connection with what the Senator from Louisiana said, in many areas of my State we are making very satisfactory progress, in an orderly and quiet and effective way, toward the solution of the problem in the schools. There are other areas where it is not proceeding, and where it should not, because it would cause a great deal of trouble if forced prematurely. But on the whole, the progress is very satisfactory.

Mr. GORE. Mr. President, will the Senator yield for a question?

Mr. FULBRIGHT. I yield for a question.

Mr. GORE. Is it not correct that a motion to commit with instructions is a parliamentary move made in the House—in which both the Senator and I served—on almost every important bill?

Mr. FULBRIGHT. That is quite correct.

Mr. GORE. From a parliamentary standpoint, is it not a fact that this is an instanter procedure? If the motion to commit with instructions is agreed to, the pending business before the Senate will then be the amendment. Some Senators apparently believe that a motion to commit to a committee with instructions to report forthwith involves a recess of the Senate while the committee meets.

Is that the case?

Mr. FULBRIGHT. It is my understanding that that is not the case.

In order to make it very clear, I will ask the Chair, as a parliamentary inquiry, to rule as to exactly what would happen if the motion should carry. Would it not result in making the substance of the motion the business of the Senate, so that there would be no delay?

The PRESIDING OFFICER. If the present proposal is accepted by the Senate; namely, to commit, and to report forthwith, the matter will come back to the Senate immediately on the question of agreeing to the amendment.

Mr. FULBRIGHT. Immediately?

The PRESIDING OFFICER. Immediately.

Mr. FULBRIGHT. Therefore, there would be no delay in the acceptance—assuming the Senate wishes to accept—of the motion. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. AIKEN. Mr. President——

Mr. FULBRIGHT. Does the Senator wish to ask me a question?

Mr. AIKEN. I wanted to ask a question of the majority leader.

Mr. FULBRIGHT. I am willing to yield for a question.

Mr. AIKEN. So long as the Senator yields, I will ask the majority leader, through the Senator, inasmuch as some of us are trying to make plans for the evening, how long the majority leader contemplates keeping us in session.

Mr. FULBRIGHT. I yield for that purpose.

Mr. MANSFIELD. Mr. President, on my own time, I will answer that it is the intention of the leadership to remain in session until a final vote is taken. At the present time, the best guess I can make is that the Senate could possibly finish by 4 o'clock. My judgment is it will be closer to 7 o'clock. But if disposition is not made by then, the Senate will remain in session.

Mr. FULBRIGHT. Mr. President, I hope the Sente will give this proposal serious consideration, because the situation now is quite different from the one which existed when similar amendments were offered a few days ago.

I see no reason why every Senator—even those who strongly favor the bill, and who wish to see it enacted as soon as possible—among whom I do not count myself—since they would not encounter any delay could not accept a vote in favor of the motion, and then vote on the question of accepting the amendment as reported by the committee, without in any way jeopardizing the bill itself, or even the time by which it will be voted on finally.

So I urge my colleagues in this particular case to at least accept the motion, after which, of course, I would hope they would approve the amendment.

Mr. GORE. Mr. President, will the Senator yield for a question?

Mr. FULBRIGHT. I yield for a question.

Mr. GORE. Since the Senator represents a State in which this question is a serious problem, is it his opinion that the people of Arkansas, and the people of the respective communities of Arkansas, would accept an order of a court which had resulted from the submission of plans by leaders of the community with greater willingness and better grace than an order of a Federal official in Washington terminating Federal aid?

Mr. FULBRIGHT. The Senator is correct. It would be very assuring to the people. It would make the whole bill much more acceptable. There are other features in the bill which are not acceptable, but on the question of education, which is certainly one of the most sensitive areas, and has been since 1954, the acceptance of this amendment would make the bill much more palatable.

I have always thought that that was one of the reasons why there was great resentment in connection with the problem of integration. The pressure from the Federal Government arose from the fact that instead of leaving it to Congress as it should have done, the Supreme Court undertook prematurely to inject itself as a legislative body into this field. I believe that was most unfortunate. This body had been moving—gradually, it is true, but it had been moving; and the question had been brought up time after time. We enacted two bills, one in 1957 and one in 1960 in this general area; but if Congress had been able to work its will, I believe that the decisions in other fields would have been more acceptable. As in this case, if Congress itself—including the Senate—will support this particular amendment, I know that it will make the entire bill to that extent more acceptable, and will make for a more peaceful transition in the patterns which the bill seeks to reach in my State as well as in all the other States of the Union.

So I hope the proponents of the bill will give serious consideration to this particular motion.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee [Mr. GORE]. 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 California [Mr. ENGLE] is absent because of illness.

I further announce that, if present and voting, the Senator from California [Mr. ENGLE] would vote "nay."

The result was announced—yeas 25, nays 74, as follows:

[No. 435 Leg.]

YEAS—25

Byrd, Va.	Holland	Smathers
Byrd, W. Va.	Johnston	Sparkman
Eastland	Jordan, N.C.	Stennis
Ellender	Lausche	Talmadge
Ervin	Long, La.	Thurmond
Fulbright	McClellan	Walters
Gore	Mechem	Yarborough
Hayden	Robertson	
Hill	Russell	

NAYS—74

Aiken	Goldwater	Morse
Allott	Gruening	Morton
Anderson	Hart	Moss
Bartlett	Hartke	Mundt
Bayh	Hickenlooper	Muskie
Beall	Hruska	Nelson
Bennett	Humphrey	Neuberger
Bible	Inouye	Pastore
Boggs	Jackson	Pearson
Brewster	Javits	Pell
Burdick	Jordan, Idaho	Prouty
Cannon	Keating	Proxmire
Carlson	Kennedy	Randolph
Case	Kuchel	Ribicoff
Church	Long, Mo.	Saltonstall
Clark	Magnuson	Scott
Cooper	Mansfield	Simpson
Cotton	McCarthy	Smith
Curtis	McGee	Symington
Dirksen	McGovern	Tower
Dodd	McIntyre	Williams, N.J.
Dominick	McNamara	Williams, Del.
Douglas	Metcalf	Young, N. Dak.
Edmondson	Miller	Young, Ohio
Fong	Monroney	

NOT VOTING—1

Engle

So Mr. GORE's motion was rejected.

Mr. HUMPHREY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The question is on the passage of the bill.

Mr. HUMPHREY. Mr. President, I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

Mr. HUMPHREY. As I understand, I have 13 minutes remaining. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. MORTON. Mr. President, will the Senator from Minnesota yield me 3 minutes on my time?

Mr. HUMPHREY. I am glad to yield.

PERSONAL STATEMENT BY SENATOR MORTON

Mr. MORTON. Mr. President, I thank the Senator.

In today's issues of the Washington News there appears an article under the byline of Jack Steele, an able reporter and an old friend, but I wish to make a few clarifications of his observations.

He states that I was infuriated with the vote of my colleague and friend from Arizona [Mr. GOLDWATER].

I happen to disagree with my friend from Arizona in regard to the constitutionality of titles II and VI, but I was not infuriated.

The article further implies that I had been urging Senator GOLDWATER to vote for the bill. I have had no conversations with my friend from Arizona on the matter of this bill.

The article further states that I was absent from the floor when the Senator from Arizona made his speech indicating his position.

That is true. I understood that we would have no more votes. We had had plenty already. As many of my colleagues in the Senate know, my lady is unable to go out very much any more, but an old friend who had been in our wedding, was in town. I left the Hill, picked up my lady and was on my way to Bethesda to see our friend at her daughter's home when we heard the news on the radio.

My wife's comment was, "I'm proud of BARRY."

My comment was, "He is causing me trouble, but I am proud of him, knowing that this decision is 99 percent BARRY GOLDWATER and 1 percent politics."

I merely wished to set the record straight.

A REPLY TO SENATOR GOLDWATER

Mr. JAVITS. Mr. President, yesterday my distinguised colleague, Senator GOLDWATER, to whose every word the country now properly gives its attention, announced that he would vote "no" on this bill. I regret very much his decision and wish very much he had decided the other way.

This legislation has been before Congress for a year. Members of the Senate have labored long and hard for this bill under the leadership of Senator DIRKSEN, Senator MANSFIELD, Senator KUCHEL, Senator HUMPHREY, and others. During the past 3 months, they have examined every word and every comma. Certainly any fear expressed by Senator GOLDWATER that emotion has ruled should have been dispelled in all that time, in all that debate, in all that analysis, and in all that opportunity to amend.

Senator GOLDWATER made two points with repect to this bill which I believe urgently command reply in view of his important position in the Nation today. Both points have been raised many times before and answered many times, but since they come from so important a source, they must be answered again.

First, he stated that there is "no constitutional basis for the exercise of regulatory authority in" titles II and VII of the bill, dealing with public accommodations and equal employment opportunity, but that such action required a constitutional amendment; and, second, he stated that "to give genuine effect to the prohibitions of this bill will require the creation of a Federal police force of mammoth proportions" and will, in addition, he said, result "in the development of an informer psychology."

I rise to state my disagreement with both conclusions.

The always missing element in the arguments against this bill has been recognition that as to constitutional rights, we are a nation, not a collection of States; that there are national rights and national responsibilities just as sacred, just as vital as States' rights and just as fully entitled to protection by all the people.

The constitutional basis for both titles II and VII is sound; as a distinguished national panel of attorneys and law school deans and professors has confirmed, with ample citation of legal authorities, in a letter to the managers of this bill which has been referred to many times in this debate.

The public accommodations provision, title II, is squarely based on both the commerce clause and the 14th amendment to the Constitution. The equal employment opportunities provision, title VII, is squarely based on the commerce clause. The 14th amendment basis for the public accommodations provision was reaffirmed by the Supreme Court as recently as last year, in the sit-in decisions which struck down State-enforced discrimination in restaurants and lunch counters.

To challenge the commerce clause basis for either title II or title VII at the same time necessarily challenges the constitutionality of the entire range of existing Federal statutes based on that clause, such as the child labor and minimum wage laws, the pure food and drug laws, the labor-management laws, including the recent Landrum-Griffin Act and the Equal Pay for Women Act, the false labeling acts, and the antitrust laws, all of which also regulate the economic activities of individuals and private enterprise in their relations to other individuals and all of which also are deeply founded upon public morality.

All have been repeatedly upheld by the Supreme Court against constitutional attack. In addition to these, we have the wide range of existing State legislation covering both the subject matter of title II and the subject matter of title

VII, public accommodations and fair employment practices. All these have been upheld by State courts, under State constitutional provisions paralleling the Federal constitutional provisions, and have been upheld by the Supreme Court of the United States, under the applicable provisions of the Federal Constitution.

The State public accommodations laws now number 32, and go back to 1865. It should be noted that 18 of the 32 were enacted before World War II; and 16 of the first 18 were enacted by Republican State governments. Nineteen of the State fair employment practices laws were enacted under Republican governors or by Republican legislatures; and the first four were enacted when Republicans controlled both houses of the legislature as well as the governorship.

I point out that in New York, under Governor Dewey and a Republican-controlled State legislature, the first fair employment practices law in the Nation was passed in 1945. It has worked splendidly in that very important and very heavily populated industrial State.

The fears of the Senator from Arizona [Mr. GOLDWATER] of a "Federal police force and an informer psychology" are equally unfounded. Those fears are rebutted by the long experience to the contrary of a majority of the States with their existing public accommodations and fair employment practices laws, many of which carry criminal penalties and are otherwise considerably more stringent and more far-reaching than the pending bill.

The PRESIDING OFFICER. The time of the Senator from New York has expired.

Mr. JAVITS. Mr. President, I yield myself 1 more minute.

The PRESIDING OFFICER. The Senator from New York is recognized for 1 more minute.

Mr. JAVITS. Mr. President, those fears are also rebutted by the Federal experience to the contrary under the Civil Rights Acts of 1957 and 1960, which dealt with voting, and of which the Senator from Arizona [Mr. GOLDWATER] says he approves. They are also rebutted by the experience under the many other Federal regulatory statutes to which I have referred. Our Nation's economy has grown and prospered because of, not in spite of, enforcement of these laws. Before the enactment of all these laws—State and Federal—the same bugaboos about Federal policing and enforcement were raised; but the experience of many years has proved that such fears were imaginary and groundless.

I conclude, therefore, that neither on constitutional grounds nor on the basis of fears about enforcement policy are the fears and the objections of the Senator from Arizona to title II and title VII tenable.

CIVIL RIGHTS ACT OF 1964

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, 83 days ago the Senate began consideration of the Civil Rights Act of 1964. The longest debate in the history of this body is now about to conclude with the passage of this measure.

These have been difficult and demanding days. I doubt whether any Senator can recall a bill which so tested our attitudes of justice and equity, our abilities as legislators, our sense of fairness as individuals, and our loyalty to the Senate as an institution of democratic government. In these historic circumstances, it seems necessary to ask the question: Have we fully met our responsibilities in this time of testing?

One must hesitate to attempt an answer when only history can be the authoritative judge of our efforts in this great debate. But if we are willing to look for more tentative answers, I suggest we consider the wisdom found in a little known address of Benjamin Franklin delivered to the closing session of the Constitutional Convention. The Convention, meeting in Philadelphia in 1787, had labored for many months—from May to September—just as we have labored many months. The Convention contained delegates of many persuasions and opinions regarding the question of Federal union—just as the Senate has been a body of divergent opinion on the issue of civil rights. Despite profound disagreements among the delegates, the Convention persevered—just as we have persevered—and eventually reached agreement on a Constitution to unite the several States.

At the conclusion of these months of bitter debate and frequent discouragement, Dr. Franklin addressed these remarks to the assembled delegates:

> Mr. President, I confess that there are several parts of this Constitution which I do not at present approve, but I am not sure I shall never approve them. For having lived long, I have experienced many instances of being obliged by better information, or fuller consideration, to change opinions even on important subjects, which I once thought right but found to be otherwise. It is therefore that, the older I grow, the more apt I am to doubt my own judgment, and to pay more respect to the judgment of others. I doubt, too, whether any other convention we can obtain may be able to make a better Constitution. For when you assemble a number of men to have the advantage of their joint wisdom, you inevitably assemble with those men all their prejudices, their passions, their errors of opinion, their local interests, and their selfish views. From such an assembly can a perfect production be expected? I therefore astonishes me, sir, to find this system approaching so near to perfection as it does. Thus I consent, sir, to this Constitution, because I expect no better and because I am not sure, that it is not the best.

This Senator finds the wisdom of Benjamin Franklin most reassuring in evaluating our months of labor devoted to passing H.R. 7152. If Franklin could express with such humility certain doubts regarding one of the most remarkable political documents ever written, perhaps we can view our respective concerns over the contents of this measure with similar forbearance, tolerance, and charity.

Each Senator must wish that certain decisions regarding H.R. 7152 had been otherwise. Some would desire no bill at all, others a bill with substantial modifications, and still others a far stronger and more comprehensive measure. Each Senator must bring to this moment of final passage—to paraphrase the words of Dr. Franklin—his prejudices, his passions, his errors of opinion, his local interests, and his selfish views. If this is the case, each Senator must be expected to doubt the perfection of the measure we are about to adopt. But this situation prevails with any political decision of historic magnitude.

Yet this Senator stands with Dr. Franklin in also asserting that I will consent to this measure, because I expect no better and because I am not sure it is not the best. I will consent to this measure, because for the first time in recent history the Congress of the United States will say in clear and unmistakable terms: "There is no room for second-class citizenship in our country." Let no one doubt the historical significance of this ringing affirmation which we now deliver to the Nation and to the world.

We shall demonstrate once again that the constitutional system bequeathed to us by such men as Benjamin Franklin remains a viable and effective instrument of government. We have read the political pundits who smugly proclaimed that Congress would never enact a meaningful and comprehensive civil rights bill. We have heard the extremists on both sides call for the defeat or emasculation of this measure. We have experienced our own moments of doubt as to whether or not the Senate would be equal to this momentous task.

So having heard these predictions of doom and collapse and having experienced these moments of doubt and concern, let us now acknowledge that democracy truly lives in the United States of America. The Senate has been equal to this mighty challenge.

What have we sought to do in the Civil Rights Act of 1964—the greatest piece of social legislation of our generation. First, we have dealt with the major problem areas in this Nation's struggle for human rights: voting, public accommodations, public facilities, schools, Federal assistance, and equal employment opportunity. We have attempted to establish a framework of law wherein men of good will and reason can seek to resolve these difficult and emotional issues of human rights. We have attempted to place the burden of this task upon the resources of our local communities and our States, providing for Federal action only when communities and States refuse or are unable to meet their responsibilities set forth in this act. We have placed emphasis on voluntary conciliation—not coercion. We have, in short, attempted to fashion a bill which is just, reasonable and fair to all persons.

In seeking the objectives, we have also sought to guarantee that the rights and prerogatives of every Senator would be fully protected at every state of this debate. We have attempted to work by the rules and I believe we have—in the main—conducted ourselves with dignity, courtesy, patience, and understanding. Whether we have won or lost on this particular issue, we have acquitted ourselves in a manner which speaks well for congressional government in the 20th century.

As the Senate approaches the rollcall on final passage, we must also recognize that this rollcall signifies only the beginning of our responsibilities to this measure. We know that law only provides a framework to which must be added the bricks and mortar of public opinion and acceptance. In this regard, the observations of Benjamin Franklin to the Constitutional Convention contained one final bit of wisdom:

> Much of the strength and efficiency of any government, in pronouncing and securing happiness to the people, depends on opinion—on the general opinion of the goodness of the Government as well as the wisdom and integrity of its governors. I hope, therefore, that for our own sakes, as a part of the people, and for the sake of posterity, we shall act heartily and unanimously in recommending this Constitution * * * and wherever our influence may extend, and turn our future thoughts and endeavors to the means of having it well administered.

The delegates who left Philadelphia in 1787 took with them the responsibility of fostering the favorable public sentiment necessary to transform the Constitution from a mere political document into the living compact binding diverse States and people into a true commonwealth. If we are to succeed in "pronouncing and securing the happiness of the people" in 1964, we have the similar responsibility of encouraging the public support which will make civil equality a living fact as well as written law.

In accomplishing this objective a mighty burden will be placed upon our elected leaders—our Governors, our mayors, and our local representatives. We expect these men to do their public duty and to carry out the law with the sense of justice and equity which is so vital to a democratic community. Our public officials, however, will only be able to do this if the religious leaders, the businessmen, the men of the professions, and the leaders of labor dedicate themselves to a total effort to create a nation of true opportunity.

To assist in this effort I have proposed that Governors' conference be convened in every State—north, south, east, and west—and that the U.S. Conference of Mayors and the U.S. Civil Rights Commission organize similar meetings. I am confident that a national conference on civil rights would also serve a most constructive purpose.

We have before us a great opportunity to strive for a true community of peoples, where neighbors regard each other with charity and compassion, and where Americans of all races live together in harmony and good will. We must go to the people of America with the message that men are needed to seek peaceful, constructive, and positive responses to the blight of discrimination, segregation, and prejudice. We must call upon every American—from the President in Washington to the schoolchild in Minnesota—to become active participants in this crusade for human dignity.

There are political theorists who claim that the essence of politics is power. They are wrong—even though power is a necessary element in the process of politics. The essence of politics in a democracy is the search for just solutions to the fundamental problems of society. The essence of politics is the asking and reasking of the most difficult of all questions: What is justice? What is right? Men of good will seldom differ about ultimate goals, but these men do differ vigorously about means, timing, and priorities. These differences are the stuff of unending political discourse.

The search for the public interest is an adversary proceeding among men of equal dignity. Deeply imbedded in our knowledge of the rightness of our present cause must be an awareness of the limitation of our own minds and the evil in our own hearts. If the time ever comes when, in our single-mindedness of purpose, we transfer the hatred of injustice to a hatred of the unjust, we will break the strands of political community which bind us together.

Those of us who are privileged to bear some of the burdens of this struggle must demonstrate by example that we can fight without rancor, win without pride, and, on occasion, lose without bitterness. Surely it would be one of the ironies of history if equality were purchased at the expense of the community. We must solemnly pledge that this will never come to pass.

What we are involved in, as Lincoln once said in an earlier conflict, is too vast for bitterness. We are engaged in the age-old struggle within all men—a struggle to overcome irrational legacies, a struggle to escape the bondage of ignorance and poverty, a struggle to create a new and better community where "justice rolls down like waters and righteousness is a mighty stream."

So much remains to be done in America. We must bring economic dignity and hope to the lives of the poor, the aged, the homeless, whether Negro or white. We must work together to bring the blessings of education and enlightenment to every American, regardless of race or color. The war against poverty and illiteracy must be waged and won.

As we enact the Civil Rights Act of 1964, then, let us be exalted but not exultant. Let us mark the occasion with sober rejoicing, and not with shouts of victory. And in the difficult months ahead, let us strive to preserve our sense of oneness, our attitude of mutual dependency, and our need for mutual forgiveness. For this is the eternal paradox of freedom. This is the message of the saints and sages which mankind has agreed to canonize. This is the only true hope for a joyful and just community of men.

Mr. SMATHERS obtained the floor.

Mr. SMATHERS. Mr. President——

Mr. KEATING. Mr. President, I was seeking recognition, in order to speak in my own time.

Mr. SMATHERS. Mr. President, I have the floor; and I wish to speak at this time.

The PRESIDING OFFICER. The Senator from Florida may proceed.

Mr. SMATHERS. Mr. President, few realistic persons would deny that the Civil Rights Act of 1964 will shortly be enacted into law.

By taking this action, the Congress will again be attempting to solve a human, social, and racial problem in America by bringing to bear legal solutions.

I point out that I have participated in this "extended discussion" for 83 days, discussing the undesirable and dangerous features of the bill and offering some few amendments to the bill, motivated, not by prejudice or by a desire to discriminate, as has been claimed or suggested by some few, for, so far as I can honestly assess myself, there is none in my heart. But there is in my heart and my mind a genuine, deep-rooted fear that this bill violates and destroys the basic concept of our Federal-State dual system of government and the principles of individual choice and freedom so important to the men who founded this Government, and so important to those who would keep it alive today.

A free society by its very definition leaves man free to make his own choice as to whom he wishes to employ, to work with, to worship with, and to live with. Others sometimes call him discriminatory or call him prejudiced; but in a free society of free men, this is his essential freedom of choice: to live his life as he determines, so long as he does not trespass on the rights of others; to make up his own mind, even at the expense of being wrong. That is his decision, that is his freedom, that is his privilege under our system.

To the extent that we intrude into the personal lives of individual citizens, we shall contribute to the erosion of freedom in America, for the hand that seeks to eradicate the blight of human prejudice by coercive measures is not easily stayed from coercive measures to eradicate other human freedoms.

Some of the proponents of this civil rights bill were among those who represented to us that the 1957 Civil Rights Act would be the cure for the racial tensions and problems in America at that time. "Pass that bill," they said, "and we shall solve this long-unsolved and difficult problem." And it was passed.

But in 1960, back they came, and said, "The 1957 act did not provide the panacea we hoped for. The race problem and its many attendant problems are still with us. Give us the 1960 Civil Rights Act, and we shall finally solve this agonizing problem." And after much debate and considerable anguish, that bill was passed.

And now once again, the proponents of civil rights legislation have come back to the Halls of Congress and have, in effect, admitted that their statements and hopes in 1957 and in 1960 for the solution of the race problem in America were not

achieved by passing those Civil Rights Acts.

In fact, today—June 19, 1964—we have more racial unrest, more demonstrations, more unruly mobs, and more violence in connection with the growing racial problem than we had before those two so-called Civil Rights Acts were passed.

This causes, or should cause, reasonable men to pause and reflect on whether such legislation contributes to the very problem its advocates say it will solve.

The extremists on both sides are much more in evidence today than they were 2 or 4 years ago.

No matter what assurances are given by some regarding the efficacy of this bill to solve the race problem, I can assure you, Mr. President, that the problem will persist; that if we pursue the present course, the problem probably will become worse; and that next year or the following year the same spokesmen for the 1964 so-called Civil Rights Act will be back again, asking Congress to pass an even more sweeping proposal, in the name of "civil rights." It, too, will be, as others in the past have been, a vain and futile effort to reach into the minds and hearts of men, legislating them into loving and respecting one another.

The problem of discrimination, Mr. President, is as old as recorded history.

It has occurred in every land and in every country on the face of the globe; and occurs in all those countries today. It is a problem that cannot be solved by a legislature or by a congress or by an executive edict of a chief of state or a chief of staff.

The best proof of this that I know of is that we already have on the Federal statute books many laws trying to outlaw discrimination and segregation. When we add those laws already adopted to the hundreds—even thousands—of laws passed by city governments, county governments, and State governments with respect to civil rights, we find that they add up to some 600 pages of fine print, enough to fill a large-sized legal document.

But, Mr. President, despite all those laws, we still have discrimination, intolerance, bigotry, and segregation. We still have segregation, in fact, in our schools, in our neighborhoods, and throughout our land; and I believe that even if we put on the statute books another 600 pages of laws with respect to the same problem, we would not come any nearer to its solution than we are at this moment.

The Civil Rights Commission Report of 1954, at the top of page 364, states:

> It is interesting to note that the maps show more racial concentration in northern cities and more dispersion of nonwhites in the southern cities.

The only conclusion that can be drawn is that there is actually less segregation in the South than there is in the major cities of the North; and this is true despite the fact that we have a much higher proportion of nonwhites in the South, in relation to the total population, than there is in the North.

The Civil Rights Commission report on page 365 further states:

> The general metropolitan residential pattern is shown by Chicago—now said, on the basis of census tracts, to be the most residentially segregated city in America.

The report goes on to state that in New York City much the same situation prevails.

These conditions of intense segregation exist despite the fact that there have been more laws put on the books in the cities of Chicago and New York and in the States in which they are located than in any other cities in the Nation.

But the discrimination goes on, not through a dearth of existing law, but rather because human beings will always cherish their right of choice, their right to associate with whom they please, their right to work and to worship with whom they choose, and their right even to be wrong in their judgment of their neighbors.

It seems to me that these rights of choice and decision are the very cornerstones of individual freedom in our free society. To attempt to legislate these rights away from the majority of our people in an effort to gain some rights for any minority group is indeed embarking on a dangerous course that will, if pursued, change the course of liberty, and finally strangle individual freedom in America.

This right to act as a free individual in a matter of private affairs is the philosophical basis of our Nation and our way of life. It is the freedom for which the American colonies rebelled, and fought, to throw off the yoke of British Government directed from across the sea.

It is the freedom which the disunited States hoped to preserve when they united and ratified a constitution based on the dual system of Federal-State powers.

It is the freedom for which Americans have lived, and died when necessary, and for which they have labored to build a mighty nation. It is the freedom which we endanger now by enacting legislation to further the rights of one minority group at the expense of the individual rights of all Americans.

Mr. President, for one who believes deeply and sincerely in all the implications of freedom—and as a personal matter stands against prejudice and discrimination where it exists—this civil rights bill, to me, poses a terrible threat. For I wish to see all Americans, irrespective of race, color, or creed, enjoy all of their constitutional rights, to the limit of their abilities.

But this bill, Mr. President, goes further than that. It clenches the heavy hand of the Federal Government into a fist; crushes the dual system of Federal-State division of powers; and seeks to impose absolute equality among men, when, in fact, there is no such thing.

We are not all born equal. By reason of our heritage, our physical and mental capacities, we are separate and distinct individuals, with separate and distinct abilities, and no amount of legislation can make us otherwise.

For us to try, through legislation, to deny a man's color, to equate his abilities, or to ignore his political and religious beliefs, is to make a mockery of our American dream of individual freedom of which we have, up to this point, been so proud.

Mr. President, despite my strong objections to this bill, there are portions of it which, if considered separately, I could have supported.

Certainly, I believe that every citizen, regardless of his race, color, or creed, should vote. Throughout my lifetime I have worked toward that goal in the State where I have been privileged to live. And in our State today all citizens do vote—if they wish to. I could support that provision of this bill which has to do with community relations services, for I believe that we must recognize that there do exist problems between citizens of different races and creeds; and these problems can usually be ameliorated, and with more certainty solved, on a voluntary basis of adjustment, than by the use of force or coercion.

However, the major provisions of this bill, Mr. President, are so dangerous and far reaching in their implications that this Senator, under no circumstances, could support them. I could not let this final opportunity pass without voicing my strong objections to them in the few minutes remaining to me under the gag-rule the Senate has adopted.

Title II, the public accommodations title, is basically wrong in many respects, but its essential evil lies in the fact that this will be only the second time in the history of this Nation that the Federal Government has reached its long, strong arm into the operations of hotels, motels, boardinghouses, resturants, barbershops, and so forth, in an effort to regulate their customers and the activities of those concerned. In 1883 the Court struck down the last attempt that was made by the Congress to do this, but in a realization of what the present Court would do, I do not look with hope to the expectations that it would strike out title II of the bill.

The fact that some 34 States have already adopted public accommodations laws does not justify this assumption of power by the Federal Government. In the first place, we are supposed to be operating under a dual system of the separation of Federal and State Governments. According to the 10th amendment of our Constitution, the States have retained all powers not specifically granted to the Federal Government. The States can properly legislate in certain fields, which the Federal Government cannot, or should not, invade.

Furthermore, in those States which already have public accommodations laws, either they do not have a racial problem of any consequence—they have a small percentage of nonwhite citizens—or, if they do, the public accommodations laws are simply not enforced.

Mr. President, we must not forget that title II takes away from all of us one of our basic human rights—the right to own property and to manage it according to our own discretions and judgments

as we attempt to make a living for ourselves and our families.

To now say, as we do in title II, that we no longer have the human right to own and acquire property and to operate it in a manner which we decide, is to stretch the interpretation of Federal power under the commerce clause far beyond that point ever dreamed of by those who framed and ratified our Constitution.

Let us not delude ourselves into believing that title II, in an effort to satisfy the demands of some of the spokesmen for 10 percent of our citizens, will not result in the destruction of the basic and long cherished rights of all Americans to operate their own businesses free of Government dictation.

Title VI is probably the most dangerous and far-reaching provision of this so-called civil rights bill.

If a man should ever aspire to become a dictator in this land of ours, this title, and the authority it gives to a President, will be the Fiberglas pole with which he can vault over the bar of democracy into the seat of the tyrant.

For, in fact, title VI rewrites the terms and conditions of every joint Federal-State program which the Congress has adopted in the past 25 years.

It endangers the Federal-State impacted school area program, the Federal-State school-lunch program, the hospital building programs, the road programs, and all the rest. But, Mr. President, more than that, it represents for us legislators a complete abdication and capitulation of the power and authority of the legislative branch of the Government to the executive.

I prophesy without hesitancy, Mr. President, that we will rue the day we ever passed this particular section.

Even the late, great, much lamented President John F. Kennedy, at a press conference a little more than a year ago, when asked about this recommendation, which was in the Civil Rights Commission report, responded that he did not then have the authority proposed to be given in title VI and, furthermore, that he did not think it was a good idea for any President to have such authority. Yet today, high up on this emotional binge in which we find ourselves, we blithely pass this type of legislation, which could destroy us.

Title VII, the so-called fair employment practices title, is a giant step toward socialism in America. Any government that can tell a businessman whom he may hire and fire, whom he may promote, and how he shall classify his workers, is a police state government, or soon will be. Simply stated, this is exactly what the FEP title would do.

Mr. President, the final answer to the racial problem can only be understanding and tolerance. This so-called civil rights bill of 1964 not only does not contribute to these attributes of mind and heart, but by attempting to coerce racial good will, it stops the progress now being made, and creates suspicions, divisions, and violence.

The greatest obstacle to a better life for the nonwhite population of our Nation is the fact that there are not enough jobs, not enough good houses, and not enough good schools in the South or even in the North. The important consideration is whether the jobs, the housing, and the schools available to these people are good, not whether they are integrated.

If we create the economic climate which the American Negro needs to get a decent job, he can get what he needs out of life without Federal coercion or paternalism.

The recent passage of the tax bill is an excellent step toward stimulating the economy and producing the jobs needed for improving the economic status of American Negroes.

When a Negro citizen has the money to keep his children in school, when he has the money to feed, clothe, and house his family decently, when he has the money to obtain the medical attention he needs, he becomes a useful, productive, constructive citizen in the American tradition—and that is the kind of programs we should all strive for.

I know this bill will pass, as does everybody else. I deeply regret that it will. I deeply regret that it was not more substantially amended. I regret it was not given the consideration it deserved in a Senate committee, or even here on the floor of the Senate.

True, we Southerners debated and discussed it for a long time, but who seriously listened? Who was it that did not know the first day of the debate how he was going to vote on the bill's final passage?

The answer is, "No one." As the debate progressed and the inequities were pointed out, it was finally agreed that the bill was so raw and brutal in its original form that provisions would have to be changed in order to get cloture. So the simple expedient was adopted of excepting and excluding from the harshest provisions of the bill those States now having public accommodations or FEPC laws, at least for a while, so that its punitive provisions would be immediately and only directed at the Southern States.

For example, the Senate rejected an amendment to the public accommodations title that would have postponed its effective date until 1965, even though the employment title has a 1965 effective date. This time is badly needed in the South to prepare for the adjustments which will be needed when the public accommodations title goes into effect. But the time was not given, because the South did not have the votes.

On the other hand, the bill was amended to provide that there can be no busing of children to relieve racial imbalances in schools, because this would create a hardship upon northern communities. But the South, where there is less segregation in its living areas, is left to bear the brunt of the Attorney General's efforts.

Since it seems that this bill, despite its many undesirable features, is shortly to be enacted into law, one can well ask, How is it possible to get enough votes to pass this kind of legislation? And the answer has to be that many American citizens are riding a great emotional wave in connection with this civil rights issue.

They have been carried along on the propaganda of police dogs, bully sticks, and mass jailings on the one hand, and the lack of knowledge as to what is in the bill on the other.

For the past 83 days, the 18 southern Senators have sought to make clear to the Senate and to the American people the basic inequities and injustices in the bill.

Where we get printed and quoted, primarily in the South, we have been successful. In the North and West, where our statements, unless they are ridiculous, are usually blacked out—only the proponents' case has been presented. And in those areas, we have obviously failed. The people cannot understand why we are resisting so vehemently, because they do not yet understand what is in the bill—but they will.

But, Mr. President, time is on our side. I really wish it were not so. But in time, if there is ever a real attempt made to enforce these provisions, all over the Nation, there will emerge a backlash of tidal wave proportions, welling up from the people everywhere.

The emotions of this moment will have passed and when reason once again prevails, the so-called civil rights bill of 1963 will be either shelved, ignored, or repealed.

I think Shakespeare put it most appropriately when he wrote:

> Time's glory is to calm contending kings,
> To unmask falsehood and bring truth to light.

Mr. President, now that my time is just about up I would like to express my sentiments regarding the colleagues with whom I was privileged to join in opposing this civil rights bill.

It was a privilege, not only because my heart, mind, and conscience tell me I was on the side of right, but it was a privilege to be associated with such a valiant and courageous group of Senators who fought to the fullest extent of their abilities against the adoption of this legislation.

We were overwhelmed by the brute strength of numbers, but we have not been defeated.

I will always consider it a matter of great honor to have served under the leadership of the distinguished senior Senator from Georgia [Mr. RUSSELL]. His tactics and strategy throughout this contest have been superlative. His capacity to bring divergent views together, so we could muster the most out of our limited numbers, has been magnificent. The personal effort which his leadership required has been unsurpassed, and he will long be remembered, by those who cherish freedom and believe in the dual system of government, as one of its greatest spokesmen and champions.

I would just like to take a moment to salute my own division commander, my own general, if you please, the senior Senator from Alabama, LISTER HILL. A more able or charming or effective man has never graced this Chamber. His constancy and tenacity in this fight have been unparalleled. He has provid-

ed for his group a leadership far above and beyond the call of duty.

And, finally, to all others who have shared in this fight I want to congratulate them for a job well done in the certain knowledge that time and history will be our vindication; that the moments shared with them in this last-ditch effort to preserve the Jeffersonian type of democracy and individual freedom will be long remembered and applauded by future generations.

Mr. HILL. Mr. President, I want to join the distinguished Senator from Florida in the fine and richly deserved tribute which he paid to our leader, the great Senator from Georgia, RICHARD B. RUSSELL.

I express my deep appreciation to him for his generous words about me.

I deeply appreciate those words, not only because of the high esteem in which I hold the Senator from Florida, but also because no Senator could have been more able, more indefatigable, or more effective in waging the battle against the bill than was the distinguished Senator from Florida.

I thank him.

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

Mr. HILL. I am glad to yield to the Senator from Georgia.

Mr. RUSSELL. Mr. President, having no time of my own, I am grateful to the Senator from Alabama for permitting me to express my appreciation to the Senator from Florida.

While I am on my feet I should like to express my profound appreciation to the Senator from Alabama for the very kind words he said about me yesterday.

Throughout history, more generals have been made by the fighting power and the courage of the privates and subalterns who served under them than by any other single factor, including the ability of those who, by circumstance, were cast in the role of leadership. That has certainly been the case in this instance.

While I am grateful for all these flowery tributes, I realize, after all, that the fight was sustained only by the dedication of Senators who served under the three team captains. The three team captains who led them will continue in the forefront of the parade.

Mr. HILL. All Senators who served under the distinguished Senator from Georgia realize the greatness and the magnificence of our leader.

Mr. DOUGLAS. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER (Mr. MCINTYRE in the chair). The Senator from Illinois may proceed.

Mr. DOUGLAS. The bill which the Senate will shortly pass is a substantial measure of atonement for three and a half centuries of wrongs committed by a large section of the white race against those of darker skins.

For two and a half centuries slavery was practiced and characterized by such unspeakable horrors that we do not like to talk about them, or even to think about them; but which, nevertheless, are deeply imbedded in the consciousness of the Negro race, and which, therefore, are still a part of the forces which are moving today.

We cannot escape history. We of the white race cannot escape responsibility for the acts of our ancestors or for the acquiescence of our ancestors in the slave trade, in the horrors of the middle passage, and for the brutalities of the slavery system and all that went with it.

Following the great Civil War, we emancipated the slaves with the 13th amendment to the Constitution. Following the 13th amendment, in order to protect the newly emancipated freedmen, the 14th and 15th amendments to the Constitution were enacted.

The 15th amendment prevents citizens from being denied or abridged their right to vote, either by the United States or by any State, on account of race, color, or previous condition of servitude, and gives to Congress the power to enforce the provisions of the amendment by appropriate legislation.

The 14th amendment, which is all too commonly ignored, provides:

> 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 their 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.

This provides that citizenship is a national as well as a State matter and that all are citizens on equal terms. None are to be second-class citizens. Moreover, the States are forbidden to deprive any person of the equal protection of the laws or to lessen his privileges or immunities. These provisions are specifically authorized to be implemented by appropriate legislation.

This part of the Constitution is studiously ignored by most Southern politicians, but it is an integral part of the Constitution and has been for nearly a century.

Beginning about 1877, the provisions of the 14th and 15th amendments were disregarded over wide sections of the country, particularly in those Southern States where slavery had formerly prevailed. A series of measures was passed which in effect disqualified Negroes, and in some cases poor whites, from the suffrage. Segregation laws were also enacted, making distinctions on grounds of color. The North lost its early enthusiasm for Negro freedom, and acquiesced. In 1883, the Supreme Court declared the public accommodations law of that time to be unconstitutional, on the ground that the amendment applied to acts of States and not to acts of individuals. But the noble Justice John Marshall Harlan dissented.

In 1896, the Supreme Court upheld the segregation laws under the delusively so-called separate-but-equal doctrine, Harland again dissenting, and this decision remained the law of the land until comparatively recently.

In the past 25 years there has been an increase in the awareness of the fundamental immorality of these practices by the American people. So gradually the 14th amendment has been brought to life, notably in the 1954 decision of the Supreme Court in the Brown or Topeka case, which declared that segregation as such in the public schools was a violation of the equal protection of the laws in drawing distinctions on extrinsic grounds which abridged the liberties of individuals, and that these were acts by the State and hence unconstitutional under the 14th amendment.

In 1957 and in 1960 we in Congress went on to protect the voting rights of citizens under the 15th amendment.

Now we deal with a bill which aims not only to protect voting rights under the 15th amendment but also to protect the right to desegregated education under the 14th amendment. I have not heard the constitutionality of those titles seriously challenged.

Titles II and VII which seek to prevent certain places of public accommodation from refusing service on the ground of race, creed, or color, and prevent businesses, ultimately employing more than 25 persons, from discriminating in employment on the grounds of race, creed, color, religion, or sex, are the ones which seem primarily to be attacked on constitutional ground.

In preceding days I have listened to arguments that titles II and VII are unconstitutional, and also to the charge, which has either been stated or implied, that the whole bill is motivated either by hatred of the South or vindictiveness toward the South.

I should like to try to answer both those charges.

Titles II and VII, dealing with public accommodations and fair employment practices are morally desirable and are constitutionally justified under the commerce clause. While these provisions would probably not have been held constitutional by the Supreme Court 35 years ago, because the commerce clause was then interpreted to refer merely to the movement of goods and persons moving across State lines; now, after the Wagner Act, the Fair Labor Standards Act, the Labor-Management Act, and other provisions, which have been upheld by the Court, it is perfectly clear that the commerce clause can cover conditions of employment and conditions of service within States which affect commerce.

Mr. MORSE. Mr. President, will the Senator yield for a question?

Mr. DOUGLAS. I yield.

Mr. MORSE. Is the Senator going to base his discussion of the public accommodations title on the brief reply to the argument made by a Senator earlier today, in answer to the Senator from Rhode Island that of course in the South there is not any segregation against a Negro who might want to go into a restaurant and get something to eat?

Mr. DOUGLAS. I heard that, and I was startled when I heard it, because I have been in the South—I was quartered in the South for a year when I was in the military service. A few minutes later, that speaker was followed by my good friend, the Senator from Louisiana [Mr.

ELLENDER], who said that the acts of discrimination in the South were constitutional because they were legal under the 1883 decision of the Supreme Court. First, the reality is denied, and then it is admitted but justified.

Very few Senators are constitutional experts. But if Congress can pass, and the Supreme Court can validate, an act declaring it to be an unfair act to discriminate against men in employment or promotion because they are active in union affairs, Congress can also say it is an unfair act to discriminate against a person in certain respects because of the color of his skin. If the first is upheld as constitutional, as it has been, I predict that the other will be upheld as constitutional. And that does not depend upon the complexion or the political views of any set of people who are likely to be members of the Supreme Court.

Incidentally, this proposed act conforms to the meaning of the term "commerce" which was in common use at the time the Constitution was framed

Prof. Walton H. Hamilton, formerly of the Yale Law School, and Prof. W. W. Crosskey of the University of Chicago Law School, prepared, in past years, a thorough discussion of the meaning of the word "commerce" in the 18th century, based upon a study of contemporary newspapers, pamphlets, books, and judicial opinions Both have assembled an overwhelming mass of evidence to indicate that commerce at that time did not mean merely the physical transfer of commodities from one place to another, but referred to the whole range of economic activity.

If one wishes to base one's argument on etymology, the evidence is conclusive that the original founders and framers of the Constitution intended to grant very broad powers to the Federal Government when they said that Congress could regulate commerce among the several States and with the Indian tribes. And notice that the Constitution regulates commerce "among" the several States and not "between" as is sometimes assumed.

Later, upon the narrowing of the meaning of the term "commerce," the Supreme Court was led to restrict the application of the commerce clause.

But in addition to the commerce clause, there is the 14th amendment itself. While the Public Accommodations Act of 1875 was declared unconstitutional on the ground that it referred to the acts of individuals rather than to the acts of States, nevertheless, I should like my colleagues in the Senate to notice the fact that many, and perhaps most, of the businesses which are singled out for the nondiscrimination principle in the bill before us operate under licenses which are granted either by the State or by subdivisions of a State. I refer to hotels, motels, restaurants, and places of amusement, and similar establishments. Generally these must have licenses in order to operate and the State or a creature of the State, such as a city, grants the license. If the State then permits distinctions to be drawn between patrons on extrinsic and nonessential lines, such as race, religion, or color, very properly this can be said to be a violation of the 14th amendment, because that amendment provides:

> 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.

We can confidently leave the constitutionality of these sections to the courts, which in due time will hand down their decisions, and can rest on the assurance that we have not legislated wildly or without due consideration of the confines of the Constitution itself.

Let me now deal with the charge, which has been flung around the Senate floor, that we who do not live in the South and who are supporting the civil rights bill are motivated by hostility to the South, or at least by vindictiveness toward the South.

I deny this in the most solemn terms. I do not believe that any northern Senator, in the 16 years that I have been in the Senate, has ever made a bitter reference toward the people of the South. I certainly never have.

Historically it is true that slavery flourished in the South and did not flourish in the North. Two and a half centuries of slavery brought a subsequent century of second-class citizenship to Negroes. It was not superior virtue on the part of northerners which caused them not to have slavery. It was merely because in the North it was colder, the snow was deeper, and the soil was less fertile; therefore, slavery was not a paying enterprise. If it had been a paying enterprise, I have no doubt that northerners would have had slavery to as great an extent as did the southerners.

One of the worst features of slavery was the slave trade, in which the slaves were purchased in Africa and crowded under the decks of slave ships, under unspeakable conditions of filth and degradation, with a half or two-thirds of them dying on the voyage. It is true that many, perhaps most, of the sea captains who were in this infamous trade were northerners. It is also true—and Harriet Beecher Stowe herself recognized this fact—that some of the most cruel overseers on the southern plantations were northerners.

I assure my southern friends that there is not the slightest touch of moral superiority claimed for the people of our area. We were spared the great curse of slavery by the accident of climate and geography. We have been spared most of the evil consequences of history which flowed from the terrors of that institution and which degrade both the oppressed and the oppressors.

What we are trying to do is to lay a floor, in conformity with the 14th amendment and the commerce clause, below which no State may fall and above which any State can rise by voluntary action and by action of individuals. This is to be a minimum floor of desegregation in education; in the right to vote granted regardless of color; the right to be served by a hotel, motel, or a restaurant, or to enter a theater or a filling station, or to use a comfort station; in the right to be given a fair break in employment. These are basic rights which we say every citizen in the United States should have, regardless of where he or she may live.

If in any of our Northern States we fall below these standards, we want the law to be enforced so far as the guilty parties are concerned.

Mr. MORSE. Mr. President, does the Senator have time to yield to me for one question?

Mr. DOUGLAS. I yield.

Mr. MORSE. Has the Senator heard it said several times in the debate that the majority whip has announced to his State that this law will have little application or no application in Minnesota? Is that not because in a few Northern States, his being one, mine, I proudly report, being another, we have already adopted civil rights statutes even more inclusive than the one before the Senate?

Mr. DOUGLAS. The Senator is correct. My own State of Illinois, which has difficult problems in this connection, has so far as the law is concerned, also adopted such standards.

Mr. President, as the Senator from Minnesota [Mr. HUMPHREY] has said, once we pass the measure, we shall have the problem of seeing that it is enforced. I make an appeal to my fairminded friends from the South that we should not repeat the experience which followed 1876 or indeed 1954. I hope that we can make the 14th amendment a living reality. To do that, we need the cooperation of the good people from the States which are now practicing segregation.

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

Mr. DOUGLAS. I yield.

Mr. McNAMARA. The churches at this time have gotten solidly behind the civil rights bill which is now pending before the Senate. Does the Senator not have faith that the impetus of the religious organizations that are united as a whole will carry over after the legislation has passed and help to accomplish the very things that the Senator is now setting out?

Mr. DOUGLAS. I thank the Senator from Michigan. I believe that the active participation of the church people, which is really a new venture, and the decisive venture in the civil rights struggle, will be of tremendous aid in the years ahead, provided they do not go to sleep, as they did after 1877.

I take great heart in the fact that there is a strong body of opinion in the South which does not agree with the southern policy of segregation. I was greatly heartened some weeks ago when 335 Presbyterian ministers and laymen from the South presented a petition to some of us asking that the civil rights bill be passed. From personal interviews and correspondence with scores of southerners, I conclude that there is an inarticulate but real body of opinion in the South that wants to shake off the evil practice of second-class citizenship and come out into the broad sunlight of human equality, respect, and dignity.

I compliment the legislative leaders of both parties, on both the north and south sides of the Capitol, who have

worked through the years for this measure, or a measure substantially similar. Some came in early, some came in late. But all have helped immeasurably. I pay tribute to them. I pay tribute to the organizations which have helped. But most of all, the passage of this bill has been assured by the heroic and patient acts of tens of thousands of people scattered over this broad land, people relatively unknown, who have risked their businesses, social esteem—indeed risked their lives, and in some cases, lost their lives, in order that this principle might be established.

It is invidious to single out specific individuals. But I should like to mention a few names of those who symbolize the great change that has come about through the acts and sacrifices of the great masses of the people of this Nation.

Mr. President, Mrs. Daisy Bates, of Little Rock, heroically faced the power of the State of Arkansas and helped to desegregate the high schools of Little Rock against enormous obstacles. We may have noticed in the newspaper a day or two ago that a Negro girl, Miss Evans, who graduated from this desegregated high school of Little Rock—and who has not had a very pleasant experience in that high school—was chosen as the presidential scholar for the State of Arkansas. In spite of all the obstacles which that girl faced, she went on to be judged as the ablest girl student in the State of Arkansas by an impartial committee who did not know her color. That gives hope that as we open up more opportunities other young men and women like this girl will emerge from what would otherwise have been a state of suppression into the full development of their faculties, not merely for their benefit, but for the benefit of the Nation.

I mention Medgar Evers, shot and killed last year for his struggle that the right to vote might be extended to those of black color. No one has been convicted for his murder as yet. I mention the four little Negro girls in Birmingham, killed by a bomb planted in the church where they were worshiping. The people of that church believed in desegregation and were trying to stir up public sentiment in its favor and someone bombed them for it and killed four innocent children. No one has been convicted of that crime.

I could mention hundreds of others—people who have borne the cross of sacrifice, and by their sacrifices and by their devotion have paved the way for the passage of this bill.

I say to my colleagues who have joined in this long struggle that, as the Senator from Minnesota has said, we should not exult, we should not revile, we should not heap humiliation upon those who have fought according to their lights. We should extend to them the hand of friendship and brotherhood. But we should insist that this law be a reality, and not merely something on the statute books which is ignored and not put into effect.

I say to our Negro friends that they should beware of falling into the traps which their enemies would like to set for them. If we were to have, in the days and months following the passage of this bill, large numbers of unprovoked acts of violence on their part, this would be used by the worst enemies of the Negro race in the attempt to discredit the act itself, and to stir up bitter strife among the whites who form nine-tenths of the population of the Nation.

I believe I can justly make this appeal to them, since I have been in this fight most of my life, and have worked for it in Congress ever since I came to the Senate 16 years ago as my wife did in the other body when she served there. I appeal to the Negroes not to make the mistake which their enemies would have them make, but to follow the policy of peaceful assembly and to petition for a redress of their grievances and the right to demonstrate, but not to initiate or willfully provoke violence.

If we can have such cooperation from the white South and from the Negro race, we shall shoot the rapids and move into a better period.

I can offer a word of consolation, perhaps, to my southern white friends. They say they are fearful of what will happen; but I do not think we should be afraid of justice, or of truth, or of the fundamentals of the American system. Ultimately, the good sense of the American people works these things out and—although with considerable intervening discord—we get an approach to a method of life which is superior to that which went before.

Mr. President, this morning, as I was thinking of what I should say this afternoon, I came across some lines from the gentle Quaker poet John Greenleaf Whittier which I believe are applicable to the present hour:

> The clouds which rise with thunder, slake
> our thirsty souls with rain;
> The blow most dreaded falls, to break from
> off our limbs a chain;
> And wrongs of man to man but make the
> love of God more plain.

This bill is a work of love, not of hate; a measure to help people surmount prejudice and not to marshal the law behind prejudice. It is a measure to furnish a standard beyond which individuals can go but below which they should not fall. It will help make some of the professed goals of American life realities. I believe the American people have decided that they want to move forward; and I hope and believe that the experience under this act will confirm and not reverse, that desire.

Mr. MUNDT. Mr. President, additionally, I yield myself 20 minutes.

The PRESIDING OFFICER. The Senator from South Dakota is recognized for 20 minutes.

Mr. KEATING. Mr. President, will the Senator from South Dakota yield briefly to me, on my own time?

Mr. MUNDT. Mr. President, I ask unanimous consent that I may yield to the Senator from New York not to exceed 5 minutes, with that time to be charged to him, not to me, and with the further understanding that at the conclusion of his remarks I shall be allowed to resume my position on the floor.

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

Mr. KEATING. I thank the Senator from South Dakota.

Mr. President, it had not been my intention to speak again on this measure; but I am prompted to do so by the remarks made yesterday by the junior Senator from Arizona [Mr. GOLDWATER], in stating his opposition to this measure, specifically to title II and title VII.

I find myself in emphatic disagreement with the remarks of the Senator from Arizona.

I commend my colleague [Mr. JAVITS], who has so carefully delineated his differences with the Senator from Arizona.

Yesterday, we heard the Senator's remarks about a police state, about a society in which neighbor would be spying on neighbor, and in which businessman would be pitted against businessman, to the detriment of the entire Nation; and at one point the junior Senator from Arizona [Mr. GOLDWATER] stated:

> The two portions of this bill to which I have constantly and consistently voiced objections, and which are of such overriding significance that they are determinative of my vote on the entire measure, are those which would embark the Federal Government on a regulatory course of action with regard to private enterprise in the area of so-called public accommodations and in the area of employment—to be more specific, titles II and VII of the bill. I find no constitutional basis for the exercise of Federal regulatory authority in either of these areas.

Mr. President, in making that statement, the junior Senator from Arizona either overlooked or expressed disagreement with a memorandum submitted to the Senator from Minnesota [Mr. HUMPHREY] and the Senator from California [Mr. KUCHEL], and signed by more than 20 of the most distinguished lawyers in the Nation, including 2 former Attorneys General who served under President Eisenhower—Herbert Brownell and William P. Rogers; Francis Biddle, another former Attorney General; by 4 former presidents of the American Bar Association, and 3 deans of prominent law schools—men for whom all in the legal profession have the deepest respect, both for their integrity and for their legal acumen.

There is ample precedent for Federal action in these areas covered by titles II and VII. For example, food sold in restaurants throughout the Nation is subject to the quality regulations issued by the Food and Drug Administration. Meat is inspected by the Department of Agriculture.

As to title VII, employers throughout the Nation must comply with Federal minimum wage laws, health and safety standards, child labor laws, and Federal regulations relating to conditions of employment. They must pay social security taxes, and must withhold employee income tax payments. One could continue almost endlessly to speak of the precedent for and constitutionality of various measures similar to the provisions now embodied in title II and title VII of the pending bill. Businesses are subject to the antitrust laws and to Federal laws and regulations pertaining to

unfair labor practices. All the laws pertaining to these matters and to many others which are similar have been tested in the courts, and have been found to be constitutional.

Mr. President, let me read a short excerpt from the letter signed by Mr. Harrison Tweed and Mr. Bernard G. Segal, and endorsed by many other distinguished legal figures. In their letter of transmittal to the Senator from Minnesota [Mr. HUMPHREY] and the Senator from California [Mr. KUCHEL], who had addressed to them this very question in regard to the constitutionality of these two titles of the bill, they replied, in part, as follows:

> Upon careful consideration of the established judicial precedence in this area and constitutional law and in full recognition of the vital importance of the legal issues which are the subject of this letter—

The PRESIDING OFFICER. The time of the Senator from New York has expired.

Mr. KEATING. Mr. President, may I have 1 more minute?

Mr. MUNDT. I yield 1 more minute to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 1 more minute.

Mr. KEATING. I continue to read from the letter:

> We conclude that title II and title VII are within the framework of the powers granted Congress under the Constitution.

And they point out in detail the reasons why they reach that conclusion.

I believe it fair to say that their opinion and conclusion on this legal question of constitutionality can justifiably be pitted against that of any Member of the Senate. I do not question the sincerity or good faith of the junior Senator from Arizona [Mr. GOLDWATER] or, indeed, the popularity of his views in some quarters; but, Mr. President, in light of this legal opinion and the legal opinion of the vast majority of the Members of the Senate, on both sides, I do question the accuracy of the statement of the junior Senator from Arizona. Senate passage of the civil rights bill will be a vindication of the hopes and dreams and work of millions of Americans. It is not a victory for sectionalism or for one race alone, but a triumph for all America. It is not, as its opponents have claimed, an instrument for oppression, but a tool for building a better, more unified nation. Today is not the beginning of the end for America, but the end of the beginning of efforts to extend equal justice to all our citizens.

The PRESIDING OFFICER. The time of the Senator from New York has again expired.

Mr. KEATING. Mr. President, I ask unanimous consent to have printed in the RECORD the letter and memorandum of the lawyers referred to, in regard to title II and title VII.

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

IDENTIFICATION OF SIGNERS OF LETTER

Joseph A. Ball: Ball, Hunt & Hart, Long Beach, Calif., past president, State Bar of California.

Francis Biddle: Washington, D.C., former Attorney General of the United States.

Herbert Brownell: Lord, Day & Lord, New York City, former Attorney General of the United States; president, Association of the Bar of the City of New York.

Homer D. Crotty: Gibson, Dunn & Crutcher, Los Angeles, Calif., past president, State Bar of California; member of council, American Law Institute.

Lloyd N. Cutler: Wilmer, Cutler & Pickering, Washington, D.C., president, Yale Law School Association.

Norris Darrell: Sullivan & Cromwell, New York City, president, American Law Institute.

James C. Dezendorf: Koerner, Young, McColloch & Dezendorf, Portland, Oreg., past president, National Conference of Commissioners on Uniform State Laws; vice president, American Judicature Society.

Erwin N. Griswold: Cambridge, Mass., dean, Harvard Law School.

Albert E. Jenner, Jr.: Thompson, Raymond, Mayer & Jenner, Chicago, Ill., past president, American Judicature Society; past president, American College of Trial Lawyers.

William B. Lockhart: Minneapolis, Minn., dean, University of Minnesota School of Law.

William L. Marbury: Piper & Marbury, Baltimore, Md., member of council, American Law Institute.

David F. Maxwell: Obermayer, Rebmann, Maxwell & Hippel, Philadelphia, Pa., past president, American Bar Association; former chairman of house of delegates, American Bar Association.

John D. Randall: Cedar Rapids, Iowa, past president, American Bar Association; former chairman of house of delegates, American Bar Association.

Charles S. Rhyne: Rhyne & Rhyne, Washington, D.C., past president, American Bar Association; former chairman of house of delegates, American Bar Association.

William P. Rogers: Royall, Keogel & Rogers, Washington, D.C., and New York City, former Attorney General of the United States.

Samuel I. Rosenman: Rosenman, Colin, Kaye, Petchek & Freund, New York City, former special counsel to President Franklin D. Roosevelt and President Harry S. Truman.

Eugene V. Rostow: New Haven, Conn., dean, Yale University Law School.

Bernard G. Segal: Schnader, Harrison, Segal & Lewis, Philadelphia, Pa., president-elect, American College of Trial Lawyers; former chairman of the board, American Judicature Society.

Whitney North Seymour: Simpson, Thacher & Bartlett, New York City, president, American College of Trial Lawyers; past president, American Bar Association.

Charles P. Taft: Taft, Lavercome & Fox, Cincinnati, Ohio, former mayor of Cincinnati.

Harrison Tweed: Milbank, Tweed, Hadley & McGloy, New York City, chairman of council and past president, American Law Institute; chairman, Joint Committee on Continuing Legal Education (ALI and ABA).

John W. Wade: Nashville, Tenn., dean, Vanderbilt University School of Law.

MEMORANDUM

TITLE II

Title II enunciates a policy of the right of all persons to the full and equal enjoyment of service in hotel facilities, in eating places, in gasoline stations, and in premises offering entertainment, and prohibits discrimination or segregation in the access to such establishments on the ground of race, color, religion, or national origin. An establishment which serves the public is subject to the restrictions of title II if its operations affect interstate or foreign commerce or if the proscribed discrimination or segregation which it practices is supported by State action.

The kind of prohibited activity contemplated by the terms "discrimination" and "segregation" is sufficiently clear to withstand any possible charge of uncertainty. The courts have dealt with the concept of discrimination in the context of similar legislation, Federal and State, so as to fashion a measurable standard of conduct which constitutes discrimination and segregation on the grounds set forth in title II. For example, in *Boynton* v. *Virginia*, 364 U.S. 454 (1960), the Supreme Court concluded that the segregation of seating facilities at a bus terminal serving interstate travelers was in violation of the Interstate Commerce Act's prohibition against unjust discrimination.

The use of the commerce clause as one of the grounds for framing the public accommodations title is in accord with what has by now become a traditional pattern of regulatory legislation. In exercising its power to regulate commerce among the States, Congress has adopted laws applicable to a wide variety of commercial transactions. The mere enumeration of some of the better known statutes which have become accepted as part and parcel of our national economic structure demonstrates the broad range of the commerce clause.

In attempting to maintain free competition in the marketing of goods, in striving to assure the health of our people, in eliminating the abuse of working women, children, and others in the labor force, and in responding to many other economic and social problems, Congress has passed the Sherman Antitrust Act, the Robinson-Patman Act, the Fair Labor Standards Act, the National Labor Relations Act and its supplementary statutes, food and drug legislation, the Federal Trade Commission Act, laws regulating rail, motor, and air transportation, the Agricultural Adjustment Act, and countless other measures whose constitutionality is now beyond question.

Congress may select the objects of regulation, and it has broad power to determine the remedy best adapted to carry out the purpose of legislation enacted under the commerce clause.

In the case upholding the constitutionality of the National Labor Relations Act of 1935, *N.L.R.B.* v. *Jones & Laughlin Steel Corp.*, 301 U.S. 1, 36 (1937), Chief Justice Hughes, speaking for the Supreme Court declared:

"The fundamental principle is that the power to regulate commerce is the power to enact all appropriate legislation for its protection and advancement * * * to adopt measures to promote its growth and insure its safety * * * to foster, protect, control and restrain."

Likewise, in *United States* v. *Darby*, 312 U.S. 100, 114 (1941), Chief Justice Stone, in an opinion upholding the validity of the Fair Labor Standards Act, reiterated that "the power of Congress over interstate commerce is complete in itself, may be exercised to its utmost extent, and acknowledges no limitations, other than are prescribed by the Constitution." The remedy which Congress selected for assuring decent wages and hours for a large segment of the American labor force was to regulate the working conditions in factories producing goods which may find their way in interstate commerce.

Under the authority of these and other cases, Congress, seeking to outlaw discrimination against interstate travelers, may cast its regulatory mold in the manner best calculated to achieve the desired result. Thus, Congress may determine, as in title II, that a hotel, motel, or similar establishment of more than five rooms offering lodging to transient guests is likely to be utilized by interstate travelers and thereby to affect interstate commerce. Eating places, gasoline stations, or facilities providing entertainment or sports events involve interstate commerce because they serve interstate travelers or because the food or gasoline to be sold, the motion pictures to be exhibited, and the par-

ticipating artists or athletes normally move in interstate commerce.

Precedents in this field are abundant. By way of example, the courts have held subject to Federal regulation a restaurant in a bus terminal serving interstate travelers (*Boynton* v. *Virginia*, 364 U.S. 454 (1960)), and local establishments preparing or supplying food for consumption on interstate carriers (*Mitchell* v. *Sherry Corine Corp.*, 264 F. 2d 831 (4th Cir.), cert. den., 360 U.S. 934 (1959)). Restraints of trade on the manner or extent of the local exhibition of motion pictures (*Interstate Circuit* v. *United States*, 306 U.S. 208 (1939)), stage attractions (*United States* v. *Shubert*, 348 U.S. 222 (1955)), boxing matches (*United States* v. *International Boxing Club*, 348 U.S. 236 (1955)), and football games (*Radovich* v. *National Football League*, 352 U.S. 455 (1957)), have all been held to be subject to Federal legislation predicated on the commerce clause. The supporting theory is that the exhibitions, and those who take part in them, move from State to State and the particular restraint would limit the freedom or the volume of interstate transactions.

By similar reasoning, the courts have sustained the application of the antitrust laws to retail establishments serving people or selling goods that move in interstate commerce (*United States* v. *Frankfort Distilleries*, 324 U.S. 293 (1945)). An agreement which narrows the market for products or persons moving in interstate trade, such as a boycott or a joint refusal to deal, may be reached under the commerce clause. It follows that if Congress so desires, it should also be able to forbid an individual refusal to deal just as it now prohibits individual discrimination in prices under the Robinson-Patman Act.

Although racial discrimination may or may not have the same commercial motivation as the economic restrictions involved in antitrust and similar violations, a legislative judgment of the adverse effect of such discrimination on the freedom or volume of the interstate movement of people and goods cannot, under the decided cases, be subject to serious doubt. Whatever its nature, a practice which has a detrimental or limiting effect on commerce may be reached by the Congress under the commerce clause.

The extent to which the discriminatory action of any one of the establishments covered by title II adversely affect interstate commerce is not controlling provided there is some connection with such commerce. It is the "total effect" of many individual obstructions upon commerce (*United States* v. *Darby*, *supra* at 312 U.S. 123), and their recurring nature (*Board of Trade of Chicago* v. *Olsen*, 262 U.S. 1 (1923)), which are significant in determining congressional power. The Chicago case upheld an act regulating dealings in grain futures in an opinion by Chief Justice Taft. Justice Taft, recognizing that the transactions on the board of trade may not in and of themselves be in interstate commerce, posed the test of congressional power as to "whether the conduct of such sales is subject to constantly recurring abuses which are a burden and obstruction to interstate commerce in grain" (262 U.S. at 36).

Many small businesses comparable to those within the scope of title II are today subject to Federal statutes passed pursuant to the commerce clause. The corner general merchandise store is deeply immersed in regulation under the congressional commerce power. The food which it sells, the drugs it provides, the advertising it displays and the wages paid to its employees are all affected by Federal legislation premised on the commerce power. And this regulatory authority is not limited by the size of an enterprise or by the volume of its interstate business. Classic examples generally cited are the 23-acre wheatfield producing 239 bushels of wheat held to be subject to control under the Agricultural Adjustment Act (*Wickard* v. *Filburn*, 317 U.S. 111 (1942)), and the newspaper circulating a handful of 45 copies outside its home State held to be governed by Federal wage and hour regulations (*Mabee* v. *White Plains Publishing Co.*, 327 U.S. 178 (1946)).

The principle that it is the accumulated impact of individual obstructions upon commerce which justifies the exercise of congressional power was restated by the Supreme Court last year in *N.L.R.B.* v. *Reliance Fuel Corp.* (371 U.S. 224, 226 (1963)):

"Whether or no practices may be deemed by Congress to affect interstate commerce is not to be determined by confining judgment to the quantitative effect of the activities immediately before the Board. Appropriate for judgment is the fact that the immediate situation is representative of many others throughout the country, the total incidence of which if left unchecked may well become far reaching in its harm to commerce."

The fact that in exercising its indisputable power to remove obstructions to interstate commerce, Congress at the same time seeks to accomplish an additional purpose, such as the improvement of working conditions or the elimination of unequal treatment based on racial consideration, does not preclude reliance upon the commerce clause. Chief Justice Stone made this eminently clear in his monumental opinion upholding the validity of the Fair Labor Standards Act (*United States* v. *Darby*, *supra*). Justice Stone's language is particularly apt in considering the validity of title II:

"The motive and purpose of the present regulation is plainly to make effective the congressional conception of public policy that interstate commerce should not be made the instrument of competition in the distribution of goods produced under substandard labor conditions, which competition is injurious to the commerce and to the States from and to which the commerce flows. The motive and purpose of a regulation of interstate commerce are matters for the legislative judgment upon the exercise of which the Constitution places no restriction and over which the courts are given no control. Whatever their motive and purpose, regulations of commerce which do not infringe some constitutional prohibition are within the plenary power conferred on Congress by the commerce clause" (312 U.S. at 115).

We have dwelt at length on the commerce clause basis for title II because this appears to be one of the key legal issues generated by the pending legislation. The second source of constitutional power cited in title II is the equal protection clause of the 14th amendment.

State or local legislation requiring discrimination in public accommodations is a denial of equal protection under the 14th amendment (*Peterson* v. *Greenville*, 373 U.S. 244 (1963)). A wide variety of other circumstances may meet the "State action" test of the 14th amendment. For example, in *Lombard* v. *Louisiana*, 373 U.S. 267 (1963), statements favoring segregation made by city officials during a period of racial unrest were held to have so affected the decision of a store owner not to serve Negroes as to make his action the result of invalid State discrimination rather than the product of purely private whim. The lease by a municipal airport, or by a public parking authority, of a restaurant located in its building was held in *Turner* v. *Memphis*, 369 U.S. 350 (1962), and *Burton* v. *Wilmington Parking Authority*, 365 U.S. 715 (1961), to make the State responsible for the discrimination practiced by the tenant. According to the Burton case, any significant "degree of State participation and involvement in discriminatory action" may subject that action to Congress power under the 14th amendment.

Reliance upon the 14th amendment is consistent with the *Civil Rights Cases*, 109 U.S. 3 (1883). The Civil Rights Act of 1875 was declared invalid because it was not aimed at State action but rather at individual conduct. The defect found by the Supreme Court in the 19th century legislation would seem to have been corrected by predicating title II upon discriminatory conduct supported by State action.

In our considered judgment, the commerce clause and, where State action is involved, the 14th amendment are sound constitutional bulwarks supporting the validity of title II of H.R. 7152.

TITLE VII

Title VII of the proposed Civil Rights Act of 1963 enunciates a national policy of equal opportunity for employment free from discrimination. The equal employment title is based expressly upon the commerce clause. Section 701(b) also declares it to be the purpose of Congress to insure the full "enjoyment by all persons of the rights, privileges and immunities secured and protected by the Constitution of the United States."

The employers covered by the proposed legislation would ultimately be those having 25 or more employees. For the first 3 years after its effective date, title VII would cover those employers having a greater number of employees as prescribed in section 702(b). Also subject to this title would be employment agencies and labor organizations.

In the customary pattern of State and local fair employment legislation, title VII sets forth certain unlawful employment practices by employers, employment agencies, and labor organizations. Generally, these practices relate to discrimination, segregation, and other types of unequal treatment or withholding of privileges because of race, color, religion, sex, or national origin.

A procedure is established for the implementation of the purposes of the title by an Equal Employment Opportunity Commission and for resort to the courts when allegedly unlawful employment practices cannot be voluntarily eliminated.

The same considerations which support the conclusion that the public accommodations title is valid under the commerce clause, particularly the landmark Jones & Laughlin and Darby cases, are equally applicable here. Many of the prior statutes regulating labor relations under the commerce clause upheld by the Supreme Court are directly analogous to the provisions of title VII.

Starting with the National Labor Relations Act and continuing through the Labor Management Reporting and Disclosure Act of 1959, Congress has enacted comprehensive legislation regulating labor and management practices. The Fair Labor Standards Act and similar statutes, which have as their purpose the improvement of the condition of persons whose work affects interstate or foreign commerce, furnish ample authority for the attempt in title VII to prohibit discrimination in employment practices. It is but a short step to proceed from a statute which prevents the discharge of workers for union activity to one which seeks to outlaw discrimination in employment on account of race. In a case involving the applicability of the Norris-La Guardia Anti-Injunction Act to the picketing of a store denying equal employment opportunities to Negroes, Justice Roberts, speaking for the Court, said, with somewhat prophetic insight:

"The desire for fair and equitable conditions of employment on the part of persons of any race, color, or persuasion, and the removal of discriminations against them by reason of their race or religious beliefs is quite as important to those concerned as fairness and equity in terms and conditions of employment can be to trade or craft unions of any force of labor organization or

association. Race discrimination by an employer may reasonably be deemed more unfair and less excusable than discrimination against workers on the ground of union affiliation" (*New Negro Alliance* v. *Sanitary Grocery Co.*, 303 U.S. 552, 561 (1938)).

Employers, employment agencies as well as labor organizations whose business or activities affect interstate or foreign commerce are clearly subject to congressional legislative authority.

The decisions which have upheld statutes adopted under the commerce clause or other powers contained in the Constitution recognize that congressional authority is restricted by the due process of law guarantee of the fifth amendment. It is evident that most Federal regulatory statutes constitute a limitation to some extent on the use of private property or the exercise of private rights.

The National Labor Relations Act is an example of the type of Federal legislation upheld by the courts against the charge of interference with property rights (*N.L.R.B.* v. *Jones & Laughlin Steel Corp.*, 301 U.S. 1, 43 (1937)). The courts have dealt in the same manner with State legislation enacted under local police powers which has been challenged under the due process clause of the 14th amendment. In meeting this attack, the Supreme Court said in *Nebbia* v. *New York*, 391 U.S. 502, 538 (1934):

"The Constitution does not secure to anyone liberty to conduct his business in such fashion as to inflict injury upon the public at large, or upon any substantial group of the people."

Nebbia and cases of like import are relevant because the power of Congress to deal with interstate commerce is similar to the authority of the State to regulate activities within the State. Titles II and VII do not seem to involve any greater interference with private rights than many of the Federal regulatory statutes to which we have referred or similar State legislation. The Supreme Court has upheld State and local antidiscrimination measures in *Railway Mail Association* v. *Corsi*, 326 U.S. 88 (1945), a New York statute barring racial discrimination by labor unions, and *District of Columbia* v. *Thompson Co.*, 346 U.S. 100 (1953), a local law prohibiting discrimination on account of race in eating places.

We have not tried to provide in this memorandum an exhaustive discussion of the legal authorities in support of our views. From a review of the leading decisions of the courts, we have sought to cull out the fundamental principles governing congressional power under the Constitution and to refer specifically to a few cases which contain important holdings.

We are mindful of the heavy responsibility which each Member of Congress bears in acting upon this legislative proposal, and we hope that the above analysis will be of some assistance in discharging that responsibility. We are honored by the opportunity to be of help in attempting to clarify some of the legal issues involved in H.R. 7152.

Mr. KEATING. Mr. President, I am very grateful to the Senator from South Dakota.

Mr. MUNDT. Mr. President, I yield myself initially 20 minutes.

The PRESIDING OFFICER. The Senator from South Dakota is recognized for 20 minutes.

Mr. MUNDT. Mr. President, as we near the end of the long debate on civil rights, I shall not spend much time discussing the various titles, provisions, and sections of the bill, nor indeed the intricate questions of constitutionality which have just been mentioned by the junior Senator from New York [Mr. KEATING].

I have received a great deal of mail from lawyers in my own State and from other States dealing with the constitutionality of the measure as discussed by Senator GOLDWATER yesterday and it is quite obvious that the question is one on which the best legal minds of America disagree.

I have received numerous letters from able lawyers around the country who feel that title VII especially would violate the Constitution and others are dubious about title II. I have also received letters such as the junior Senator from New York has read into the RECORD, from equally eminent lawyers, to the effect that the measure is strictly within the confines of the Constitution.

Mr. President, the constitutionality question is one over which apparently lawyers of equal ability will argue for many years, and it ultimately will have to be decided by the higher courts. But it is certainly not a one-sided question, and it is not a question on which all the legal talent of America is on one side and laymen are arguing on the other. I believe no one, even a Solomon if he were in our midst today, could say with finality whether title II and title VII are in violation of the Constitution.

Each Senator, each lawyer, and each citizen is entitled to his educated guess, but no one can know for sure until the question has been decided by the courts. In the meantime, the debate among lawyers of equal talent and sincerity will continue as it properly should. Except for the happy, carefree disciples of the easy answer and the simple solution, there can be no question but what serious constitutional questions are involved.

However, I rise to speak on a subject on which I have more intimate knowledge and on which I can speak with more authority than trying to speculate upon future decisions of the Supreme Court of the United States.

Since the Senate is a very precedent-conscious body, I wish to point out two bad legislative practices which have been employed in arriving at the present stage of the debate. I point them out not to complain that they have been used, but to caution against their becoming a precedent for repetitious use in the Senate.

The first bad legislative practice to which I allude is what I refer to as the "third house," technique which was employed to write the substitute upon which we shall vote this afternoon or evening.

The "third house" was a group carefully screened and selected from among proponents of the proposed legislation—some Democrats, some Republicans, some Members of the Senate, some members of the executive agencies, some of our legislative leaders, the Attorney General of the United States—meeting in what has been in reality a third house of Congress for the purpose of putting together the substitute measure which was adopted yesterday as the vehicle upon which we shall express our individual viewpoints in connection with this particular civil rights bill. That I allude to as the first bad legislative practice.

The second bad legislative practice is the employment of cloture. Using these two unhappy legislative tactics together—first, the third house in an effort to bring about a unanimity of opinion, second, the invocation of cloture, in order to develop the urgency required to get on with the legislation—produced a procedure of which it might well be said that on this bill we employed both the tactics of the third House and also those of the roughhouse, neither of which should become precedent forming in this body.

The difficulty with the third house approach is that in a group meeting in secret and coming forth with a substitute bill we lose entirely the great benefit of two-party legislation in America. I believe that every Member of this body agrees with the present speaker that the two-party system is one of the great reasons that America has thrived and flourished. It has kept us from moving in the direction of an American totalitarian state, in which the minority viewpoint is not considered, and sometimes where it is not even permitted to be enunciated.

Every committee of the Congress has representation of both political parties, and that is a good thing, because it brings about necessarily a critical approach to every bill. Some incline to be proponents automatically; some incline automatically to be opponents; and out of it we come forth with a happy compromise which is the result of the meeting of minds which differ from each other at the start, and sometimes—usually—arrive at a constructive compromise conclusion.

Unhappily, the third house which operated to produce this substitute functioned with a one-party concept—not one political party, but a one-party viewpoint—with only the proponents, only those holding a certain attitude on the proposed legislation participating in the draftsmanship. So the proposed substitute bill suffers from the fact that it did not have the careful scrutiny and the sustained criticism which always exist when a government is operating under a two-party system, such as we have, and such as we have in every committee of the Congress.

I do not believe that the third house approach was necessary in the proposed legislation. In all events, I believe it is a bad practice, to be avoided in the future. I believe that bicameral legislatures are good, but that tricameral legislatures are unwise, especially when they provide a commingling of the executive and the legislative branches—putting appointive executive officials and Cabinet officers at work in the legislative body working with elected legislators to write the laws.

I believe that our constitutional forefathers were wise when they provided for a separation of powers. The legislative branch is one thing; the executive branch is another; the judicial branch is still a third. We should henceforth make certain that we keep them that way.

Today I want to caution as emphatically as I can against the "third house technique" precedent, because we shall destroy something very precious in Amer-

ica if we develop the precedent and follow the habit of the executive departments sitting in with members of the legislative branch to write the laws in committees set up to detour the regular two-party legislative committees of Congress.

The imposition of cloture is something else to which I wish to allude. I believe that the Senate necessarily had to vote for cloture on this issue in order to get on with the business of the legislative branch of Government. There was no other way in which we could ever have brought this legislation to a head. I voted for cloture, reluctantly, as one who is inclined to oppose it, because I believe that in the final analysis on a major legislative matter the majority should have a right to express itself. If the endeavor were to obtain cloture for the purpose of obtaining a change of the rules, in an effort to set up a new procedure so that hereafter the majority could always grind the minority into submission, I very much doubt that cloture would have ever been invoked, and certainly not with the vote of the present speaker.

When we arrive at a position in which proposed legislation has been before us for more than 3 months, and when it is necessary to get on with the housekeeping measures of the Congress and the legislative business of the country, there comes a time on an important substantive legislative proposal when there should be a counting of noses, when there should be consideration of amendments, when there should be a break in the deadlock, and when Senators should have an opportunity to voice and vote their viewpoints.

AS WE LIVE WE LEARN

But as we live we learn. One lesson that I hope we learn is the obnoxious feature of a third house operating in this legislative body. The other thing I hope we learn is the undesirable ramifications which inevitably flow from any legislative situation in which cloture is invoked. Almost inevitably when cloture is invoked we have a rampaging majority attitude tending to flaunt its power, tending to deny the minority viewpoint adequate opportunity to make its case and to plead its cause.

We had an example of that tendency on this floor, Mr. President, this very week, when, on last Tuesday night, the leadership, which had won its vote for cloture, held the Senate in continuous session for more than 13 hours, voting more than 30 times on individual amendments which had been offered. It was not until after midnight that some of us arose on the floor to call attention to the roughhouse tactics being employed by the devotees of cloture and pointing out how difficult it might be again to convince the Senate that this cloture could produce an orderly legislative process, with that kind of example written into the records of the Journal of the Congress.

I am happy to record for the permanent RECORD and for historians that our majority and minority leaders are reasonable, prudent and considerate men; and when the situation was summarily called to their attention, when it was pointed out that the abuses of the privileges and power given under cloture would bring their own dire dividends. the Senate was promptly recessed, and we proceeded the following day with something more normally resembling appropriate legislative procedure.

But there was the bronze light flashing for all of us to see, when it comes up again, that once we place ourselves in the straitjacket cloture we place ourselves in an iron vise choking us and gagging us, and have little cause to complain about the results which eventuate.

We have also learned to understand, therefore, how important it is in this body to keep rule XXII as it is, undiluted, unweakened, and unchanged, because our present rule on cloture and the fact that it was hard to get provided in this instance an opportunity to have a long, sustained debate on a highly controversial measure.

Had cloture been easy to obtain, I suspect that after the first 30 days or 6 weeks of the debate, it would have been invoked and in all probability the House bill would have been adopted without most of the more than 80 corrective and salutory amendments being approved.

But because cloture was difficult to obtain, the proposed legislation was carefully scrutinized. At this time more than 85 amendments have been added to it, because the Senate is a deliberative body, because cloture was not something "eager beavers" could quickly and readily obtain, because a number of Senators had to be satisfied that improvements were in the offing and were being drafted before cloture could be invoked.

I submit that the legislative proposal now before the Senate is its own best testimony of the value and the virtue of sustained debate on the floor of the Senate, and its own best argument against an easy curtailment of debate by easy-to-obtain cloture through a change weakening rule XXII.

Some of the amendments are minor in nature. Some are very major in nature. But together they have brought about a vast improvement in this legislation from the standpoint of what the bill was when it passed the House. We can give the present nature of rule XXII credit for that fact.

I regret that many amendments were turned down which I thought might have been added. But, under the restrictions of cloture, we have all discovered that it is extremely difficult to have even the best amendments receive adequate debate, careful scrutiny, and devoted intelligent attention.

I am convinced that, in the ordinary legislative process, another 10 or 15 amendments, as a minimum—good amendments and important amendments—should have been added to this bill. I shall not seek to enumerate them this afternoon, but as a rough rule of thumb for those who study and analyze the RECORD, I suspect that many of the amendments that received 35 or more votes on the long rollcalls might well have been adopted had we been confronted with fewer amendments, had they been more vigorously supported in debate, and had the time limitation been not so restricted.

I make these observations in this connection, Mr. President, not to complain, but merely to caution, because the Senate is a continuing body, and the same arguments for cloture, for speed, for "greasing the skids," will be made again. And it will be well that those who are here then can look back to see what happened to those of us who are not here before they change something as important and as basic to the operation of the Senate.

I shall vote for the bill on final passage, Mr. President. Sometimes bad methods can produce some good results.

While I have had some earnest and harsh words to say about the "third house" complex and the roughhouse techniques of cloture which were used to put the bill together and advance it, I think in the main some good results will flow therefrom. I pay tribute to those who sat in the "third house." But I point out that the victories they gained were not as important or as meaningful as would have been the case had a two-party system operated in the "third house," even though the second party had a minority no larger than the Republicans have in the Senate, namely, less than one-third. At least there would have been a voice of caution and of criticism. There would have been a call for more careful scrutiny. There would have been less need for changes that were added on the floor of the Senate and for some that were rejected here.

The "third house" eliminated some repugnant and distasteful features of the proposed legislation which were in the House-passed bill.

I pay tribute also to the minority leader, the Senator from Illinois [Mr. DIRKSEN], who probably knows more about what is in the bill than does any other Member of the Senate, who worked at it harder, who worked at it longer, who considered it more carefully, and who came forth with some very helpful suggestions. In a very real sense, he served as "the speaker of the third house" during these considerations.

I merely point out that the results were less desirable than they would have been, and less meaningful to the public than they would have been, had some other device been used whereby the critics of the bill as well as some of its most ardent supporters could have sat together to work out compromises and provisions in the measure, which now comes to us under the imprimatur of the "third house" of Congress.

Whether this piece of legislation cures more problems than it creates now will depend entirely on its administration. If it is administered by people who will temper justice with mercy—and in this instance also temper mercy with justice—I think it can have some good and salutary effects. If, on the other hand, it is administered by people with a punitive motive, with the diligence of a crusader who wants to do abrupty those things which normally take time, I can conceive that what we shall enact this afternoon will, in the long run, create more problems than we seek to solve by its enactment.

I was unwilling to vote for a "civil rights bill" as a slogan or a label on a bottle, although every time a civil rights bill has been in Congress in the more than 25 years I have served here I have voted for civil rights bills.

I wanted to see how much progress we could make toward having a workable, reasonable, constructive piece of legislation.

While, in my opinion, we have not moved in that direction as far as we should we have definitely moved in that direction; and a wise and prudent and dispassionate administration of the bill can make it a vehicle for good instead of an instrument to trigger off new controversies of new dimensions.

The PRESIDING OFFICER. The time of the Senator from South Dakota has expired.

Mr. MUNDT. Mr. President, I yield myself 20 additional minutes.

The PRESIDING OFFICER. The Senator from South Dakota is recognized for 20 minutes.

Mr. MUNDT. This difficult drama is not one of those easy television scenarios in which the actors who participated can be divided into the "good guys" and the "bad guys." It is not quite so simple. Good Senators both from the South and from the North have opposed this bill persistently; and good Senators also have supported it. I certainly have no quarrel with any Senator on his vote on this measure where each of us must conscientiously do our best to arrive at a decision with which we can live. Each Senator, according to his own guidelights, provided by his conscience, his convictions, and his constituency—all of which I believe should be considered in a decision of this kind—will, I am sure, vote for what he believes to be the best interests of his country.

As I have indicated with many misgivings, especially title VII, and a few misgivings about other areas, I shall vote for the bill in the hope that it will move in the direction of providing greater equity and greater harmony of association between the races.

I shall vote for the bill because I feel it is necessary that some action be taken to correct certain distasteful and unconscionable situations which exist in certain areas of America today.

I shall vote for the bill because I believe it will set a standard for better public behavior on the part of everyone regarding racial problems.

VIOLATION OF VOTING RIGHTS

Now, Mr. President, I turn to a subject which is unrelated to the text of this bill, but is closely and intimately related to the principles and the philosophy of the bill as expressed in the title dealing with the voting rights of citizens.

I turn to a discussion of the most repugnant discrimination and the most iniquitous injustice in the voting rights area of civil rights which exist in America, both before and after the passage of this bill.

A FLAGRANT VIOLATION OF CIVIL RIGHTS CONTINUES

I invite attention to the most flagrant violation of the voting rights of individual citizens existing today in this Republic. If we pass the bill today, those violations will continue in existence tomorrow.

Unfortunately, nothing in this bill even remotely moves in the direction of correcting this dangerous and discriminatory situation. I refer specifically to the bloc system and the "winner take all" formula employed in the voting procedures of our electoral college in elections affecting our Presidents and Vice Presidents.

The basic philosophy of voting rights carried out in the current civil rights bill is that every American citizen should have an equal right to vote, and should be empowered equally to assert his influence in the polling place in this great American concept of self-government, and especially in the election of the President and Vice President.

I subscribe wholeheartedly to that philosophy. That is one of the motivating factors which induces me to vote for this civil rights bill on final passage.

However, the bloc system of voting in all the State presidential elections as a unit in the electoral college in support of a Presidential candidate scoring a bare majority of the votes of his State, nullifies to a considerable degree the equity provisions of the proposed legislation. The concept of "one citizen, one vote" is written out in the civil rights bill. Under the "winner take all" method of counting electoral votes, however, the winner gets not only the votes cast for him, but also the votes cast for his opponent. He literally can reach down into the polling place and steal every vote cast against him and have them added to his total as accounted for in the electoral college.

In no other branch of American activity would we stand still for 1 single minute and have the winner nullify and in fact appropriate the score and the results obtained by his opponent, listing them and reporting them as his own.

The last time the Washington Senators played a baseball game they lost by 5 to 3, but even the fans of the Washington Senators would resent with resounding voices any news reports published in the Washington papers that the Washington Senators had lost the baseball game by 8 to 0.

But that is what happens when an electoral vote is cast.

In 1960, Mr. Kennedy carried New York State by a scintilla of a fraction of 1 percent, but he received every electoral vote that was cast. Mr. Nixon carried California by about the same percentage point, but in California Dick Nixon got every electoral vote that was cast. No one in California voted for Kennedy according to the electoral college voting record. The electors for New York reported to the electoral college that Kennedy obtained every vote. No one in New York voted for that "outlander" Californian far out yonder in the West, Dick Nixon.

This system can lead only to the most serious results. In voting for a bond issue in a community where two-thirds of the majority is required to approve the bonds, who would stand for reporting the results of the community in which 100,000 votes were cast as 100,000 to 0, merely because a majority happened to approve?

I submit that giving multiple voting privileges to certain citizens because of the accident of geographic residence is as un-American as it would be to give multiple voting privileges to certain citizens because of race, color, creed, religion, educational degrees, or property ownership.

The American concept of "one citizen, one vote" has been highlighted by recent decisions of the Supreme Court, first dealing with the State legislative districts and then with senatorial districts. The basic concepts involved in these decisions are that because of the location of residence, an undue advantage should not be permitted to one group or to one voter against another. But this bloc system of "winner take all" electoral votes works to the disadvantage of millions of Americans, making them continue not as 2d-class citizens, not as 4th-class citizens, but in many instances 10th-, 12th-, 14th-, and even 15th-class citizens.

For example, a citizen who votes as an individual in New York State or in California today, actually pulls down 43 electoral levers, because he puts 43 electoral votes into the hopper of the electoral college where it counts and where they determine who is to be the President of the United States. But a neighbor in California who lives in Nevada, of equal capacity and equal patriotism, when he votes, pulls down only three electoral levers. He is therefore virtually a 15th-class citizen compared to his neighbor in New York, or in California.

The New York situation is similar. In New York, when an individual citizen votes, he has 43 punch keys moving in unison voting for his choice for President, but his neighbor in Vermont has only 3. Similar unconscionable discrepancies and inequities exist among all of our States and the term "first-class Senator" can accurately be used only for voters in California and in New York State.

By what right can we say we are passing civil rights legislation which continues to discriminate against the people of America because they are, necessarily, living geographically in a city with less than 43 electoral votes?

Under the "grandfather clause" in the old unreconstructed South at its worst, and under the greatest abuses ever perpetrated by a literacy test, whereby one white man would keep a colored man from voting, we had one man nullifying the vote of another citizen, but under the circumstances prevailing under our electoral college system one voter in California or New York actually nullifies the votes of 14 people voting in Nevada, Delaware, Alaska, Vermont or Wyoming.

Under this gross system of flagrant violation of the civil rights of Americans of all creeds and colors, one citizen in New York City, under the bloc system and the "winner take all" pattern of electoral college voting, nullifies the vote of 10 citizens living in Arizona, Idaho, Montana, New Hampshire, New Mexico, North Dakota, Rhode Island, South Dakota or Utah.

That New York or California voter alone could likewise nullify and com-

pletely outweigh the votes of eight citizens in Maine or of seven of the most careful and well-informed voters of Colorado, Nebraska, or Oregon.

I hope and believe that some Attorney General or some Governor of one of the smaller States in the Union will carry to the Supreme Court a challenge as to the validity of the unit-rule counting system employed under our electoral college process.

It seems to me inevitable that the Supreme Court will have to rule against this unfair and unrepresentative counting tactic. To be consistent with its "one citizen, one vote" attitude, to be consistent with its basic philosophy that accident of geography and residence should not give one citizen more franchise than another, it will have to rule that that system, whereby the winner adds to his column all the votes of his losing opponent, must be ruled to be against the Constitution. I hope the question will be brought to the courts very soon.

I should like to display a map to the Senate, showing what this means in the control of America. The red States are 12 in number. They include 20 of the great metropolitan areas of the country. The total vote cast by these States is 260 votes in the electoral college. It requires only 268 votes to elect. Any candidate on any ticket getting the votes in these 20 cities can literally thumb his campaign nose at every citizen in every other State of America, including the home State of the President, Texas.

Something is basically wrong.

I ask unanimous consent to have printed in the CONGRESSIONAL RECORD, in any way the Public Printer thinks it can best be done, this chart, or map. It can be printed either as a map, or in any way that the Public Printer can figure out, or perhaps by blocks or columns, or in any way in which, exercising his initiative, he can represent the facts shown by this chart.

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

The table is as follows:

THE VAST ELECTORAL POWERS OF THESE PIVOTAL STATES MUST BE CHANGED

The 12 States shown below are known as the pivotal "bloc vote" controlled areas. In these States and in their large cities are 260 electoral votes. Just eight votes shy of enough to win the White House in 1964. Listed are the States and cities:

	1964 electoral votes
New York: New York, Buffalo, Rochester	43
California: Los Angeles, San Francisco	40
Pennsylvania: Philadelphia, Pittsburgh	29
Illinois: Chicago	26
Ohio: Cleveland, Cincinnati, Columbus	26
Michigan: Detroit	21
New Jersey: Newark, Jersey City, Paterson	17
Massachusetts: Boston	14
Missouri: St. Louis, Kansas City	12
Wisconsin: Milwaukee	12
Maryland: Baltimore	10
Minnesota: Minneapolis, St. Paul	10
Total	260

In these areas are concentrated the "bloc vote" groups of voters the politicians are appealing to. They are controlling the election of the President.

These States have petitioned Congress by resolution to submit a constitutional amendment to the States for ratification: South Dakota, Montana, Utah, Kansas, Colorado, Texas, Arkansas, Minnesota, Wisconsin, and New Hampshire. Others will follow and Congress is compelled to submit.

We advocate the adoption of the district plan to make it possible to elect a President in as fair and representative manner as we elect a Congressman or Senator. Candidates for the electoral college would each declare his choice for President and Vice President and then run for election in a manner similar to Senators and Representatives. The district plan would restore the purpose of the electoral college by preventing distortions in the election of the President which arise from widely varying populations of the different States. Under this equitable plan most States would be sending electoral college members of both parties rather than a victorious all Democratic or all Republican panel which deprives the State's minority of all representation. Now is the time to let the thunder of your voices be heard in demand for this change.

It is not our purpose to elect any particular presidential candidate—our only interest lies in how he is elected. We believe the district plan is the solution.

ELECTORAL COLLEGE REFORM COMMITTEE,
HUGH MATLOCK, *Director*.

Mr. MUNDT. Mr. President, I should like to call something else to the attention of proud Members of the Senate. We are talking about first-class citizens. I shall vote to give every person, regardless of race, color, creed, or religion, a first-class status. However, let us talk about a bigger problem. Let us talk about a gross national injustice. Let us talk about something which is inimical to the whole concept of self-government in America. Let us talk about the fact that 1 voter's vote today can nullify the vote of 10 or 12 or 15 equally intelligent and able citizens merely because voters live within different States.

Five great cities; namely, New York City, Los Angeles, Chicago, Newark, and Philadelphia, together control the votes of States with a total electoral college vote of 156.

If one more person in each of those States votes in favor of a certain candidate, the capacity of those States in the electoral college is so strong as to nullify and overcome the unanimous votes cast by every voting citizen, moving in the same direction, in all of the following States: Florida, Georgia, Alabama, Mississippi, Louisiana, Texas, Oklahoma, Arkansas, Tennessee, South Carolina, North Carolina, Kentucky, Virginia, and West Virginia.

VITAL IMPORTANCE OF THE BIG CITY VOTE

Introductory note: The election of 1960 was lost by Republicans in the relatively few big cities of the Nation. The following data represent how these cities can determine the outcome of the vote in the electoral college:

New York City, Los Angeles, Chicago, Newark, Philadelphia (total 156 votes, 5 cities), is equal to Florida, Georgia, Alabama, Mississippi, Louisiana, Texas, Oklahoma, Arkansas, Tennessee, South Carolina, North Carolina, Kentucky, Virginia, and West Virginia (total 156 votes, 14 States).

The above five cities are the key to the electoral vote of their respective States. Total electoral votes of the five States represented is 156, equal to total of the 14 States listed below.

The same principle is true in schedules II, III, and IV following:

New York City, Los Angeles, Cleveland, Detroit, Boston, Chicago, Newark, Philadelphia (total 217 votes, 8 cities), is equal to Delaware, Nevada, Vermont, Wyoming, Arizona, Idaho, Montana, New Hampshire, New Mexico, North Dakota, Maine, Oregon, Colorado, Nebraska, Rhode Island, Tennessee, South Dakota, Utah, Arkansas, Connecticut, Kansas, Mississippi, South Carolina, West Virginia, Kentucky, Florida, Iowa, Louisiana, Alabama, Minnesota, Oklahoma, and Virginia (total 213 votes, 32 States).

III

Philadelphia alone (total 36 votes) or Detroit and Newark (total 36 votes), is equal to Arizona, Idaho, Montana, New Hampshire, New Mexico, North Dakota, Rhode Island, South Dakota, Utah (total 36 votes, 9 States).

IV

New York City, Philadelphia, Los Angeles (total 113 votes, 3 cities), is equal to Delaware, Nevada, Vermont, Wyoming, Arizona, Idaho, Montana, New Hampshire, New Mexico, North Dakota, Iowa, Rhode Island, South Dakota, Utah, Maine, Oregon, Colorado, Nebraska, Louisiana, Kentucky, Florida (total 110 votes, 21 States).

I should now like to beseech those who call themselves "liberals," albeit with a mistaken definition of the term, to support legislation which would give equal justice and first-class citizenship status to every American, regardless of where he lives. I can tell the Senate where they were a few years ago, when, with the cooperation of former Senator Price Daniel, of Texas, a number of us introduced a reform proposal and forced a yea-and-nay vote on this issue. Those who now protest most loudly that they are in favor of a vote for every American, voted almost unanimously against giving first-class status to American citizens regardless of the States in which they live.

They will have another chance. We have another constitutional amendment in the hopper to correct this situation. It is Senate Joint Resolution 12.

I hope the next time they will remember that the philosophy which motivates us to vote for the pending bill also motivated us in voting to eliminate the unfair, discriminatory, anti-American, anti-civil rights operation of the electoral college as it functions in this country today.

Let me give the Senate another illustration of what is wrong. Eight large cities in this country have 217 electoral votes, which they control because they predominate in the voting of their States. They are New York, Los Angeles, Cleveland, Detroit, Boston, Chicago, Newark, and Philadelphia.

If just one adidtional citizen—eight ordinary people—in each of these States vote a tie-breaking vote in each of these cities making it a tie-breaking vote within each State for the presidential candidate, those eight citizens alone, under our electoral college voting system, have more authority in the election of a President of the United States than every citizen voting unanimously in the following States for a differed choice: Delaware, Nevada, Vermont, Wyoming, Arizona, Idaho, Montana, New Hampshire, New Mexico North Dakota, Maine, Oregon, Colorado, Nebraska, Rhode Island,

Tennessee, South Dakota, Utah, Arkansas, Connecticut, Kansas, Mississippi, South Carolina, West Virginia, Kentucky, Florida, Iowa, Louisiana, Alabama, Minnesota, Oklahoma, and Virginia, a total of 32 States.

We talk about having universal franchise in America. We concern ourselves, and rightly so, about a black man having the same vote as a white man. We should. We should also concern ourselves about a tie-breaking vote in eight vast cities, cast by a black man or a white man, which gives more authority to eight such citizens than is possessed by all the citizens in 32 States.

In this iniquitous situation, embodied in the greatest violation of civil rights of all Americans, except those living in California and New York, we find the taproot of almost every evil movement and policy developing in America today. It nullifies the processes of self-government. It glorifies the importance of pressure groups, which do not have to move outside the city limits of the great metropolitan fleshpots in this country to control and dominate American policies; determines presidential nominees in both our major parties, and determines who will win the presidential election and, indeed, dictates to the President after his victory what his policies must be if he intends successfully to seek reelection.

I am happy to say that there is a solution to this problem, that there is an answer to it. I refer to Senate Joint Resolution 12. I ask unanimous consent to have the text of the joint resolution printed in the RECORD at this point in my remarks.

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

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"ARTICLE —

"SECTION 1. Each State shall choose a number of electors of President and Vice President equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be chosen an elector.

"The electors to which a State is entitled by virtue of its Senators shall be elected by the people thereof, and the electors to which it is entitled by virtue of its Representatives shall be elected by the people within single-elector districts established by the legislature thereof; such districts to be composed of compact and contiguous territory, containing as nearly as practicable the number of persons which entitled the State to one Representative in the Congress; and such districts when formed shall not be altered until another census has been taken. Before being chosen elector, each candidate for the office shall officially declare the persons for whom he will vote for President and Vice President, which declaration shall be binding on any successor. In choosing electors of President and Vice President the voters in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature, except that the legislature of any State may prescribe lesser qualifications with respect to residence therein.

"The electors shall meet in their respective States, fill any vacancies in their number as directed by the State legislature, and vote by signed ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice President, and of the number of votes for each, excluding therefrom any votes for persons other than those named by an elector before he was chosen, unless one or both of the persons so named be deceased, which lists they shall sign and certify, and transmit sealed to the seat of government of the United States, directed to the President of the Senate; the President of the Senate shall, in the presence of the Senate and the House of Representatives, open all the certificates and the votes shall then be counted; the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors chosen; and the person having the greatest number of votes for Vice President shall be the Vice President, if such a number be a majority of the whole number of electors chosen.

"If no person voted for as President has a majority of the whole number of electors, then from the persons having the three highest numbers on the lists of persons voted for as President, the Senate and the House of Representatives, assembled and voting as individual Members of one body, shall choose immediately, by ballot, the President; a quorum for such purpose shall be three-fourths of the whole number of the Senators and Representatives, and a majority of the whole number shall be necessary to a choice; if additional ballots be necessary, the choice on the fifth ballot shall be between the two persons having the highest number of votes on the fourth ballot.

"If no person voted for as Vice President has a majority of the whole number of electors, then the Vice President shall be chosen from the persons having the three highest numbers on the lists of persons voted for as Vice President in the same manner as herein provided for choosing the President. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States.

"SEC. 2. The Congress may by law provide for the case of the death of any of the persons from whom the Senate and the House of Representatives may choose a President or a Vice President whenever the right of choice shall have devolved upon them.

"SEC. 3. This article supersedes the second and fourth paragraphs of section 1, article II, of the Constitution, the twelfth article of amendment to the Constitution and section 4 of the twentieth article of amendment to the Constitution. Except as herein expressly provided, this article does not supersede the twenty-third article of amendment.

"SEC. 4. Electors appointed pursuant to the twenty-third article of amendment to this Constitution shall be elected by the people of such district in such manner as the Congress may direct. Before being chosen as such elector, each candidate shall officially declare the persons for whom he will vote for President and Vice President, which declaration shall be binding on any successor. Such electors shall meet in the district and perform the duties provided in section 1 of this article.

"SEC. 5. This article shall take effect on the 1st day of July following its ratification."

Mr. MUNDT. Mr. President, this amendment would return America to the system of electing Presidents that was used in the first three great national elections in this country, with one man equal to one vote, and would provide for electing presidential electors from presidential electoral districts, each of equal size and of equal importance. Each person would vote for a presidential elector representing his Representative in Congress, because he has one, and for two presidential electors, representing his Senators, because he has two, and having as many electors as he has Representatives and Senators combined, with each equally important electoral district reporting that those three electors went pro or con, or A or B, or Republican or Democratic.

Every candidate would have to appeal to America as a whole, not to the determinative voters in the major cities who alone, by casting tie-breaking votes, can determine the policies of America.

I share with the editors of the Washington Evening Star the concern about this problem, recognizing what the Supreme Court decisions must inevitably mean if Vermont, Delaware, Rhode Island, or some other small State will have its attorney general take to the Supreme Court a challenge to this flagrant violation of the franchise of America.

I believe the Supreme Court will have to rule in conformity with its rulings in other cases that this kind of rigged, stacked electoral college system is unconstitutional.

Let me quote one sentence from the editorial:

> Why should not every vote, for example, have the same value when it comes to election of the President, who is President of all the people of the United States? The raising of this old issue, as a matter of law, may not be too far off.

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

Mr. MUNDT. I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator from South Dakota is recognized for 2 additional minutes.

Mr. MUNDT. Mr. President, may I point out one further illustration for those who read the RECORD, for those who really trust the people, for those who believe that the people should select the President, rather than have him selected by unfair electoral devices, and rigged systems of counting in the electoral college.

Permit me to show just how unjustly this system operates. Imagine with me, if possible, twin baby boys born in Omaha, who after graduating from a fine high school in Omaha, go to the University of Nebraska getting scholarships to attend Harvard University. They then graduate from the law school of Harvard University, graduating in a tie, at the top of their class, summa cum laude. The twin boys are still equally and identically intelligent, able, and skilled.

They then part company for the first time in their lives, brother Joe going to New York, and brother John going to Wilmington, Del., to practice law. Flip the calendar with me for 40 years. At the end of 40 years, each of them is a supreme court judge in his respective State—John in Delaware, and Joe in the State of New York. They are both still equally able, equally conscientious, and equally successful. They are equal Americans.

But when they go to vote on the first Tuesday following the first Monday in November, all semblance of equality goes down the drain. Brother Joe at 3 o'clock in the afternoon, voting anywhere in New York State, pulls an election lever which casts 43 votes for President. His brother John, voting in Delaware, at the same time pulls an election lever which casts a mere three votes for President. There is nothing fair, nothing right, or nothing just about such an election system. As a consequence, a system as wrong as that can lead only to trouble in America. In fact, it is already producing many deleterious repercussions in America.

I solicit the support of my colleagues and the country for Senate Joint Resolution 12, which would put the election of Presidents back in the hands of the people, all the people of America, with equal voting rights regardless of where they live.

That, to me, would be giving civil rights to all Americans, not merely civil rights to some.

Mr. MORTON. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 3 minutes.

Mr. MORTON. Mr. President, I commend my friend and colleague from South Dakota for a very clear exposition of the obvious injustices which prevail in our present electoral college system. The Senator has made the case and stated the case today as clearly as I have ever heard it. Furthermore, it was an appropriate time to make such a statement. For, as the senior Senator from Vermont [Mr. AIKEN] stated yesterday, "This is the week that is."

We are passing an historic bill which includes in title I the entire provision with respect to voting rights. Also, the highest Court of the land in the beginning of this week rendered a decision with regard to representation among the State legislatures—both the State senates, as well as the lower houses—which brings this matter home.

I personally do not see how, if a case such as was described by the Senator from South Dakota—involving such a State as Delaware, Rhode Island, or another State with a small electoral vote—should go to the highest tribunal, it could consistently rule any other way than that there should be equality, that each citizen should be equal in his choice in the selection of the President. That only means that each should be able to vote three members of the electoral college.

I again commend my friend the Senator from South Dakota on an excellent exposition. I was here hoping to help him if he needed help. But he did not need any.

I reserve the remainder of my time.

Mr. JOHNSON. Mr. President, this is indeed the blackest day in the U.S. Senate since 1875, when the Congress passed a civil rights bill similar to this one. It was 89 years ago that the Congress passed the nefarious Reconstruction era civil rights laws, identical with what we are now discussing, which were later declared unconstitutional by the U.S. Supreme Court. The Senate, if it passes this measure before us, will be compounding that unconstitutional error made back in 1875. I predict that this bill will never be enforced without turning our Nation into a police state and without the cost of bloodshed and violence.

Ten years ago, in 1954, the Supreme Court took it upon itself to amend the Constitution of the United States and declare that segregation—that is, required separate but equal school facilities for the races—was illegal. Instead of promoting peace and harmony between the races, as a result of this decision we have seen racial violence, intolerance, bigotry, and hatred compounded and multiplied. Whenever Government decrees a social policy for people when the people are not behind such a policy, one can only expect as a result such violence and trouble.

Those who advocate passage of this civil rights bill need not expect this legislation to do anything for our country except to divide our people and rekindle the hatreds and prejudices of 100 years ago, to be perpetuated into the future for at least another 100 years. Contained in this legislation is not just a so-called framework for engendering equality among people of different races. This bill contains the equipment, tools, temptation, and power to establish a vast Federal network for controlling the people of every community. The damage this will do to our Government is incomprehensible.

There is no question in my mind but that the spirit of Thaddeus Stevens was present in this Senate Chamber when proponents of this civil rights measure buggywhipped to death every amendment offered by the opposition. The prejudice against all amendments, regardless of legislative merit, was obvious throughout our days of deliberation here.

There is no Member of the U.S. Senate that really knows what will happen after this bill is passed into law. It is a Pandora's box filled with unknowns that will return to haunt our countryside. It is a paradise of loopholes and unanswered questions which will wind up in the hands of the Supreme Court to be used in its obvious drive to become the oligarchic rules of this Nation. This entire bill is a patchwork quilt hastily thrown together, revised, changed, and substituted on the Senate floor without benefit of hearings and without benefit of proper legislative record.

When one talks of eliminating discrimination with this piece of so-called legislation, if it were not such a serious matter it would be fit for a good joke. For every ounce of discrimination eliminated under this bill, there is a pound of discrimination heaped upon the people by this bill. This bill sets up a prejudicial form of judicial proceedings in civil rights cases. It discriminates in civil rights cases. It brings a truly foreign form of so-called justice into our judicial system in the case of civil rights matters.

Proponents of this bill talk in terms of protecting the rights of the individual, but they do not mention the fact that for every right this bill may guarantee a person, there are a hundred rights being stripped from the people and their States.

If we sweep away the clutter of emotion and the clatter of the demonstrators and look at the legal aspect of this legislation, we can only come to the realistic conclusion that it is unconstitutional and will be recorded in history as the greatest robber of the rights of individuals and States and the most tremendous hoax ever perpetrated upon the people of the United States.

I want to discuss some of the unconstitutional sections of this bill, and to point out specifically why I am against it.

TITLE I

The substitute bill now before us makes some changes in title I, pertaining to voting rights, but still unconstitutionally encroaches the Federal arm and Federal jurisdiction over the State right to determine qualifications for voting. The Constitution clearly gives to the States the right to establish voting prerequisites; but this title of the bill would take away this State right. This bill is so prejudiced that it gives to Federal officials the right to determine what States may give oral examinations and what States must give written examinations. The political power in such a bill can open the door in some areas for people to vote, and close the door in others. This section is an unnecessary extension of the Federal authority over the State, county, and local affairs of our citizens, and an unconstitutional grab for power. It violates at least three clauses of our Federal Constitution. It also violates the basic concept of the balance of powers between separate and coordinate branches of Government. This is a terrifying assault upon our Constitution and our States rights, and is but one reason why I am opposed to this bill.

TITLE II

Title II of the bill is a bold attempt by the Federal Government to regulate the local customs and social practices of the people at large. Everyone realizes that if this title becomes law, restaurants, theaters, and all other places of public accommodations in their own communities will be under the doctrine of forced integration.

This section will cause nothing but turmoil, strife, emotionalism, and all of the other bad things that go to make up a disturbed population. The enforcement of this section will require a great army of officers, bureaucrats, and perhaps troops in uniform, if the executive branch of Government is determined to place it into full force and effect. I consider it utter foolishness for the Federal

Government in Washington to attempt to tell the owners of restaurants, gasoline stations, movie theaters, and all of the many other establishments covered by this title that they must suddenly open their doors to any and all comers.

I can see no purpose to title II other than a national attempt at social reform. It is an invasion of the private rights of all citizens by the Federal Government, and it constitutes an extremely dangerous thrust of Federal power into the normal and traditional domain reserved to State and local governments.

TITLE III

Title III of this bill gives to the Attorney General frightening powers to tamper in legal proceedings, beyond any authority ever before granted to him.

This section is an unconstitutional delegation of power to the executive branch, and would result in a preference for a special class of litigants. Congress has no power to legislate with regard to private lives, private business, and individual activity within and among the several States, for there can be no doubt that these essentially private matters have nothing whatever to do with interstate commerce.

How is it possible to define such private conduct so that it could become constitutionally amenable to Federal law, when the Constitution never gave the power to enact that law to the Federal Government in the first place? There are still in America many private rights which under our Constitution are beyond the power of the Government to regulate. One of these private rights is the right to pick one's associates and one's friends and one's customers in private business.

Title III grants blanket authority to the Attorney General:

To institute for and in the the name of the United States

Action for the desegregation of

Any public facility which is owned, operated or managed by or on behalf of any State or subdivision thereof.

The only requirement—and I believe this requirement is meaningless, as well as ineffective—is that the Attorney General certify that he has received a complaint, and that he is satisfied that if the individual filed a suit he would be unable, either directly or through other interested parties or organizations, to bear the expense of the litigation, or that the filing of the suit might jeopardize the employment of the individual or might result in his injury or in economic damage to such person or persons, their families, or their property.

It is true there have been amendments to this section under the substitute bill. These changes really amount to nothing but twisting of language. The great grab for Federal power under title III of this bill still remains. After Senators talked for weeks against title III of the House version of the bill, the substitute bill comes along and deletes from title III, section 302, which allowed the Attorney General to intervene in every case in which there was an allegation of denial of equal protection of the laws on account of race, color, religion, or national origin. The joker is that the authors of this substitute version slipped the same language into title IX. This, again, I believe, explains why I am against this section of the bill and, indeed, the entire bill.

TITLE IV

Title IV of the bill authorizes the Attorney General to institute suits seeking desegregation of public schools where the students or parents involved are unable to bring suit, and where the Attorney General considers that such a suit would materially further the public policy favoring the orderly achievement of desegregation in public education.

Mr. President, there can be no doubt that title IV, like title III before it, sets up a special category of privileged people with privileged interests. Legislative provisions providing for this type of discrimination are completely out of keeping with American tradition and American law and the laws of our 50 States. Furthermore, the bill establishes a basis for changing Americans from one people into arrogant and uncompromising factions.

Title IV of the substitute bill demonstrates the vicious approach of its authors in their attacks against the South. Not satisfied with pressing this desegregation of public schools section, they have included new language that prohibits the integration of schools in the North. In the South, our people live interspersed, or, if you please, integrated, in population areas all across the rural countryside, and even in our cities, white neighborhoods mix with Negro neighborhoods. In the North, the whites have fled from many areas populated by Negroes, and have moved into the suburbs, segregating themselves. The Negroes live segregated in the metropolitan cities of the North, not in the rural areas. Therefore, this "self-segregation" has resulted in school districts that are segregated by virtue of geographic position. The authors of this substitute bill incorporated section 407(a), which now establishes prohibition against the busing of students, to achieve racial balance or integration, if you please, in northern areas not desiring integration. This section now states:

That nothing herein shall empower any 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.

In other words, this bill is saying to the Supreme Court that, as much as it may like to enforce integration, or the 14th amendment, or whatever one wants to call it, it is the will of this Congress by this bill to continue to guarantee segregation in the North and to press integration in the South. I have said before, and I repeat now, this is a North-South bill, for the North and against the South. Again, this is a cause of my adamant and complete opposition to this bill.

TITLE V

Mr. President, title V deals with the Civil Rights Commission. Under this title, the Civil Rights Commission would be made a permanent body and would be given new and sweeping authority.

This new authority would convert the Civil Rights Commission from a temporary agency into a national clearinghouse for information concerning details of the equal protection of the laws.

The Civil Rights Commission really amounts to an Executive Commission with judicial powers. It will make investigations concerning violation of our Federal laws. I see no reason why the Attorney General should be dissatisfied with the work of the Federal Bureau of Investigation along these lines. I see no reason why an investigative agency such as the Civil Rights Commission, as proposed under this bill, should have the authority to subpoena witnesses to testify and to hold hearings and to gather raw, unverified information about individuals—without any protection being extended to any American.

Mr. President, the implications and dangers of these new, far-reaching powers granted under this bill to the Civil Rights Commission are all too obvious. Surely not even the most zealous proponents of this bill can realize what they are doing. I am compelled to be against such unconstitutional, unwarranted and prejudicial legislation.

TITLE VI

Mr. President, title VI, "nondiscrimination in federally assisted programs," concerns me as much as any other section of this bill. It gives unlimited power to the President, and, of course, by delegation to his subordinates, to cut off funds from practically every program enacted by Congress for the benefit of our citizens. Title VI grants a power we should be very reluctant to give any man. A power, I might add, described by our late President Kennedy as one which no man should be given.

Seniority rights of employees could be destroyed by title VI, as well as the rights of labor unions to choose members and determine their rights and relationships.

Title VI could affect the rights of farmers in their use of their land and the employment of helpers.

Title VI, in conjunction with titles II and VII, will drastically affect the rights of owners of hotels, motels, inns, restaurants, cafeterias, lunchrooms, soda fountains, motion picture houses, theaters, concert halls, sports arenas, and any other place of entertainment insofar as choosing their clientele and personnel for the mutual enjoyment of any one group.

Title VI makes available to the Executive the entire Federal budget for use to effect sociological concepts embraced by any current administration.

Title VI, in conjunction with titles IV and VII, grants unlimited authority to the President to take whatever action he determines appropriate concerning employment. This could result in tremendous influence that can be exerted on public and private schools and colleges benefiting from any Federal financial program, including the handling of pu-

pils, placement of faculty members and other personnel.

One of the things about title VI, as well as about the entire bill, which concerns me deeply is the shocking lack of definition, lack of criteria, lack of direction, to guide the agencies as to what they are expected to do under this law. Many of these agencies operate under the theory that they possess expertise; that they have a great deal of understanding in the fields in which they operate, more even than the courts themselves; therefore they enjoy in many cases immunity from court review of their decision.

Mr. President, I am simply and flatly opposed to this legislation and any legislation of this type.

We have a varied and broad range of programs in our States which are federally assisted. We try to help everyone—from the dope addict to the aged, infirm and helpless. Each of these programs required careful and deliberate consideration by the Congress. Legislative hearings, lengthy debate, much work and serious thought went into the enactment of the legislation creating these programs. I am equally opposed to giving any bureaucrat the power to decide on such vague criteria as those included in this title to cut off the funds from any of these programs as any man could possibly be.

TITLE VII

In my opinion, title VII, which would create an Equal Opportunities Commission, is one of the worst sections of the bill. Under the guise of offering equal employment opportunities to certain persons, it infringes on many of the liberties enjoyed by all Americans, regardless of race, creed, or color.

Title VII sets up an Equal Employment Opportunities Commission to police and investigate all industries affecting commerce, which includes any activities, business or industry in commerce, and all persons, labor unions, partnerships, associations, corporations, legal representatives, joint stock companies, trusts, unincorporated associations, trustees, trustees in bankruptcies and receiverships and even churches. The wide range exercised in this title will affect virtually everyone doing business in the United States, limited in its scope only by the exclusion of businesses hiring small numbers of people, changing this number slightly over the early years of the law's function, and many of these are covered under other sections of this bill.

This title removes from the businessman the right to pick his associates, hire, fire, promote, or grant benefits according to his personal judgment or the judgment of his subordinates. When fully implemented, this Commission will have $10 million a year to create a big brother bureaucracy to meddle in the affairs of virtually every business or industry, labor union, organization or activity in the United States.

The passing of legislation such as this under the banner of equal rights is a mockery. Throughout the history of our country, the heritage passed from one generation to the next has been that of liberty, not the right to any specific job. Under the proposed terms of granting the right to specific jobs, this legislation removes much of the liberty Americans have associated with property since the acceptance of the Bill of Rights.

Many times in our history it has been pointed out that without property rights there are no rights, but here, in a single stroke, many of the property rights long held dear by the American people will be diminished for an objective which I believe will not be forthcoming if this legislation is enacted.

TITLE VIII

Mr. President, title VIII is a comparatively short provision pertaining to registration and voting statistics, adding provisions to the Census Act.

Mr. President, the mere fact that a section in the bill of this type is short does not necessarily mean that there are not boobytraps lurking in the dark recesses of the weird conceptions behind every word. But as far as I am personally concerned, I believe that title VIII has less boobytraps per word than the more lengthy sections of this bill.

There are, however, several possibilities for misuse inherent in this simple title. As originally appearing in the bill, title VIII required a voting census to be taken—period—and was not restricted to any areas designated by the Commission on Civil Rights. The very fact that the title has been changed to provide for censuses only in those areas recommended by the Commission on Civil Rights proves the possibility that this provision can be used as a tool or lever to embarrass any particular area the Commission may desire to intimidate and coerce, for reasons political or racial, or both.

If we need a survey, or a census on voting registration, we should have a national survey. An area or regional survey may indicate voter patterns that seem discriminatory on their face, but it may actually be attributable to nondiscriminatory factors. Under such circumstances, it is certainly unfair, to say the least, to empower any man or commission to single out any area in order to publicize, denounce, or commend it.

Title VIII is probably the least obnoxious section of this bill, but the way in which it is drafted, like the rest of the bill, could very easily lead to abuses against the people. Title VIII should be struck down along with the rest of the bill.

TITLE IX

Title IX of the original bill was bad enough until the substitute bill authors added into this section the "intervention by the Attorney General" section that was deleted from title III of the bill. In addition to this, though, title IX of the substitute bill contains probably the most radical departure from Federal rules and procedures of the entire bill.

Under our present law, certain actions brought in the State courts may be removed to Federal court in the district in which the action is pending. The law of removal provides that upon filing of a petition by the defendant and the posting of a bond, jurisdiction is taken away from the State court. No further process can proceed in the State court. No depositions can be taken. Any scheduled hearings or hearings underway must be suspended and the matter is completely removed from the State court until such time as remanded by the district court.

Any lawyer can easily see that jurisdiction of any given State court could be virtually stalled while endless litigation was carried forth in the Federal courts appealing adverse decisions all the way to the Supreme Court of the United States.

This radical departure from our orderly procedure in our Federal courts would place litigants bringing action in civil rights cases in a preferred position held by no other parties seeking redress of their grievances.

The advantage to be given to civil rights litigants under this proposed change is unfair to our State courts, our Federal district judges and all the litigants with matters pending that do not have similar rights, advantages, and protections.

TITLE X

Title X establishes in the Department of Commerce a Community Relations Service, headed by a Director who shall be appointed by the President, and additional personnel to be appointed by the Director.

This exaggerated superstructure of all human relations services is charged with assisting communities and persons therein in resolving disputes, disagreements, or difficulties relating to discriminatory practices, based on race, color, or national origin.

Mr. President, here again we see a weird, perverted design of the interstate commerce clause to allow the Federal Government to enter into a new field affecting the very relationship of neighborhoods on the local level—and with the Congress imposing virtually no restrictions on the jurisdiction of the new Community Relations Service.

Despite all the detailed objections to this section of the bill, the simple construction of a new Federal bureau with nothing more to do than to pry into the lives of our people is sufficient grounds for me to be completely opposed to it.

TITLE XI

Mr. President, title XI, of course, is the miscellaneous section, aimed at tying up loose ends. It contains the usual proviso which would allow this legislation to continue in force even if parts of it are declared unconstitutional.

The authors of this bill, I must admit, were farsighted enough to provide that such funds as may be needed, and not a specific amount, be appropriated to carry out this law, because no one on the face of the earth can estimate with any accuracy how much money this gigantic grab for power will cost the American taxpayer.

Furthermore, if all the insidious provisions of this civil rights bill were enforced to any extent at all, the authorization for appropriations contained in title XI could very easily exceed the national defense budget in coming years.

At this very time racial violence is flaring, not only in the South, where our well-founded institutions were removed by judicial decree, but all over the North where protection gimmicks similar to

those contained in this civil rights bill are already in force. These Northern States that have attempted to solve the racial problem with civil rights legislation have themselves suffered more and more racial violence; and I fear, even as this bill is being passed, we are seeing an increase all across the North in racial violence.

This law we are about to pass—although I shall certainly vote against it—is no solution. The very advocates of this legislation who strongly urged its passage months ago to get the demonstrators off the streets and into the courts are now saying, with the bill's passage imminent and assured, that this is no solution but merely a framework within which differences must be resolved.

Mr. President, this is the very statement those of us opposed to this bill made from the beginning—that this bill was no solution to the racial problems confronting America today, but, indeed, would only multiply these problems.

Now that we are in the final hours of debate on this legislation and it is in fact about to become the law of the land, very little is heard from the proponents about the "magic effect" it would have in reducing the racial tensions of this Nation.

It amused me to listen to the Senator from Minnesota a few moments ago when he said nobody knew what was going to happen, or words to that effect.

Mr. President, in addition, this bill has had a most unusual trip in its journey through the legislative halls. Not one Senate or House hearing was held on this piece of legislation to allow the citizens of this great country of ours to bear witness to the far-reaching effects this bill would have on their homes, schools, businesses, neighborhoods, associates, or to call attention to the many rights that are actually being taken away by this bill.

When the proponents of this legislation spoke at length as to why they wanted it and refused to be interrupted for enlightening debate and no questions were allowed to be asked, not a word was uttered in the press claiming "filibuster, talkfest, or delaying tactics." But as soon as the Senators who are opposed to this legislation started point by point to clarify the provisions of this legislation and let the people know just exactly what was at stake, a great clamor arose to cut off debate.

I predict this bill is not going to solve the racial differences but will amplify them and it will cause more racial unrest in the months ahead than any of us have ever witnessed in our lifetime.

As the months pass and the bill is shown to be obviously unenforcible, as racial hatreds increase and racial violence multiplies, when the racial situation in the North becomes so explosive as to be intolerable, I remind my friends in the North that force legislation such as is being forced into law here, is not the way for a peaceful America. History will undoubtedly record this bill as the "Uncivil Riots Act of 1964."

Mr. HOLLAND. Mr. President——

The ACTING PRESIDENT pro tempore. The Senator from Florida.

Mr. HOLLAND. I yield myself my remaining time, which is 15 minutes, as I understand.

In the beginning, I ask unanimous consent to have printed at this point in the RECORD a list of 106 amendments which were rejected by the Senate in the course of this debate.

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

AMENDMENTS TO H.R. 7152 REJECTED BY THE SENATE ON JUNE 9, 1964

Hickenlooper amendment to eliminate special training for school officials to deal with school integration problems.

Cotton amendment to limit employment provisions to businesses with at least 100 employees.

Ervin substitute for Cotton amendment which would have eliminated title VII of the bill entitled "Equal Employment Opportunity."

AMENDMENTS TO H.R. 7152 REJECTED BY THE SENATE ON JUNE 10, 1964

Russell amendment providing that November 15, 1965, shall be the effective date of title II of the bill respecting public accommodations.

Gore amendment to eliminate title VI of the bill respecting nondiscrimination in federally assisted programs.

AMENDMENTS TO H.R. 7152 REJECTED BY SENATE ON JUNE 11, 1964

Cooper amendment to extend from 5 rooms to 10 rooms the exemption to operator of a transient lodging establishment.

Ervin amendment to eliminate language allowing Attorney General to enter into agreements with State or local authorities for conduct of voting tests.

Ervin amendment to strike language allowing Attorney General to intervene on certification of its general public importance in any Federal court action seeking relief from denial of equal protection of the laws under the 14th amendment to the Constitution.

Ervin amendment to eliminate language under title IX that would bar review on appeal or otherwise of an order remanding a case to the State court from which it had been removed.

Long (Louisiana) amendment barring Federal action to require any person in sale, lease, or other disposition of residential housing to negotiate or enter into any contract with a person not of his own choosing.

Ervin amendment outlining rights under existing law protecting ownership, enjoyment, and disposition of private property and providing for repeal of any laws inconsistent with such rights.

Ervin amendment providing that nothing in title II (public accommodations) shall be construed to require any operator of such a place to render any personal service to another against his will.

Smathers amendment to provide that there shall be no discrimination because of age.

Tower amendment providing that it shall not be an unlawful employment practice for an employer to give a professionally developed ability test for employment or promotion.

McClellan amendment respecting composition of Commission on Equal Employment Opportunity.

AMENDMENTS TO H.R. 7152 REJECTED BY THE SENATE ON JUNE 12, 1964

Stennis amendment to make it a Federal offense to cross State line for purpose of violating a State law.

Thurmond amendment to eliminate from the literacy test provisions in the bill the requirement that the voter must have been educated in the English language.

Thurmond amendment to eliminate the injunctive enforcement procedures as to public accommodations and to substitute criminal penalties therefor.

Tower amendment respecting agreements requiring membership in a labor organization.

Tower amendment providing that title VII will constitute the exclusive means whereby the Federal Government may grant or seek relief from any remedy respecting any employment practice of any employer covered by such title.

Russell amendment to provide that the legislation shall take effect only after the qualified voters have approved thereof in a national referendum.

Sparkman amendment to exempt from title II certain lunch counters, soda fountains, etc., operated within owner's own residence.

Sparkman amendment to make clear that under title II any person may take lawful action to protect or enforce any right, privilege, or remedy guaranteed by the Constitution or a Federal statute or a valid State law.

Thurmond amendment providing that coverage in title II of an inn, hotel, etc., shall be only as to interstate transient guests.

Stennis amendment providing that in certain cases the court, upon request by defendant charged under the legislation, shall assign counsel and at its discretion allow a reasonable attorney fee to the defendant.

Ervin amendment to eliminate coverage in title II of an establishment within premises of any establishment otherwise covered by the title.

AMENDMENTS TO H.R. 7152 REJECTED BY THE SENATE JUNE 13, 1964

Johnston amendment to exempt child care and foster homes from provisions for cutoff of Federal funds in cases of discrimination.

Tower amendment requiring any employee of the Equal Employment Opportunity Commission to identify himself when serving in official capacity as an investigator therefor or there can be no unfair employment practice finding.

Hill amendment to exempt from title on public accommodations such places as churches, cemeteries, or fraternities.

Hill amendment to require in hearings under the provisions for cutoff of Federal funds such guarantees in the Administrative Procedure Act as timely notice, right to counsel, subpena of witnesses, etc.

Ervin amendment to eliminate all of title I (voting rights).

Ervin amendment to eliminate from title I bars against nonuniform voting tests or certain nonmaterial errors or omissions.

Johnston amendment providing that proceedings under title I shall be before the district judge before whom the proceeding had been instituted rather than before any one of the district judges before whom instituted.

Ervin amendment eliminating from title I the provision that would make completion of a sixth-grade education a rebuttable presumption of literacy.

In addition to the actions above, Senate voted to sustain decision of the chair in upholding Humphrey point of order on ground of germaneness against Thurmond amendment barring abrogation or alteration of any treaty or agreement between United States and any Indian tribe or group except pursuant to legislation hereafter enacted.

Nine record votes were taken Saturday, June 13, 1964.

AMENDMENTS TO H.R. 7152 REJECTED BY SENATE, JUNE 15, 1964

Ervin amendment to eliminate language in title I (voting rights) providing for proceedings to be instituted by the United

States in any district court when Attorney General requests findings of a pattern of discrimination.

Byrd (West Virginia) amendment to eliminate title II (injunctions against discrimination in public accommodations).

Russell amendment to eliminate from title IV (public school desegregation) language that would bar courts from seeking to achieve racial balance in public schools by transporting pupils between school districts.

McClellan amendment (modified) providing that it shall not be an unlawful employment practice to hire anyone employer believes to be more beneficial to the particular business involved than another individual without regard to race, color, religion, sex, or national origin.

Ervin amendments, en bloc, requiring Attorney General when he institutes suits for designation of public facilities to establish by evidence rather than by certification that complaint on which he acts is meritorious.

Johnston amendment to eliminate all of title I (voting rights) except for the creation of three-judge courts.

Thurmond amendment to title II to eliminate requirement that for the operation of an establishment to affect interstate commerce within the meaning of the legislation a substantial portion of the products sold have moved in commerce.

Smathers amendment to exempt all barber and beauty shops from title II of the legislation.

Thurmond amendment to delete language that would give Attorney General power to institute suits against discrimination in public accommodations.

Long (Louisiana) amendment to substitute for title II language authorizing Federal loans to provide public accommodations which serve the public without discrimination.

Hill amendment to exempt from title II any business with more than five employees.

McClellan amendment to provide that title VII (equal employment opportunity) enumeration of unlawful employment practices shall apply only when discrimination is solely because of race, color, religion, sex, or national origin.

Ervin amendment to exempt from cutoff provisions as to Federal assistance nine specified Federal programs.

Thurmond amendment to allow court to appoint attorney for defendant in title II proceedings.

AMENDMENTS TO H.R. 7152 REJECTED BY THE SENATE ON JUNE 16, 1964

Long (Louisiana) amendment to exempt from title on public accommodations places of exhibition or entertainment located in the residence of the owner or operator.

Ervin amendment to include religion in the prohibitions against discriminations that may cause cutoff of Federal assistance in certain programs.

Ervin amendment to allow any taxpayer to sue any Federal agency for use of Federal funds other than in pursuance of the Constitution.

Ervin amendment to authorize taxpayer suits to test the constitutionality of loans and grants to religiouosly affiliated institutions, or suits by publicly owned institutions on similar grounds.

Thurmond amendment to delete language authorizing Attorney General to intervene in cases involving denial of equal protection of the laws and for appeal of Federal court order transferring a civil rights case to a State court.

Byrd (West Virginia) amendment to delete authority for court to allow payment of a reasonable attorney fee to the prevailing party, other than the United States in a public accommodations suit.

Sparkman amendment to exempt doctors' offices, cemeteries, mortuaries from public accommodations title.

Long (Louisiana) amendment exempting all but willful violations of the public accommodations title.

Stennis amendment to provide that in situations where Attorney General is authorized to intervene under title IX the attorney general of the State involved may also intervene when the defendant is an officer or an employee of that State.

Thurmond amendment to conform with other statutes in requiring that administrative remedies be exhausted before resort to court action.

Ervin amendment providing that in intervention suits by Attorney General for violation of equal protection of the laws the Attorney General must certify, and the judge must determine, that the ends of justice require such intervention.

McClellan amendment barring Equal Employment Opportunity Commission from withholding any evidence, or testimony, or records from any court or congressional committee.

Thurmond amendment to delete language in title II providing that all persons shall be entitled in such places to be free from any discrimination or segregation required by any State law.

Thurmond amendment to title II to provide that the enforcement of State or local trespass laws by State or local police upon request of owner or operator of a privately owned establishment shall not be deemed to be discrimination or segregation supported by State action.

Ervin amendments, en bloc, to title II to require a close and substantial relation to commerce, to delete language that would cover, in the legislation, those who "offer to serve interstate travelers," and to define further the product sold and entertainment presented which move in commerce.

Thurmond amendment to title III to include sex among the conditions the Attorney General may protect by institution of suit in event of segregation.

Thurmond amendment to delete language to authorize Attorney General to institute suits in public school cases.

Long (Louisiana) amendment to provide that a substantial portion of the patronage of an inn, hotel, or other public lodging, to be included under public accommodations title must be interstate travelers.

Long (Louisiana) amendment to provide that a place of public accommodation is one "regularly engaged for profit in the business of serving the public" rather than "serves the public."

Thurmond amendment to title IV to eliminate from definition of a public school the language "or operated wholly or predominantly from or through the use of governmental funds or property, or funds or property derived from a governmental source."

Long (Louisiana) amendment providing that in intervention by Attorney General in suits for preventive relief or injunctions there must be a showing of good cause therefor.

Thurmond amendment to delete language that would authorize investigation of citizens being unlawfully accorded the right to vote.

Thurmond amendment to title V by authorizing the giving of evidence or testimony by employee to any authorized congressional committee.

Long (Louisiana) amendment to provide that all persons shall be entitled in a "place of public accommodation" to be free from any discrimination or segregation required by State law, rather than all persons "at any establishment or place."

Thurmond amendment providing that the rules and regulations to be issued by Federal departments or agencies relating to cutoff of Federal funds for programs shall be approved by Congress rather than the President before becoming effective.

Thurmond amendment providing that rules and regulations to be issued by Federal agencies relating to cutoff of Federal funds for programs shall be approved by Congress rather than by the President before becoming effective.

Long (Louisiana) amendment requiring Attorney General before intervening in a public accommodations suit to conduct investigation to determine probable cause for belief that the alleged act or practice prohibited has occurred or is a threat.

Ervin amendment to eliminate title X.

Thurmond amendment directing Secretary of HEW to withhold funds granted or loaned under any Federal program from any school district which has voluntarily desegregated its public schools but does not attempt by busing, or otherwise, to correct racial imbalance in any of its public schools.

Ervin amendment to title VI providing that whenever there is reason to believe that discrimination is being practiced the agency concerned shall refer the question to the Attorney General for investigation, the result of which may be basis for trial by jury, with the burden on the Government to establish that the funds should be cut off.

Ervin amendment providing that whenever Federal agency believes discrimination is being practiced it will transmit the question to the Attorney General for investigation after which he may bring suit, the judge to issue order therein without trial by jury.

Thurmond amendment to include nonmembership in a labor union among the specified conditions against which there may not be discrimination in employment.

Thurmond amendment to title VII to provide that an employer is a person engaged in an industry "engaged in interstate commerce" rather than engaged in an industry "affecting commerce."

Thurmond amendment to provide that the Equal Employment Opportunity Commission shall elect its own Chairman and Vice Chairman rather than for the President to designate them as such.

AMENDMENTS TO H.R. 7152 REJECTED BY THE SENATE JUNE 17, 1964

Thurmond amendment to make violations of title VII (equal employment opportunity) subject to jury trial.

Thurmond amendment to eliminate language that would authorize Equal Employment Opportunity Commission to recommend to Attorney General intervention in or institution of an employment suit.

Ervin amendment to eliminate authority of a member of Equal Employment Opportunity Commission to file a complaint of discrimination in employment.

Ervin amendments, en bloc, specifying additional procedures to be followed in implementing provisions of bill providing for cutoff of Federal funds for certain programs.

Thurmond amendment to permit members of Equal Opportunity Employment Commission to provide information to congressional committees.

Thurmond amendment barring courts from assigning attorneys to complainants in employment cases.

Thurmond amendment to delete authority for courts to permit Attorney General to intervene in employment cases.

Thurmond amendment to eliminate language providing that Norris-LaGuardia Act shall not apply with respect to civil rights actions under section preventing unlawful employment practices.

Ervin amendment to title II to provide that before Attorney General may intervene in a lawsuit he must show there is substantial cause therefor.

Ervin amendments, en bloc to titles II and VII providing that court may appoint attorney for complainant only if such attorney consents.

Ervin amendment to eliminate provisions of title II which would allow attorney fee to prevailing party, other than the United States.

Thurmond amendment to title VII to provide that failure by employer to comply with requirement of posting of notice of pertinent parts of this title shall not constitute more than one offense until after written notice has been given the employer by the Commission as to existing noncompliance.

Thurmond amendment to eliminate title VIII (registration and voting statistics).

Johnston amendment modified to eliminate from title I (voting rights) provision for the three-judge court to hear cases thereunder upon request of the Attorney General.

Thurmond amendment to title VIII so that registration and voting statistics will be compiled on a nationwide basis rather than in such geographic areas as may be recommended by Commission on Civil Rights.

Thurmond amendment to title IX (intervention and procedure after removal in civil rights cases) to allow Attorney General to intervene in such cases upon determination and certification by court wherein suit was originally filed rather than upon certification by Attorney General only.

Thurmond amendment to title IX providing that no action thereunder shall be classed as a class action but the order therein shall be limited to the individuals named in the complaint.

Thurmond amendment to title X so as to allow employees of Community Relations Service to furnish information to congressional committee without being in violation of law.

Thurmond amendment to limit to 10 the number of employees of the Community Relations Service.

Thurmond amendment to limit Community Relations Service to disputes that affect interstate commerce.

Thurmond amendment to substitute the "judgment of the community involved" for the judgment of the Community Relations Service in determining in which disputes the Service's assistance will be offered.

Mr. HOLLAND. I placed in the RECORD Wednesday, June 17, the list of 65 amendments which the Senate adopted to the House bill and which were regarded by the professional staff of the Judiciary Committee as most substantial among the more than 100 amendments which were adopted.

It is interesting to note that 61 Members of the Senate voted for 1 or more of the 106 rejected amendments, indicating a very substantial dissatisfaction among Senators with many parts of this bill which has been so heavily amended since it came over from the House when we were told we should adopt it without dotting an "i" or crossing a "t."

Mr. President, in my opinion, the passage of this legislation will be a tragic mistake for our country—all of it. I have already stated during this long debate many reasons for opposing this so-called civil rights law and I shall not attempt to enumerate my specific objections again in the few minutes remaining to me. I will, however, make several brief observations:

First, in adopting this bill as a result of voting cloture, the Senate will violate, in my opinion, a cardinal principle of American democracy.

Mr. Walter Lippmann stated this principle well in a 1949 column from which I ask unanimous consent to have excerpts printed in the RECORD as part of my remarks.

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

EXCERPTS FROM ARTICLE BY MR. WALTER LIPPMANN IN 1949

The American idea of a democratic decision has always been that important minorities must not be coerced.

When there is strong opposition, it is neither wise nor practical to force a decision. It is necessary and it is better to postpone the decision * * * to respect the opposition and then to accept the burden of trying to persuade it.

* * * * *

For a decision which has to be enforced against the determined opposition of large communities and religions of the country will, as Americans have long realized, almost never produce the results it is supposed to produce.

The opposition and the resistance, having been overridden, will not disappear. They will merely find some other way of avoiding, evading, obstructing, or nullifying the decision.

For that reason, it is a cardinal principle of the American democracy that great decisions on issues that men regard as vital shall not be taken by vote of the majority until the consent of the minority has been obtained. Where the consent of the minority has been lacking, as for example in the case of the prohibition amendment, the democratic decision has produced hypocrisy and lawlessness.

* * * * *

The issue has been raised in connection with the civil rights legislation. The question is whether the vindication of these civil rights requires the sacrifice of the American limitation on a majority rule. The question is a painful one. But I believe the answer has to be that the rights of Negros will in the end be made more secure, even if they are vindicated more slowly, if the cardinal principle—that minorities shall not be coerced by majorities—is to be conserved.

For if that principle is abandoned, then the great limitations on the absolutism and the tyranny of transient majorities will be gone, and the path will be much more open than it now is to the demagogic dictator who, having aroused a mob, destroys the liberties of the people.

Mr. HOLLAND. Mr. President, I quote Mr. Lippmann's words briefly:

The American idea of a democratic decision has always been that important minorities must not be coerced * * * for a decision which has to be enforced against the determined opposition of large communities and regions of the country will, as Americans have long realized, almost never produce the results it is supposed to produce. The opposition and the resistance having been overriden will not disappear. They will merely find some other way of avoiding, evading, obstructing, or nullifying the decision. For that reason, it is a cardinal principle of the American democracy that great decisions on issues that men regard as vital shall not be taken by vote of the majority until the consent of the minority has been obtained.

Please keep in mind that these are the words of Mr. Lippmann and not my own, but they are based on his wide knowledge of American history.

In spite of the fact that my own advice must be always that the laws which are passed should be obeyed, I believe that Mr. Lippmann was sound in his statement that a great area of the country should not be coerced and that such coercion would prove futile. That situation becomes even worse in the present case because of the unequal treatment in the pending bill under titles II and VII which is given to the Southern States and which has been so ably discussed by other Senators during this debate.

My second observation is that such a law as this in many of its contents is doomed to failure before it is enacted because it involves an attempted coercion of men's minds and hearts in a field where persuasion, education, good will and experience must prevail in the effort to determine what adjustments will be regarded as tolerable by citizens of both races in the solution of our difficult biracial problems. Coercion and compulsion in such a field will not work.

My third observation is that apparently we do not learn from experience. In the tragic era of Reconstruction, nearly 100 years ago, the last southern President to serve this Nation, prior to November of last year, was ignored by an inflamed majority of the Congress who repeatedly overrode the vetoes of President Andrew Johnson. The two offenses which Andrew Johnson committed against that overzealous majority of the Congress were these: He insisted, steadfastly, on following the conciliatory approach to Reconstruction which had been laid down by Abraham Lincoln and he stubbornly insisted that the Constitution should be observed. The history of our Nation shows all too tragically what resulted from the action of a transient majority of the Congress, led by the infamous Thaddeus Stevens and others equally intolerant, and yet that lesson of history, which should be so clear, is being ignored again today in the passage of this bill by a transient majority of the Congress.

Fourth, passage of this bill ignores the very great progress that has been made and would have continued to be made in the South through the efforts of moderates of both races within the last 3 decades, which progress has been made almost wholly by the southern people themselves and under southern leadership. The lynchings which were such a blot on the record of Reconstruction have ceased. The leadership came from southerners and I remind the Senators that the senior Senator from Virginia, HARRY BYRD, as Governor of that great Commonwealth, led the way by insisting upon the enactment of a strong antilynching bill which ended that crime in that State. Other Southern States followed. The poll tax system has largely been eradicated. In all but five Southern States it is gone entirely, and in most of these five, it has been greatly softened.

Nationally, as to Federal elections, it is now accomplished by constitutional amendment offered and insisted upon by southern leadership. In education, the improvement has been so vast as to have commanded the notice of educational leaders throughout the Nation. The use of public facilities is now generally open to citizens of all races as a matter of both

law and practice. As to so-called public accommodations under biracial leadership in many southern areas, a course of trial and error experimentation is underway under which both races are finding out what they can tolerate on a permanent basis. Most of this change and adjustment has come about through the efforts of moderates in both races whose continued leadership and service will be made vastly more difficult by the passage of this legislation. How blind and heedless can zealots be? Why should we hopelessly handicap the moderates?

Those who read the history of our Nation will note that in many matters our philosophy has swung like a pendulum, back and forth, and such seems to be true in this case. The pendulum has swung far to the side of too great **haste, too great coercion, too** little persuasion, too little tolerance and understanding. It will swing back, inevitably, to something more moderate and in the meantime, all good Americans will have to summon all of the patience within us in the effort to head off disasters which may easily fall upon us as the result of the passage of this bill.

If I may speak for a moment about the area which I represent in part—the great Southland—which for the first three-quarters of a century of our Nation furnished so much of its leadership—I must say that we will not only survive this experience, but we will come through with flying colors, with continued development and prosperity, with continued biracial progress in many fields through conscientious and continuing efforts, and I believe without much of the disorder and lawlessness which has already reared its ugly head in other parts of the Nation and which I fear will vastly increase.

Mr. President, the Negro people of States outside the South are due to have a rude awakening, not just from the fact that the Dirksen-Humphrey rewrite of the House bill deliberately makes the impact of this proposed law less severe upon the non-Southern States, but also because there is little in this bill to affect most of the States outside of the South. Most of these States already have laws in the fields covered by this act which go as far or further than does this so-called civil rights bill. They all have public accommodations laws. They all have laws against segregation in schools. Most of them have FEPC laws which are more severe in their terms than is title VII of the pending bill. The record is all too clear that these laws have not worked, have not brought about the solution which they were intended to bring. Unemployment of the Negro people in the North is much worse than it is in the South, as shown by Federal statistics of the Census Bureau and Department of Labor placed in the RECORD during this debate. The evils existing in the de facto segregated schools of the northern cities are greater than those in most of the southern Negro schools, but there is practically nothing in this bill to affect in any way the problem of de facto segregation in the Negro slums of northern cities. This bill does not create a single job except for the personnel who shall be required to administer it. This bill cannot bring a solution of the serious racial disturbances now existing in the North. I strongly feel that the disappointment and frustration of unhappy, unemployed, poorly educated, ill-housed, and misled northern Negroes, when they find this out, will bring about greatly worsened conditions in the North, particularly in the great cities. I shall deeply regret that fact and shall do all within my power to bring about a remedy, but there is no remedy within the many pages of this pending bill.

The months that lie ahead of us will be trying ones—they will call for patience and more patience—they will call for leadership in the path of goodwill and tolerance which has been sadly lacking. I suppose most of us saw on television last night and this morning the sorry spectacle of Dr. Martin Luther King and his platoon of Negroes and misguided preachers and Rabbis insisting upon violating the law of Florida—and it is still our law—by forcing their presence into a segregated motel property and even into the segregated motel swimming pool. I could not help wondering whether the eager Negro youths who trespassed into the water of the swimming pool might have been reading of the well-publicized swimming pool antics which have marked some of the social activities of the Attorney General.

Mr. President, I urge that from this day forward the President and the Attorney General shall assert strong leadership, heretofore sadly lacking, to discourage such tactics as those to which I have referred, which are open invitations to violence on a scale which we have not seen. The question should become a legal one on the passage of this bill and every action, of all persons involved, should be directed to giving the courts a chance, and discovering as speedily as possible, and in an atmosphere of calm, what portions of this new and revolutionary law will be upheld by the courts as consistent with the Constitution of our land.

In closing I wish to state again what I have tried to say several times in the course of the debate; namely, that in this field, the mere passage of a law in Washington will not bring solutions; the mere handing down of a decree by a Federal court, even by the highest tribunal in the United States, the Supreme Court, will not bring solutions; the mere sending down of troops, or the use of economic coercion, or an Executive order, or any use whatever of coercion or compulsion will not solve these problems, deeply rooted as they are in the minds and hearts and souls of men and in the traditions of great areas of this country.

Anyone who thinks that solutions will come from such legalistic handling is baying at the wind, and failing to learn from the lessons of history, failing to realize that a kindly heart, a gentle disposition, personal good will, and the dedicated aim to try to find solutions of these problems will bring about results which the two races will tolerate.

That will be the real standard which this country must work toward—to find solutions that will be tolerable to both races, both the white race and the colored race.

Mr. President, I yield the floor.

Mr. INOUYE. Mr. President, now the trumpet summons us again as a solemn invitation to bear the burdens of the long twilight struggle against the inequities of our times—a twilight struggle to help dissipate the Nation's long, hot summer of discontent.

We will all have to bear the burdens of this struggle in the months and years to come. This is not a regional responsibility—nor is it a sectional concern. Who is there among us today who has not been guilty of some act of transgression against the rights and liberties of his fellow men? Which are the States completely innocent of some degree of bias and discrimination against certain segments of its population in the past or in the present? The pristine and the pure are few among us.

For, as we have so often read, it is all who have sinned and come short of the glory of God. In this area, every section of the human race must plead to some degree of guilt. In this area, in every man the original image of Him is somewhat tarnished. As Paul said:

> No distinction is made, for all alike have sinned, and consciously fall short of the glory of God.

East, west, north, and south, and even into the Pacific, I may add, we all have had our weaknesses and failings. Tolerance and forbearance, therefore, must be our guidelines as, I am certain, graciousness and concession will be the virtues of others.

There are signs which I have seen together with many others during these past hours, days, and months of debate on the civil rights bill, which indicate the responsibility and gravity with which most of us have attempted to resolve this great issue of our times. We have managed to come through the heated arguments and impassioned speeches of the recent past with very little of the personal bitterness and rancor which many had direly predicted as the cost of this legislation.

This is not to say that among us there are not those who are still convinced of the unwisdom and imprudence of passing such legislation. But once the national will became manifest on June 10, there has come about a general realization that the law of the land will have to be that which has been argued and debated since the last few days of the past winter.

We must all calmly assess the personal and collective consequences of prejudice and discrimination to our fellow men, not only upon those unfortunate enough to be the targets of such practices but upon society as a whole.

I know something of the abject humiliation and empty sense of frustration which is often the human condition of the minority in America. I can sense a little of the ennui and aimlessness of those denied the facilities and opportunities which all others may take for granted. But have we begun to realize the tremendous personal sacrifices and

costs which we ourselves incur by such practices? Discrimination permanently scars the very soul of those who practice it, as well as those upon whom it is practiced. No man's psyche can escape this brush of tar. Racial bias creates abnormal individuals and patterns of society for which all must ultimately pay.

Now, the moral conscience and strength of the entire Nation must be mobilized in support. I have no doubt but that we will succeed. Laws may not change the hearts of men but law backed by the moral conscience of society has always exerted a powerful force in the civic life of men.

For what is the promise of life, liberty, and the pursuit of happiness but a moral injunction that all should enjoy these values so long denied this country before 1776? It may take more than a generation to infuse substance into the concept of equality under the law but if that concept is the law and if it is supported by the combined moral conscience of all citizens, we can at least hope for the kind of growth and development which made our constitutional guarantees much more than any 18th century political philosopher ever dared to dream.

But we should also remember that habits ingrained and attitudes solidified through history cannot be broken without some pain and adjustment. We will need the patience of Job and the perseverance of Ruth to see to it that we succeed in minimizing the dislocations and disruptions which are inevitable while maximizing the area of equality for all. If change we must, we must use understanding and restraint to insure its permanence—for more than once in history have the gains of reasonable men been nullified by the vindictive few.

Yes; the trumpet summons us all—not as a call for personal revenge against the wrongs of the past, though many have suffered the anguish of daily injustice—not as a shrill clarion to trample upon the rights of others in correcting these long-endured wrongs—but as a plea to all men of good will to undertake the challenge of the long twilight struggle with reason, understanding, and a sense of justice for all.

Mr. HART. Mr. President, I yield myself 4 minutes. There is a truism in America, that America is where a man is judged for what he is as an individual, not by the way he spells his name, or according to the side of the railroad tracks he lives on, or which church he worships in, or by the accident of his color; but that in America he is judged only on his merits.

The only trouble with the truism is that it has not been true. But just how far short of truth it fell none could agree. It was in 1957 that Congress determined to get the facts on discrimination in this country.

The Civil Rights Act of 1957 established a Commission on Civil Rights to which were appointed distinguished Americans from all sections of the Nation. The charge given to the Commission was to: First, investigate allegations in writing under oath or affirmation that certain citizens of the United States are being deprived of their right to vote and have that vote counted by reason of their color, race, religion, or national origin; second, study and collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution; and, third, appraise the laws and policies of the Federal Government with respect to equal protection of the laws under the Constitution.

The Commission was instructed to submit to the President and the Congress a comprehensive report on its activities, findings, and recommendations.

Under the distinguished, patient, and able leadership of its Chairman, Dr. John Hannah, of Michigan, who has now served under three Presidents, the Civil Rights Commission faithfully and diligently has carried out its assignments.

The bill we shall pass today is shaped, in large measure, by the comprehensive hearings, findings, and recommendations made to the Congress by the U.S. Commission on Civil Rights.

The subject matter of every title of this bill—from voting to employment, from public accommodations to education, and the expenditure of public moneys—was thoroughly and carefully investigated and reported on by the Commission. Few major enactments by the Congress have been preceded by such careful and extensive hearings as those conducted by the Civil Rights Commission.

It is noteworthy that the debate on this bill has not been marked by a dispute over the basic facts concerning the denial of equal protection of the laws to many American citizens.

This is due in large measure to the mass of facts the Civil Rights Commission has placed before the President, the Congress, and the American people over the past 7 years.

The Commission's recommendations for legislative action have, in some instances, gone beyond what we will enact in the Civil Rights Act of 1964. Yet no major area of concern identified by the Commission in its 7 years of work remains untouched by the act we are about to send to the President.

For the Congress to have done less in the light of the Commission's work, the record of hearings held by the House and Senate committees, and the unprecedented debate and discussion—yes, to have done less would have been unconscionable.

The bill on which we are now to vote is clearly within the traditions of our laws and Constitution. Let not the flag of unconstitutionality distract us from the real reasons for much of the opposition to this bill.

The public policy this bill will establish is clear. It seeks to make true the truism. But the verdict ultimately is with the people of this country. It is the day-to-day conduct of each of us which will write the final chapter to the Civil Rights Act of 1964.

In guiding our day-to-day conduct the strong voice of America's religious leadership emphasizes the moral issue involved. In the inner heart and conscience of each American I hope there is agreement that every American should be judged just as each of us ask to be judged. And how is that? As an individual who is either good or bad, qualified or unqualified, by our individual merits—and not by our religion, our birthplace and not, while we are still 50 feet away, by the color God gave us.

CIVIL RIGHTS NEWSLETTER

Mr. President, many persons have been interested in the Bipartisan Civil Rights Newsletters that the managers of the civil rights bill have distributed to Senate offices during the debate on the bill. The first 25 issues of the newsletter may be found in the RECORD for April 9, 1964, on pages 7474 to 7484. I ask unanimous consent that the remaining issues of the newsletter be printed in the RECORD at this point.

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

BIPARTISAN CIVIL RIGHTS NEWSLETTERS 26 THROUGH 33

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 26

(April 9, 1964, the ninth day of debate on H.R. 7152)

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senators HUBERT H. HUMPHREY and THOMAS KUCHEL, will distribute this newsletter to the offices of Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant—daily, if necessary.)

1. Quorum scoreboard: Because of ceremonies honoring General MacArthur, the Senate recessed for 2 hours Wednesday afternoon, and only two quorums were called during the day. Each was met in less than 20 minutes.

2. Today's schedule: The Senate will convene at 10 this morning and will be in session until late evening. Live quorum calls can be expected at any time during the day. Title II, the public accommodations section will be discussed by proponents of the bill. Senators MAGNUSON and HRUSKA have been assigned responsibility for this title. Floor captains for the day will be:

Democrats: CLARK (10 a.m. to 1 p.m.); BAYH (1 to 4 p.m.); MUSKIE (4 to 7 p.m.); Moss (7 p.m. to recess).

Republicans: JAVITS (all day); ALLOTT (all day).

3. The following story is reprinted in its entirety from the Greenville, Miss., Delta Democrat-Times of Friday, April 3, 1964:

"Senate gives money for civil rights bill fight

"JACKSON.—The State senate gave unanimous and quick approval Thursday to an appropriation bill providing $50,000 for use in fighting the civil rights bill pending in the U.S. Senate.

"The measure was passed a few minutes after a special appropriations committee session at which the bill was approved. The funds were earmarked for the State sovereignty commission.

"Authoritative sources indicated the grant would be a donation to the Coordinating Committee for Fundamental American Freedoms, headed by Attorney John C. Satterfield, of Yazoo City."

4. More information on Negro voting: Opponents of the civil rights bill often claim that Negroes have no interest in voting and other civic duties.

Yesterday we presented some evidence on this point. Today we compare the voting records of Mississippi, Georgia, and South Carolina to predominantly Negro areas in States where voting discrimination does not exist. These figures compare the percentage

of citizens actually voting in these three States with the voting participation in two assembly districts in Harlem and three wards on the South Side of Chicago.

Only 14 percent of the total population of Mississippi voted in the 1960 presidential election, compared to 30 percent of the 14th assembly district, located in the middle of Harlem. Only 16 percent of the population of South Carolina voted, compared to 40 percent of Chicago's fourth ward. The official voting records show that in the Negro areas in New York and Chicago the voting rate was about twice as high as in Georgia, Mississippi, and South Carolina. These States would have a better voting record if their Negro citizens were allowed to exercise their constitutional rights. The complete official voting figures are listed below:

	Total population (1960 census)	Total vote in 1960 presidential election	Percent
Georgia	3,943,116	733,349	19
Mississippi	2,178,141	298,171	14
South Carolina	2,382,594	386,688	16
11th assembly district, New York	90,318	42,344	47
14th assembly district, New York	139,440	37,344	30
2d ward, Chicago	75,361	26,664	35
3d ward, Chicago	53,160	25,172	47
4th ward, Chicago	83,398	33,159	40

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 27

(April 10, 1964, 10th day of debate on H.R. 7152)

1. Quorum scoreboard: There were two quorum calls yesterday. The first one took 19 minutes and the second was made in 20 minutes.

2. Today's schedule: The Senate will convene at 10 a.m. and will stay in session until about 10 p.m. Live quorums should be expected throughout the day. Senator DOUGLAS will speak on the background and precedents for punishment for contempt of court without jury trial. Other than this, it is expected that the opponents of the bill will speak at length. The floor captains for the day:

Democrats: PASTORE (10 a.m. to 1 p.m.); KENNEDY (1 to 4 p.m.); BREWSTER (4 to 7 p.m.); LONG of Missouri (7 p.m. to recess).

Republicans: HRUSKA (all day); MILLER (all day).

3. Quote without comment: "Mr. EASTLAND. The Senator from Illinois is talking about nothing. There is no economic discrimination in the South." (CONGRESSIONAL RECORD, Apr. 8, 1964, p. 7265.)

4. Religious groups oppose racial discrimination: At a hearing on a fair employment practices bill held by the Subcommittee on Employment and Manpower of the Committee on Labor and Public Welfare, a statement was presented on behalf of the churches and synagogues of America. We reprint excerpts from this important document:

"The religious conscience of America condemns racism as blasphemy against God. It recognizes that the racial segregation and discrimination that flow from it are a denial of the worth which God has given to all persons. We hold that God is the Father of all men. Consequently in every person there is an innate dignity which is the basis of human rights. These rights constitute a moral claim which must be honored both by all persons and by the State. Denial of such rights is immoral.

"We hope that this committee will report favorably on the proposals for guaranteeing full and fair employment without regard to race, color, religion, or national origin. We hope also that Congress will enact them into legislation as a necessary step in the process of securing for all people the opportunity to exercise the rights guaranteed by the Constitution of the United States."

The following are among the dozens of religious organizations that endorsed this statement of principle:

American Baptist Convention.
Christian Methodist Episcopal Church.
Disciples of Christ.
Moravian Church in America.
The Right Reverend Arthur C. Lichtenberger, presiding bishop, Protestant Episcopal Church.
United Church of Christ.
United Presbyterian Church, U.S.A.
The National Catholic Conference of Interracial Justice.
National Catholic Social Action Conference.
National Council of Catholic Men.
National Council of Catholic Women.
The National Council of Catholic Youth.
The National Federation of Catholic College Students.
The Newman Club Federation.
Union of American Hebrew Congregations.
National Women's League, United Synagogue of America.
Union of Orthodox Jewish Congregations of America.

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 28

(April 11, 1964, 11th day of debate on H.R. 7152)

1. Quorum scoreboard: There were three quorum calls yesterday. All three were made in 20 minutes.

2. Today's schedule: The Senate will convene at 10 a.m. with the usual live quorum call. It is hoped that the second live quorum will not come before 12:30 p.m. It is expected that the opponents will speak at length. The floor captains for the day:

Democrats: HUMPHREY, DOUGLAS, (10 a.m. to 1 p.m.); MCCARTHY (1 to 4 p.m.); LONG of Missouri (4 to 7 p.m.); WILLIAMS of New Jersey (7 p.m. to recess).

Republicans: JAVITS, JORDAN of Idaho.

3. Brief description of title VII:

Unlawful employment practices: It would be an unlawful employment practice in industries affecting interstate commerce to discriminate on account of race, color, religion, sex, or national origin in connection with employment, referral for employment, union membership, or apprenticeship or other training programs. It would apply to employers of more than 25 persons, employment agencies, and labor organizations with more than 25 members. Governmental bodies, bona fide membership clubs and religious organizations are exempted. Also exempted are situations in which religion, sex, or national origin is a bona fide occupational qualification, or in which a church-affiliated educational institution employs persons of a particular religion. Employers may refuse to hire atheists.

The Commission: A five-man Equal Employment Opportunity Commission would have power to investigate written complaints filed by individuals or by a member of the Commission. On completion of the investigation, the Commission by two or more votes would decide whether there was reasonable cause to believe the charge was true. If it decided affirmatively, it would then attempt to secure compliance with the law through conciliation and persuasion. It would have no power to issue enforcement orders.

Enforcement: If efforts to secure voluntary enforcement fail, the Commission may bring suit in a Federal district court where a full judicial trial would be held in which the Commission would have the burden of proof. If the Commission decides against filing suit, the individual complainant could bring a private suit only with the written consent of a member of the Commission.

Under title VII, not even a court, much less the Commission, could order racial quotas or the hiring, reinstatement, admission to membership or payment of back pay for anyone who is not discriminated against in violation of this title. The recommendation of the hearing examiner in the Motorola case would not be possible under this title. The only requirement of title VII under the act is that employers apply the qualifications or standards they set without regard to race, color, religion, sex, or national origin.

State laws: The Commission is directed to utilize existing State fair employment laws to the maximum extent possible. Present State laws would remain in effect except to the extent they conflict directly with Federal law.

Effective date: In order to enable employers, employment agencies, and labor organizations to bring their policies and procedures into line with the requirements of the title, and to avoid a multitude of claims while such adjustments are being made, the act would not become operative until 1 year after its enactment and then would apply initially only to employers of 100 or more employees and labor unions of 100 or more members. The coverage would increase year by year until, 4 years after enactment, the act would apply to employers of 25 to 49 employees and labor organizations of 25 to 49 members.

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 29

(April 14, 1964, 13th day of debate on H.R. 7152)

1. Quorum scoreboard: Civil rights Senators continued their current winning streak, making four quorums in the average time of 23 minutes. The outstanding performance of the day came in midafternoon, when Senator HOLLAND suggested the absence of a quorum during the last half of the third inning of the opening game of the 1964 baseball season. Senators returned from the ball park so promptly that the quorum was made in just 23 minutes.

2. Today's schedule: The Senate will convene at 10 this morning and will stay in session until at least 11 p.m. Live quorums should be expected at any time. It is expected that the bill's opponents will talk at length. The floor captains for the day:

Democrats: DODD (10 a.m. to 1 p.m.); NELSON (1 to 4 p.m.); METCALF (4 to 7 p.m.); PELL (7 p.m. to recess).

Republicans: KEATING (all day); DOMINICK (all day).

3. The quorum record: "Mr. HUMPHREY. During the week we could have used at least two more sets of doors in this Chamber, because our distinguished colleagues came through the doors with such alacrity and speed that we have broken all records. Senators have set a new historic record in answering quorum calls. On one occasion a quorum was obtained in less than 5 minutes. That requires jet propulsion." (CONGRESSIONAL RECORD, Apr. 11, 1964, p. 7667.)

4. Another concession.

"Mr. ERVIN. I am in agreement with the Senator from Illinois that there is no constitutional right to a trial by jury in criminal contempt proceedings.

"Mr. DOUGLAS. Or in civil contempt proceedings.

"Mr. ERVIN. In civil contempt proceedings, or in criminal contempt proceedings.

"Mr. DOUGLAS. Either in the presence of the court, or outside the presence of the court.

"Mr. ERVIN. The Senator is correct. I entertain the opinion that the majority decision of the Supreme Court in the recent appeal of former Governor Barnett and present Governor Johnson, of Mississippi, holding that the constitutional right of a trial by jury did not exist in criminal contempt proceedings, accords with the precedents followed by that Court since virtually the foundation of our Republic." (CONGRESSIONAL RECORD, Apr. 11, 1964, pp. 7693–7694.)

5. Selections from the "Educational debate":

"Mr. EASTLAND. The Senator would now set up a dictatorship in this country.

"Mr. HUMPHREY. I do not believe an elected President is a dictator.

"Mr. EASTLAND. Under these powers we would have a 'Ja, Ja' election. That is what it would be. It would be a 'Ja, Ja' election. No one could stand up to a man who possessed the powers that would be granted under the bill. * * * The Federal bureaucrat is tyrannical. The Federal bureaucrat is arrogant. Tyranny would result under the bill if it were passed." (CONGRESSIONAL RECORD, Mar. 21, 1964, p. 5865.)

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 30

(April 15, 1964—31st day of debate on civil rights; 14th day of debate on H.R. 7152)

1. Quorum scoreboard: Kept in good shape by their sprints back to the Senate Chamber from the ball park and the theater on Monday, civil rights Senators averaged 19 minutes in two quorum calls yesterday.

2. Today's schedule: The Senate will convene at 10 this morning and will stay in session until at least 11 p.m. Live quorums should be expected at any time during the session. It is expected that the bill's opponents will talk at length (see item 3). The floor captains for the day:

Democrats: HART (10 a.m. to 1 p.m.); PASTORE (1 to 4 p.m.); CHURCH (4 to 7 p.m.); RIBICOFF (7 p.m. to recess).

Republicans: JAVITS (all day); MORTON (all day).

3. Quote without comment: "The 19 southerners, under the leadership of Senator RICHARD B. RUSSELL, of Georgia, exhausted most of their arguments against the bill during their initial 16-day battle to prevent the Senate from taking it up formally.

"The southerners are now making their third and fourth speeches and signs are accumulating that they are finding it weary going." (New York Times, Apr. 14, 1964, p. 25.)

4. Equality in Mississippi:

"Mr. EASTLAND. I know of no discrimination on the basis of race. I disagree with the Senator on the definition of discrimination, of course.

"Mr. HUMPHREY. The unconstitutional part, the un-American part, of the whole proposal is that taxes are collected from citizens of the United States without regard to race, color, or creed, while the benefits of the taxes are used in certain States with discrimination based upon race or creed.

"Mr. EASTLAND. Do not look at me. That does not apply to me.

"Mr. HUMPHREY. I look right at the Senator.

"Mr. EASTLAND. That statement does not apply to me or to my State." (CONGRESSIONAL RECORD, Mar. 21, 1964, p. 5865.)

As an aid to our readers in assessing the foregoing debate, we repeat some data from newsletter No. 22 on the administration of the Federal school lunch program in Greenwood, Miss. Forty-three percent of the average daily attendance in the Greenwood schools is Negro, yet the Negro students receive only 20 percent of the free lunches. On the other hand, the white students comprise just over half of the total student body, but receive 80 percent of the free lunches. (Source: Department of Agriculture.)

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 31

(April 16, 1964, 15th day of debate on H.R. 7152; 32d day of debate on civil rights)

1. Quorum scoreboard: The civil rights supporters continued to meet quorum calls with amazing speed on Wednesday. At press time (9 p.m.) four calls had been met in an average time of 18 minutes. It is anticipated that live quorums will be called with increasing frequency.

2. Schedule for Thursday: The Senate will convene at 10 this morning and will stay in session until at least 11 p.m.

Floor captains for Thursday:

Democrats: LONG of Missouri (10 a.m. to 1 p.m.); MOSS (1 to 4 p.m.); MORSE (4 to 7 p.m.); MCINTYRE (7 p.m. to recess).

Republicans: KUCHEL (all day); PROUTY (all day).

3. Public accommodations and private property rights: Opponents of H.R. 7152 continue to argue that freedom to engage in racial or religious discrimination by public establishments is a constitutionally protected property right. Our newsletter of March 17 (No. 7) pointed out that the Supreme Court has twice sustained the constitutionality of public accommodations legislation, and that such laws exist in 31 States and the District of Columbia. It is often overlooked (particularly by those opposed to the bill) that the Supreme Court of the State of Mississippi sustained the validity of a public accommodations law stronger than that proposed by title II of the pending bill. The Mississippi case—*Donnell* v. *State*, 48 Miss. 661 (1873)—involved a criminal prosecution against a theater that sought to segregate a Negro patron. The court, in a unanimous decision upholding the statute, addressed itself to the question of private property rights and stated:

"The assertion of a right of all persons to be admitted to a theatrical entertainment * * * in no sense appropriates the private property of the lessee, owner or manager, to the public use." (48 Miss. 661, 682.)

Mississippi no longer has a public accommodations statute.

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 32

(April 17, 1964, 16th day of debate on H.R. 7152; 33d day of debate on civil rights)

1. Quorum scoreboard: Civil rights supporters made four quorum calls in 20 minutes each during the daylight hours yesterday, and then took 40 minutes to make a quorum called at 8 p.m.

2. Schedule for Friday: The Senate will convene at 10 this morning and will stay in session until at least 11 p.m. Once again the bill's opponents will have the floor. Six live quorum calls should be expected today.

Floor captains for Friday:

Democrats: CLARK (10 a.m. to 1 p.m.); BAYH (1 to 4 p.m.); MCGOVERN (4 to 7 p.m.); HART (7 p.m. to closing).

Republicans: COOPER (all day); SALTONSTALL (all day).

3. They just can't get enough of that discrimination: Mr. SMATHERS, "I know that if anyone is generally discriminated against today it is the people of the South." (CONGRESSIONAL RECORD, Apr. 13, 1964, p. 7799.)

On April 11, Senator JAVITS inserted in the RECORD Treasury Department figures showing the total Federal grants to State and local governments, and compared these figures with the Federal tax burden to pay for such grants that is carried by each State. The two figures are the same for the country as a whole, of course; but for the 11 Southern States it is quite a different story. In the 1963 fiscal year, for instance, these States contributed $1,652.8 million for such grant programs, and received $2,172.2 million in Federal grants. (See CONGRESSIONAL RECORD, Apr. 11, 1964, p. 7686.)

4. "Mr. SMATHERS. We are integrating on a gradual basis * * *. We are making progress. We are doing something. We are doing as much as reasonable people can expect to be done." (CONGRESSIONAL RECORD, Apr. 13, 1964, p. 7799.) The following passage describes conditions in Sumter County, S.C.:

"Because he is a Negro, Columbus Cooper is worse off than most. The gap between Negro and white farmer increases constantly. In 1950 the median income of colored farm families was 52 percent of white southern farm families; 1960 it had dropped to 45 percent. Most southern farm counties are eligible for Federal agricultural aid because of their impoverished Negroes, but most of the aid goes to white families. In nine counties around Cooper's where Negro farmers are a majority, only one of the county committees that decide whether a farmer will get a Farmer's Home Administration Government loan has a Negro on it. A friend of Cooper's who had farmed 21 years and had good credit with the Federal Government was turned down by such a county committee and immediately thereafter one of the white members of the committee offered him $10,000 for his 100 acres. Cooper's friend had to borrow $5,400 at 25-percent interest to keep his farm." (From Ben H. Bagdikian, "In the Midst of Plenty: The Poor in America," 1964; pp. 94–95.)

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 33

(April 18, 1964, 17th day of debate on H.R. 7152; 34th day of debate on civil rights)

1. Quorum scoreboard: Something seems to happen to civil rights Senators when the sun goes down. They made three daylight quorums in 20 minutes each, but took 78 minutes when a quorum was called at 7:52 p.m. Do we have to wait for the midnight sun to pass this bill?

2. The Senate will convene at 10 this morning and will stay in session until at least 4 p.m. Once again the bill's opponents will have the floor.

Floor captains for Saturday: Democrats: HART (10 a.m. to 1 p.m.); BAYH (1 to 4 p.m.).

Republicans: FONG (all day); SMITH (all day).

A short course in American history

"Mr. LONG of Louisiana. Would it not be fair to ask what kind of fix the colored folks would be in if they had not been brought to this country, but had been allowed to roam the jungles, with tigers chasing them, or being subjected to the other elements they would have to contend with, compared with the fine conditions they enjoy in America?

"Mr. THURMOND. Of course, the Negroes are much better off as a result of their coming to this country. The progress they have made has not been the result of activities on the part of people who are seeking votes by defending the so-called civil rights legislation. The people who are primarily responsible for the progress of the Negroes are the southern people, because the South is where most of the Negroes have lived until recent years. The South has had this problem. It is familiar with it and has had to bear it. The people of the South have borne it bravely. They have done much for the Negroes, especially in view of the economic condition brought about by Reconstruction.

"Mr. LONG of Louisiana. Would the Senator say that the Yankee slave traders were doing the work of God when they brought Negroes to this continent and put them in chains?

"Mr. THURMOND. The British first brought Negroes to America. Then the Yankees found they could make money by selling them. The Yankees brought them to America to work in the factories, but they found that because of the language and other difficulties it was not practical to use them in northern industries. But they found that the Negroes could be used on farms, so they sold them to the southern farmers. That is how the Negroes got into the South.

"Mr. LONG of Louisiana. Considering the charge of discrimination, is it not true that the southern white, having been held down by the armies of conquest, and having been discriminated against by the crooked carpetbagger politicians out of the North for a great number of years, have had all they could do to educate their own children, much less the poor Negro children?" (CONGRESSIONAL RECORD, Apr. 14, 1964, pp. 7903, 7904.)

BIPARTISAN CIVIL RIGHTS NEWSLETTERS 34 THROUGH 39

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 34, APRIL 20, 1964

(The 18th day of debate on H.R. 7152; 35th day of debate on civil rights)

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senator HUBERT H. HUMPHREY and Senator THOMAS KUCHEL, will distribute this newsletter to the offices of the Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant—daily, if necessary.)

1. Quorum scoreboard: There was only one quorum call on Saturday. It was made in the customary daylight time of 20 minutes.

2. Monday's schedule: The Senate will convene at 10 a.m. and will stay in session at least 12 hours. This bill's opponents will have the floor again.

Procedural rules will be enforced somewhat more strictly this week. It is anticipated that some voting on amendments will take place "deep in the week."

Floor captains for Monday: RIBICOFF (10–1); BURDICK (1–4); WILLIAMS of New Jersey (4–7); MUSKIE (7–close).

3. News items:

(a) "In Canton, Miss., a crowd of 260 Negroes waited in line all day to register to vote. Only seven of them managed to get inside the registrar's office to take the literacy test."

(b) "Mr. STENNIS. * * * Anyone who is qualified and is legally entitled to vote and has met the requirements of the law * * * should be entitled to vote. * * * I know, too, that there must be some legal machinery to enforce vested rights. * * * The Government may be charged with some responsibility in the voting field." (CONGRESSIONAL RECORD, Apr. 17, 1964, p. 8296.)

4. Quote without comment: "Mr. LONG of Louisiana. Is the Senator familiar with the fact that the prod sticks have been described as cattle prodders because they have been used on cattle? Is the Senator further familiar with the fact that the prod sticks are not designed for cattle but are designed for exactly the kind of 'animals' that they are touching; namely, reluctant human beings who insist on getting in the way of a policeman?

"Mr. THURMOND. * * * It seems to me that a stick of that kind might be appropriately used. There is not very much electricity in one. I remember once going through a secret organization ceremonial—a fraternal organization. There was a man after me with one of those sticks, and I ran for about 100 yards. I had to run fast to keep ahead of that stick because while it mostly tickled, it tickled pretty much. It would force one to move—it does not hurt anyone—but it is a practical means of getting people to move on." (CONGRESSIONAL RECORD, Apr. 14, 1964, p. 7901.)

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 35, APRIL 21, 1964

(The 19th day of debate on H.R. 7152; 36th day of debate on civil rights)

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senator HUBERT H. HUMPHREY and Senator THOMAS KUCHEL, will distribute this newsletter to the offices of the Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant—daily, if necessary.)

1. Quorum scoreboard: We did well yesterday, making three quorums in 20 minutes each.

2. Tuesday's schedule: The Senate will convene at 10 a.m. and will stay in session until at least 10:30 p.m. Live quorums should be expected at any time. The bill's opponents will have the floor again. Floor captains for Tuesday:

Democrats: MAGNUSON (10–1); MCCARTHY (1–4); MCGOVERN (4–7); BAYH (7–close).

Republicans: KEATING (all day); BOGGS (all day).

3. Another concession:

"Mr. PROXMIRE. Does the Senator from Mississippi deny that the overwhelming majority of whites in Mississippi can register and probably do register, and that the overwhelming majority of Negroes are not registered?

"Mr. EASTLAND. Would I deny it?

"Mr. PROXMIRE. Yes; would the Senator deny it?

"Mr. EASTLAND. No; I would not deny it." (CONGRESSIONAL RECORD, April 18, 1964, p. 8348.)

4. True crime stories:

(a) "Mr. EASTLAND. * * * Washington, from the standpoint of crime, is the worst city in the world.

"Mr. ELLENDER. The worst in the world. That is correct." (CONGRESSIONAL RECORD, April 18, 1964, p. 8345.)

(b) The following data are from the "FBI Uniform Crime Reports, 1962," the latest available data on crime rates in American cities. These figures show the crime rate per 100,000 inhabitants for all criminal offenses and for various crimes.

	Total offenses	Murder [1]	Forcible rape	Burglary
Atlanta	1,796.3	10.3	16.2	692.3
Charleston, S.C.	1,891.2	8.4	11.1	873.6
Charlotte, N.C.	1,592.9	11.9	7.5	736.8
Jackson, Miss.	997.1	8.0	.5	550.2
New Orleans	1,417.4	9.1	10.9	480.2
Richmond	1,593.0	10.7	10.5	791.6
Washington, D.C.	1,384.0	6.0	9.9	502.7

[1] Includes nonnegligent manslaughter.

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 36, APRIL 22, 1964

(The 20th day of debate on H.R. 7152; 37th day of debate on civil rights)

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senator HUBERT H. HUMPHREY and Senator THOMAS KUCHEL, will distribute this newsletter to the offices of the Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant, daily, if necessary.)

1. Quorum scoreboard: We're doing well: Three calls; average time, 23 minutes.

2. Wednesday's schedule: The Senate will begin at 10 this morning and will stay in session until at least 10 p.m. The leadership will propound a unanimous consent for a 1-hour morning hour. The bill's opponents will have the floor again. Floor captains for Wednesday:

Democrats: DODD (10–1); NELSON (1–4); METCALF (7–4); MOSS (7–close).

Republicans: COOPER (all day); MORTON (all day).

A short course on title V

A. The need for title V: Information is always necessary for legislation; the more controversial the field, the more important reliable information becomes. This need was recognized and met in the 20th century's first civil rights legislation, the Civil Rights Act of 1957. This bill established the Civil Rights Commission, which has provided an enormous amount of useful intelligence about the many-sided evil of racial discrimination. For the first time Government officials and interested citizens had access to authoritative and comprehensive studies of prejudice in all parts of the country. The civil rights bill of 1960, H.R. 7152, and many policies made by executive action have been based on data supplied by the Commission. The need for such information has not diminished, and experience and changing conditions have suggested new ways in which it can be met.

B. The major provisions of title V: The title recognizes the value of the Civil Rights Commission by extending it for 4 more years. Since many private and public agencies are now collecting material on civil rights, the Commission is also authorized to act as a clearinghouse for information, in order to facilitate the most widespread dissemination and use of such knowledge.

The Commission is also authorized to investigate charges of denial of voting rights, when such charges are made in writing under oath.

The Commission is a bipartisan, independent agency. Far from being a bureaucratic octopus, it has only 76 employees and its 1964 budget amounts to less than a million dollars. There are State advisory committees in every State and the District of Columbia. In addition to its own research activities, the Commission has held a number of hearings for the purpose of gathering opinions, facts, and recommendations from interested parties. It has also sponsored several conferences on problems related to civil rights. Its recommendations have been reflected in legislative and executive action.

C. Objections to title V: The chief objection to this title seems to be that the Commission is unnecessary. But as even a casual observer of the civil rights debate can testify, there is a continuing need for information in this field, and it is reasonable and logical that a government agency should do this job.

Opponents of civil rights also criticize the Commission's authority to subpoena witnesses and records. Considering the fact that many State and local officials have refused to appear before the Commission voluntarily, there is no other way to obtain their testimony than by subpena. This is hardly unusual in American law.

Finally, the Commission's authority to testimony in executive sessions is attacked as a "star chamber proceeding." Closed sessions may be held when it is determined that testimony "may tend to defame, degrade, or incriminate any person." Once again, this is the reasonable and customary procedure, designed to give every protection to individual reputations. One can imagine the outrage of this bill's opponents if the Commission were to hear potentially incriminating testimony in public; the cries of outrage could be heard all the way from Yazoo City.

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 37, APRIL 23, 1964

(The 21st day of debate on H.R. 7152; 38th day of debate on civil rights)

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senator HUBERT H. HUMPHREY and Senator THOMAS KUCHEL, will distribute this newsletter to the offices of the Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant, daily, if necessary.)

1. Quorum scoreboard: The civil rights express is really going strong. We made four quorums in an average time of 22 minutes.

2. Thursday's schedule: The Senate will convene at 10 this morning and will stay at work until at least 10 p.m. The leadership will propound a unanimous consent agreement for a 1-hour morning hour. Once again the bill's opponents will have the floor. Floor captains for Thursday.

Democrats: HART (10–1); CHURCH (1–4); RIBICOFF (4–7); BREWSTER (7–close).

Republicans: JAVITS (all day); PEARSON (all day).

3. A case study of voluntary desegregation: Some of the more moderate opponents of the civil rights bill admit that racial discrimination exists and is an evil, but claim that efforts are being made to eliminate discrimination by means of voluntary action at the local level. Such community action, they say, will quickly put an end to the problem and bring about racial equality, if only no trouble is caused by "Federal interference." Proponents of this point of view have been vague in their remarks; specific examples of this commendable approach are not often given.

Now, however, this lack of evidence is at an end. James V. Prothro, a nationally known professor of political science at the University of North Carolina, has written a scholarly and detailed study of the remarkable efforts of voluntary desegregation made in Chapel Hill, N.C. Here at last is a chance to judge the success of the voluntary method and to see whether legislation is necessary.

It would be difficult to find a town in which there were more favorable conditions for community action than there are in Chapel Hill. It has a population of 17,000, most of whom are students and faculty members at the University of North Carolina, an institution with a national reputation. If the voluntary approach would work anywhere, it would be in Chapel Hill.

There has been a civic group actively promoting integration in Chapel Hill since 1954, and it is composed mostly of whites. Every important leadership group in the city has taken a firm public stand in favor of integration, including the mayor, board of aldermen, school board, ministerial association, newspaper, and merchants association. There is an official mayor's committee on integration, and local governmental agencies practice racial equality.

Some of the first sit-ins occurred in Chapel Hill in 1960. These activities have resulted in the integration of movie theaters, lunch counters, and other facilities. The local newspaper supported and encouraged such peaceful demonstrations, and the police department had been scrupulously fair about the demonstrators' rights. In short, here was a community where everything was conducive to successful voluntary action. Prothro tells what happened next:

"The mayor's committee on integration recognized the impossibility of achieving an open city without a law requiring the few segregated establishments to comply with the generally endorsed policy. It accordingly recommended passage of a public accommodations ordinance by the board of aldermen. The State attorney general issued an advisory opinion, however, that the town probably did not have the authority to enact such an ordinance * * * the board of aldermen voted (4 to 2) to postpone action on an ordinance. Larger and more frequent protest marches followed this action.

"From the date of this failure of the aldermen, by virtue of legal uncertainty, to enact an ordinance requiring the few noncompliers to adopt the community's policy of nondiscrimination, race relations in Chapel Hill have deteriorated.

* * * * *

"Having failed to achieve their goals through the established leadership structure, leaders for civil rights shifted to new and more aggressive organizations.

* * * * *

"Chapel Hill has done almost everything that could be expected in an effort to solve its own racial problems.

* * * * *

"The principal lesson to be learned from Chapel Hill is that, even with a maximum of good will on all sides, a real solution to the problem of civil rights is possible only with the help of a Federal statute."

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 38, APRIL 24, 1964

(The 22d day of debate on H.R. 7152; 39th day of debate on civil rights)

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senator HUBERT H. HUMPHREY and Senator THOMAS KUCHEL, will distribute this newsletter to the offices of the Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant, daily, if necessary.)

1. Quorum scoreboard: The record continues well, with three quorum calls met in an average time of 23 minutes.

2. Friday's schedule: The Senate will convene at 10 this morning and will stay in session until at least 10 p.m. The leadership will propound a unanimous-consent agreement for a 1-hour morning hour. Once again the bill's opponents will have the floor. Floor captains for Friday:

Democrats: DODD (10–1); MCINTYRE (1–4); MCGOVERN (4–7); BAYH (7–close).

Republicans: HRUSKA and CURTIS.

3. Some fundamental differences about the judicial system: Following citation of the Supreme Court's decision in the Barnett case, holding that there is no constitutional right to trial by jury in criminal contempt cases, the following colloquy took place:

Opponent: "There was a 5-to-4 decision. The Senator knows well that one case decided by a 5-to-4 decision determines nothing."

Proponent: "It does; a majority decision does represent the law of the land."

Opponent: "No. It does not." (CONGRESSIONAL RECORD, Apr. 22, 1964, p. 8704.)

* * * * *

Opponent: "* * * I know of many men who, the very moment that they are appointed to one office, are candidates for promotion. They will decide any case in the way that the U.S. Government wishes it decided in order to gain promotion. * * * That is the trouble with Federal judgeships. That is one of the troubles in having trials by a judge. The average man does not get a square deal when his rights conflict with the ambition of a particular judge. I could name them by the dozen."

Proponent: "Is the Senator convinced that Federal judges, whose nominations the Senator * * * has helped to confirm, are as venal as he would indicate?"

Opponent: "I say that the Senator can find anything he wishes in the Federal judiciary." (CONGRESSIONAL RECORD, Apr. 22, 1964, p. 8756.)

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 39, APRIL 25, 1964

(The 23d day of debate on H.R. 7152; 40th day of debate on civil rights)

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senator HUBERT H. HUMPHREY and Senator THOMAS KUCHEL, will distribute this newsletter to the offices of the Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant, daily, if necessary.)

1. Saturday's schedule: The Senate will convene at 10 this morning and will stay in session through the afternoon. The leadership will propound a unanimous-consent agreement for a 1-hour morning hour. There will be at least one live quorum. Floor captains for Saturday:

Democrats: CLARK (10–1); METCALF (1–4); WILLIAMS of New Jersey (4–7); MCCARTHY (7–close).

Republicans: CASE and CARLSON.

2. The parliamentary situation: The pending business of the Senate is the Mansfield-Dirksen substitute for the Talmadge jury trial amendment. The bipartisan leaders supporting the civil rights bill hope for a vote early next week.

3. Employment tests under title VII—Fears raised by the Motorola case are groundless.

APRIL 21, 1964.

The EDITOR, THE WALL STREET JOURNAL,
Washington, D.C.

DEAR SIR: I note with some regret that the generally thorough and thoughtful discussion of the Motorola case in Todd E. Fandell's article, "Testing and Discrimination," in the Wall Street Journal of April 21, 1964, is marred by the failure of the author to explain that the issues involved are plainly not within the scope of the pending civil rights bill.

As one of the two bipartisan floor managers charged with special responsibility for title VII of the bill, I feel that I can speak with some authority as to what the title does and does not do.

The civil rights bill would not make unlawful the use of tests such as those used in the Motorola case, unless it could be demonstrated that such tests were used for the purpose of discriminating against an individual because of his race, color, religion, sex, or national origin. In other words, it is not enough that the effect of using a particular test is to favor one group above another, to produce a violation of the act; an act of discrimination must be taken with regard to an individual, "because of such individual's race, color, religion, or national origin," to quote from the language of the bill.

By contrast, the Senate's own FEP bill, S. 1937, which was the subject of extensive hearings in the Senate Employment and Manpower Subcommittee, which I chair, would cover the substance of the Motorola case. The Senate's bill expressly provides that discrimination "shall include any act or practice which, because of an individual's race, color, religion, or national origin, results or tends to result in material disadvantage, or impediment to any individual in obtaining employment or the incidents of employment for which he is otherwise qualified." Unlike title VII of the pending civil rights bill, this language would reach the situation where an ostensibly nondiscriminatory test did in fact place at a disadvantage members of culturally deprived minority groups.

The opponents of the pending civil rights bill have had striking success in stirring confusion about what the bill would or would not do, and the Motorola case has been a favorite hobbyhorse. Frankly, I prefer the Senate bill to title VII, and so, I believe, do the 12 members of the Senate Labor and Public Welfare Committee who voted to report it favorably to the floor. I believe that the situation presented in the Motorola case should be covered by Federal law.

But whatever my preferences, and those of my colleagues may be, the fact remains that the issues raised by the Motorola case have nothing to do with title VII of the pending civil rights bill, and are plainly beyond its scope.

Sincerely,

JOSEPH S. CLARK.

BIPARTISAN CIVIL RIGHTS NEWSLETTERS 40 THROUGH 45

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 40, APRIL 27, 1964

(The 24th day of debate on H.R. 7152; 41st day of debate on civil rights)

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senator HUBERT H. HUMPHREY and Senator THOMAS KUCHEL, will distribute this newsletter to the offices of the Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be

distributed whenever circumstances warrant, daily, if necessary.)

1. Quorum scoreboard: Senate supporters of the civil rights bill had no trouble making the one quorum on Saturday within 20 minutes.

2. Schedule for Monday: The Senate will convene at 10 a.m. today and remain in session until late in the evening. Floor captains for Monday:

Democrats: PASTORE, 10 a.m. to 1 p.m.; MAGNUSON, 1 to 4 p.m.; DODD, 4 to 7 p.m.; CHURCH, 7 p.m. to recess.

Republicans: ALLOTT, all day; BENNETT, all day.

3. "Pick and choose" police powers. The following article is reprinted in its entirety from the New York Times of April 23:

"MISSISSIPPI SENATE VOTES BILL TO WIDEN POLICE POWERS

"JACKSON, MISS., April 22.—The Mississippi Senate passed an amended bill today giving the Governor new police powers to deal with racial unrest in the State.

"The amendments, tacked on by administration leaders, specify that the Governor's police powers were extended primarily for dealing with racial disorders, and that they were not to be used for other purposes.

"The bill passed by a 36 to 13 vote. It will be returned to the house for concurrence in the senate amendments."

4. Court action under the 1957 Civil Rights Act: Opponents of the civil rights bill claim that the Justice Department has at hand all the legal tools needed to enforce voting rights of all Americans, and that no amendment of the 1957 act is needed to expedite these cases in the Federal courts. Gladstone said "Justice delayed, is justice denied." This then is the state of justice in the parts of this Nation where voting cases have been filed: Since 1958, the Justice Department has filed 44 suits under the 1957 act. Injunctions have been obtained in 15 cases, 8 appeals have been taken (5 by the Justice Department) and 21 cases are pending. Title I of the civil rights bill would give voting cases preference on court dockets, and speed the process of appeal by authorizing three-judge courts with direct appeal to the U.S. Supreme Court.

5. Latest anti-civil-rights lobbying figures: According to reports filed with the Congress, the Coordinating Committee for Fundamental American Freedoms spent $192,500 during the first 3 months of 1964 to lobby against the civil rights bill. Of this amount, $142,500 was contributed by the Mississippi State Sovereignty Commission, an agency of the State government.

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 41, APRIL 28, 1964

(The 25th day of debate on H.R. 7152; 42d day of debate on civil rights)

1. Quorum scoreboard: Civil rights Senators easily made three quorums yesterday in an average time of just under 20 minutes.

2. Schedule for Tuesday: The Senate will convene at 10 this morning and will stay in session until at least 10 p.m. The pending business will be the Mansfield-Dirksen substitute to the Talmadge jury trial amendment. The bill's opponents are expected to speak at some length. Tuesday's floor captains:

Democrats: HART, 10 a.m. to 1 p.m.; BAYH, 1 to 4 p.m.; KENNEDY, 4 to 7 p.m.; RIBICOFF, 7 p.m. to close.

Republicans: COOPER, 10 a.m. to 6 p.m.; BOGGS, 10 a.m. to 6 p.m.; COTTON, 6 p.m. to close.

3. From the UPI ticker: "The southerners also said they would not permit a vote on the jury trial provision this week, which Senate leaders had hoped would be possible."

4. At 8 p.m. tonight the three major American religious faiths will present the national interreligious convocation on civil rights in the fieldhouse of Georgetown University. Dr. Eugene Carson Blake, Rabbi Uri Miller, and Archbishop Shehan of Baltimore will address the audience. The convocation will be attended by more than 1,000 clergymen of all faiths. The overflow crowd will be composed of delegations from all parts of the country who have come to Washington to give witness to the moral imperative for civil rights.

5. Fake public opinion: Some weeks ago a Senator from a large Northeastern State, a vigorous supporter of the civil rights bill, reported that his mail included a very large number of form letters expressing both intense opposition to the bill and incorrect ideas about the bill's provisions. Senate opponents of the bill seized on the Senator's honest description of his mail and repeatedly used it as an example of how northern public opinion was turning against the bill in response to their educational debate.

Last Thursday this Senator told the second chapter of this story. Being disturbed by the misinformation expressed in so much of this mail, he wrote back to these misinformed correspondents, giving them an accurate summary of what was actually in the bill. His letters brought a strange response. Many of the people to whom they were addressed replied that they had never written to the Senator in the first place. For instance, one gentleman, the father of a young girl, wrote as follows:

"I have not and will not sign any petition against civil rights. Further, I have never given permission to anyone to use my name, or my 11-year-old daughter's name."

This young lady's name had been signed to one of these fake petitions.

In other words, the educational debate has been so successful that it has produced public opinion where none existed before.

Another explanation might be that conditions in Mississippi are so perfect that there is nothing better to do with official State funds than to use them to buy northern telephone books.

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 42, APRIL 29, 1964

(The 26th day of debate on H.R. 7152; 43d day of debate on civil rights)

1. Quorum scoreboard: We extended our current winning streak, making four quorums in an average time of 22 minutes.

2. Wednesday's schedule: The Senate will convene at 10 a.m. and will continue in session until a somewhat later time than on Tuesday. Floor captains for Wednesday:

Democrats: LONG of Missouri, 10 a.m. to 1 p.m.; MCCARTHY, 1 to 4 p.m.; BREWSTER, 4 to 7 p.m.; MCGOVERN, 7 p.m. to close.

Republicans: JAVITS, all day; FONG, all day.

3. The National Council of Churches will sponsor civil rights prayer services at 9 a.m. each day at the Lutheran Church of the Redemption, 212 East Capitol Street NE. Prominent clergymen from around the country will conduct these services, which will be held daily until the civil rights bill is passed.

4. Public opinion and the civil rights bill: For some weeks now the opponents of the civil rights bill have been announcing that the public opinion in the North is turning against the bill. According to these Senators, there is a great "backlash" against civil rights. Credit for this alleged shift in opinion is divided between the current "educational debate" and the notorious "$100 billion Blackjack" advertisement circulated by a Mississippi front group.

Now no one can deny that these two activities represent a tremendous effort. The current filibuster has broken all records for obstructing majority rule on civil rights; and the Coordinating Committee for Fundamental American Freedoms is just about the richest lobby in Washington. Nor can there be any doubt that this organization, financed largely by official State agencies in the South, has spread the misleading and abusive advertisement in every State in the Union.

But what have been the results of all this activity? What evidence is there of its impact, beyond the kind of forged letters received by one supporter of the bill?

On Monday there was an authoritative answer to this question. The well-known Louis Harris organization has conducted a series of nationwide polls to find out American opinion on civil rights. Fully 70 percent of the American public are in favor of the civil rights bill. Even more important, however, is the trend over time. This 70-percent approval rate reflects a 2-percent increase since February, when the educational debate and the Mississippi-based advertising campaign began.

In other words, the filibustering and distorted advertising have backfired; they have created a more favorable attitude than before. If the educational debate continues long enough, perhaps so many people will be educated that there will be unanimous support for the civil rights bill. As for the coordinating committee, we can only suggest that the people of Mississippi ask for a refund.

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 43, APRIL 30, 1964

(The 27th day of debate on H.R. 7152; 44th day of debate on civil rights)

1. Quorum scoreboard: We made three quorums on Wednesday in an average of 19 minutes.

2. Thursday's schedule: The Senate will convene at 10 a.m. and will continue in session until at least 9:30 p.m. The bill's opponents will continue to hold the floor. Floor captains for Thursday:

Democrats: METCALF, 10 a.m. to 1 p.m.; PELL, 1 to 4 p.m.; LONG of Missouri; MOSS, 7 p.m. to close.

Republicans: Scott, all day; DOMINICK, all day.

3. From the John Birch Society bulletin: "Our members are responsible for pouring more than half a million messages [against the civil rights bill] into Washington during the last month and will pour in many more before the fight is over."

Since the Birch Society takes pride in its unscrupulous tactics, perhaps it is responsible for the forged anti-civil-rights material we discussed yesterday. But whatever organization produced this forgery, Senate supporters of civil rights should take some comfort from the knowledge that much of the hostile mail that supposedly represents public opinion in reality reflects nothing more than the active extremism of the John Birch Society.

4. A selection from the educational debate: "Under this provision (title VI), if a Federal administrator were carrying out a contract with a hospital, under the Hill-Burton Act, and if a lady of one race came to work, and the administrator tipped his hat to her; and if thereafter, when a lady of another race came to work, he did not tip his hat to her, the second lady could charge that he was treating them differently; and then, under this provision, the Hill-Burton contract with the hospital could be canceled." (CONGRESSIONAL RECORD, Apr. 28, 1964, p. 9274.)

5. Signs of the times: The General Assembly of the Southern Presbyterian Church voted to disband all-Negro presbyteries and integrate them with existing white presbyteries. It also approved a recommendation to adopt a rule explicitly forbidding the exclusion of any person from participation in public worship in the Lord's house on the grounds of race, color, or class.

The New York Times, which reported this news in a story in its April 28 issue, described the reaction of one rural preacher who opposed the general assembly's actions. A rural preacher "slumped against a wall outside the auditorium after the vote today and

stared at the floor. 'They just don't seem to care about us any more,' he said."

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 44, MAY 1, 1964

(The 28th day of debate on H.R. 7152; 45th day of debate on civil rights)

1. Quorum scoreboard: Five for twenty-one on Thursday.

2. Friday's schedule: The Senate will convene at 10 a.m. and will stay in session until at least 9 p.m. The bill's opponents will hold the floor again. Floor captains for Friday:

Democrats: PASTORE, 10 a.m. to 1 p.m.; MAGNUSON, 1 to 4 p.m.; LONG of Missouri, 4 to 7 p.m.; CLARK, 7 p.m. to close.

Republicans: KUCHEL, all day; JORDAN of Idaho, all day.

3. Selections from the educational debate: "The Senator has given a fine illustration. If I were to set out to communize America, I would first pass a Federal FEPC law and enforce it." (CONGRESSIONAL RECORD, Apr. 28, 1964, p. 9283.)

"I do not know of a more effective step which could be taken to socialize this country and bring about what the Communists call equality, than what the bill would bring about." (Ibid.)

4. A case of mistaken identity: "All any friend of the great Moses Cone Hospital in Greensboro can hope is that the institution, in refusing to give emergency treatment to a student from India because he was thought to be a Negro, suffered from a momentary lapse of judgment and was not officially guilty of inhumanity and hypocrisy.

* * * * *

"Yet the Associated Press reports that the director of the hospital says that nurses in this case 'were following directions and did not know' that this student who came with a broken and bleeding nose was an Indian and not a Negro. Such an excuse is worse than the refusal to treat the injured man. Not only American Negroes but American whites should resent the idea that a dark-skinned stranger should receive emergency care which is refused a dark-skinned native." (Raleigh (N.C.) News and Observer, Apr. 4, 1964, p. 4.)

5. From the UPI ticker: "Senator JACOB K. JAVITS, Republican, of New York, today reported a dramatic turnabout in his civil rights mail.

"He said most of mail recently has been opposed to the measure pending before the Senate.

" 'I am glad to report today that this trend appears to be shifted dramatically, he said.

" 'The count of New York State mail during the month of April—as of this morning—was 8,250 letters for the bill and 2,527 letters opposed.'

"He said this was new evidence countering claims that there is a so-called white backlash in the North that was supposed to be having an adverse effect on support of the pending legislation."

6. More visitors: Civic, business, and religious leaders from Arizona, Colorado, and New Mexico will be in Washington today to express support for the civil rights bill to their Senators.

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 45, MAY 2, 1964

(The 29th day of debate on H.R. 7152; 46th day of debate on civil rights)

1. Quorum scoreboard: 3 for 20 on Friday.

2. Saturday's schedule: The Senate will convene at 10 a.m. and will stay in session until the latter part of the afternoon. There will be a quorum call when the session begins. The bill's opponents will speak at length again. Floor captains for Saturday:

Democrats, BREWSTER, 10 a.m. to 1 p.m.; HART, 1 to 4 p.m.

Republicans: CASE, all day; CURTIS, all day.

3. The outlook for next week: It is likely that the Mansfield-Dirksen substitute for the Talmadge jury trial amendment will come to a vote late Wednesday afternoon. Prior to this vote there will be other votes on perfecting amendments to the Talmadge amendment.

4. Regulations of private property: Opponents of the civil rights bill have often said that title II, on public accommodations, and title VII, on equal employment opportunity, are interferences with a businessman's right to make his own decisions about how he will use his private property. As a matter of fact, of course, all regulatory legislation imposes such restrictions on private property. Zoning laws, sanitation laws, wages and hours legislation, and literally hundreds of other laws limit the individual's right to use his property as he wants.

The Supreme Court has been very specific on this point: "The Constitution does not guarantee the unrestricted privilege to engage in a business or to conduct it as one pleases." (See *Nebbia* v. *New York*, 291 U.S. 502, 527, 528 (1934).) Since this opinion was stated 30 years ago, it should have extra authority for those persons who disregard all modern constitutional law.

5. Quote without comment: "The public debate over the civil rights bill, coinciding with the debate in the U.S. Senate, is being considerably distorted by exaggerated claims and charges. But much of the confusion arises because few people have actually read the bill itself.

"A good example of the pitfalls of making claims without reading the bill was the situation in which the Appleton and Neenah-Menasha boards of realtors found themselves last week. Their criticism of the bill, in an advertisement in this newspaper, was based on the measure as it was originally proposed in the House.

"Senator NELSON wired this newspaper pointing out that the advertisement was absolutely false. He released a letter from Attorney General Robert Kennedy stating that the bill in its present form 'would in no way affect or limit the freedom of anyone to sell or rent his home as he chooses' and that 'no right to trial by jury is diminished in any way by any provision of this bill.'

"The two realtor boards responded with a letter to the People's Forum of this newspaper retracting the charges published in the ad." (Appleton (Wis.) Post-Crescent, April 7, 1964.)

BIPARTISAN CIVIL RIGHTS NEWSLETTERS 46 THROUGH 51

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 46, MAY 4, 1964

(The 30th day of debate on H.R. 7152; 47th day of debate on civil rights)

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senator HUBERT H. HUMPHREY and Senator THOMAS KUCHEL, will distribute this newsletter to the offices of the Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant, daily, if necessary.)

1. Quorum scoreboard: 1 for 21 for Saturday.

2. Monday schedule: The Senate will run from 10 a.m. until at least 9 in the evening. The bill's opponents will have the floor again. The floor captains for Monday:

Democrats: DODD (10 to 1), MORSE (1 to 4), MAGNUSON (4 to 7), MUSKIE (7 to close).

Republicans: ALLOTT (all day), BENNETT (all day).

3. Signs of the times: "The North Carolina Synod of the Lutheran Church of America has called on its members to welcome all worshipers of the denomination without regard to race."

Washington Post, May 2, 1964, page 7: "A resolution barring racial prejudice was approved by voice vote at the synod's 160th convention."

4. The voice of experience: Opponents of the civil rights bill are fond of saying that the bill's proponents, coming from the North, have no experience with "the problem" and therefore are unqualified to deal with civil rights. For this reason it should be interesting to look at the testimony of a southern mayor who not only knows about "the problem" but, unlike so many public officials, has done a great deal to bring equality to Negroes in his city. These are some excerpts from the testimony of Ivan Allen, Jr., mayor of Atlanta before the Senate Commerce Committee:

"The Congress of the United States is now confronted with a grave decision. Shall you pass a public accommodation bill that forces this issue? Or, shall you create another round of disputes over segregation by refusing to pass such legislation?

"Surely the Congress realizes that after having failed to take any definite action on this subject in the last 10 years, to fail to pass this bill would amount to an endorsement of private business setting up an entirely new status of discrimination throughout the Nation. Cities like Atlanta might slip backward.

"Hotels and restaurants that have already taken this issue upon themselves and opened their doors might find it convenient to go back to the old status. Failure of Congress to take definite action at this time is by inference an endorsement of the right of private business to practice racial discrimination and in my opinion, would start the same old round of squabbles and demonstrations that we have had in the past.

"Gentlemen, if I had your problem, armed with the local experience I have had, I would pass a public accommodations bill. * * *

"But the point I want to emphasize again is that now is the time for legislative action. We cannot dodge the issue. We cannot look back over our shoulders or turn the clock back to the 1860's. We must take action now to assure a greater future for our citizens and our country." (Hearings on S. 1732, pt. 2, pp. 866–867.)

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 47, MAY 5, 1964

(The 31st day of debate on H.R. 7152; 48th day of debate on civil rights)

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senator HUBERT H. HUMPHREY and Senator THOMAS KUCHEL, will distribute this newsletter to the offices of the Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant, daily, if necessary.)

1. Quorum scoreboard: Three for twenty.

2. Tuesday's schedule: The Senate will run from 10 a.m. until early in the evening. The bill's opponent's will have the floor again. Floor captains for Tuesday:

Democrats: WILLIAMS of New Jersey (10 to 1), PASTORE (1 to 4), KENNEDY (4 to 7), Moss (7 to close).

Republicans: PROUTY (all day), SALTONSTALL (all day).

3. Legal rights and the southern way of life: The following editorial from the Washington Post illustrates two important truths about the opposition to the civil rights bill. The first point is that the same Senators who are so loud in their defense of "private property rights" when it comes to this bill have been strangely silent when Government power was invoked to eliminate discrimination against Mexicans imported to work on southern farms.

The second point is less obvious but just as important: discrimination against Mexicans had been part of community life for generations, yet when the Federal Government threatened to use its power to amend this way of life, there was an end to the

discrimination. There is a lesson here for those people who say that "you can't put an end to discrimination by law." This enlightening editorial is from the September 18, 1963, issue of the Washington Post:

"A SOUTHERN PRECEDENT

"Of all the southern objection to the civil rights bill, one of the weakest is that the public accommodations provisions involve a wholly novel Federal infringement on property rights. It is pertinent to point out that southern legislators themselves have supported a public law that embodies the very philosophy that underlies the public accommodation section of the civil rights bill.

"This little-noticed precedent exists in Public Law 78, which governs the importation of Mexican labor for harvest work. Article 8 of the law contains a strong prohibition against discrimination, and empowers the Secretary of Labor to prohibit use of braceros in any community where Mexicans are subjected to discriminatory practices.

"The Labor Department has used this power to act on a number of complaints. In Stamford, Tex., barbershops and beauty shops were charged with denying service to persons of Mexican ancestry. The complaint was resolved when the mayor agreed to take steps to remedy the problem. In Levelland, Tex., a movie theater refused to admit Mexicans, but the owner changed his policy when he was informed of the sanctions that could be applied under article 8. In Salton, Tex., similar intervention by the Department of Labor led to the admission of Mexicans to a hitherto white-only city swimming pool.

"Yet the record does not disclose any outpouring of southern Democratic indignation over alleged infringements of property rights under Public Law 78. On the contrary, southern legislators have been among the strongest proponents of this measure to provide low-cost labor in rural areas. Are we to conclude that it is perfectly proper to use Federal power to protect the civil rights of foreign nationals—but that it is somehow un-American to protect the rights of citizens of the United States?"

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 48, MAY 6, 1964

(The 32d day of debate on H.R. 7152, 49th day of debate on civil rights)

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senator HUBERT H. HUMPHREY and Senator THOMAS KUCHEL, will distribute this newsletter to the offices of the Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant, daily, if necessary.)

1. Quorum scoreboard: 3 for 20 again.

2. Wednesday's schedule: The Senate will run from 10 a.m. until early evening. There will be rollcall voting on the Talmadge jury trial amendment (see 3, below). Floor captains for Wednesday:

Democrats: MUSKIE (10-1); NELSON (1-4), BURDICK (4-7), WILLIAMS of New Jersey (1 to close).

Republican: CASE (all day), SALTONSTALL (all day).

3. Parliamentary situation: The pending business is the Morton amendment (560) to the Talmadge jury trial amendment (No. 513). No. 513 would require trial by jury in all criminal contempt proceedings in Federal courts; it is not limited to civil rights. The Morton amendment would apply this requirement to all criminal contempt proceedings arising from the current civil rights bill. (The Morton amendment is similar to the other Talmadge amendment, No. 512, which was not called up by its author.) The bipartisan civil rights leadership is opposed to the Morton amendment.

After the Morton amendment is disposed of, any other perfecting amendments to the Talmadge amendment would be in order. One such amendment has been introduced by Senator COOPER (No. 558), although it is not clear that he intends to call it up. This amendment provides that the right to jury trial in criminal contempt cases would not necessarily be granted to public officials, except that the court could do so at its discretion. The Department of Justice has serious doubt about the constitutionality and practicality of the Cooper amendment.

When all perfecting amendments have been disposed of, the Mansfield-Dirksen substitute amendment will be considered. This substitute provides jury trials in criminal contempt cases arising under H.R. 7152 if the punishment imposed by a judge exceeds $300 or 30 days. This is similar to the Civil Rights Act of 1957 except that the earlier law has limits of $300 and 45 days. The civil rights leadership and the administration support the Mansfield-Dirksen substitute.

In short, the Morton amendment comes first. Any other amendments to the Talmadge amendment will be considered next. Then the Mansfield-Dirksen substitute will be voted on. If the Mansfield-Dirksen substitute is adopted, it will be the new Talmadge amendment, regardless of the outcome of votes on previous perfecting amendments.

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 49, MAY 7, 1964

(The 33d day of debate on H.R. 7152; 50th day of debate on civil rights)

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senator HUBERT H. HUMPHREY and Senator THOMAS KUCHEL, will distribute this newsletter to the offices of the Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant, daily, if necessary.)

1. Quorum scoreboard: 4 for 19.

2. Thursday's schedule: The Senate will convene at 10 a.m., and will stay in session until early evening. Live quorums should be expected. Floor captains for Thursday:

Democrats: MCCARTHY (10 to 1), MCINTYRE (1 to 4), MCGOVERN (4 to 7), DOUGLAS (7 to close).

Republicans: COOPER (all day), MORTON (all day).

3. The parliamentary situation: On Wednesday the Morton and Cooper amendments to the Talmadge jury trial amendment was defeated. The pending business is now the Mansfield-Dirksen substitute. The present expectation is that this measure will be voted on by late next Monday or early Tuesday.

4. Setting the record straight: A supporter of the civil rights bill recently delivered a short speech entitled "The Myths Behind Civil Rights Bill Opposition." The first part of this speech does such a good job of refuting a common theme of anticivil rights propaganda that we think it should be repeated here. The following excerpts are from the CONGRESSIONAL RECORD, May 5, 1964, page 10056:

"Mr. President, southern opponents of the bipartisan civil rights bill repeatedly try to shift attention from the social order in their States, which in many cases is built upon denying the Federal constitutional rights to Negroes, by regaling the Senate with horror stories about conditions in the North in general and in New York City in particular. These attempts occasionally become so misleading that they must and should be answered. Two such cases have arisen repeatedly in debate in recent weeks.

"Opponents of the bill have, in the course of their lengthy discussions of title VII, the equal employment opportunity title of the bill, referred to U.S. Bureau of the Census statistics which indicate that unemployment rates are higher for nonwhites in some Northern States which already have FEP laws than in some Southern States, which dot not and in which discriminatory hiring policies are pursued. What they conveniently fail to point out is the difference in computing the unemployment statistics for States which have basically agricultural economies as compared with States which have basically industrial economies. Sharecroppers and other farmworkers in Southern States are included among the employed in the Census Bureau statistics even though they often work only 1 or 2 days a week and are often living at a bare subsistence level.

"I have asked the Census Bureau to confirm this and have received from the Bureau a letter quoting from a forthcoming report entitled 'Farm Population, Series Census-ERS (P-27), No. 34.' This report will be released jointly by the Economic Research Service of the Department of Agriculture and the Bureau of Census. The Bureau's letter quotes from the report as follows: 'Unemployment rates are typically about twice as high in the nonfarm population as in the farm group. The general explanation offered is that the large proportion of self-employed persons among farm people results in a low formal unemployment even during periods of economic difficulty. Also farmers who combine part-time farming with off-farm work are still technically employed (through their farming) if they lose their nonfarm job.'

"The relevant and revealing statistics are those which show the median income of whites and nonwhites in the several States and the estimated lifetime earnings matched against the years of school completed for whites and nonwhites in the several States. As the Senators in charge of title VII of the bill—Senators CASE and CLARK—have shown the statistics which correctly measure the real difference between the economic opportunities for Negroes in the Southern and Northern States do support our contention that fair employment practice laws are helpful in assuring equality of earning opportunity. The figures show that the discrepancy between the median earnings of white workers and those of nonwhite workers has been increasing in recent years and that this difference is much more pronounced in the South than in other parts of the country. They also show that, while in the Nation as a whole the lifetime earnings of nonwhites are 40 percent of those of whites, in the South they are 32 percent."

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 50, MAY 8, 1964

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senators HUBERT H. HUMPHREY and THOMAS KUCHEL, will distribute this newsletter to the offices of the Senators who support the legislation. It will help to keep Senators and their staffs fully informed on the civil rights bill and will be distributed whenever circumstances warrant, daily, if necessary.)

1. Quorum scoreboard: Three for twenty.

2. Friday's schedule: The Senate will convene at 10 a.m. and will stay in session until early evening. Live quorums should be expected.

Floor captains for Friday:

Democrats: PELL (10 to 1), MOSS (1 to 4), LONG of Missouri (4 to 7), MORSE (7 to close).

Republicans: SCOTT (all day), PEARSON (all day).

3. The parliamentary situation: With the Morton and Cooper amendments disposed of, the pending business is now the Mansfield-Dirksen substitute. However, any other perfecting amendments to the Talmadge amendment could be offered and called up prior to

the vote on the Mansfield-Dirksen substitute. The present expectation is that the Mansfield-Dirksen substitute will be voted on late Monday or Tuesday.

4. "All discord, harmony not understood * * *."

Opponent, page 7773: "The problem of racial and religious discrimination * * * is a problem in morality. * * * I do not believe discrimination is morally right. In my opinion it is morally wrong."

Another opponent, page 9636: "I am disappointed to note that many ministers and churchmen are more or less blindly advocating the passage of the bill, on supposedly moral grounds. * * * The clergy should stick to their own knitting."

Alexander Pope, "The Dunciad": "Religion, blushing, veils her sacred fires, and unawares morality expires."

5. Quote without comment: From the AP ticker, May 7:

"A delegation of Southern Presbyterian ministers called on the 2 managers of the bill to present a letter signed by 435 ministers and educators and laymen in support of the bill.

"One of the signers was the Reverend William D. Russell, Decatur, Ga., a nephew of Senator RICHARD B. RUSSELL, Democrat, of Georgia, leader of the Senators fighting the measure."

6. Hasty consideration? The RECORD, page 10209, contains a summary of the number of civil rights bills introduced in the House in the 88th Congress as of December 6, 1963, by month and party allegiance. Results: 172 bills introduced by 86 Members, Democrats and Republicans; 101 witnesses heard, 43 prepared statements accepted, and 2,649 pages of printed hearings in House Judiciary Committee.

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 51, MAY 11, 1964

(The 35th day of debate on H.R. 7152; 52d day of debate on civil rights)

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senator HUBERT H. HUMPHREY and Senator THOMAS KUCHEL, will distribute this newsletter to the offices of the Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant, daily, if necessary.)

1. Notice to readers: The newsletter suspended publication for 1 day on the occasion of the Senate's first silent Saturday since Easter weekend.

2. Quorum scoreboard: On Friday, May 8, civil rights Senators made two quorum calls in 20 minutes.

3. Monday's schedule: The Senate will convene at 10 a.m. Length of session will depend upon agreements developed today. Live quorums should be expected. Floor captains for Monday:

Democrats: CLARK (10 to 1), DOUGLAS (1 to 4), MAGNUSON (4 to 7), BAYH (7 to close).

Republicans: Not announced at press time.

4. The parliamentary situation: The pending business is the Mansfield-Dirksen substitute provision for jury trial in criminal contempt proceedings. However, any other perfecting amendments to the Talmadge amendment could be offered and called up prior to the vote on the Mansfield-Dirksen substitute. Two such amendments had been offered by the weekend. The present expectation is that the Mansfield-Dirksen substitute will be voted on late today or Tuesday.

5. We hear you, Duane—welcome to the club.

Opponent, page 10391: "Mr. President, I have been requested by a constituent named Duane Eckelberg, whose address is Manassas, Va., to have the CONGRESSIONAL RECORD show that he favors the passage of H.R. 7152."

6. A short course in jury trial "guarantees" in contempt cases.

"The trial of all crimes, except in cases of impeachment, shall be by jury * * *" (art. III, sec. 2, clause 3).

"In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial * *" (sixth amendment).

"In suits at common law, where the value in controversy shall exceed $20, the right of trial by jury shall be preserved * * *" (seventh amendment).

"It is urged that those charged with criminal contempt have a constitutional right to a jury trial. This claim has been made and rejected here again and again. * * * It has always been the law of the land, both State and Federal, that the courts—except where specifically precluded by statute—have the power to proceed summarily in contempt matters" (*U.S.* v. *Barnett*, 1963).

"The issue we are dealing with is whether a jury shall be empowered to refuse to allow vindication of the authority of the court and of the judgment it has entered after a trial on the merits. * * * The broad Talmadge amendment—applicable to contempt trials of every kind in the Federal courts—by interposing another tribunal—the jury—between a court and enforcement of its orders weakens the enforcement of Federal law throughout the country. Such a proposal strikes at the integrity of the Federal courts and the respect which the country has for their decrees. What is a court which has not the power to compel obedience to its orders? It is for this reason that in practically all the States—including all the States of the South—the courts are empowered to punish for contempt without convening juries. The States don't leave their courts powerless. Why should the Federal courts be without sufficient authority?" (Department of Justice memo.)

BIPARTISAN CIVIL RIGHTS NEWSLETTERS 52 THROUGH 56

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 52, MAY 12, 1964

(The 36th day of debate on H.R. 7152; 53d day of debate on civil rights)

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senator HUBERT H. HUMPHREY and Senator THOMAS KUCHEL, will distribute this newsletter to the offices of the Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant, daily, if necessary.)

1. Quorum disaster: The first three quorum calls yesterday were made in 20 minutes each, but when the fourth one was called after 6 o'clock, it took 1 hour and 11 minutes for 51 Senators to get to the Chamber. A fifth quorum, called at 10:16, required more than an hour and a half.

Fulfillment of their quorum obligations is the only way that most supporters of civil rights can presently contribute to the passage of the bill. When they fail to meet these obligations, the civil rights struggle suffers a defeat, and the prospects for a post-convention session grow stronger.

2. Tuesday's schedule: The Senate will convene at 10 this morning and will stay in session until late tonight. Live quorums should be expected throughout the session. Floor captains for Tuesday:

Democrats: HART, 10 to 1; MORSE, 1 to 4; DODD, 4 to 7; PROXMIRE, 7 to close.

Republicans: JAVITS, all day; MILLER, all day.

3. In 1955 Justice William Douglas and Robert F. Kennedy, then a Senate staff member, toured the Soviet Union. A year later Mr. Kennedy described one of their interesting discoveries in the Soviet Union:

"In every city that we visited there were two different school systems. There was one set of schools for the local children—those of different color and race from the European Russian children. State and collective farms were operated by one group or the other, rarely by a mixture of both.

"Although work is supposedly being done to minimize the differences, many of the cities we visited were still split into two sections, with the finer residential areas being reserved for the European Russans. European Russians coming into the area receive a 30-percent wage preferential over local inhabitants doing the same jobs. The whole picture of segregation and discrimination was as pronounced in this area as virtually anywhere else in the world." (New York Times magazine, Apr. 8, 1956.)

4. More true crimes stories: The following remarks by a supporter of the civil rights bill may be interesting, in view of the attempts by the enemies of the bill to distract attention from racial discrimination by telling bloodcurdling stories about crime in New York City:

"The Federal Bureau of Investigation crime statistics indicate clearly that the streets of New York City are actually safer than those of a number of southern cities, including Atlanta and Savannah, in Georgia, from which some of the severest criticism on this issue has been directed toward us.

"New York City's crime rate for serious offenses * * * per 100,000 inhabitants was 1,509.7. What the southern Senators fail to note is that the crime rate was higher in the following 18 southern metropolitan areas:

"Amarillo, Tex., 1,751.1; Atlanta, Ga., 1,796.3; Baton Rouge, La., 1,654; Charleston, S.C., 1,891.2; Charlotte, N.C., 1,592.9; Corpus Christi, Tex., 1,920.6; Fort Lauderdale-Hollywood, Fla., 1,778.6; Galveston-Texas City, Tex., 1,529.5; Greenville, S.C., 1,639.1; Houston, Tex., 1,637.2; Jacksonville, Fla., 1,584.7; Laredo, Tex., 1,645.7; Lubbock, Tex., 1,713.9; Miami, Fla., 2,322.2; Pensacola, Fla., 1,631.5; Richmond Va., 1,593; San Antonio, Tex., 1,579.2; Savannah, Ga., 1,513.4." (CONGRESSIONAL RECORD, May 5, 1964, p. 10057.)

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 53, MAY 13, 1964

(The 37th day of debate on H.R. 7152; 54th day of debate on civil rights)

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senator HUBERT H. HUMPHREY and Senator THOMAS KUCHEL, will distribute this newsletter to the offices of the Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant, daily, if necessary.)

1. Quorum scoreboard: Civil rights Senators got back on the track yesterday, making four quorums in an average of 22 minutes.

2. Wednesday's schedule: The Senate will be in session from 10 this morning until late tonight. Opponents of the civil rights bill have said that they will continue to prevent a vote on the Mansfield-Dirksen jury trial amendment this week. Floor captains for Wednesday:

Democrats: HART (10 to 1), KENNEDY (1 to 4), MUSKIE (4 to 7), NELSON (7 to close).

Republicans: COOPER (all day), CURTIS (all day).

3. A short lesson on evaluating the "Educational Debate." Opponent: "I have had the privilege of spending approximately 25 years of my life in courtrooms. * * * for 7 years I was honored to serve my State in the capacity of a superior court judge. Since North Carolina provides the right of trial by jury in respect to the issues of fact in all civil cases, regardless of whether they involve equitable or legal elements, and in all criminal cases whatsoever, I spent most of my time presiding over jury trials. There is no objection that can be urged against trial by jury in a civil rights proceeding that cannot

be urged against the right of trial by jury in cases involving murder, arson, burglary, rape, larceny, treason, or any other offense known to the catalog of crimes. It is surprising that any American would take such a position." (CONGRESSIONAL RECORD, May 8, 1964, p. 10425.)

The following is from an opinion by the North Carolina Supreme Court: "Under North Carolina General Statutes, section 5–1 which supplants the common law in authorizing contempt proceedings, the proceeding is sui generis, criminal in its nature, and which may be resorted to in civil or criminal actions and entitles persons charged to no jury trial. In contempt proceeding authorized by section 5–1 of the general statutes of North Carolina arising out of defendant's failure to obey an order restraining intimidation of employees crossing a picket line the court had jurisdiction to render a judgment of fine and imprisonment without a jury trial." (*Safie Mfg. Co.* v. *Arnold*, 228 N.C. 375; 45 S.E. 2d 577.)

BIPARTISAN CIVIL RIGHTS NEWSLETTER, NO. 54, MAY 14, 1964

(The 38th day of debate on H.R. 7152; 55th day of debate on civil rights)

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senator HUBERT H. HUMPHREY and Senator THOMAS KUCHEL, will distribute this newsletter to the offices of the Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant, daily, if necessary.)

1. Quorum scoreboard: Three quorum calls were made on Wednesday within the allotted time.

2. Schedule for Thursday: The Senate will convene at 10 a.m. and will be in session until very late in the evening. Floor captains for Thursday:

Democrats: BURDICK 10 to 1, WILLIAMS 1 to 4, MORSE 4 to 7, MCCARTHY 7 to close.

Republicans: HRUSKA (all day), BOGGS (all day).

3. The first amendment in Mississippi: On April 8, 1964, Gov. Paul H. Johnson of Mississippi signed House bill 546 into law. It provides:

SECTION 1. It shall be unlawful for any person, singly or in concert with others to engage in picketing or mass demonstrations in such a manner as to obstruct or interfere with free ingress or egress to and from any public premises, State property[1] owned by the State of Mississippi or any county or municipal government located therein or with the transaction of public business or administration of justice therein or thereon conducted or so as to obstruct or interfere with free use of public streets, sidewalks, or other public ways adjacent or contiguous thereto.

SEC. 2. Any person guilty of violating this act shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $500 or imprisoned in jail not more than 6 months, or both such fine and imprisonment.

On April 9, 1964, 52 people were arrested for picketing in Greenwood. This number includes five schoolchildren aged 9, 10, 11, 12, and 13, and a Negro minister who is a candidate in the June 2 primary congressional.

On April 10, 1964, 55 persons were arrested for picketing in Hattiesburg.

4. Quote without comment: "The power to fine and imprison for contempt, from the earliest history of jurisprudence has been regarded as a necessary incident and attribute of a court, without which it could no more exist than without a judge. It is a power inherent in all courts of record, and coexisting with them by the wide provisions of the common law. A court without the power to effectively protect itself against the assaults of the lawless, or to enforce its orders, judgments, or decrees against the recusant parties before it, would be a disgrace to the legislation, and a stigma on the age which invented it." Mississippi High Court of Errors and Appeals, *Waters* v. *Williams*, 36 Miss. 331 (1858).

[1] County or municipal courthouse, city halls, office buildings, jails or other public buildings or property.

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 55, MAY 15, 1964

(The 39th day of debate on H.R. 7152—56th day of debate on civil rights)

(The bipartisan Senate leadership supporting the bill, H.R. 7152, headed by Senator HUBERT H. HUMPHREY and Senator THOMAS KUCHEL, will distribute this newsletter to the offices of the Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant, daily, if necessary.)

1. Quorum scoreboard: Four quorum calls were made on Thursday within the alloted time.

2. Schedule for Friday: The Senate will convene at 10 a.m. and will be in session until late evening. Floor captains for Friday:

Democrats: MCINTYRE (10 to 1), WILLIAMS of New Jersey (1 to 4), NELSON (4 to 7), CHURCH (7 to close).

Republicans: BENNETT (all day), CASE (all day).

3. Knitting that won't be stuck to: The opponent of H.R. 7152 who was disappointed to learn that American religious leaders are supporting civil rights on "supposedly moral grounds," and who suggested that they "stick to their own knitting," will be even more disappointed when he sees a collection of 53 statements representing 29 religious groups, to appear soon in the RECORD.

4. Recommended reading: From a group of articles on education and civil rights in the Saturday Review, May 16, 1964, by Ralph McGill, Harry Ashmore, and others:

"For a brief measure of time after the school decision by the Supreme Court of the United States in May of 1954, there was a period of silence and hope. But much of the silence was sullen. And hope was soon to be rebuffed by defiance and demagoguery at high-decibel levels.

"Statutory and constitutional segregation of U.S. citizens by race was dead and on view on the highest pinnacle of law. But the vultures of prejudice, hate, and greed were soon to come and tear at it, vainly seeking to destroy the evidence of that death.

"The decision of May 1954 * * * was as if a call loan, on which the South and the Nation had been paying exorbitant interest rates, had suddenly been called.

"There is no quick adjustment of this debt. But it should be obvious that the sooner the Negro comes to the ballot, to education, and to jobs, the better. Then, and only then, can the bill be settled. As the Negro rises in the economy and the life of the community, the fears and myths will mainly disappear." (Ralph McGill.)

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 56, MAY 16, 1964

(The 40th day of debate on H.R. 7152, 57th day of debate on civil rights)

(The bipartisan Senate leadership supporting the bill, H.R. 7152, headed by Senator HUBERT H. HUMPHREY and Senator THOMAS KUCHEL, will distribute this newsletter to the offices of the Senators who support the bill. It will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant—daily, if necessary.)

1. Quorum scoreboard: The civil rights supporters met five quorum calls with extreme ease on Friday. An average of only 11 minutes was required for each of the calls.

2. Schedule for Saturday: The Senate will convene at 10 a.m. and will be in session until late afternoon. Floor captains for Saturday:

Democrats: CLARK (10 to 1), DOUGLAS (1 to 4).

Republicans: CARLSON (all day), FONG (all day).

3. Southern Negroes at the bottom of economic ladder: The individual income of Negroes in the South is only two-fifths that of comparable whites. In other regions, the income of Negro citizens is about three-fourths that of whites.

Median income of persons 14 years and over with income by region and color, 1950 and 1960

1960

	White	Nonwhite	Dollar difference, white and nonwhite	Nonwhite percent of white
Northeast	$3,304	$2,441	−$863	73.9
North central [1]	3,090	2,263	−827	73.2
South	2,473	995	−1,478	40.2
West	3,298	2,474	−824	75.0

1950

Northeast	$2,246	$1,662	−$584	72.2
North central [2]	2,143	1,652	−491	77.1
South	1,647	739	−908	44.9
West	2,114	1,445	−669	68.9

SOUTH AS A PERCENT OF OTHER REGIONS

	1960		1950	
	White	Nonwhite	White	Nonwhite
Northeast	74.8	40.8	73.3	45.6
North central	80.9	44.2	76.9	44.7
West	74.9	40.2	77.9	51.5

[1] Includes also Maryland, Delaware, Texas, Oklahoma, West Virginia, and the District of Columbia.
[2] Ibid.

NOTE.—The table also shows that southern Negroes have incomes of about ⅔ that of nonsouthern Negroes. On the other hand, white persons in the South have incomes close to ⅙ that of white persons in the non-South.

Source: Hearings before the Subcommittee on Employment and Manpower of the Committee on Labor and Public Welfare, 88th Cong., 1st sess., on S. 773, S. 1210, S. 1211, and S. 1937, at p. 443.

Original source of figures: U.S. Department of Commerce, U.S. census, 1950 and 1960.

BIPARTISAN CIVIL RIGHTS NEWSLETTERS 57 THROUGH 65

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 57, MAY 18, 1964

(The 41st day of debate on H.R. 7152, 58th day of debate on civil rights)

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senators HUBERT H. HUMPHREY and THOMAS KUCHEL, will distribute this newsletter to the offices of the Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant, daily, if necessary.)

1. Quorum scoreboard: On Saturday, May 16, Senators met two quoroum calls within the allotted time.

2. Schedule for Monday: The Senate will convene at 10 a.m. and will remain in session

until late evening. Quorum calls can be expected at any time.

Floor captains for Monday:

Democrats: BARTLETT (10–1), BAYH (1–4), SYMINGTON (4–7), INOUYE (7–close); Republicans: CASE (all day), BOGGS (all day).

3. Thus spake "Daddy Warbucks": Yesterday's Washington Post (p. A24) contains a series of 15 false charges by Governor Wallace against the civil rights bill, and rebuttals to each by Post staff reporters. We salute the good work of James E. Clayton and Robert E. L. Baker, and we point out a few of Wallace's gems just to get the week off to a proper start:

"Under the provisions of this section (title II) of the act, the lawyer, doctor, beautician or barber, plumber, public secretary-stenographer would no longer be free to choose their clientele.

"An employer can lose his right to hire whomever he might choose—this power being vested in a Federal inspector, who under an allegation of racial imbalance, can establish a quota system whereby a certain percentage of a certain ethnic group must be employed as supervisors, skilled and common labor.

"Union seniority systems will be abrogated under the unlimited power granted to Federal inspectors to regulate hiring, firing, promoting, and demoting.

"It will take white men's jobs and turn them over to Negroes.

"The U.S. Commissioner of Education would be empowered to enter a school and transfer children from one school to another to accomplish either racial or religious balance. In other words, your child could be transferred across town in order to meet the Government's requirement that a Protestant child be admitted for the sake of assuring that there are exactly the same number of Protestants, Catholics, and Jewish children enrolled.

"I state unequivocally that the jury system is on the verge of destruction."

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 58, MAY 19, 1964

(The 42d day of debate on H.R. 7152, 59th day of debate on civil rights)

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senator HUBERT H. HUMPHREY and Senator THOMAS KUCHEL, will distribute this newsletter to the offices of the Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant, daily, if necessary.)

1. Quorum scoreboard: No trouble with quorums on Monday.

2. Tuesday's schedule: At 10 a.m. the Democratic conference will meet in the Old Supreme Court Chamber and the Republican conference will meet in the new Senate Conference Room, S–207. The subject of both meetings will be the package of amendments intended to be presented by Senator DIRKSEN with the concurrence of the bipartisan managers of the bill.

The Senate will convene at 12 noon and will stay in session until well into the evening.

The floor captains for Tuesday:

Democrats: KENNEDY (12–3), HARTKE (3–6), PROXMIRE (6–9), HART (9–close); Republicans: CARLSON (all day), SCOTT (all day).

3. The parliamentary situation: The pending business is still the Smathers amendment to the Talmadge jury trial amendment. The bipartisan civil rights leadership is opposed to both of these proposals and supports the Mansfield-Dirksen substitute amendment on jury trials. The package of amendments mentioned in paragraph 2, above, does not include any of these jury trial amendments.

4. Slow learners: The National Association of Real Estate Boards, speaking through a North Carolina realtor, has denounced the civil rights bill because it allegedly threatens property owners' rights to use, rent, and dispose of property as they see fit.

Anyone who has read the bill knows that this is a preposterous statement. In the first place, there is nothing in the bill that has anything to do with the sale or rental of real estate. Furthermore, Federal mortgage insurance programs are excluded from the provisions of title VI.

The public accommodations title of the bill does not restrict any owner's use of his property except in that it prohibits him from refusing to serve a customer because of race or religion. Since such laws are already in effect in more than 30 States and have been approved by the Supreme Court, it does not appear that this is an unconstitutional restriction on private property rights.

Finally, the realtors, or their southern spokesmen, should remember that owners of places of public accommodation already have their property rights impaired by a variety of laws, such as those pertaining to health and safety, hours of operation, women and child labor, combinations in restraint of trade, and numerous other subjects. Should we follow the logic of the realtors and repeal all these laws?

As we reported some weeks ago, the real estate boards in Appleton, Neenah, and Menasha, Wis., made the same mistake that their national organization has. When the truth was pointed out to the Wisconsin realtors, they retracted their charges. We hope that the national association will be as ethical.

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 59, MAY 20, 1964,

(The 43d day of debate on H.R. 7152, 60th day of debate on civil rights)

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senator HUBERT H. HUMPHREY and Senator THOMAS KUCHEL, will distribute this newsletter to the offices of the Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant; daily, if necessary.)

1. Quorum scoreboard: 3 for 20 on Tuesday.

2. Wednesday's schedule: The Republican conference will meet at 9:15 in the new Senate conference room, S–207, to continue discussion of the package of amendments.

The Senate will convene at 12 noon and will stay in session until evening. The bill's opponents will continue to filibuster on jury trial amendments.

Floor captains for Wednesday:

Democrats: RIBICOFF (12–3), BURDICK (3–6), GRUENING (6–close); Republicans: JAVITS all day), MORTON (all day).

3. A rare discovery from Alabama: Most Senators and their staffs get their day-to-day news about the South from Washington and New York newspapers. This has the effect of depriving us of the true flavor of the State of civil rights in the South. In an effort to correct this deficiency and provide our readers with a more authentic picture of conditions in Alabama, we will present over the next few days selections from the Birmingham News. Today's selection is several years old, and may throw some light on the outlook for local, voluntary action in Alabama. It comes from the July 21, 1955, issue of the Birmingham News:

"A legislative committee hearing brought to light today an officially reported threat to fire any Negro teacher in Macon County who supports a demand for nonsegregated schools.

"The disclosure came from Senator Sam Englehardt, who represented that county and who himself is an outspoken defender of the separate school system which the Supreme Court has said must end. He has introduced legislation to preserve classroom segregation despite the Supreme Court ruling.

"Reminding the Senate Education Committee that a petition has already been presented to the school board chairman in his county demanding admission of Negroes to white schools, Englehardt said: 'I got a call from the school board last Friday after the petition was presented. We've got 190 colored teachers in Macon County and the board tells me they'll fire every one of them that takes part in this agitation.'

"In Tuskegee, Supt. C. A. Pruitt declined to comment. He pointed out that the board itself hasn't received the petition—only the chairman—and the board isn't scheduled to meet again until September.

"Englehardt's remarks came in support of a bill by Senator Albert Davis, of Pickens County, which would let local school boards by unanimous vote fire any teacher for cause regardless of his standing under Alabama's tenure law.

"Davis, like Englehardt, a fiery advocate of white supremacy, omitted any mention of racial problems in explaining his bill. He said it would merely give school authorities a way to get rid of 'incompetent' teachers whose jobs are protected now by the tenure law.

"He said the board in his county had to close one school because they couldn't fire the teacher.

"Englehardt disclosed that he plans to introduce a similar measure applying only to Macon County, where Negroes outnumber white residents four to one and where famed Tuskegee Institute is located.

"Davis' bill was sent to a subcommittee for further study."

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 60, MAY 21, 1964

(The 44th day of debate on H.R. 7152, 61st day of debate on civil rights)

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senator HUBERT H. HUMPHREY and Senator THOMAS KUCHEL, will distribute this newsletter to the offices of the Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant, daily, if necessary.)

1. Quorum scoreboard: Another 3 for 20.

2. Thursday's schedule: The Senate will convene at noon and will stay in session until early evening. The bill's opponents will continue to filibuster on jury trial amendments.

Floor captains for Thursday:

Democrats: MCGEE (12–3), JACKSON (3–6), LONG of Missouri (6–close); Republicans: COOPER (all day), JORDAN of Idaho (all day).

3. Separate but equal in Alabama: The following is from the December 4, 1963, issue of the Birmingham News:

"A ban continues for Alabama Negro high schools seeking full membership accreditation in the Southern Association of Colleges and Schools.

"The organization has adopted a resolution opening the way for such recognition to Negro schools, but the Alabama State committee turned thumbs down on full membership status for Negro schools in the State."

4. More selections from Birmingham newspapers: In order to help evaluate current southern claims about the benevolence and calm of race relations in the Old Confederacy, we are presenting a series of articles from Alabama newspapers. These articles, all of which appeared since the historic Supreme Court decision, make clear the need for Federal intervention in civil rights.

The first article revealed that Alabama State legislators proposed to override tenure regulations and fire any Negro schoolteacher

who favored desegregation. This must have been quite an example of free speech for Alabama schoolchildren. The second article quoted below exposes a proposal to retaliate against an entire Negro college if there was any desegregation of white colleges. This article is from the Birmingham News for February 22, 1956:

"A veteran black belt legislator proposed today that the State cancel a $375,000 a year grant to Tuskegee Institute if a Negro student is allowed to remain permanently at an all-white college.

"Representative W. L. (Doc) Martin, of Greene County, made his suggestion during a legislative subcommittee session on school finance problems.

"He first asked Dr. A. R. Meadows, State school superintendent, if he would be willing to terminate a State contract with Tuskegee should such a situation develop, then proposed to offer a bill in the legislature to require it.

"Dr. Meadows said he wasn't prepared to answer the question at this time.

"The State has for many years entered into a contract with Tuskegee Institute to provide instruction in certain fields for Alabama students who can't get it at State-supported Negro colleges.

"Representative Martin, who represents a county in which Negroes outnumber whites about 5 to 1, told his colleagues he plans to offer a bill in an impending session of legislature to make the Tuskegee appropriation conditional on Negroes not breaking the color line at white institutions of higher learning."

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 61, MAY 22, 1964

(The 45th day of debate on H.R. 7152, 62d day of debate on civil rights)

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senator HUBERT HUMPHREY and Senator THOMAS KUCHEL, will distribute this newsletter to the offices of the Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant, daily, if necessary.)

1. Quorum scoreboard: Another 3 for 20.

2. Friday's schedule: The Senate will convene at noon and will stay in session until early evening. The bill's opponents, having refused a unanimous agreement to vote on the pending jury trial amendments, will continue to filibuster on this issue.

Floor captains for Friday.

Democrats: CHURCH (12–3), MCGOVERN (3–6), MCNAMARA (6–close); Republicans: KEATING (all day), PEARSON (all day).

3. Quote without comment:

"The Alabama Federation of Labor has directed attention to a serious need in the State when it calls for establishment of State parks and recreational opportunities for Negroes. The State's lack in this regard has long been conspicuous.

"Alabama has 10 major parks. They are all for white people. It has seven minor parks. Negroes are not admitted to them, either. There are three public fishing lakes and many historical sites and recreational areas, but not one is open to Negroes. And yet Negroes comprise about one-third of the State's population.

"The situation is a crying injustice and a shame upon the State.

"The State government cannot excuse itself on the grounds that the oversight has not been called to its attention. This is not the first time the Alabama Federation of Labor has urged action. Other citizens, white and Negro, have pointed to the need. Officials of the department of conservation have acknowledged the need.

"A detailed exploration of the subject was made in Public Recreation in Alabama, published by the Alabama State Planning Board in 1948. The board recommended four State parks for Negroes, one in Jefferson County, one in the central Black Belt, one in the Tennessee Valley, and one in the Mobile area. In some cases it went so far as to suggest specific sites.

"The need for Negro State parks in these areas is obvious. Parks should be relatively close to large numbers of people who might use them. That accounts for the proposed parks near Birmingham and Mobile. A State park for Negroes in the Black Belt would take care of the heavy Negro population in that area. And a park in the Tennessee Valley would serve the Negroes of north Alabama.

"In establishing a park in the Tennessee Valley (a site near Florence is proposed) the State could probably get help from the Tennessee Valley Authority. In its 1951 report the Authority noted that during the year Kentucky opened a State park for Negroes on TVA reservoir lands, being the third State to do this. Counties within the TVA territory in 1951 were developing 15 park areas, including two for Negroes. The TVA has cooperated with Alabama in opening up and developing the new State park (for whites) near Guntersville.

"Public recreation has become an important concern of Government in encouraging a better citizenship. Alabama cannot afford to continue to neglect this obligation respecting one-third of its population." (Birmingham News, Jan. 23, 1952.)

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 62, MAY 25, 1964

(The 46th day of debate on H.R. 7152, 63d day of debate on civil rights)

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senator HUBERT H. HUMPHREY and Senator THOMAS KUCHEL, will distribute this newsletter to the offices of the Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant, daily, if necessary.)

1. Quorum scoreboard: Two quorums in 20 minutes each on Friday.

2. Monday's schedule: The Senate will convene at noon and will stay in session until early evening. The bill's opponents continue to filibuster jury trial amendments.

Floor captains for Monday:

Democrats: BARTLETT (12–3), BAYH (3–6), SYMINGTON (6–9); Republicans: KEATING (all day), MILLER (all day).

3. The schedule for this week: The Senate will convene at noon Monday through Thursday and will go out fairly early each evening. There will be a recess from Thursday evening until Monday, June 1.

4. More news from Alabama: The news and editorial columns of the Birmingham News are an almost inexhaustible source of information about the systematic denial of equal rights to Alabama Negroes. The selection we have quoted in the past few days show that in Alabama there is little willingness to work out voluntary local solutions to racial problems, and all too much eagerness to suppress any protest by Negroes.

Today's installment from the Birmingham News reveals a new form of discrimination: 11 Negroes who tried to run for office in their local Democratic Party were not allowed to do so. The following is from an editorial in the March 12, 1962, issue:

"Eleven Negroes attempted to qualify in election of members of the Jefferson County Democratic executive committee.

"They have been refused qualification by the county committee. Papers had been sent to the committee as required, along with a $15 qualification fee. All were returned by the committee.

"But the committee approved qualification of one Negro for the county board of education. The committee was not unwilling to bar any or all Negroes from any or all offices. But the office for which a Negro was approved was a formal post of government itself—an agency governing county schools. Offices for which candidacies were refused were places on the party committee.

"Refusal of the 11 seeking county committee posts, according to a reason given to a news reporter, was that the Negroes did not subscribe to tenets of the party. This was, apparently, a county committee judgment about State party principles and beliefs.

"Meat of this reason lies in the statement printed in the ballot that the Alabama Democratic Party is founded on white supremacy. It is an interesting question, obviously, whether Negro would-be candidates would endorse or wink at such label. More to the point is whether they had to endorse it in any way or degree in order to become candidates.

"There is no doubt that at least some, perhaps all, of the Negro candidates are as qualified as many whites. One turned down is the most prominent Negro attorney in the city, for example.

"There may be argument that though courts have dealt with the white primary, they have never directly addressed themselves to the issue of Negroes' rights to party office as might be distinct from offices of government itself. But such party office selection is in the primary.

"Drawing a line obviously is difficult and possibly impossible in logic. Party, the State and nonparty offices are wholly tied up each with the others.

"This issue appears to be involved with now ancient legal dispute over the white primary. It may be said that in this instance disqualified candidates are not being denied right to participate, as voters, in the primary, but merely as being denied an opportunity to become part of the party's administrative machinery.

"White primary cases decided in the courts turned on Negro efforts to vote—not to become candidates of a party proclaiming white supremacy—and certainly not party officers. But voting is merely one side of the coin. Candidacies for which one may vote in the primary is the other side.

"Every lawyer in Birmingham knows these things. Jefferson County executive committee action is illogical, possibly illegal, and is bad strategy, playing into hands of those who want to charge willful denial of the simplest rights to Negroes. No cause is thus served except that of deliberate futility."

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 63, MAY 26, 1964

(The 47th day of debate on H.R. 7152, 64th day of debate on civil rights.)

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senator HUBERT H. HUMPHREY and Senator THOMAS KUCHEL, will distribute this newsletter to the offices of the Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant, daily, if necessary.)

1. Quorum scoreboard: Another good day for our side.

2. Tuesday's schedule: The Senate will convene at noon and will stay in session until early evening.

Floor captains for Tuesday:

Democrats: YOUNG of Ohio (12–3), BREWSTER (3–6), DOUGLAS (6–9); Republicans: CARLSON (all day), JAVITS (all day).

3. Parliamentary inquiry: The following colloquy took place in the Senate yesterday:

"Mr. HUMPHREY. I merely wish to summarize the situation which will exist in the event such amendments—as the proposed

package—are offered to the bill, and thereby become the pending business, and if cloture is ordered.

"Is it correct that the substitute can be amended in two degrees, if the amendments have previously been offered and read?

"The PRESIDING OFFICER. That is correct.

"Mr. HUMPHREY. Second, is it correct that amendments already presented and read—such as those referred to by the Senator from Arkansas, applying to House bill 7152 can be offered to the substitute, as well?

"The PRESIDING OFFICER. That is the opinion and the ruling of the present occupant of the chair."

4. More news from Alabama: The following article is from February 27, 1964, issue of the Birmingham News:

"The chairman of the Jefferson County Board of Registrars has charged that Gov. George C. Wallace is attempting to remove him from the board because he registered Negro voters.

"M. L. Bearden made the accusation in a deposition taken last week by U.S. Justice Department attorneys. His testimony was filed in U.S. district court today.

"Bearden and other members of the board were questioned February 13 in connection with a Government voter registration suit pending against the board and the State of Alabama.

"He and the other registrars, Mrs. Nell Hunter and Wellington M. Gewin, were recalled for deposition taking today but newsmen were barred at the request of Justice Department attorneys.

"The earlier session was also closed to the press at the Government's insistence.

"In Bearden's deposition, he charges that Governor Wallace last December called on State Auditor Bettye Frink in an effort to persuade her to fire Bearden from the board.

"According to the testimony, Mrs. Frink appointed Bearden to the board last October. Mrs. Hunter was appointed by Governor Wallace and Gewin by State Agriculture Director A. W. Todd.

" 'I was contacted by Mrs. Frink and told that the Governor had called her to his office to fire me for registering Negroes,' said Bearden * * * 'that his appointee (Mrs. Hunter) had registered no Negroes and I had turned the board over to the NAACP (National Association for the Advancement of Colored People).'

" 'She told you this?' Bearden was asked.

" 'Yes, sir, and he [Governor Wallace] was trying to get her to go along with him to fire me. I told her that was ridiculous,' Bearden said.

"He quoted Mrs. Frink as saying, 'Well, we have got to get together and come up with some kind of understanding. They are putting a tremendous amount of pressure on me.'

"To this Bearden said he replied, 'I would rather you just fire me rather than bring any pressure on you.'

"He said he invited Mrs. Frink to come to his office and she did on December 20 along with her husband, Bill Frink, Irondale radio station owner, and two Wallace aids.

"Mrs. Hunter's deposition, filed along with Bearden's, identified the two aids as Hunter Phillips 'from the Governor's office' and Robert Millsap, 'a representative of Governor from Jefferson County.' Mrs. Hunter said she did not know whether Millsap held an official position in the State government and did not know Phillips prior to the meeting.

"Bearden said that after being contacted by Mrs. Frink he discussed the matter with Circuit Solicitor Emmett Perry. He quoted Perry as saying, 'If you need me, call me and I will be in your corner.'

"Bearden said he told the Governor's aid that when they arrived that Perry would 'conduct this investigation.' But, he said, Phillips replied that he had not come for an investigation, but only 'to have a friendly talk,' Bearden said he agreed to talk.

"As the conversation got underway, Bearden said, Millsap asked to see records of voter applications which had been turned down since the chairman took office on October 1.

"Bearden said he got the records and they were separated into three stacks. One stack included applications turned down by Bearden and the other two contained applications rejected by Mrs. Hunter and Gewin.

"Bearden said that each stack was then counted and that Millsap and Phillips both took notes. He said he could not see if any of the notes taken showed the race of the applicant.

"Bearden also said that at the meeting 'they were very much disturbed' because the board had reverted to a policy of allowing rejected applicants to refile after 60 days instead of waiting for a year.

"Asked why, Bearden replied, 'Well, they said it was giving them [the applicants] too much leeway to come back too quick.'

"Bearden explained that since the meeting with State officers the board adopted a new policy requiring all three of the registrars to sign rejected applications. Under earlier policy only one signature was needed.

"Well after this came up and so much pressure got on me, I told them I wasn't going to be a 'monkey hanging on a limb,' Bearden said.

"He said he told the board, 'What we do we are going to do it as a board and then nobody could bring pressure to bear on me or the appointing officer.'

"Bearden confirmed that after December 20 the rejection of Negro applicants in Jefferson County rose from about 9 percent to about 26 percent and that the rejection of white people had not changed substantially.

"When asked if he had ever been contacted by State officials since the December meeting, Bearden said he was contacted by Mrs. Frink 'and she told me that they still wanted to get rid of me, and I wasn't going to change my way of doing. Evidently, I wasn't doing to suit them.'

"In addition to Bearden and the other registrars, Government attorneys subpenaed Millsap for the deposition taking here today.

"Mrs. Frink and Phillips have been subpenaed for deposition questioning Friday in Montgomery. Others to be questioned there include A. W. Todd and the secretary of state, Mrs. Agnes Baggett. The session will be closed.

"At one point Bearden said that during October and November the board 'a lot of times' pointed out minor mistakes to applicants 'if we felt like it was a misunderstanding or an honest error and they meant good.' But he said this is no longer done."

"Asked if the change of policy was a result of the meeting with the Governor's aids, he asserted, I will have to say 'Yes.'

"Bearden said that on the day of the meeting the board adopted the policy of making the rejected applicants wait for a year before reapplying, instead of 60 days.

"Under examination by Assistant Circuit Solicitor Burgin Hawkins, Bearden pointed out that he had discussed the question of giving assistance to applicants with the solicitor's office, and he agreed that it was then he was told no assistance could be given applicants for fear of a discrimination suit.

"However, Bearden pointed out that the board had never given assistance, and he said he did not consider pointing out minor errors as giving assistance."

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 64, MAY 27, 1964

(The 48th day of debate on H.R. 7152, 65th day of debate on civil rights)

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senators HUBERT H. HUMPHREY and THOMAS KUCHEL, will distribute this newsletter to the offices of the Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant, daily, if necessary.)

1. Wednesday's schedule: The Senate will convene at noon and will stay in session until early evening.

Floor captains for Wednesday:

Democrats: ANDERSON (12–3), BREWSTER (3–6), MCNAMARA (6–9); Republicans: BENNETT (all day), CASE (all day).

2. Too much deliberation and not enough speed: The following are excerpts from the opinion of the Supreme Court in the Prince Edward County School case delivered for the Court by Mr. Justice Black on Monday:

"This litigation began in 1951 when a group of Negro schoolchildren living in Prince Edward County, Va., filed a complaint in the U.S. District Court for the Eastern District of Virginia alleging that they had been denied admission to public schools attended by white children and charging that Virginia laws requiring such school segregation denied complainants equal protection of the laws in violation of the 14th amendment. On May 17, 1954, 10 years ago, we held that the Virginia segregation laws did deny equal protection, *Brown* v. *Board of Education*. On May 31, 1955, after reargument on the nature of relief, we remanded the case, along with others heard with it, to the district courts to enter such orders as 'necessary and proper to admit (complainants) to public schools on a racially nondiscriminatory basis with all deliberate speed.'

"We hold that the issues here imperatively call for decision now. The case has been delayed since 1951 by resistance at the State and county level, by legislation, and by lawsuits. The original plaintiffs have doubtless all passed high school age. There has been entirely too much deliberation and not enough speed in enforcing the constitutional rights which we held in *Brown* v. *Board of Education* had been denied Prince Edward County Negro children.

"The time for mere 'deliberate speed' has run out, and that phrase can no longer justify denying these Prince Edward County schoolchildren their constitutional rights to an education equal to that afforded by the public schools in the other parts of Virginia."

3. Bipartisan leadership introduces omnibus substitute amendment: Senator DIRKSEN yesterday introduced for himself, for the majority leader, and for the majority and minority whips, amendment No. 656 in the nature of a substitute to H.R. 7152. The amendment has been sent to the desk, printed, and ordered to lie on the table, and will be considered as having been read in order that it may be called up after cloture is invoked. Senator DIRKSEN indicated that he intends to speak at some length next week in support of the amendment. It was also indicated that Senators would be given an ample opportunity to study the proposal before resort is had to a cloture motion. The presentation of this amendment, it was stressed, does not foreclose Senators from seeking consideration for amendments to it.

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 65, MAY 28, 1964

(The 49th day of debate on H.R. 7152, 66th day of debate on civil rights)

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senators HUBERT H. HUMPHREY and THOMAS KUCHEL, will distribute this newsletter to the offices of the Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant; daily, if necessary.)

1. Thursday's schedule: the Senate will convene at noon. At 12:15, the Senators will

go over to the House for a joint session to hear an address by President de Valera, of Ireland. The Senate will then be in session until midafternoon and will recess until Monday.

Floor captains for Thursday:

Democrats: McGOVERN (12–3), CHURCH (3–6); Republicans: ALLOTT (all day), BOGGS (all day).

2. The quality of integrated education: The following is an excerpt from an address by Dr. Benjamin Spock, entitled "Children and Discrimination," delivered to the Church Assembly on Civil Rights on May 2, 1964:

"Actual studies of the effects of integration of schools, in Louisville and Washington, show academic improvement for the Negroes and no academic disadvantage for the white children. The improvement in the Negroes was anticipated, because a great majority of Negro schools in the past have been inferior—in equipment, in the level of training of their teachers, in the morale of teachers and pupils, as well as in the readiness of the pupils to learn. So integration provided better teaching and also new hope.

"As to why the school program of the white children was not slowed there are reasonable explanations:

"Since the work of the Negro children improved, the difference between them and the white children was minimized.

"Since the neighborhoods where Negroes of limited educational background live are usually nearest to neighborhoods where whites of limited educational backgrounds live, the Negro children who are less advanced scholastically will usually be integrated into nearby schools where the white children are also less advanced.

"Even when children with widely different aptitudes do go to the same school, as is true, for instance, of the single high school in small cities, they will usually become separated into more advanced classes.

"In other words, the quicker children and the slower children—either Negro or white—will rarely be combined in the same classrooms."

BIPARTISAN CIVIL RIGHTS NEWSLETTER No. 66, JUNE 1, 1964

(The 50th day of debate on H.R. 7152; 67th day of debate on civil rights)

1. Monday's schedule: The Senate will convene at noon and will remain in session until early evening. Beginning Tuesday, the Senate will convene at 9 a.m., and extended sessions are anticipated. Floor captains for Monday:

Democrats: METCALF, 12 noon to 3 p.m.; WILLIAMS of New Jersey, 3 to 6 p.m.; BAYH, 6 p.m. to recess.

Republicans: SALTONSTALL, all day; KEATING, all day.

2. The quality of education in Prince Edward County: The following is an excerpt from a New York Daily News account of the opening day of the Prince Edward County free schools, 4 years after the county, rather than integrate its schools, had closed them:

"When the free schools opened on September 16, about 1,600 of the 1,700 Negro children eligible were registered. Eight white children soon joined them. The Prince Edward public school buildings, at least, were integrated.

"A generation of barely literate Negroes, now 11 to 17 years old, entered school for the first time. A 17-year-old returned to the third grade. A 22-year-old quit his job at the lumberyard to resume high school.

" 'I thought it would be a good thing to mark the opening day of school if we said the allegiance to the flag together,' Superintendent Neil Victor Sullivan recalls, 'but the only ones who knew it were Bill vanden Heuvel, the newsman and myself.'

"Only one child recognized the national anthem when it was played—and then only as 'the baseball song.'

" 'The damage was devastating,' Sullivan said. 'All we could do was jump in and start teaching.' "

3. Voter registration in Mississippi: Dr. Ernst Borinski, sociologist at Tougaloo Southern Christian College near Jackson, Miss., and Oscar Chase, a Yale Law School graduate, have described the voter registration process in Mississippi:

"The test," says Dr. Ernst Borinski, "requires the applicant to copy and interpret a section of the Mississippi constitution. A misplaced comma or incorrectly capitalized letter can result in a man being declared illiterate."

Explains Chase, "There are some 285 sections of the State constitution, and the document is one of the most complex and confusing in the Nation. The examiner points to a section and tells the applicant to copy and interpret it. On the tester's cognizance, you pass or fail. He has absolute power. His decision is not reviewable, and there are no standards by which it can be judged in court.

"In addition, a prospective registrant has to pay a poll tax of $2 or $3 for 2 consecutive years before he can vote. This is a lot of money to sharecroppers in the Mississippi Delta, and saving and paying it calls for more foresight than many people there are accustomed to.

"Finally, an applicant can be required to state the 'duties and obligations of citizenship' before he is registered. There is no established answer. The examiner sets his own."

BIPARTISAN CIVIL RIGHTS NEWSLETTER No. 67, JUNE 2, 1964

(The 51st day of debate on H.R. 7152; 68th day of debate on civil rights)

1. Tuesday's schedule: The Senate will convene at 9 this morning and will stay in session until late this evening. The same schedule will be followed the rest of the week. Live quorums should be expected at any time today. Floor captains for Tuesday:

Democrats: WILLIAMS of New Jersey, 9 a.m. to 12 noon; KENNEDY, 12 to 3 p.m.; MAGNUSON, 3 to 6 p.m.; HARTKE, 6 to 9 p.m.

Republicans: CASE, all day; PEARSON, all day.

2. Cloture: According to present plans, the cloture petition will be filed on Saturday of this week and the vote will take place the following Tuesday, June 9.

3. News from the Mississippi front: Two recent reports from Mississippi reveal the continuing pattern of mob violence and official denial of civil rights in that State. There is no more persuasive argument for the civil rights bill than the news from Mississippi. The first of these articles is from the May 31, 1964, issue of the Washington Post. It describes another example of official indifference to lynch law.

"MISSISSIPPI MOB BEATS INDIAN

"CANTON, MISS., May 30.—About 15 white men in 3 cars forced another vehicle to stop near here last night, yanked an Indian student from the car and roughed him up, a white minister said.

"The student, who was not seriously hurt, was identified as Hamed Kizilbash. He attends Tougaloo College at Jackson, a predominantly Negro school.

"Witnesses said the men, all well-dressed, were beating the Indian student when one said, 'Hold it, he's an Indian.'

"The Reverend Ed King, a white chaplain at Tougaloo, said that he was in the car and he and his wife were not harmed.

"The three were en route to a mass meeting designed to cap a day of voter registration activities in Madison County.

"Reverend King said the license number of one of the cars was taken and a complaint was made to the highway patrol. A spokesman for the highway patrol said today, however, that there is no procedure for taking such a complaint. He added that the complaint would have to be reported to county authorities."

The second article is from yesterday's New York Times. It shows that the right of accused persons to be represented by legal counsel is not yet well established in Mississippi when civil rights is the issue.

"FIFTY-TWO DENIED COUNSEL IN MISSISSIPPI JAIL

"CANTON, MISS., May 31.—Two men representing the National Council of Churches and 50 Negroes arrested Friday in a demonstration here were held in jail for the third day today without being allowed legal counsel.

"Carsie Hall, a Negro lawyer of Jackson, said he had tried to visit those arrested at the county jail here yesterday and today and had been turned away.

"The Reverend Glenn Hosmen, a Methodist minister from Emporia, Kans., and Charles Mory, a theological student at Eden Seminary of the United Church of Christ at St. Louis, are the two National Council of Churches workers being held.

"Two other members of the council group picked up by the police Friday while standing on the street as observers during a voter-registration demonstration were released 2 hours later without charges.

"One of the two, the Reverend Darrell Yarney, a Presbyterian minister from Emporia, said today that he and the Reverend Robert Goodson of Hayes, Kans., had been pushed roughly with rifle butts by officers and taken into custody along with the demonstrators.

"The Reverend Robert Beech, formerly from Illinois, who has been working with the church council group in Mississippi, said he had not been able to learn the charges against those held. City Attorney Robert Goza said the charge was parading without a permit and those arrested were being held under $500 bond."

BIPARTISAN CIVIL RIGHTS NEWSLETTER No. 68, JUNE 3, 1964

(The 52d day of debate on H.R. 7152; 69th day of debate on civil rights)

1. Wednesday's schedule: The Senate will convene at 9 this morning and will stay in session until evening. Live quorums should be expected at any time today. Floor captains for Wednesday:

Democrats: NELSON, 9 a.m. to 12 noon; BARTLETT, 12 to 3 p.m.; MCGOVERN, 3 to 6 p.m.; MCGEE, 6 p.m. to close.

Republicans: COOPER, all day; DOMINICK, all day.

2. Quote without comment: The following is from the Washington Star for May 20.

"ANALYSIS OF DEFEAT—WALLACE BLAMES NEGROES

"His aids were trying to get him to eat his ham, but Gov. George Wallace was too interested in analyzing and reveling in the results of the Maryland Democratic primary.

"Thumping the tabulations from the predominantly Negro districts of Baltimore which voted overwhelmingly against him, the Alabama Governor commented:

" 'Look here. If it hadn't been for the nigger bloc vote, we'd have won it all. We have a majority of the white vote. And, why, why if the Republicans could've crossed over, we'd have beaten the hell out of 'em, sure enough.'

"Governor Wallace paused as if inviting anyone present to challenge his conclusion. When no one did, he said in a low voice to his wife and a reporter sitting beside him in the roadside diner:

" 'Incompetent press. They can fool some of the people some of the time but not all of the people all of the time.'

"To this paraphrase of Abraham Lincoln, he added: 'The press is beginning to see that

they are not as influential as they think they are. Why, all the papers were against me. The church too. They brought in TED KENNEDY and 10 Senators and the unions. Look what happened.'

"Governor Wallace made a candid and colorful comment about what would have happened in Alabama had his Maryland primary opponent, Senator DANIEL BREWSTER, come here to campaign against him. Then, he quickly declared the remark off the record.

" 'It sounds like I'm gloating,' he explained.

"Governor Wallace revealed he already is thinking about other States.

"He intends to devote himself in the months before November to speeches throughout the country.

"He was vague about his purpose, but an assistant suggested that he will try to accelerate the southern movement to choose presidential electors who will not be obligated to vote for the candidate of either major party.

"Governor Wallace continuously was interrupted by admirers who came to his table to thank him for fighting in Maryland, to seek his autograph, or just to share in adulation.

"Before all of them, he assumed the modest, statesmanlike role he so carefully has cultivated in all of his public appearances in the North.

"When someone made a bitterly irreverent statement about the hostility of the churches toward him, he replied:

" 'There's nothing bad to say about the clergy. I think people should have a right to say what they want to say, to do what they want to do.'

"To a remark hostile to Negroes, he said: 'This is not a vote against any segment of the population.'

"Away from the crowd, Governor Wallace was more relaxed. Frequently using the term 'nigger,' he launched into a general discussion of big city crime and the race issue.

"He asserted that Alabama handled street crime more effectively than Washington and New York by being stricter in its punishment of Negroes. And he defended the use of hot sticks, as he called the electric cattle prods used against racial demonstrators in the South, declaring that they were more effective and humane than police blackjacks used in the North.

"As to the solution of the racial problem, he said education for the Negro was the ultimate key.

"When he finished dinner, Governor Wallace struggled through approving crowds to the American Legion hall in Towson, Md.

"There, a chanting throng greeted him with Confederate banners and great ovations. The shouting gathering several times tried to sing 'Dixie,' but the tune apparently was so unfamiliar to most of the people there that they never succeeded in completing a stanza.

"Earlier in his motel room, Governor Wallace had chortled as Senator BREWSTER in television interviews tried to explain away the significance of the Maryland vote.

"Now, he told his hundreds of sympathizers that his enemies couldn't alibi away his astonishing vote by calling him nasty names.

"He declared that the vote carried 'a message, loud and clear' to Washington."

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 69, JUNE 4, 1964

(The 53d day of debate on H.R. 7152; 70th day of debate on civil rights)

1. Thursday's schedule: The Senate will convene at 9 this morning and will stay in session until late afternoon or early evening. Live quorums should be expected at any time.

2. Quote without comment. The following is an editorial from the July 26, 1963, issue of the Daytona Beach (Fla.) Morning Journal:

"A BLIGHT ON THE STATE'S NAME

"A staff member of the U.S. Commission on Civil Rights picked up his copy of the New York Times yesterday, and began to read accounts of the Nation's racial strife, and he noted the dateline of St. Augustine, Fla.

"What he read made him gasp, and he put in an immediate call to the secretary of the Florida Advisory Committee. 'Can such a thing be true in this country?' he demanded.

"The 'such a thing' was the act of County Juvenile Judge J. Charles Mathis in St. Augustine taking seven juveniles from their parents and lodging them in the county jail. He did so because the parents refused to sign a form the judge presented them that said they would keep their children from indulging in any more demonstrations against segregation until they were 21.

"Such an action as this is common under totalitarian systems. Fidel Castro has taken young children from their parents and sent them to Moscow for indoctrination. Dictators on the right and left think it is their prerogative to tell parents how to rear their children, or to restrict them in what knowledge they get or what actions they may perform.

"But to think that such tactics could be exercised in the United States—and in its oldest city.

"This ancient cradle of the New World has no right to expect that it is going to escape the drive for equality of American citizens that is being pushed down every American thoroughfare. It is doubly a target because there all the harsh methods of denial are being practiced, and are maintained by a combination of political and business power.

"This fact intensified the determination of young Negroes to demand change.

"The demonstrations last week were made by 16 Negro teenagers who visited a lunch counter. Wanting to keep their protest peaceful, they responded to a signal of a watcher and left the counter before a deputy arrived. But they were arrested anyway—arrested on the street as they were walking away from the place, and charged with trespassing.

"These cases were set for last Tuesday, and it was their attorney's understanding that they would get a continuance until their regular attorney returned to the city. But, when the hearing opened, Judge Mathis presented the promise to desist forms for the seven who were under 14—four girls and three boys. But because St. Augustine has no juvenile detention home for Negroes, they were lodged in county jail—a jail that supposedly is the place for common criminals.

"Florida is going to get a black eye over this case.

"Big brotherism of this stripe has no place in the American system of jurisprudence. It is abhorrent for a judge to decide he has the right to prevent young people from indulging in peaceful protest because their rights are being denied. It is a disgrace that he would take them from their parents because the parents refused to sign their rights away.

"Governor Bryant should inquire into this case immediately, and let the rest of the country know that the State does not countenance such a use of the Nation's system of law."

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 70, JUNE 5, 1964

(The 54th day of debate on H.R. 7152; 71st day of debate on civil rights)

1. Friday's schedule: The Senate will convene at 9 a.m. and will stay in session until late afternoon. Live quorums should be expected at any time. Floor captains for Friday:

Democrats: HART, 9 a.m. to 12 p.m.; PROXMIRE, 12 to 3 p.m.; MORSE, 3 to 6 p.m.

Republicans: BENNETT, all day; HRUSKA, all day.

2. Opponents of the civil rights bill often say that the Federal Government should not interfere with local concerns. Their position seems to be that no higher governmental body should take any action on community issues. It is interesting to contrast this emphasis on the sacredness of local government with the actions of various southern Governors when local officials have done something that displeased them. When this happens, suddenly the doctrine of local rights goes out the window. Several instances of such State interference are discussed in today's newsletter.

Arkansas: In accordance with a plan submitted by the Little Rock School Board a Federal court ordered desegregation to begin at the high school level in the autumn of 1957. On the day before school was to open, Governor Faubus proclaimed a state of emergency and sent troops of the Arkansas National Guard to keep Negro students out of the one high school which was to be desegregated. The troops were withdrawn only after the Federal court issued an injunction. The Negro students subsequently entered the high school under the protection of the federalized National Guard. The following September (1958), after unsuccessfully attempting to have the desegregation order suspended by the courts, Governor Faubus invoked State law and closed the Little Rock schools.

Alabama: When Federal courts ordered desegregation of public schools in Birmingham, Mobile, Huntsville, and Tuskegee (Macon County) in the fall of 1963, Governor Wallace ordered postponement of school openings and sent hundreds of State troopers to the cities scheduled for desegregation to prevent the opening of schools and admission of Negroes. During a week of tension and disorders many local officials and parents protested the Governor's actions. Schools were eventually reopened after all five Federal district judges in Alabama had enjoined further interference by the Governor and President Kennedy had sent the federalized National Guard to preserve peace and order.

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 71, JUNE 6, 1964

(The 55th day of debate on H.R. 7152—72d day of debate on civil rights)

1. Saturday's schedule: The Senate will convene at 9 a.m. Under the unanimous-consent agreement, the Chair will immediately recognize Senator HICKENLOOPER, who will reoffer his unanimous-consent request, providing for the limitation of debate to 4 hours each on (1) amendment No. 869, a modification of the original Morton jury trial amendment, (2) amendment No. 868, a Hickenlooper amendment to eliminate the provision for training institutes from title IV, and (3) amendment No. 606, the Cotton amendment to limit jurisdiction in employment cases to employers of more than 100 employees.

Senator HICKENLOOPER will then, by agreement, yield to Senator MANSFIELD, who will offer the cloture motion. The Senate will then consider the HICKENLOOPER request, and, if the request is agreed to, the cloture motion will be considered as having been withdrawn, and will then be filed on Monday. The Senate will convene on Monday at noon.

Floor captains for Saturday:

Democrats: HARTKE.

Republicans: MORTON.

2. Mississippi prepares to welcome summer visitors: The following excerpts are from a

New York Times article of May 30, describing the impending summer voter registration drive which has enlisted the support of student volunteers from outside the State:

"Officials of civil rights organizations contend that a reign of terror has been instituted against Negroes in the Counties of Pike, Amite, Wilkinson, Adams, Franklin, and Jefferson in the State's southwestern corner.

"Five Negroes have been reported slain in that area in the last 6 months. Others have been flogged. Still others have fled from their homes after receiving threats.

"Some homes have been fired into at night. A Negro cafe and a barbershop have been bombed.

"Economic sanctions have been imposed against Negroes and a few whites.

"Crosses were burned in 64 of this State's 82 counties the night of April 24.

" 'There is something badly wrong here,' observed E. W. Steptoe, Sr., as he sat in the neat though unpainted living room of his tar papered home on his 240-acre farm in Amite County, on the Louisiana State line.

" 'I do not know what the Negro could be doing to displease the white people,' he continued. 'Looks like they are trying to do everything to satisfy them.'

" 'They are not asking for nothing out of reason—just the vote,' he said."

3. Voter registration in North Carolina: Following is an incident related by Luther J. Carter, Washington writer for the Norfolk, Va., Virginian-Pilot:

"One registrar once told me how exasperated he became during one of his ingenious literacy tests when a Negro schoolteacher answered every question propounded; being something of a student of American history, he tested the applicant on such fine points as the Missouri compromise and the Dred Scott decision.

"Finally, he simply told him: 'Well, you just can't register.' That was the idea in the first place."

BIPARTISAN CIVIL RIGHTS NEWSLETTER No. 72, JUNE 8, 1964

(June 8, 1964; 56th day of debate on H.R. 7152; 73d day of debate on civil rights)

1. Monday's schedule: The Senate will convene at noon and will stay in session until late afternoon or early evening. Live quorums should be expected at any time. Floor captains for Monday:

Democrats: PASTORE, 12 to 3 p.m.; BARTLETT, 3 to 6 p.m.; PELL, 6 p.m. to close.

Republicans: HRUSKA, all day; BENNETT, all day.

2. Precloture schedule: Saturday's unanimous-consent agreement, requested by Senator HICKENLOOPER, provides for 4 hours of debate (divided equally between the majority leader and proponents of the amendments below) on each of three amendments, in the following order:

No. 869 (Senator MORTON): Providing jury trial in criminal contempt cases arising under the act except for title I (voting) cases, title I cases remain covered by the 1957 act.

No. 868 (by Senator HICKENLOOPER): Striking out sections 404, 405, and 406 of title IV of the House-passed bill.

No. 606 (by Senator COTTON): Limiting the coverage of title VII to employers with 100 or more employees.

Debate on No. 869 will occur today and a vote will be taken immediately after the opening quorum call on Tuesday. Debate and voting on the other two amendments will follow in order on Tuesday.

The cloture petition will be filed today. Under the rules, the vote on cloture will occur 1 hour after the Senate convenes on Wednesday.

Amendments to either the House-passed bill or to the Dirksen substitute are in order any time before the cloture vote, and either proposal may be amended in two degrees.

The following numbers of Senators are required for an affirmative cloture vote, under the two-thirds rule, assuming the numbers of Senators present and voting given at the left:

With 100 Senators present and voting, 67 "yea" votes required.
With 99 Senators present and voting, 66 "yea" votes required.
With 98 Senators present and voting, 65 "yea" votes required.
With 97 Senators present and voting, 65 "yea" votes required.
With 96 Senators present and voting, 64 "yea" votes required.
With 95 Senators present and voting, 63 "yea" votes required.
With 94 Senators present and voting, 63 "yea" votes required.

If the cloture vote succeeds, it applies to H.R. 7152 and all pending amendments, of which there are approximately 400 at the desk. Each Senator will have 1 hour of debate after cloture. If the cloture vote fails, the leadership would expect to file another cloture petition with all deliberate speed.

BIPARTISAN CIVIL RIGHTS NEWSLETTER No. 73, JUNE 9, 1964

(The 57th day of debate on H.R. 7152; 74th day of debate on civil right)

1. Tuesday's schedule: The Senate will convene at 10 this morning. There will be a quorum call almost immediately thereafter. At the completion of quorum proceedings, the Senate will vote on the Morton jury trial amendment.

Following this vote, the Senate will debate Senator HICKENLOOPER's amendment to strike sections 404, 405, and 406 (pertaining to training institutes and Federal grants for training local school personnel in problems of desegregation). After 4 hours of debate the Senate will vote on the Hickenlooper amendment.

After this vote, the Senate will consider the Cotton amendment limiting title VII to employers with at least 100 employees. Once again there will be 4 hours of debate, followed by a vote.

2. The following remarks by the majority whip appear in the CONGRESSIONAL RECORD for June 4, 1964, page 12727:

"I have appealed to a number of my colleagues on the basis that we have debated the bill ad infinitum. We will have debated it for 3 months on June 9. I have assured every colleague that any amendment of substance that relates to a particular provision of the bill will be voted upon, that those amendments that seek to modify seriously or strike a title can and should be called up early under the cloture rules, debated, and voted upon on their merits.

"The Senator from Minnesota wants to reassure his colleagues—whatever is their persuasion on the bill—that they will be treated fairly. Every opportunity will be given to a Senator to present his amendment and be heard, and have his amendments voted upon. I assure the Senate that the Senator from Minnesota will do all he can to see that that is accomplished.

"I personally believe that the cloture vote will be the most important vote that any Senator will cast for many a year in this body. I cannot emphasize that fact too strongly—the most important vote to occur in this Chamber in many years, perhaps in this generation."

3. Fair employment laws and prosperity: The opponents of the civil rights bill claim that fair employment laws ruin business. For evidence they compare unemployment rates of States with FEP laws with those of Southern States. This is a misleading comparison, for there are a great many southerners engaged in marginal farming, working as sharecroppers, and the like, who are technically employed although they may be living in abject poverty. The Northern States, on the other hand, are highly urbanized. Agriculture does not play so large a part in their economies, and what farming there is tends to be highly mechanized—a far cry from conditions prevailing in parts of the South.

Today we present a more reliable yardstick of prosperity—median family income. This comparison of Southern States with some Northern States with FEP laws shows that government action to halt discrimination in hiring does not seem to lead to depressed economic conditions. These figures are taken from the 1962 edition of the County and City Data Book.

Median family income

Selected Southern States:	
Alabama	$3,937
Arkansas	3,184
Georgia	4,208
Mississippi	2,884
North Carolina	3,956
South Carolina	3,821
States with fair employment laws:	
California	6,726
Connecticut	6,887
Illinois	6,566
Michigan	6,256
Minnesota	5,573
New Jersey	6,786
New York	6,371

BIPARTISAN CIVIL RIGHTS NEWSLETTER No. 74, JUNE 10, 1964

(The 58th day of debate on H.R. 7152; 75th day of debate on civil rights)

1. Wednesday's schedule: The Senate will convene at 10 this morning. Thereupon there is to be 1 hour of debate on the cloture motion, divided evenly between the majority leader and the Senator from Georgia. A quorum call begins at 11 o'clock, and immediately after the quorum call there will be the vote on cloture.

2. What happens after cloture? If this morning's cloture vote is successful and cloture is imposed, the leadership expects that there will be voting on amendments soon thereafter. As the Senate convened on Monday, a total of 411 amendments had been offered; a substantial number have been introduced since then. For this reason Senators are urged to avoid engagements that will take them away from the Capitol when the Senate is in session.

BIPARTISAN CIVIL RIGHTS NEWSLETTER No. 75, JUNE 11, 1964

(The 59th day of debate on H.R. 7152; 76th day of debate on civil rights)

1. Thursday's schedule: The Senate will convene at 10 this morning and will stay in session until early evening. There will be numerous votes on amendments to the civil rights bill.

2. Holding the line on civil rights: Now that cloture has been imposed, the pace in the Senate has changed drastically. Before cloture we went for weeks without a vote, and Senators had no obligation except to answer quorum calls. The present situation is the direct opposite of this lethargic pace. There will be a dozen or more votes every day. More votes will come with virtually no advance warning. Senators who are not on Capitol Hill when a vote occurs will not be able to get to the Senate Chamber in time to cast their votes.

Some of the amendments that may be offered are likely to have hidden dangers behind an appealing facade. Serious damage can be done to the bill if such amendments are accepted. Therefore all Senate supporters of the bill are urged to remain on the floor or in their offices while the Senate is in session.

BIPARTISAN CIVIL RIGHTS NEWSLETTER No. 76, JUNE 19, 1964

(The 66th day of debate on H.R. 7152; 83d day of debate on civil rights)

FINAL ISSUE

The bipartisan Senate leadership supporting the proposed Civil Rights Act of 1964, H.R. 7152, headed by Senators HUBERT H. HUMPHREY and THOMAS KUCHEL, has distributed 76 issues of this newsletter to the offices of the Senators who support the legislation. Hopefully the newsletter has helped to keep Senators and their staffs informed on the bill and on the bill's detractors.

Now, joining the legions of other small rural dailies, we cease publication with our thanks to those who helped to produce it.

RECAPITULATION

The Senate formally took up H.R. 7152 on March 30, after having debated civil rights for 17 days. The first successful cloture vote (71 to 29) on a civil rights bill occurred on June 10—534 hours, 1 minute, and 57 seconds of debate after the bill was taken up. During this time, Senators offered well over 500 amendments. Of this number, the Senate considered 118 in 7 days of debate after cloture. Twelve amendments were accepted, including the Dirksen-Mansfield-Kuchel-Humphrey substitute.

Comprehensive summaries of the bill, as amended by the Dirksen-Mansfield-Kuchel-Humphrey substitute (not including the language of the Morton jury-trial amendment), can be found in the remarks of Senator DIRKSEN (June 5, pp. 12817–12820) and of Senator HUMPHREY (June 4, pp. 12709–12715) in the RECORD. The Morton jury-trial provision appears on page 14237 (June 17). Complete explanations of the Senate-passed bill will be available in a few days.

Oratory and rhetoric will be found in the RECORD in sufficient quantity to please nearly anyone. Suffice it to say here that the job was done. We have a good bill. We still have a Senate, and we have miles to go before we sleep, and miles to go before we sleep.

Mr. BYRD of West Virginia. Mr. President, how much time have I remaining?

The PRESIDING OFFICER. The Senator from West Virginia has 31 minutes remaining.

Mr. BYRD of West Virginia. Mr. President, I yield myself 25 minutes.

The PRESIDING OFFICER. The Senator from West Virginia is recognized for 25 minutes.

Mr. BYRD of West Virginia. Mr. President, on last Wednesday I voted for the Mansfield-Dirksen amendment to the civil rights bill. The amendment was in the form of a substitute bill. In my judgment, the amendment constituted a slight improvement over the bill passed by the House. For this reason, I chose the lesser of two evils and voted to displace the House bill with the substitute. The substitute having been accepted, I shall vote against the bill on final passage.

Any bill which bears a civil rights label automatically commands respect because every American values civil rights. Anyone who opposes a civil rights bill is labeled anti-Negro, a racist, and a bigot. The antibigot bigots in this country have so intimidated many men that they will not stand up and resist demands made in the name of civil rights.

I believe in equal justice for all, but the so-called civil rights bill goes beyond this. Its practical results will be special treatment for some people rather than equal treatment for all. It will accord no new civil rights to anyone. All Americans, white and nonwhite, today possess the same civil rights. These are guaranteed by the Constitution, the Federal Bill of Rights, and the subsequent amendments to the Constitution. What is needed is better enforcement and uniformity of application of the laws already on the statute books.

I voted for the 1957 and the 1960 Civil Rights Acts. I supported the resolution providing for a constitutional amendment to abolish the poll tax as a requirement for voting in Federal elections. But this bill contained provisions which I could not conscientiously accept. In reality, it consisted of several controversial bills rolled into one, and it should be remembered that the bill was never sent to a Senate committee in accordance with normal procedures. It was railroaded to the floor of the Senate over the objections of those of us who felt that in the interest of orderly legislative processes and in the interest of writing a workable bill which would not do violence to constitutional principles, it should receive committee consideration. But the proponents insisted that the bill was a perfect piece of work and that no amendments would be accepted. It was to be enacted precisely as it passed the House of Representatives.

The lengthy debate on the bill brought to light the glaring imperfections therein. Unlimited debate in the Senate is often criticized by the very people whose liberties are protected by Senate rules which permit unlimited debate. The same was true in this instance. There was bitter criticism of the debate, and the criticism heightened as the days lengthened. Some Members of this body even went so far as to refer to the debate as a "disgrace," but, as the senior Senator from Washington, Senator MAGNUSON, stated only a day or so ago on the Senate floor, the debate was remarkable in that it was consistently germane.

I think it would be apropos, as well as beneficial, Mr. President, to read what Woodrow Wilson wrote regarding legislative debate in his book entitled "Constitutional Government in the United States":

> We speak now always of "legislatures," of "lawmaking" assemblies, are very impatient of prolonged debates, and sneer at parliamentary bodies which cannot get their "business" done. We join with laughing zest in Mr. Carlyle's bitter gibe at "talking shops," at parliaments which spend their days in endless discussion rather than in diligent prosecution of what they came together to "do." And yet to hold such an attitude toward representative assemblies is utterly to forget their history and their first and capital purpose. They were meant to be grand parleys with those who were conducting the country's business: Parleys concerning laws, concerning administrative acts, concerning policies and plans at home and abroad, in order that nothing which contravened the common understanding should be let pass without comment or stricture, in order that measures should be insisted on which the nation needed, and measures resisted which the nation did not need or might take harm from. Their purpose was watchful criticism, talk that should bring to light the whole intention of the government and apprise those who conducted it of the real feeling and desire of the nation; and how well they performed that function many an uneasy monarch has testified, alike by word and act.

Mr. President, those who are quick to chastise the Senate for its seemingly slow but calm and deliberate pace in dealing with controversial and dangerous bills, would do well to reflect upon the words of Haynes in his book, "The Senate of the United States":

> It must not be forgotten that the rules governing this body are founded deep in human experience; that they are the result of centuries of tireless effort in legislative halls to conserve, to render stable and secure the rights of liberties which have been achieved by conflict. By its rules the Senate wisely fixes the limits of its own powers. Of those who clamor against the Senate, and its methods of procedure, it may truly be said: "They know not what they do." In this Chamber alone are preserved, without restraint, two essentials of wise legislation and of good government—the right of amendment and of debate. Great evils often result from hasty legislation; rarely from the delay which follows full discussion and deliberation. In my humble judgment, the historic Senate—preserving the unrestricted right of amendment and of debate, maintaining intact the time-honored parliamentary methods and amenities which unfailingly secure action after deliberation—possesses in our scheme of government a value which cannot be measured by words.

So, Mr. President, I think it can be rightly said that Senate rules which provide for unlimited debate—call it filibuster if you will—constitute the final weapon possessed by a minority of States for their protection against a temporary and tyrannical majority. The Senate is the last impregnable fortress against the storms of emotion and passion which have a way of sweeping over and engulfing the people, as we have seen happen in the wake of the so-called nonviolent demonstrations, the flagrant acts of civil disobedience, and the willful violations of law which have occurred throughout our land during the past 2 years.

But, in this instance, a minority of Senators, representing a minority of States, were unable to beat down the insatiable drive for cloture.

Realizing that a majority of Senators can ordinarily be expected to support any bill which bears a civil rights title, I was opposed to invoking cloture to shut off debate. I knew that if the debate were closed, the bill would pass substantially as written, because the leadership had the votes with which to defeat virtually all amendments it did not wish to accept. But cloture was invoked; and from the moment when 71 Senators voted to stop debate, the end was in sight, and the passage of the bill was only a matter of time.

Scores of amendments were offered by Senators who opposed certain parts of the bill. I did not oppose all of the bill; I think part of it is good. Nonetheless, it was and is a matter of taking all of the bill or nothing. The bill's supporters beat down all but a few inconsequential amendments. The bipartisan steamroller supplied the votes, as I had predicted that it would. The handwriting on the wall was as clear as the sun on a cloud-

less morning. Meritorious amendments were defeated as a matter of course. Supporters of the bill voted "no"—often mechanically and perfunctorily, it would seem; and not infrequently some of them rushed into the Chamber and down the aisle, and voted "no," only to find later that it was merely a quorum call.

I offered an amendment to delete title II, the public accommodations title, because I deemed it to be unconstitutional and unwise, and I felt that it infringed upon the constitutional and natural rights of property owners, be they white or nonwhite. I supported an amendment to delete title VII, the so-called equal employment opportunity title, because I felt that the title infringed upon the constitutional rights of employers and labor unions; I felt that it constituted a blow to our free-enterprise system; and I felt that the practical result of the legislation would be that certain persons would be accorded special treatment in employment and promotion matters. Fortunately, the title will not affect employers who have less than 25 employees.

While the immediate effect of this bill upon West Virginia will be minor, because our problems in the civil rights field are few, we shall all pay a high price for this legislation in the loss of constitutional protection for each citizen in America. And just as it has been rightly said that the constitutional rights of Negro citizens cannot be encroached upon without endangering the constitutional rights of white citizens, so can it also be rightly said that the constitutional rights of white citizens to manage and control the use of private property—one of our basic natural human rights which existed long before written constitutions—cannot be ruthlessly trampled under foot without also destroying the same God-given rights of Negro citizens. When it is remembered that one's daily bread, secured through honest sweat and toil, constitutes property, then it is not difficult to comprehend the importance of property rights and to understand their high place in the scale of human rights. The Fifth Commandment, found in the Old Testament, "Thou shalt not steal"—recognizes without question the venerable and time-honored, natural and inherent, property rights of man.

Although the impact of the bill is directed largely at the Southern States, the constitutional rights of citizens in other parts of the country have also been impaired. The private rights of a widow who operates a six-room tourist home in the South cannot be invaded without negating the constitutional rights of property of individuals elsewhere. Federal powers of coercion cannot be brought to bear upon States and citizens in one part of the country without creating a reservoir of powers which will threaten other areas and other citizens.

Every journey toward a forbidden end must have a beginning, however slight it may be. This bill constitutes a long step toward the destruction of constitutional rights of all our citizens. If the bill is sustained in all of its parts by the Supreme Court—and this would be no surprise, in view of certain recent decisions based on sociological concepts, rather than legal precedents—then our course toward eventual and total destruction of constitutional government will be difficult to alter.

Having made reference to the Supreme Court of the United States, Mr. President, I wish to say that I view with growing concern the apparent arrogance and contempt with which that body increasingly seems at times to view the centuries-old doctrine of stare decisis. The reasoning behind some of the Court's decisions over the past 10 years carries mischievous, and even dangerous, consequences for our Federal system. As the distinguished columnist, Arthur Krock, stated only this week:

> Judicial supremacy over the acts of the other two Federal Government branches and the States has reached so high a degree of acceptance that the President automatically enforces the decrees of the Supreme Court, and appeals to Congress to exercise its limited power to vacate them get nowhere.

As Mr. Krock went on to say:

> When the Court proclaims, as it did Monday, revolutions in the American political process and in the legal process of the States, the revolutions are immediately accomplished. The only authoritative protest comes from within the Supreme Court itself, by the dissenters.

Mr. President, constitutional government in this Republic is in danger, and every sober citizen should consider this irrefutable fact with prayerful and grave concern, because, Mr. President, the beneficent blessings which the people of our land have so long enjoyed have been made possible largely because of a form of constitutional government unmatched and unequaled throughout all the hoary ages of time. If one might repair to the dusty pages of one of the great speeches of an earlier day, I think it would be most appropriate to read the words of Daniel Webster, uttered 114 years ago in the U.S. Senate:

> We have a great, popular, constitutional government, guarded by law and by judicature, and defended by the whole affections of the people. No monarchical throne presses these States together; no iron chain of military power encircles them; they live and stand upon a government popular in its form, representative in its character, founded upon principles of equality, and so constructed, we hope, as to last forever. In all its history it has been beneficent; it has trodden down no man's liberty; it has crushed no State. Its daily respiration is liberty and patriotism; its yet youthful veins are full of enterprise, courage, and honorable love of glory and renown. Large before, the country has now, by recent events, become vastly larger. This Republic now extends, with a vast breadth, across the whole continent. The two great seas of the world wash the one and the other shore. We realize, on a mighty scale, the beautiful description of the ornamental edging of the buckler of Achilles:
>
> "Now the broad shield complete,
> The artist crowned with his last hand,
> And poured the ocean round:
> In living silver seemed the waves to roll,
> And beat the buckler's verge, and bound
> the whole."

But the day may not be far off, Mr. President, when the people shall awaken, perhaps too late, to find that constitutional government as we have known it and as our forefathers bequeathed it to us, and as Webster so eloquently referred to it, will have perished at the hands of men to whom it was entrusted.

No less a man than Woodrow Wilson emphasized the responsibility of the courts in protecting and preserving constitutional government:

> Constitute them how you will, governments are always governments of men, and no part of any government is better than the men to whom that part is intrusted. The gage of excellence is not the law under which officers act, but the conscience and intelligence with which they apply it, if they apply it at all. And the courts do not escape the rule. So far as the individual is concerned, a constitutional government is as good as its courts; no better, no worse. Its laws are only its professions. It keeps its promises, or does not keep them, in its courts. For the individual, therefore, who stands at the center of every definition of liberty, the struggle for constitutional government is a struggle for good laws, indeed, but also for intelligent, independent, and impartial courts.

This great former President, one of the eminent thinkers of all time, left no doubt as to the danger to American constitutional liberty which will surely confront—if it does not even now confront—our people in the form of an all-powerful Supreme Court over which there is no control other than the control which may be exercised by the members thereof themselves and which seems determined to complete the socialization of our society and our form of government. I refer to Wilson again, in his book on "Constitutional Government":

> Moral and social questions originally left to the several States for settlement can be drawn into the field of Federal authority only at the expense of the self-dependence and efficiency of the several communities of which our complex body politic is made up. Paternal morals, morals enforced by the judgment and choices of the central authority at Washington, do not and cannot create vital habits or methods of life unless sustained by local opinion and purpose, local prejudice and convenience—unless supported by local convenience and interests; and only communities capable of taking care of themselves will, taken together, constitute a nation capable of vital action and control. You cannot atrophy the parts without atrophying the whole. Deliberate adding to the powers of the Federal Government by sheer judicial authority, because the Supreme Court can no longer be withstood or contradicted in the States, both saps the legal morality upon which a sound constitutional system must rest, and deprives the Federal structure as a whole of that vitality which has given the Supreme Court itself its increase of power. It is the alchemy of decay.

But the duty to protect the Constitution does not rest with the courts alone. The responsibility also devolves upon the executive and judicial branches, and we as Senators bear an awesome burden. Too often we perhaps cavalierly, say, "Let the Supreme Court decide the constitutionality of this issue." But the cup does not so easily pass from our hands. In the words of Benjamin Hill:

> Who saves his country, saves himself, and all things saved do bless him; who lets his country die, lets all things die, dies himself ignobly, and all things, dying, curse him.

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

Mr. BYRD of West Virginia. Mr. President, I yield myself 5 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. BYRD of West Virginia. For these reasons, Mr. President, I think that we are witnessing something on this floor which goes far beyond the issue of civil rights. As William Jennings Bryan once said:

> Our Government, conceived in liberty and purchased with blood, can be preserved only by constant vigilance. May we guard it as our children's richest legacy, for what shall it profit our Nation if it shall gain the whole world and lose the "spirit that prizes liberty as the heritage of all men in all lands everywhere"?

I fear for that Government about which Bryan spoke, and I fear that it will not be preserved as our forefathers envisioned it. I have only the utmost respect, as a Member of this body, for other Senators, and I do not question the sincerity of purpose and the high loyalty to his Government with which every Senator has approached his duty. We are all but men, and we cannot all see alike. But I am afraid that, while we perhaps do not see it clearly today and may not be clearly conscious of it even a decade away, the inroads which this legislative act will make into the cement of constitutional Government will accelerate the erosion of that edifice though it be centuries away.

Mr. President, may I once again turn backward to recall that in the Senate Chamber, on March 2, 1805, Vice President Aaron Burr bade a formal farewell to the Senate over which he had presided for 4 years. Probably no other address ever cast such a spell upon the Senate. One of its Members wrote that the whole Senate was in tears and so unmanned that it was half an hour after his departure before they could recover themselves sufficiently to come to order, choose a President pro tempore and then adjourn.

In closing that address which had so hypnotized his hearers, the Vice President spoke as follows:

> This House is a sanctuary; a citadel of law, of order, and of liberty; and it is here, in this exalted refuge, here, if anywhere, will resistance be made to the storms of political phrensy and the silent arts of corruption; and, if the Constitution be destined ever to perish by the sacrilegious hands of the demagog or the usurper, which God avert, its expiring agonies will be witnessed on this floor.

I have lived to see the day, Mr. President, when I have come to believe that Aaron Burr's words were words of prophecy.

In conclusion, Mr. President, I must say that it is hard to vote against this bill and to take a stand against the viewpoint of my own President and my own party. It has been hard to say "no" to church and labor groups and others who have urged that I vote for the bill.

But based on my own careful study of the bill, I have no alternative but to vote "no." I do this realizing that my vote will not please everyone, but I feel that duty demands this course of me. For, as Ulysses S. Grant once said:

> He who undertakes to conduct the affairs of a great Government as a faithful public servant, if sustained by the approval of his own conscience, may rely with confidence upon the candor and intelligence of a free people * * * and can bear with patience the censure of disappointed men.

The PRESIDING OFFICER (Mr. WALTERS in the chair). The Senator from Iowa [Mr. HICKENLOOPER].

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

The PRESIDING OFFICER. Does the Senator from Iowa yield for the purpose of having a quorum call?

Mr. HICKENLOOPER. I yield for that purpose.

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

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. CURTIS. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

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

The Senator from Iowa.

Mr. HICKENLOOPER. Mr. President, today the Senate will act on one of the most vital propositions in our political and economic history. H.R. 7152 is called a civil rights bill, and in part that is correct.

However, cloaked in the mantle of civil rights, which in and of themselves appeal to the inherent devotion to freedom and equality fundamental in our system, this bill contains many provisions that go far beyond necessity for protection of rights and opportunity for a minority and lay the basis for assaults upon the inherent and self-evident rights of all of our people. These provisions will strike at the heart of our system of personal responsibility in our economic operation and will superimpose bureaucratic coercion upon our system of private responsibility—the system that has made us the strongest nation the world has ever seen.

If this bill were limited to the establishment, protection, and strengthening of basic rights and equality of opportunity, I would applaud it and gladly support it. In fact those provisions that go to these points have my full support, including adequate punishment for violations.

But in the scales of justice and law in this Republic, I must weigh the overall general effect and potential—in other words—will this bill, while correcting certain important deficiencies in our free system, at the same time create more overriding assaults and injustices on that system for the majority than it attempts to correct for a minority. I am compelled to conclude that the far-reaching authority given to the Attorney General—far beyond his accepted prosecuting responsibilities—and the discretionary powers to be lodged in an appointed commission and its inevitable army of bureaucratic investigators will establish the pattern by law for the erosion of those rights of personal decision and responsibility essential to a private economy and a free system.

It is not sufficient to say that the bill does not, in words, specifically authorize such a condition. The important consideration is that the bill gives such broad discretion as to enable whim, caprice, and personal philosophy of the administrators to go to great lengths.

Nor is it acceptable to say that administrative officials and their subordinates will "of course not abuse their discretion." We have seen too many examples in recent years of biased and capricious imposition of discretionary authority in conflict with the understood purpose of legislation when it was enacted.

Nor is it sufficient to say that "if abuses occur they can be later corrected by law." This is a frequently used argument to secure the passage of questionable legislation, but once passed every legislator knows of the practical difficulty of securing substantive corrections in a far-reaching statute of massive impact.

The time for correction is during the consideration of legislation, and bureaucracy is tenacious and usually successful in defeating substantive changes in its authority once it has enjoyed the power.

Such changes in this bill have not been made. I had hoped that they would be made—the substitute adopted yesterday did not grapple with the disease; it only mildly treated superficial symptoms and leaves the bill as the Attorney General and the administration wanted it.

To review the bill in detail here would be surplusage—the record has done that pro and con. A few references, however, may be in order.

The Senate refused to eliminate those provisions authorizing the Government through the Commissioner of Education to furnish funds to colleges and universities to set up departments to instruct teachers in the social problems of integration—to pay teachers' salaries while attending such institutes and to pay transportation for such students during such educational period—truly an innovation by Government into the teacher training in this country.

The Senate has refused to accept amendments that would give equality of rights and representation to litigants as parties involved in disputes.

The bill, in effect, shifts the burden of proof in most proceedings to the point where the accused will probably have to prove his innocence.

The cavalier treatment of numerous constructive amendments during these cloture proceedings is not encouraging, and I submit that objective examination rather than raw power opposition will convince anyone that many of these proposals would help rather than hurt this program—but such was not the case. The die had been cast and the result foreordained.

Under this bill, I anticipate an ever-increasing flood of court and commission proceedings—most of which will not be based upon merit but which nevertheless will harass citizens and in the end may create cleavages in our people in areas where they do not now exist.

And this bill will not, in my view, settle anything or bring tranquility, but may well feed the fires of greater disruption.

There is another slogan that one often hears to the effect that when moral

rights come in conflict with property rights, the property rights must give way. This has an emotional appeal, but is it defensible as a proposition? I think not, because nowhere in history have inherent moral or personal rights been established except as the right of the individual to own and control the fruits of his own efforts have also been established coincidentally. Moral rights and property rights under our concept of freedom are and must remain inseparable.

In America a man must and should stand on his own feet—he should and must enjoy equality of opportunity, but beyond that he is not entitled to preferred treatment and his ability, ambition, and talents must measure his progress.

As I understand it, the FEP portions of this bill were not included in the measure sent up by the White House early in this Congress. Those provisions were inserted by the other body. So far as I know an authoritarian FEP provision has never been sent to the Congress by any administration. The House action this year inserted it. But it is in the bill, and it must be voted upon.

My decision in this matter has not been an easy one. Along with most of us here, I have supported civil rights legislation—limited to civil rights—in the past. I had earnestly hoped to support corrective legislation where necessary and provide for Federal authority where equality could not be attained otherwise.

I believe I am as sincere in my beliefs as any Member, and all Members are sincere even in disagreement. In my years of political life I have opposed unnecessary centralization of power in Washington, and I have maintained an abiding faith in our Federal system as opposed to concentration of authority in the Central Government. It appears however, that the Federal system is under constant threat both from congressional action and Supreme Court decisions. I hope this threat can be diminished, but, in any event, I cannot and will not stimulate it.

This bill, as I have said before, goes beyond civil rights and contains the means of further erosion of the inherent rights of all of our people. It will pass overwhelmingly, of course, because the pattern is set, but, as I conceive my responsibility to the people of my State and to the Nation, I cannot with my vote give impetus to legislation, the overall impact of which will adversely affect the fundamental rights of all of our people.

Therefore, I must regretfully vote "no" when my name is called.

Mr. MORSE. Mr. President, the Senate is about to pass a civil rights bill which, if it becomes law, will deliver, for the first time since Lincoln issued the Emancipation Proclamation 100 years ago, full constitutional rights to the Negroes of America.

As I have pointed out many times in my speeches in support of this civil rights bill, the Constitution of the United States is not self-executing. It is the duty of Congress to enact legislation implementing the Constitution in all instances in which such legislation is necessary to carry out court decisions or Executive policies which are based upon the recognition of constitutional rights.

Many people deserve the thanks of the American people for the enactment of this civil rights bill. All in the Congress who vote for it and the President who signs it, of course, in the last analysis, deserve the greatest credit, because they are the ones who bring the law into being.

However, the majority leader, MIKE MANSFIELD, the majority whip, HUBERT HUMPHREY, the minority leader, EVERETT DIRKSEN, and the minority whip, THOMAS KUCHEL, are the major legislative architects of the bill in the Senate, and all Americans who believe in equal rights for all as guaranteed by our Constitution, owe them a great debt of gratitude. I am sure that they would be the first to say that the able assistance they received from each of the assistant floor leaders they appointed to help carry the various sections of this bill through the Senate, who have also carved out for themselves a fine record of legislative statesmanship, was of great help during the course of the many weeks that this bill has been under consideration in the Senate.

Sometimes, I believe too frequently, we in the Senate are not so appreciative as we should be of the dedicated, able work of loyal staff members who serve, in fact, as the brain trust energizing every major legislative effort in the Senate. To a large degree, this bill in its final form is the product of many such able staff members.

However, when all is said and done, I believe that the legislative history of this bill will record that the President of the United States deserves the major credit for it. If it had not been for his leadership, his courage, his determination, I am convinced that the Negroes of America would have seen the year 1964 pass into history without the passage of this civil rights bill delivering their constitutional rights to them. His speech of a few weeks ago to the Georgia Legislature seems to have been one of the factors that solidified support behind this bill both in the Congress and in the country. By making that speech where he did, he made it clear that there was to be no retreat on the civil rights issue. That was an act of presidential leadership that has rarely been equaled in the history of the Presidency.

I have said before that, in my opinion, the greatest speech on civil rights which has been made in our country since the Emancipation Proclamation of 100 years ago was the speech that President Johnson delivered at Gettysburg, Pa., when he was Vice President on Memorial Day 1963. There is nothing more appropriate that I could say in my closing speech on this bill than to quote the following paragraphs from President Johnson's historic speech, and I ask unanimous consent, Mr. President, that the entire speech be printed in the RECORD at the close of my remarks.

The PRESIDING OFFICER. Is there objection to the request by the Senator from Oregon? The Chair hears none, and it is so ordered.

(See exhibit 1.)

Mr. MORSE. Mr. President, at that historic Gettysburg speech on Memorial Day 1963, President Johnson, then Vice President, said:

The Negro says, "Now." Others say, "Never." The voice of responsible Americans—the voice of those who died here and the great man who spoke here—their voices say, "Together." There is no other way.

Until justice is blind to color, until education is unaware of race, until opportunity is unconcerned with the color of men's skins, emancipation will be a proclamation but not a fact. To the extent that the Proclamation of Emancipation is not fulfilled in fact, to that extent we shall have fallen short of assuring freedom to the free.

As we maintain the vigil of peace, we must remember that justice is a vigil, too—a vigil we must keep in our own streets and schools and among the lives of all our people—so that those who died here on their native soil shall not have died in vain.

One hundred years ago, the slave was freed.

One hundred years later, the Negro remains in bondage to the color of his skin.

The Negro today asks justice.

We do not answer him—we do not answer those who lie beneath this soil—when we reply to the Negro by asking, "patience."

Our Nation found its soul in honor on these fields of Gettysburg 100 years ago. We must not lose that soul in dishonor now on the fields of hate.

To ask for patience from the Negro is to ask him to give more of what he has already given enough. But to fail to ask of him—and of all Americans—perseverance within the processes of a free and responsible society would be to fail to ask what the national interest requires of all its citizens.

I salute President Johnson for that great plea for unity in this country, at long last to deliver to the Negroes of America what they have never been allowed to enjoy, their full constitutional rights.

I shall be glad to have my descendants read that I voted in 1964 to give the Negroes their constitutional freedom, as Lincoln a hundred years ago freed them from the bonds and chains of slavery.

EXHIBIT 1

REMARKS OF VICE PRESIDENT LYNDON B. JOHNSON, MEMORIAL DAY, GETTYSBURG, PA., MAY 30, 1963

On this hallowed ground, heroic deeds were performed and eloquent words were spoken a century ago.

We, the living, have not forgotten—and the world will never forget—the deeds or the words of Gettysburg. We honor them now as we join on this Memorial Day of 1963 in a prayer for permanent peace of the world and fulfillment of our hopes for universal freedom and justice.

We are called to honor our own words of reverent prayer with resolution in the deeds we must perform to preserve peace and the hope of freedom.

We keep a vigil of peace around the world.

Until the world knows no aggressors, until the arms of tyranny have been laid down, until freedom has risen up in every land, we shall maintain our vigil to make sure our sons who died on foreign fields shall not have died in vain.

As we maintain the vigil of peace, we must remember that justice is a vigil, too—a vigil we must keep in our own streets and schools and among the lives of all our people—so that those who died here on their native soil shall not have died in vain.

One hundred years ago, the slave was freed.

One hundred years later, the Negro remains in bondage to the color of his skin.

The Negro today asks justice.

We do not answer him—we do not answer those who lie beneath this soil—when we reply to the Negro by asking, "patience."

It is empty to plead that the solution to the dilemmas of the present rests on the hands of the clock. The solution is in our hands. Unless we are willing to yield up our destiny of greatness among the civilizations of history, Americans—white and Negro together—must be about the business of resolving the challenge which confronts us now.

Our Nation found its soul in honor on these fields of Gettysburg 100 years ago. We must not lose that soul in dishonor now on the fields of hate.

To ask for patience from the Negro is to ask him to give more of what he has already given enough. But to fail to ask of him—and of all Americans—perseverance within the process of a free and responsible society would be to fail to ask what the national interest requires of all its citizens.

The law cannot save those who deny it but neither can the law serve any who do not use it. The history of injustice and inequality is a history of disuse of the law. Law has not failed—and is not failing. We as a Nation have failed ourselves by not trusting the law and by not using the law to gain sooner the ends of justice which law alone serves.

If the white overestimates what he has done for the Negro without the law, the Negro may underestimate what he is doing and can do for himself with the law.

If it is empty to ask Negro or white for patience, it is not empty—it is merely honest—to ask perseverance. Men may build barricades—and others may hurl themselves against those barricades—but what would happen at the barricades would yield no answers. The answers will only be wrought by our perseverance together. It is deceit to promise more as it would be cowardice to demand less.

In this hour, it is not our respective races which are at stake—it is our Nation. Let those who care for their country come forward. North and South, white and Negro, to lead the way through this moment of challenge and decision.

The Negro says, "Now." Others say, "Never." The voice of responsible Americans—the voice of those who died here and the great man who spoke here—their voices say, "Together." There is no other way.

Until justice is blind to color, until education is unaware of race, until opportunity is unconcerned with the color of men's skins, emancipation will be a proclamation but not a fact. To the extent that the proclamation of emancipation is not fulfilled in fact, to that extent we shall have fallen short of assuring freedom to the free.

Mr. CURTIS. Mr. President, I have voted for the civil rights bills in the past. There are provisions in this bill which are meritorious. They deal with genuine civil rights and should be enacted.

There are other provisions in the bill with which I disagree. My position did not prevail in the voting on many of the amendments. The task now faced is making a decision as to whether or not, on balance, the provisions which should be enacted call for a favorable vote or whether, on balance, the provisions which are objectionable call for a negative vote.

This is a close and difficult decision. It is so close and so difficult that I would brand no Senator's vote as wrong.

I call upon the President of the United States, the Attorney General of the United States, and every individual and group who have for so long and so diligently crusaded for this legislation and have carried on efforts to influence the public in favor of the legislation, and those individuals and groups who have crusade against it, to now mobilize their moral forces to bring about racial peace in the United States. The law, when enacted, should be given an opportunity to operate. Controversies should be settled in a manner set forth in the law.

Good and benevolent Uncle Sam is entitled to an image that reflects domestic peace and tranquillity.

Mr. MOSS. Mr. President, after 82 days of long, penetrating and often wearisome and frustrating debate the Senate today will face up to its duty and will vote. Each Senator today must search his conscience, review our course as a Nation, decide where the common good lies and then be counted in the vote. I shall vote "aye."

In the course of our long debate many Senators have protested that by this civil rights bill property rights would be infringed. Perhaps property rights will be slightly circumscribed, but human rights will be enhanced. No longer will America by law relegate some of our citizens to lesser status. With this bill we will reaffirm by law our proud proclamation in our Declaration of Independence—"All men are created equal, endowed by their Creator with certain unalienable rights."

One hundred years after emancipation equality will be guaranteed by law in the right to vote, the right to education, the right to employment, the right to public accommodation, the right to be a full U.S. citizen. The bill does not accord to any citizen advantage or preference—it does not fix quotas of employment or school population—it does not force personal association. What it does is to prohibit public officials and those who invite the public generally to patronize their businesses or to apply for employment, to utilize the offensive, humiliating, and cruel practice of discrimination on the basis of race. In short, the bill does not accord special consideration; it establishes equality.

The vote of the Senate to invoke cloture was the turning point in this struggle. To that point the Senate had been held captive and subservient to the views and will of a determined minority using the Senate rules to thwart the will of the majority. A vote against cloture was a vote for inaction, for surrender to the tyranny of the few. One of the Senate's finest hours came when the rollcall recorded 71 Senators insisting that the public business proceed. Representative government cannot survive if the chosen legislators cannot act upon the public's business.

The bill does not, nor was it ever intended that it could, resolve all of our racial problems. Not until each of us learns the lesson taught centuries ago, to do unto others as we would have others do unto us, will discrimination, hatred, humiliation, and oppression cease. Legislation does not change personal attitudes nor dissolve animosities. Human charity, love, respect and consideration come from the moral, cultural, religious heritage of a people. As a people we will be on trial. But at least we have taken this legislative step.

The bitterness of this long fight must not remain to contaminate our national life. We must put behind us the misrepresentations and emotional assaults made against this bill. Our duty will be to understand and to implement the law enacted by an overwhelming vote of our chosen representatives. We are a nation governed by law. Our duty and belief—indeed our way of life—requires honoring, obeying, and sustaining the law. This bipartisan bill represents a significant milestone in the march of humanity toward brotherhood and peace.

Mr. YOUNG of Ohio. Mr. President, early in 1959, shortly after I took the oath of office in the Senate, in a newsletter which I sent to my constituents in Ohio, as an additional service as their Senator, I wrote:

This Congress should expand civil rights and protect civil liberties. We should support the Supreme Court of the United States and its decisions as the law of the land. Daily we hear and read arguments for and against segregation and suggestions to compromise troublesome questions of civil rights. There just cannot be any comprise on civil rights. Either you are for the Supreme Court decision or you are resisting law and order. Racial problems are, in reality, moral problems and not political issues. Let us remember at all times, we are the Nation which chiseled on our Statue of Liberty:

"Give me your tired, your poor,
Your huddled masses yearning to breathe free;
Send these, the homeless, tempest-tossed to me;
I lift my lamp beside the golden door."

Today, after nearly 3 months of debate, the hour of decision is at hand. I would not feel right if I did not at this time manifest my complete admiration for the majority and minority leaders, the Senator from Montana [Mr. MANSFIELD] and the Senator from Illinois [Mr. DIRKSEN], and also for the assistant majority leader, the Senator from Minnesota [Mr. HUMPHREY], and the assistant minority leader, the Senator from California [Mr. KUCHEL].

I wish at this time also to manifest my admiration for the diligence and the great work on this legislation which was done by so many of our colleagues in the Senate, including the senior Senator from Pennsylvania [Mr. CLARK], and the junior Senator from Michigan [Mr. HART].

In this hour of crowning glory, when after a worrisome debate of nearly 3 months we shall pass this amended bill—which is, in fact, a greatly improved bill over that which was sent to us from the other body—let us not forget that great President John F. Kennedy, who fought for all Americans and brought this matter to a focus within a few months after he became President of the United States.

He was a great spokesman and a great leader who advocated, as Chief Executive of our Nation, that we must accord to all citizens of the United States complete civil liberties and civil rights, and that there were to be no second-class citizens in this Nation.

From the sunshine of happiness and joy of Los Angeles in the summer of 1960, to that dark, bitter, desolate day of last November, as a humble Senator of

the United States, I walked along with John F. Kennedy all the way from Los Angeles to Arlington. He was right at every turn of the road.

Within a short time we shall close this historic debate. We shall cast our vote. We shall demonstrate to the people of the world that ours must be and will be a nation in which no one is forgotten, where the young have faith, the aged have hope, and where all stand equal before the law, and protected in all their civil liberties.

For too long, 20 million Americans have been denied their basic rights, the basic rights that our forefathers envisioned when they conceived the Constitution of the United States and wrote the Declaration of Independence.

It is left to us to guarantee those rights for all citizens. They have been affirmed in the courts as belonging to all Americans, not to almost all of them.

The breathtaking pace of modern life no longer permits slow, leisurely adjustments to reality. We are not establishing any new rights. We are only seeking to preserve old rights, rights as old as mankind itself.

I have received many letters from uninformed and misguided constituents, as have many of my colleagues. Those people fear that the civil rights proposal will in some way infringe upon their liberty and their way of life, even in my State of Ohio. There is nothing whatever, of course, in the final amended bill, that has been so thoughtfully debated for a period of nearly 3 months, that would give to the Negroes of this Nation any rights or privileges which they have not enjoyed in my State of Ohio for many years past under the law of my State. I am proud that this is so. What this legislation will do will be to extend those rights to all Americans, regardless of the States in which they live or in which they travel.

I do not want to take much more time on this subject. All of us will agree that passing this fine, amended bill, agreement to it by the House of Representatives and then sending the bill to the White House so that it may be signed by our President and become the law of the land on a very fitting day indeed—July 4, 1964—will not immediately abolish injustice.

That must come, Mr. President, through the growing understanding and good will of the people of the 50 States of our Union. However, the legislation which we have worked on, and which we shall pass in this Chamber within a period of 2 hours or less, will at last extend the assurances of our Constitution, our Declaration of Independence, and our heritage of freedom to all Americans, regardless of their race or color. It will be a step forward on that long path toward mutual tolerance and understanding.

Along with so many of my colleagues, it will be a happy occasion when I cast my vote "yea" in favor of the bill.

Mr. MONRONEY. Mr. President, will the Senator from Ohio yield on my time?

Mr. YOUNG of Ohio. I yield.

Mr. MONRONEY. Mr. President, I yield myself 1½ minutes.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 1½ minutes.

Mr. MONRONEY. Mr. President, Senate passage of the civil rights bill clears the way for enactment into law the most carefully debated measure ever considered by the Senate. It marks the close of legislative deliberation on the most comprehensive civil rights legislation ever approved by the Congress. It represents further fulfillment of a promise made more than 100 years ago to the Negro slaves who had been transported unwillingly to this country and a reaffirmation of the high ideals of government upon which this Nation was founded.

This bill will soon become the law of the land. I know the people of Oklahoma will accept it as such and will comply with its provisions. Oklahoma's proud heritage of adherence to the principles of equality and justice is respected not only in other States of the Union, but throughout the world. Its record on nondiscrimination in the field of voting rights is among the best in the country. Our State has made tremendous progress in other phases of the civil rights problem.

While I cannot agree wholeheartedly with all provisions of the bill, my disagreements basically are about methods and procedures. I have long been committed to the cause of freedom and equal rights for all citizens regardless of race, color, religion, or national origin.

I prefer to have problems of discrimination in public accommodations and employment handled on the local level and governed by local laws. That is why I believe the amendments adopted by the Senate are such an improvement over the House version of the bill.

Many other amendments were adopted which I believe clarify the bill, render a jury trial possible in most cases, and provide further definitions in the bill that we shall pass tonight.

Under the Senate bill States which have public accommodations laws and equal employment laws will continue to solve problems of discrimination themselves. There is no need for Federal intervention into these delicate fields at all, if the States and communities take the initiative and enact laws under which they can govern themselves. This bill encourages mediation and conciliation at the local level, in place of Federal action. In this regard the Oklahoma Legislature will undoubtedly consider the desirability of taking action in this direction.

It is long past time for correction of conditions which have degraded some Americans. This is essentially a moral issue. Americans must always move to higher ground, toward a larger measure of fair and equal opportunity for all.

I think it is most important that the bill be recognized for what it is: It only provides protection to citizens of the United States against infringement of their civil liberties. It is not a panacea for the ills which plague some groups of our citizens, nor is it a destroyer of the cherished freedoms of other citizens.

The judgment which will be written in history will, I believe, confirm the wisdom and justness of the action taken by the Senate today.

To move the bill to final passage conforms to the inspiration given by the late President Kennedy, the present President Lyndon B. Johnson, and the legislative leaders.

Mr. YOUNG of Ohio. Mr. President, I express my appreciation for the magnificent statement made by the distinguished senior Senator from Oklahoma. I am in complete agreement with the conclusions he has reached and the statement he has made.

Mr. MONRONEY. I thank the Senator from Ohio for his kind words, and also for the great contributions he has made in connection with the Senate's consideration of the bill and its passage today by the Senate.

Mr. TOWER. Mr. President, I ask unanimous consent that remarks I have prepared relative to title VII and title IX of the civil rights bill be printed in the RECORD.

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

STATEMENT BY SENATOR TOWER

RIGHTS-FEPC—KEEPING AMERICA COMPETITIVE

Whether we like it or not, our American economy is engaged in a worldwide competition with the economies of other nations. All of us must be concerned with maintenance of a strong American position with regard to this economic competition.

And yet here we are today attempting to legislate still further harassments upon American employers and American workers and American unions. Here we are talking about the addition to our laws of a so-called equal employment requirement that is not only unconstitutional but also would operate as a massive depressant upon our economy.

Here we are, asked to further interfere with the free enterprise economic system which virtually alone distinguishes this Nation's successful economy from the static, socialistic economies of many world nations. And the worst thing about it is that this employment provision is not necessary to enable America to continue progress in the field of civil rights.

I already have discussed at length my views on the unconstitutionality of title VII. And I think I—and other Members of this body—have made a very good and very thorough case on that score. I already have commented also about why I feel this approach is unwise from the standpoint of domestic economics.

I think, however, that we have thus far ignored the full importance of another economic field in which the harassments of an FEPC law would prove crucially detrimental to our Nation. This is the field of international economics—a field vitally tied up with our role as leader of the free world.

Therefore, I want to discuss today some of the problems facing our Nation in the task of keeping America competitive. (In this undertaking I have been stimulated by a recent speech of Mr. George S. Moore, president of the First National City Bank of New York.) These are problems that must be solved by the free enterprise system. That system will have trouble enough solving these problems without being additionally subjected to Federal bureaucratic dictation of employment practices.

Let us address ourselves, then, to the question of keeping America competitive.

The United States finds itself today at the onset of the most competitive period in world economic history. We still are the leader, but we are strongly challenged.

While U.S. industrial output continues to race forward quantitatively ahead of the booming economies of Europe and Japan, most of these nations are expanding at rates which outstrip those of the United States. For America, the challenge is not so much to exceed the growth rates of oversea competitors. Rather it is to keep ahead of their achievements in productivity which have accompanied their rapid industrial growth.

In this competition it behooves the United States not to place additional roadblocks and restrictions upon private business.

As never before in history, the competitive atmosphere in the United States and overseas compels American businessmen to innovate and modernize—and to internationalize their entire business scope and philosophy.

History may well designate 1964 as the point in time in which the United States made the transition from a basically national, inward-looking economy that has been dominated by domestic issues to a truly international economy.

Consider these points:

(1) That 1964 will see many economic records broken; but without displaying the growth rates which government, business, labor, and the consumer yearn for. The expansion we seek must come from the world market where, currently, U.S. foreign trade amounts to only about 7 percent of our gross national product compared to 29 percent in Europe's Common Market and over 30 percent for the United Kingdom.

(2) That 1964 will not only be a year of transition but one which will find most Americans ill-prepared to master the international business environment in which we shall have to operate.

(3) That many American industries have already lost cost leadership to Japanese or European manufacturers.

(4) That while foreign costs have been rising at a faster rate than in the United States, nevertheless U.S. labor costs—when measured in absolute dollars-and-cents terms—are advancing faster than theirs.

(5) That overseas manufacturers have been expanding their productive capacity to the point where they will be pressured into an aggressive drive for new export outlets.

(6) That U.S. advantages in industrial productivity are being cut back by oversea competitors who are making much faster advances than we and who will find it quite easy to approach our levels. Indeed, the recent flow of American know-how to Europe and Japan represents a fantastic bargain for their producers, who can leapfrog technologies and dispense with research and development outlays that haunt the profit and loss statements of their U.S. competitors.

(7) That the effect of foreign penetration of American markets has not so much been the loss of domestic sales as it has been lower U.S. price and profit levels. In just a little over a decade, and despite record corporate profits overall, the profit rate on domestic investments has declined by more than one-third. And these depressed profits have come at the very time when more inducements are needed so that U.S. companies can invest more heavily domestically in their own productivity.

In capsule form, this is the challenge of keeping America competitive. It is a challenge of productivity. And productivity is more than a simple question of stepping up management efficiency or keeping labor costs down or going out after more of the export business. Increased productivity is a complex of factors such as these:

(1) Of investment policies by U.S. companies that will accelerate—drastically—improvements in productivity through introduction of new technologies;

(2) Of economic policies by the U.S. Government—tax, trade, labor, antitrust, fair employment practice rules—that will make possible this accelerated rate of investment in U.S. productivity or will needlessly harass productivity;

(3) Of labor-management policies that will relate wage rates and employment practices at home not just to domestic productivity, but to the crucial levels of labor costs and productivity in the countries with which the United States must compete.

The expression, "the American team"—meaning government, industry, and labor—has more often been a phrase than a fact, except during war and other periods of great challenge. Keeping America competitive qualifies as the kind of national challenge which should result—through desire, not Federal decree—in a closer partnership and a wider view of our individual responsibilities as Americans. Successfully met, the challenge can bring better business, more solid employment, and a strengthened position on the world scene. The alternative is lower productivity, reduced business, fewer jobs and lower incomes, and dangerously diminished U.S. strength in world affairs. This is the year of transition in the new world of international competition.

Trade

Let us talk for a bit about foreign trade and the ways it affects our national productivity.

Never in recorded history has there been such a period of economic interdependence among nations as there is today. International trade and investment have soared to record heights.

The benefits of expanded multilateral trade and investment can be seen most strikingly, perhaps, in the unparalleled living standards of the Western European countries. But they can also be seen here at home. Over 70 million of our people are gainfully employed. Our gross national product this year will reach a new peak; per capita consumption is the highest in our history. Unlike the frenzied decade of the twenties when post-World War I prosperity vanished in the waves of the great depression; the post-World War II era in which we find ourselves, has been one of more sound economic accomplishment.

The system and institutions of international finance on which world trade and investment depend have been planned with care to avoid the restrictive autarchy of the thirties. The International Monetary Fund and the World Bank are performing vital roles in spurring economic growth. Close cooperation among central bankers and finance ministries is marked. The growth and complex interlacing of private commercial banks that supply the bulk of the credit essential to expanded trade is healthy and reassuring.

This is not to say that all is perfect. On the contrary, many economic problems have yet to be solved.

Here at home we must strive to reduce our relatively high and persistent rate of unemployment a problem I do not feel would be helped by an FEPC law.

Our balance-of-payments position must be improved.

Abroad, the challenge of assisting the less-developed countries to reach the takeoff point of self-sustaining economic growth remains a serious one. Remaining barriers to international trade must be removed. In many countries that require the stimulus of foreign private investment, political instability and the absence of adequate protection to private foreign property have produced climates unfavorable for such investment.

In analyzing the prospects for keeping America competitive we must first look at our current position in today's world.

America's role

The U.S. economy is unique in the world community of nations. With only 6 percent of the world's population we account for over one-third of its industrial production. Unlike other countries, which either predominantly export raw materials and import manufactured goods, or vice versa, America is the world's largest exporter and importer of both raw materials and of manufactured goods. For a number of countries and a long list of commodities, we are the most important market. At the same time, we are the biggest supplier to many countries of a wide variety of raw materials and manufactured goods.

Many countries—especially those whose exports are dominated by one commodity—depend heavily on our purchases for their economic well-being. This is dramatically illustrated by taking one commodity, coffee, and imagining the repercussions that would follow the unlikely event that it suddenly lost favor among American consumers.

We import over half of the world's coffee production—$1 billion worth—every year. Were a successful synthetic coffee developed, the economies of Brazil, Guatemala, El Salvador, and Colombia would collapse. Mexico, Nicaragua, Costa Rica, Ecuador, Honduras, and the Dominican Republic, as well as Portuguese Africa and countries formerly comprising British East Africa, would suffer drastically. Coffee is an extreme example. But for many other commodities and countries, the picture is similar, if less striking.

United States investments abroad

The importance of our role in world trade cannot be appreciated fully without considering other basic facts. Americans invest more capital abroad than the citizens of any other country. Our total holdings in direct and portfolio investment overseas exceeded $50 billion at the beginning of last year. This tremendous sum not only contributes to economic growth in other countries, but also swells the volume of both our merchandise exports and our imports.

Our Government provides the largest amounts of aid to other countries, either to assist in their economic advancement or to safeguard their independence. Since World War II, this country has extended over $100 billion in economic and military aid to our friends and allies.

To complete the picture of American preponderance in the world economy today, we must remember that the U.S. dollar is the world's dollar. Not only is it used more than any other currency to finance international trade, but it is by far the most important currency in the monetary reserves of free world countries.

United States not as dependent

In striking contrast, the United States is not nearly so dependent upon the international economy, at least from a statistical standpoint, as other countries are on the United States. Although the sheer volumes of our exports and imports are higher than those of any other country, their ratios to our gross national product are much smaller than in many other countries. Our exports, for example, constitute only 4 percent of our gross national product. By comparison, Germany exports 16 percent of its gross national product, the United Kingdom 14 percent, and the Netherlands 35 percent. Our long-term private investment abroad in 1962—a large $2.5 billion—was still only some 3 percent of our gross private domestic investment of $79 billion.

Thus, we find a somewhat lopsided relationship between the American and the international economies. Our relative role in

world trade is large. The dependence of other economies on our is striking. But our relative dependence on the rest of the world is far less pronounced.

Growing interdependence

Nonetheless, growing interdependence with the rest of the world is a requirement for continued prosperity and economic growth in the United States. The jobs of over 3 million workers—6 percent of our total private employment—are dependent, directly or indirectly, on exports. A large number of workers also depend upon imports for their employment. We rely on foreign sources for many essential commodities, without which our economy could not function. Without a large foreign trade in both directions, the United States could not be economically prosperous or militarily strong.

Increasing our trade surplus

Despite our large trade surplus, more sales of our products overseas are required to help reduce our balance-of-payments deficit. From 1950 through 1962, the cumulative total of this deficit was $26 billion; to finance it we have drawn down our gold stocks by $9 billion and increased our liquid liabilities to foreigners by $16 billion.

Until the late 1950's, these gold losses and expanded overseas liabilities could be considered a good thing. They made possible the return to convertibility of other major currencies in 1958. One might even say that our payments deficit has helped to set the stage for the unparalleled wave of prosperity that has swept Western Europe and Japan.

But our gold stocks, while still large at $15.5 billion, are nonetheless limited. We cannot go on year after year with continuing outflows of gold and increases in liabilities.

Exports comprise almost two-thirds of our total receipts from abroad. On the surface, our surplus of exports over imports appears eminently satisfactory. Each year since 1960 it has exceeded $4 billion. But one-tenth of our exports is paid for directly by Government programs. If we count only our commercial exports—sales of our products abroad in direct competition with those of other countries—the picture is not so favorable. Furthermore, although our exports are still larger than those of any other country, they have not been increasing as rapidly as those of most other trading nations.

Conditions for increasing exports

To increase our trade surplus, more American firms must become export minded. At the same time, firms already engaged in exporting must intensify their efforts to sell abroad. Just as at home, in oversea markets sales volume is a function of price, quality, design, service, and marketing skill.

More broadly speaking, our trade position hinges on three fundamental conditions. The first of these is continued business prosperity in our major markets of Canada, Western Europe, and Japan. Taken together, these countries absorb more than 50 percent of our exports. The volume of the goods we ship to them depends in large measure on their rates of economic growth.

The second condition is keeping our costs and export prices in line with those of our major industrial competitors. Here our record over the past several years is good. Manufacturing costs and wholesale prices in Europe have been increasing more rapidly than in this country. But price increases announced in 1963, while not yet widespread, indicate that we shall have to remain firmly on guard against inflation.

The third condition required to improve our position in world trade is freer access to the markets of other countries. Tariff barriers, already reduced considerably from prewar days, must be reduced still further. Nontariff trade barriers such as import quotas, discriminatory taxes, and a host of other regulations that bar imports even more effectively than tariffs, need to be swept away.

The Kennedy round of trade negotiations under the auspices of the General Agreement on Tariffs and Trade is especially important to our trade position for future years. Right now the outlook for lowering trade barriers is cloudy. The negotiations will be difficult and lengthy. Barriers to trade in agricultural products stem from deeply rooted social and political problems. We should realistically expect less progress in this category of goods than in manufactures.

The European Common Market

Until now, the high rates of economic growth in the six countries of the European Common Market have acted as a tremendous spur to our exports to them. Between 1958 and 1963, our sales to the six increased by well over 50 percent and last year totaled about $3.9 billion. In 1962 we ran a trade surplus of some $1.4 billion with the Common Market. But our future trade position with this regional economic grouping will depend on the level of common external tariffs erected around the Common Market and on the common agricultural policy which remains a thorny issue among the Common Market countries.

In 1962 the Common Market countries took $1.2 billion of our agricultural exports, one-third of our total commercial exports of farm products. But just as in this country, agriculture is a domestic political and social problem in each European country. There is a real possibility that the EEC will impose a combination of variable import levies and a common external tariff that would bar us from substantial sales of our agricultural products.

Even more striking than our increases in trade with the Common Market have been the very large amounts of direct private investment placed there by American firms. Between 1958 and 1962 such investments increased by $2 billion to reach a total of over $3.7 billion. Many of our firms have become internationalized in the process. Their earnings abroad make a positive contribution to our balance of payments.

To date, therefore, the high rates of growth of Common Market countries have stimulated our foreign trade. Whether this trend will continue will depend on the outcome of this year's approaching trade negotiations.

Less-developed countries

The vast potential markets of the less-developed countries—representing more than two-thirds of the world's population—will not be realized until their economies can reach the takeoff stage. Extremely low per capita incomes combined with inadequate export earnings will prevent large increases in sales of our products to these countries for years to come.

We have discovered, painfully at times, that assisting these countries to stimulate economic development is a difficult task at best. To date, foreign aid extended by this country and certain other industrial nations has not shown encouraging results.

Perhaps there has been too much emphasis on government-to-government grants and loans. In its idealism, the United States has probably overstressed social reform programs, be they concerned with land tenure or tax collections. But we can be justly proud of our postwar record of technical assistance to developing countries.

The major weakness in our aid programs to date has been our inability to harness our private enterprise system to encourage development goals.

Those aspects of our aid programs designed to encourage private investment should be retained and strengthened. The recent broadening of the investment guaranty program to cover not only risks of inconvertibility and war but also insurrection, rebellion, and other political hazards is a step in the right direction. Guarantees now cover over a billion dollars of foreign investment, with an additional $3.5 billion pending in applications. Direct investment provides capital resources for increasing output. In addition, and much more basic, is the contribution private investment makes in transferring modern technology and management practices to developing countries.

The outlook

Each year since 1959, America has produced a healthy surplus on its trading account. Exports in 1963 broke all previous records. Except for a brief period following the Suez crisis, they have risen at an average rate of 5 percent per annum. The value of our total commercial exports—leaving aside all Government-financed exports—indicates that we are maintaining our competitive position in world markets. But the question is not whether we can hold our own. It is, rather, whether we can improve on an already excellent record. The answer depends on trends and policies on both the domestic and international fronts.

On the domestic side, holding the lid on costs and prices and Federal harassments while improving our productivity is the key to maintaining our competitive position in world trade.

On the international side, we have yet to bring our balance-of-payments deficit down to manageable proportions.

Fundamental to maintaining and improving our competitive position is greater access to world markets through continued reduction of trade barriers. To achieve this we must be prepared to and able to meet more foreign competition in our home markets. The trade negotiations in Geneva will be difficult and prolonged; on their positive results rest world hopes for continuing the postwar blossoming of international trade and investment.

Protecting the dollar

Another very vital area in which the ability of the United States to compete is vividly pointed up is the matter of protecting the integrity of the dollar.

In today's international commerce, the United States is banker to the world. The U.S. dollar is the essential weight and measure that the rest of the world uses to evaluate men's labors and the worth of goods and services.

(In connection with these remarks, I have relied heavily upon the learned opinions of Congressman THOMAS CURTIS, an acknowledged fiscal expert of the other body.)

If we cannot handle our own fiscal affairs in a way which will maintain the integrity of the dollar, we cannot expect to hold our position of leadership in world trade for long.

The drain on our gold reserves is not a new phenomenon, but it is only within the last few years that it has reached serious proportions. Since 1949, the United States has had a net loss of nearly $9 billion in gold, reducing our reserves to $15.7 billion. Until 1958, the yearly deficits and the losses of gold related to them were necessary in order to increase international monetary reserves. Without the increases in liquidity provided by U.S. deficits and gold losses, it is difficult to imagine how a free and healthy postwar international trade and payments system would have been restored.

Increased gold outflow

Since 1958, however, both the deficit and the gold outflow have been substantially larger—around $3.5 billion per year—and have shown a stubborn resistance to improvement. We are left now with only $12 billion in gold to back our currency, and less than $4 billion with which to meet potential foreign claims of about $25 billion.

It is apparent from these figures that a sudden and large-scale liquidation of foreign

dollar balances could lead to serious consequences, perhaps even to the collapse of the free world's entire trade and payments system.

One way to avoid a run on the dollar is by eliminating our balance-of-payments deficit as soon as possible. Another way is by avoiding inflation, which erodes the purchasing power of the dollar at home and which also decreases our competitive position in world markets. And, unfortunately, sales lost overseas would mean jobs lost at home.

FREE WORLD STAKE IN THE DOLLAR

Of course, the rest of the free world does have a vital stake in the integrity of the dollar, and will not deliberately bring about its collapse. What is happening instead is a gradual erosion process which can have, in the end, the same dire results as a sudden collapse. The United States is the showplace of the free enterprise system. If we are forced to devalue the dollar, that system as well as the prestige and power of the United States itself will be seriously diminished.

On the positive side, there are a number of important assets in our balance of payments. These include our favorable balance of trade, our income from foreign investments, and the income we derive as the world's banker. All these are in the private sector.

The negative influences

The negative influences are in the Government sector. Number one, of course, is foreign aid. While I am in favor of a properly administered foreign aid program, so far I think many of our efforts have been very wasteful. We may well have created damage instead of good in many cases.

The second important negative element on our balance of payments is the military spending overseas, including both our military aid to other nations and the maintenance of our own forces in other countries. It is these two areas of Government expenditure that have largely created our basic imbalance.

Here are some specific measures we should take to reverse the continuing outflow of U.S. gold, and the erosion of our international position.

First, we must recognize that our interest rate structure cannot be geared only to our domestic requirements. If we are to remain the world's banker, our interest rates must reflect the demand for money in the international marketplace.

Second, the time is long past for a thorough review of our foreign economic and military assistance programs. While these are indeed essential to our national security, they must be directly related to an amount we can afford.

Third, we must initiate vigorous efforts to equalize the competitive conditions which exist between U.S. exporters and those of other industrialized nations. We should encourage other countries to relate wage scales more closely to productivity. We must work toward a system which would measure the economic differentials existing between nations, and which would then apply this differential to goods traded in the international marketplace.

The fourth area is closely related to the third. More must be done to impress upon all sectors of our own economy the need to maintain our competitive position in world trade. Wage increases should be kept below the gains in productivity. Government harassment of business must be curtailed.

Part of the gains in productivity should be returned to the consumer—in the form of lower prices—and to the investor—in the form of a return on his investment. It takes about $25,000 of new investment money to create one new job, so if more jobs are to be created, we must offer investors attractive returns and freedom from unnecessary Federal controls.

The fifth area that needs attention concerns Government fiscal policy and inflation. The large and persistent series of budget deficits which have occurred in recent years are building up an inflationary pressure which we cannot ignore. It may blow up in our faces if we do not change course. We simply must stop spending more money than we take in.

Sixth, policies which will increase the productivity of American industry are essential. As a first step, depreciation schedules—revised just last year—should be examined again to make them even more realistic. Many of our major oversea competitors, recognizing rapid obsolescence, permit faster writeoff schedules than our Government does.

The most important need in this area, however, concerns manpower retraining. There are more jobs going begging today than there are people unemployed. Of course, we cannot train an unemployed laborer to fill a skilled technician's job. What we can do, instead, is to train a worker who already has some skill to fill the technician's job, then train the laborer to fill the vacated, less-skilled position. This would upgrade our labor force all along the line.

Fortunately, U.S. industry and labor unions already have programs of this nature underway. But they do not exist on the massive scale needed. The key is the development of a general movement in which a large cross-section of the Nation's labor force is actively engaged in job escalation.

The final point relates to the time when the U.S. balance-of-payments deficits are eliminated. We must develop, through the International Monetary Fund, mechanisms to provide sufficient international liquidity to meet the growing needs of world trade. Already our Government is discussing proposals of this nature with the International Monetary Fund.

While the nations study the problem of future world liquidity to finance balance-of-payments deficits, they should also direct their attention to improving the adjustment mechanism of the international payments system—the mechanism by which countries eliminate imbalances in their international payment, including exchange rate adjustments. A properly functioning adjustment mechanism would tend to prevent deficits from arising in the first place and would correct them quickly if they did develop.

Foreign productivity

Perhaps one of the most important aspects of this question of how American business can keep competitive is the matter of manpower and wages rates and productivity rates.

I do not think the manpower problems of American industry would be helped by passage of an equal employment law which would take employment out of the hands of business and place it in the hands of a bureaucrat not even answerable to the American voters.

(Dr. Yale Brozen, professor of business economics at the University of Chicago is one of our Nation's experts on manpower. I have been guided by some of his recent writings in preparing this portion of my remarks.)

American employers pay the highest wage rates in the world. In spite of this, the United States sells $18 billion worth of merchandise in other countries, in addition to the goods exported with the assistance of foreign aid funds. These sales are made in the face of transportation costs and tariffs, and against the competition of local firms and other foreign competitors with much lower hourly costs.

The magnificent record of the United States results from the much higher productivity of American firms and their development of superior and unique products. With their higher productivity, unit labor costs on many products are lower than those of foreign firms paying much lower wage rates.

The outstanding productivity flows from a combination of a better educated labor force (the average level of education in the United States is that of a high school graduate), a larger amount of capital per man, and excellent management.

However, we face foreign competitors whose productivity is growing more rapidly than our own. While this might be interpreted as a threat to American ability to continue selling abroad, it should not be. Rather, it is a threat to our ability to maintain the same margin of superiority in American over foreign wage rates.

As long as we continue to buy abroad, we shall continue to sell abroad, assuming that foreigners do not wish to hoard American dollars or use them only to invest in American-owned assets.

Productivity and foreign competition

Foreign firms succeed in penetrating the U.S. market when shipping the goods which they produce relatively more efficiently. The word "relatively" should be emphasized. We may be more productive in all lines than foreigners are. In some lines, however, we are only 10 percent more productive.

If foreigners tried to sell us these latter items, they could do so only if they were willing to take one-sixth the income per hour which Americans receive. If they sell us items in which we are only 10 percent more productive, they can compete and still obtain incomes per hour up to ten-elevenths of the American income per hour.

Herein, of course, is the primary reason wage rates in the United States are much higher than elsewhere in the world. We produce more per hour. The more we shift our resources—our manpower, capital, and natural resources—out of low-productivity industries into high-productivity industries, the higher our incomes and wage rates will be.

By allowing other nations to produce those items where our productivity is relatively low, we avoid being forced to use our manpower in low-productivity lines. As we contract our low-productivity industries and expand our high ones, our wage rates and incomes will rise.

Our export industries, such as mining and roadbuilding equipment, transport equipment, and chemicals and pharmaceuticals, have high productivity and pay wage and fringe benefits averaging about $3.50 per hour. Our protected industries, which are suffering a loss of their domestic markets in spite of the protection they are accorded—industries such as pottery, apparel, and textiles—pay wage and fringe benefits of less than $2 an hour. These latter industries are not competing successfully in spite of their low wage rates, because their productivity is relatively lower even than their wage rates, and often because Federal interference in their business has upset the free-market economy.

Research and competition

Research and development of better products and processes is becoming an increasingly important factor in maintaining sales and profits in the face of growing foreign and domestic competition. We have raised productivity in some industries by producing a more valuable product and thus kept, or created, a market.

Our export industries tend to be our intensive research industries. The development of new and improved products and of more productive processes, in addition to the

flexibility of American manufacturing organizations, makes it possible to sell abroad goods which have little competition.

The share of intensive research industries in our growing export sales has risen from 23 percent in the late 1920's to 50 percent of a quadrupled amount of exports in 1962. At the same time, we are increasing our imports of the standard manufactured goods instead of producing them here.

The statement has become common in American corporate reports that "40 (or some comparable number) percent of our sales consists of products which did not exist 10 years ago." Producing these products has meant changes in processes and a flexibility of labor (including management labor) which requires a high level of generalized skill. It is this flexibility and mobility of labor adapting to changing markets which has made it possible to meet the changing character of foreign competition while still maintaining the superiority of American wage rates. This flexibility and mobility of labor must be maintained in the future if we are to continue to remain competitive—there can be little doubt that an FEPC law would adversely affect labor flexibility.

Labor mobility

To adapt to foreign competition, labor must transfer from our relatively less productive to our relatively more productive industries. In some cases, however, the transfer is restricted and, in a few instances, the reverse process is occurring. Because of the overpricing of manpower in such industries as steel and coal mining, men are losing jobs. To avoid unemployment, they are taking jobs where their productivity (and wage rates) are lower. The overpricing of labor in high productivity industries causes product prices to be higher than they need be—or should be—in the very industries which would normally enjoy high export sales.

Misallocation of capital

The overpricing of labor in some industries produces an additional effect, besides restricting job opportunities and the mobility of labor. It also causes capital to be allocated to inefficient uses and holds down the rise of productivity which would otherwise occur in our relatively less productive industries.

High rates set for skilled labor in some industries are also causing misallocation of capital. Auto plants and coal mines may be more highly automated, because of very steep wage rates, than they should be. And they are using capital which could be better employed elsewhere. If capital were not employed in these uses, it would be available for raising the level of automation and the productivity of workers in the less productive industries. These industries would then be less likely to lose their markets to foreign competition and could provide more jobs.

Supply of capital

Even with the present set of prices for labor, there would be less misallocation of capital and more employment if our present tax structure were less onerous. At present, there are three layers of taxation of income from capital—local property taxes, the 50 percent corporate profits tax, and the personal income tax.

The net result is a great slowing in the rate of saving and capital formation in this country, and an increased tendency to invest abroad rather than in the United States. This has slowed the rise of productivity (and real wage rates) and is making it possible for other nations to catch up with us.

With a lower level of business property taxes and corporate earnings taxes, the supply of capital would grow more rapidly. This could provide the capital demanded in sectors of industry where labor is now overpriced without draining it from alternate uses. With more capital available in the balance of the economy, productivity could be increased sufficiently in some lines to withstand foreign competition and to provide more and better paid jobs.

If the supply of new capital were augmented, wage boosts now causing unemployment would not do so.

Adapting to the new competition

Adaptability to the changing productivity among different foreign industries is the essential requirement for meeting the new competition abroad and in domestic markets. If prices and wage rates are allowed to move freely in response to the impact of changing conditions, free markets can serve as the primary mechanism for adapting the economy.

It is a familiar but disconcerting fact that in the last few years, the United States has been losing position among the trading nations of the world. While our foreign trade has generally kept pace with the overall growth of the U.S. economy since World War II, and in some years exceeded it, we nevertheless account for a smaller proportion of world trade than we used to—about 20 percent compared to 26 percent in 1953.

The productive capacity, developed by Western Europe and Japan to meet the needs of the reconstruction period following the war, is now looking for other markets. These countries are stepping up exports to the United States and to other nations. In this country, our relatively high levels of unemployment reflect, to some degree, the increase in imports from abroad and the drop in our share of world markets.

If we are honest with ourselves in our belief in the free enterprise system, we should not be critical of the new worldwide competition. Indeed, this country, through its vision and generosity during the postwar period, helped bring it about. From a broad viewpoint, this was precisely what had to be done, not only as an anti-Communist protective device, but also in the interests of world progress. So I do not look on this new competition as a necessarily bad development.

Improving our position

There are three principal points which are central to achieving the goal of an improved competitive position of the United States in world markets.

First is a growing recognition, not only in private industry, but in Government also, that there is an almost direct relationship between capital investment and economic growth. An FEPC law would not encourage new capital investment.

A dynamic equipment policy

The second point deals with the attitude of business management. If we are to have a growth-sustaining level of productive capital investment, American business leaders must adopt a dynamic equipment policy in a very real sense. They must understand what makes that policy tick in order to give it a personal leadership on a day-to-day basis. This involves a determination, not only to search our replacement opportunities, but to divest one's self of uneconomical investments already made.

Despite our advances in modern management, there remains in this country a good deal of folklore in the ideas and techniques governing business investment policy. Above all, there is frequently a lack of dynamism in searching out opportunities to modernize. An FEPC law hardly would encourage employer dynamism.

Producers of capital equipment

The third point applies to the producers of capital equipment as distinguished from the users. Obviously, the new equipment and the new techniques must be developed in a practical way—not because they are simply unique, but because they are uniquely able to solve the needs of a particular company or industry. In effect, we must have an equal and parallel determination on the part of the suppliers of productivity raising equipment to innovate at a greater rate, with more imagination, and with more reference to the needs of the user.

More professional managers in Europe

Overall, our competitors in Europe have developed a management know-how which is more professional and sophisticated than we have in this country. But at the same time, they have a great competitive disadvantage because they are so dependent on government regulation. They have come to accept government edicts as the end-all, and this gives us an important advantage.

If we do not stay on our toes, we may well lose this competitive advantage we have. To maintain our business system on a competitive, free enterprise basis, we must improve industrial self-regulation and actively work toward a lessening of government regulation.

And I submit to the Senate that one way to avoid additional governmental regulation of business—unnecessary regulation—is to refuse passage of title VII of this bill now before us.

It is abundantly clear that American free enterprise business must meet growing international competition in the near future. It is the business of this Senate to help the free enterprise system meet that competition. It is not the business of this Senate to further harass and hamstring business simply because we are being subjected to strong pressures in the name of "morality."

If American industry comes under Federal employment dictation and cannot compete in the future, the unemployment problem in this Nation will be a tragedy beyond imagination. If it is jobs for Americans we are concerned about, we must face up to the challenge confronting our business system. And we must help workers and employers—not doom them to bureaucracy and inefficiency and added expense and frustration.

I have stated many times on this floor that I regard it as morally wrong to discriminate in hiring. I also think it often is bad business.

But, I must insist with equal vigor that it is the ultimate in folly, the very repudiation of wisdom, for the Federal Government to fatally complicate the American economy in a time of worldwide economic challenge.

A strong legal case can, and has been, made for the unconstitutionality of title VII of this bill. We also have indicated that title VII would operate to the disadvantage of individual workers and labor unions. It also would clamp impossible requirements on small businessmen. It would be virtually unenforcible.

But perhaps all of these follies are exceeded by the "unwisdom" of hanging this title VII millstone around the necks of the larger American firms; those firms employing by far the majority of American workers and involving nearly all American unions; those firms which operate in both the domestic and foreign markets.

Let us meet the challenge of world competition with determination—not timidity. Let us likewise meet the challenge of equal opportunities for Americans with reasoned good will—not harassing Federal coercion.

STATE COURT—FEDERAL COURT REMOVAL

Certain sections of the pending civil rights package, other than those dealing with public accommodations and employment give, I believe, just cause for alarm. Title IX, defining procedures in removal to other courts of civil rights cases, is one such section. This title provides that a defendant who has sought removal of a State court suit to a Federal court on the ground that he would be denied his civil rights in the State court, may appeal to the Federal Court of Appeals,

on order of the Federal district court sending the case back to the State court.

In other words, title IX makes reviewable in higher Federal courts the action of lower Federal courts in remanding a civil rights case back to the State courts. Under present law, such Federal court order is not reviewable. The case must be disposed of, as it should be, in the State courts before it can be again appealed to the Federal courts.

The enactment of title IX into law could easily paralyze the processes of all of our State courts in the field of civil rights. Conceivably, the delicate balance of power which has been maintained throughout the years between the jurisdiction and powers of the parallel system of Federal and State courts could be destroyed.

Present statute, title 28, United States Code Annotated, section 1447(d) now provides:

"An order remanding a case to a State court from which it was removed is not reviewable on appeal or otherwise, except that an order remanding a case to the State court from which it was removed pursuant to section 1443 of this title shall be reviewable by appeal or otherwise."

Section 1443 of title 28 has to do with the removability specifically, of civil rights cases and provides as follows:

"Any of the following civil actions or criminal prosecutions, commenced in a State court may be removed by the defendant to the district court of the United States for the district and division embracing the place wherein it is pending: (1) Against any person who is denied or cannot enforce in the courts of such State a right under any law providing for the equal civil rights of citizens of the United States, or of all persons within the jurisdiction thereof; (2) for any act under color of authority derived from any law providing for equal rights, or for refusing to do any act on the ground that it would be inconsistent with such law. (June 25, 1948, c. 646, 62 Stat. 938.)"

Title IX is highly discriminatory, giving certain minority groups a weapon all of their own. The new title could effectively prevent for a long period of time any trial, Federal or State.

Historically, the litigation of Federal questions was left to the State courts in cases filed in such courts, with recourse to the U.S. Supreme Court through appellate procedures. Then, as the process of removal and remand developed by trial and error, the present procedure was devised. Since 1887 it has proved to be the only feasible procedure and has been the law that the decision of the U.S. district judge, on the motion to remand, has the effect of revesting in the State court the power to proceed with the case, without suspending or destroying the power of that court, during an extended period of delay necessarily arising from an appeal to the Court of Appeals of the United States from the order remanding the case.

The devastating effect of this proposed amendment upon State courts is apparent when it is realized that under the present statutes, removal is accomplished by a simple act of the party, without the necessity of any order by either a State or Federal judge. One of the litigants, by a simple filing of the petition and appurtenant papers, automatically removes the case to the Federal court. Thereafter no process of any kind can issue from the State court, no depositions can be taken, hearings scheduled or in process must be suspended. The State court is powerless to maintain the status quo. Upon the return date of subpenas theretofore issued, witnesses need not appear, and there is no way to fix new return dates. Witnesses who are sought for cross-examination in the cause may not be served with State subpenas and they may not be reached by Federal process because there has been no determination by the Federal court of its jurisdiction. Restraining orders cannot be issued in the State court, although the Federal court has the power to do so in aid of its jurisdiction, pending a determination thereof.

The legal relief available is an immediate application to the Federal court for a remand, on the basis that the removal was improper and that the Federal court lacks jurisdiction. This is a matter presented to the Federal judge for determination by him as a part of procedure within the Federal judicial system. It is not within the control of the State courts.

Under the present statute, the litigant wishing the protection of the Federal courts already has two effective safeguards. The motion to remand is decided by a Federal judge. If the Federal judge determines that the Federal court does not have jurisdiction and that the State court should be permitted to proceed, the litigant still has the right to obtain a determination of Federal questions in due course of appellate review by the Supreme Court of the United States.

There is little justification for the proposed title IX. It flies in the face of the experience which resulted in the passage of the act of March 3, 1887, chapter 373, section 6, 24 Statutes at Large 552. This provided that an order remanding a case to the State court shall be "immediately carried into execution" and "no appeal or writ of error" from the order should be allowed. Thereafter the present wording was embodied in section 1447 of title 28 so that subparagraph (d) now reads: "An order remanding a case to the State court from which it was removed is not reviewable on appeal or otherwise."

The practical effect of the amendment would be to place in the hands of a litigant in civil rights cases the power to destroy the power-producing effects of State proceedings, without any judge of any court having found that the State court was without jurisdiction, and in the face of a finding by a U.S. district court that the State court was vested with jurisdiction and the Federal court had no right to proceed in the cause. In a case where the State courts had enjoined the commission of unlawful acts, all process and all proceedings of the State court would be nullified for many months. By the time that the matter was reached on the appellate docket of the court of appeals of the particular circuit involved, the acts enjoined by the State court would have long since been carried to consummation in direct violation of orders of that court. The issues would have become moot.

Under present procedure, a case is removed from State to Federal court simply by the defendant's filing in the Federal court a "verified petition containing a short and plain statement of the facts which entitle him or them to removal, and other papers of the case, title 28, United States Code Annotated, section 1446(a). 'The petition for removal of a criminal prosecution may be filed at any time before trial,'" section 1446(c). Minimum bond is required, section 1446(d). Whether the Federal court has jurisdiction, that is, whether the case was properly removed, is a question for the Federal court.

It is obvious that to allow an appeal as to whether the case was properly remanded would cause great delay in the prosecution of the case.

A Federal court judge of the fourth circuit explained what is now section 1447(d):

"The purpose of the statutory provision * * * was to obviate the delay which would result over reviewing orders of removal." (*Ex parte Bopst*, 4th Circuit, 1938, 95 Fed. 2d 828, 829.)

On the other hand, not allowing an appeal merely requires that the litigation proceed. Any Federal rights claimed, can, under any circumstances, be reviewed by the U.S. Supreme Court by direct appellate procedure.

Mr. Chief Justice Fuller said in *Missouri Pacific Railroad Company* v. *Fitzgerald* (40 L. Ed. 536, 543 (1896)):

"So far as the mere question of the forum was concerned, Congress was manifestly of opinion that the determination of the circuit (now district) court that jurisdiction could not be maintained, should be final, since it would be an uncalled-for hardship to subject the party who, not having sought the jurisdiction of the circuit court, succeeded on the merits in the State court, to the risk of the reversal of his judgment, not because of error supervening on the trial, but because a disputed question of diverse citizenship had been erroneously decided by the circuit court; while as to applications for removal on the ground that the cause arose under the Constitution, laws or treaties of the United States, that this finality was equally expedient, as questions of the latter character, if decided against the claimant, would be open to revision under section 709, irrespective of the ruling of the circuit court in that regard in the matter of removal.

"It must be remembered that when Federal questions arise in causes pending in the State courts, those courts are perfectly competent to decide them, and it is their duty to do so.

"As this court speaking through Mr. Justice Harlan, in *Robb* v. *Connolly* (111 U.S. 624, 637) said: 'Upon the State courts, equally with the courts of the Union, rests the obligation to guard, enforce, and protect every right granted or secured by the Constitution of the United States and the laws made in pursuance thereof, whenever those rights are involved in any suit or proceeding before them; for the judges of the State courts are required to take an oath to support that Constitution, and they are bound by it, and the laws of the United States made in pursuance thereof, and all treaties made under their authority, as the supreme law of the land, "anything in the Constitution or laws of any State to the contrary notwithstanding'." If they fail therein, and withhold or deny rights, privileges, or immunities secured by the Constitution and laws of the United States, the party aggrieved may bring the case from the highest court in the State in which the question could be decided to this Court for final and conclusive determination."

The history of what is now 28 USCA 1447 (d) was explained by Mr. Justice Van Devanter in *Employers Reinsurance Corp.* v. *Bryant* (81 L. Ed. 289, 292–293. (1937)):

"For a long period an order of a Federal court remanding a cause to the State court whence it has been removed could not be reexamined on writ of error or appeal, because not a final judgment or decree in the sense of the controlling statute. But in occasional instances such an order was reexamined in effect on petition for mandamus, and this on the theory that the order, if erroneous, amounted to a wrongful refusal to proceed with the cause and that in the absence of other adequate remedy mandamus was appropriate to compel the inferior court to exercise its authority.

"By the act of March 3, 1875, chapter 137, 18 Statutes at Large 472, dealing with the jurisdiction of the circuit (now district) courts, Congress provided, in section 5, that if a circuit court should be satisfied at any time during the pendency of a suit brought therein, or removed thereto from a State court, that 'such suit does not really or substantially involve a dispute or controversy properly within' its 'jurisdiction', the court should proceed no further therein, but should 'dismiss the suit or remand it to the court from which it was removed, as justice may require.' Thus far this section did little more than to make mandatory a practice theretofore largely followed, but sometimes neglected, in the circuit courts. But

the section also contained a concluding paragraph, wholly new, providing that the order 'dismissing or remanding the said cause to the State court' should be reviewable on writ of error or appeal. This provision for an appellate review continued in force until it was expressly repealed by the act of March 3, 1887, chapter 373, section 6, 24 Statutes at Large 552, which also provided that an order remanding a cause to a State court should be 'immediately carried into execution' and 'no appeal or writ of error' from the order should be allowed.

"The question soon arose whether the provisions just noticed in the act of March 3, 1887, should be taken broadly as excluding remanding orders from all appellate review, regardless of how invoked, or only as forbidding their review on writ of error or appeal. The question was considered and answered by this Court in several cases, the uniform ruling being that the provisions should be construed and applied broadly as prohibiting appellate reexamination of such an order, where made by a circuit (now district) court, regardless of the mode in which the reexamination is sought. A leading case on the subject is *Re Pennsylvania Co.* 137 U.S. 451, 34 L. Ed. 738, 11 Supreme Court 141, which dealt with a petition for mandamus requiring the judges of a circuit court to reinstate, try and adjudicate a suit which they, in the circuit court, had remanded to the State court whence it had been removed. After referring to the earlier statutes and practice and coming to the act of March 3, 1887, this Court said (p. 454):

" 'In terms, it only abolishes appeals and writs of error, it is true, and does not mention writs of mandamus; and it is unquestionably a general rule, that the abrogation of one remedy does not affect another. But in this case we think it was the intention of Congress to make the judgment of the circuit court remanding a cause to the State court final and conclusive. The general object of the act is to contract the jurisdiction of the Federal courts. The abrogation of the writ of error and appeal would have had little effect in putting an end to the question of removal, if the writ of mandamus could still have been sued out in this Court. It is true that the general supervisory power of this Court over inferior jurisdictions is of great moment in a public point of view, and should not, upon light grounds, be deemed to be taken away in any case. Still, although the writ of mandamus is not mentioned in the section, yet the use of the words "such remand shall be immediately carried into execution," in addition to the prohibition of appeal and writ of error, is strongly indicative of an intent to suppress further prolongation of the controversy by whatever process. We are, therefore, of opinion that the act has the effect of taking away the remedy by mandamus as well as that of appeal and writ of error.' "

In *U.S.* v. *Rice,* (90 Lawyers edition 982, 988 (1949)), Mr. Justice Stone said:

"Congress, by the adoption of these provisions, as thus construed, established the policy of not permitting interruption of the litigation of the merits of a removed cause by prolonged litigation of questions of jurisdiction of the district court to which the cause is removed. This was accomplished by denying any form of review or an order for remand, and before final judgment of an order denying remand. In the former case, Congress has directed that upon the remand the litigation should proceed in the State court from which the cause was removed. * * * But the congressional policy of avoiding interruption of the litigation of the merits of removed causes, properly begun in State courts, is as pertinent to those removed by the United States as by any other suitor."

It is readily apparent that title IX would allow civil chaos without giving State authorities any remedy. After the prosecution is prepared, a criminal defendant could wait until minutes before trial and have the case removed. Then, when several days or a week later the Federal court has decided it has no jurisdiction and an order of remand is entered, such defendant could appeal that order. Trial could be put off almost indefinitely, especially considering the congested dockets of the Federal courts of appeal.

The end will not justify the means, in this title of the bill, as it will not in other titles. In this case, the end itself is of highly debatable wisdom. Justice is delayed, and artificial obstructions are thrown in the path of the orderly disposal of cases.

It is very important that it be understood that an appeal from a remand is not necessary to protect Federal rights. A Federal judge does the remanding. The State courts can and will enforce the Constitution; if not, the Supreme Court of the United States can correct the mistake. Allowing appeal from remand, especially in a highly inflammable atmosphere, leaves a hiatus, a vacuum, in which law and order may well suffer irreparable harm.

I would like to close by again stating that in my opinion much of this proposed legislation is patently unconstitutional. To those who are advising us that the end will justify the means, I must say the proposed legislation is disregarding and destroying the wisdom written into the Constitution by our forefathers.

Mr. TOWER. Mr. President, I have selected certain letters from those writing to me expressing concern about the pending civil rights legislation. I ask unanimous consent they be printed in the RECORD at this point.

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

DEAR SENATOR TOWER: For the past 17 years my home has been in Texas. During World War II I served for a time in the 349th F.A. Regiment (colored) as a second lieutenant. Prior to my military service I had lived almost all of my life in Colorado.

I have observed segregation in various parts of the South during the war, and since, in addition to my service in 349th F.A. I have also seen it in northern Colorado, as practiced against the Mexicans. I have many friends among Texans of Mexican descent. I am proud to say that several years ago the Colorado State University football team itself selected a colored boy as its most valuable player.

I am very strongly against segregation or any other infringement upon the rights of any citizen. I believe, with the Declaration of Independence, that all men are created equal. and should so be treated.

I believe that justice—and injustice, too—comes first of all from the hearts of men; the mere passage of a law will not insure social justice. I believe that the Congress should exercise a great caution to avoid damage to the rights of any groups of citizens in an attempt to rectify wrongs against any other group.

I believe that passage of the civil rights legislation now before the Senate, as that legislation is now constituted, would be a grave error. As some wise man has said, the Congress is often more notable for legislation it does not pass than for what it does.

I urge you to work toward civil rights for all citizens of the United States, whatever their background. The only minority group we can afford is that composed of all citizens.

I further urge you to use every means at your command to prevent the passage of the pending civil rights legislation in its present form.

Sincerely yours,

———— ————.

DEAR SENATOR TOWER: I have conscientiously studied the text of the so-called civil rights bill and diligently reviewed a mass of public statements dealing with that bill, both pro and con, trying to find how the proposal actually improves the rights position of all citizens of our country.

In my humble opinion, this so-labeled civil rights bill no more preserves our true rights than the various forms of the proposed Fair Trades Acts would have preserved truly competitive forms of commerce and protected the consumer against the unscrupulous.

Time and diligence on the part of our supervisory organization, applied to the Civil Rights Acts of 1957 and 1960, could protect and grant personal rights without the socialistic influence proposed in this new bill.

I am a rancher-farmer, a director of a bank, a savings and loan association, a life insurance company, several finance companies, several manufacturing companies, and in my humble analysis, this proposed civil rights bill definitely suggests open Federal regimentation and restriction of constitutional rights of free choice and free trade. In a measure, and a great measure, it will restrict the right of personal judgment in management.

According to titles VI and VII, I cannot feel I would be free to handle my relations, as a landowner, in dealing with tenants or employees. I cannot understand why, as a taxpayer, I should not object to having the Federal Government underwrite the expense of a complaint when I, as a defendant, would have to stand my own expense. I refer to section 101, title IX. According to section 601 and 602, it would seem that our insurance company, our finance company, our building and loan, and our bank would not be free to transact business on the basis of good judgment, it would have to be with the sanction of some Federal agency. I have been a trustee of a private university for almost 20 years and it seems to me that titles IV, VI, and VII certainly proposes to enter into the life and management of the personal relations in schools.

Again referring to titles VI and VII, it would appear to me that seniority rights, as far as management is concerned is thrown out the window.

I ask that you, as a representative of all people in your good State, cause to have made a written list of rights which this proposed bill will take away from your constituents and weigh that loss of rights against the imaginary protections which the acts of 1957 and 1960 cannot give, if properly administered.

This is an evil bill and I hope you will do all within your power to see that this further federalization of our lives does not pass the Senate.

Sincerely yours,

———— ————.

DEAR SENATOR TOWER: A complaint must be registered with my Federal Government this morning, as I am being grossly discriminated against. I am a healthy female, well trained secretary, over 45 years of age, and would be capable of a topflight secretarial job, or I would make a fine airline hostess, for I have years of training as a cook, hostess, and maid as a long-term homemaker. In addition, I am a good bookkeeper. In my morning paper I find that if I were a male, I could interview for a good bookkeeping job that is open; if I were under 45 I could apply for a fine secretarial position that is in need of filling; if I were single and over 21 I could apply for a glamorous flying job. But of the 30 or more jobs advertised, which would be suitable from a training standpoint alone—I am excluded by age, marital status, or sex. One employer is so daring as to even specify that he would like a Christian (some absurd

minister, no doubt, who might feel a Christian would be more satisfied with church work than perhaps an atheist) and one would like a Spanish-speaking person (that silly man probably writes to Latin American customers and thinks Spanish might be more understandable than English) and worst of all, one wants a German or Scandinavian on the flimsy grounds that his customers are lovers of German food, and anyone knows its no help to a German if you are to prepare and serve people seeking that specific type of cuisine.

All of the above is not to waste your time. It is merely the only way I know to point out how perfectly absurd it is to try to enforce by Federal edict, as is being attempted in the civil rights bill, what qualifications a man must set in seeking an employee, feeding a customer, or attempting to please his customers in the personality or type he employs for their service.

It would seem to me that if a man wishes a red haired, green eyed, single, 21-year-old, this should be his privilege, whether it would please his customers or clients better than another. It is up to the person who does not fit the qualifications to find a place where he does fit. If this is not the case, then most certainly one like me should have the right to complain to my Government equally with the man who is not suitable because his race or color makes him unsuitable for a desired situation. Isn't that just plain commonsense? We cannot all qualify equally for specific needs—and because I'm a good secretary does not make me desirable to all men or women needing a secretary—nor does it make me suitable to be a showgirl, just because I suddenly decided personally that would be fun.

American life in its greatness has depended upon freedom of choice and we must not take the freedoms of personal selectiveness from individuals, for in doing so we destroy freedom for all. This is the basic freedom which founded America—not license to force another's will or thinking (which cannot be done—only action can be forced, and rebellion follows surely, personally or collectively).

Please help us keep some commonsense and sanity in the midst of all of the prevalent theory. Do not permit this destructive bill to be the beginning of the end of our basic American personal freedoms.

Sincerely yours,

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DEAR SENATOR TOWER: At the present time we are doing several things, most important of which are the following:

(1) Keep 20 employees off of relief.

(2) Pay our bills within the discount period.

(3) Increase our export business which is about 10 percent of our total volume.

(4) Keep our doors open.

In order to do this we are being burdened almost to the breaking point by the following:

(1) Income taxes and tax reports.

(2) Social security taxes and reports.

(3) Inspections and correspondence of the Food and Drug Administration.

(4) Inspections and correspondence of the U.S. Department of Agriculture.

(5) Many State taxes and inspections.

(6) Many city taxes and city inspections.

If it becomes necessary for us to be burdened with more control by the Federal Government through the civil rights bill and the Supreme Court it will be very doubtful if we can continue to be classed even as a small business. We have no subsidies such as the farmers have nor tax havens such as the cooperatives have.

Very sincerely yours,

———— ————.

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DEAR SENATOR TOWER: Thank you very much for your informative newsletter. We read it with much interest. I notice that you oppose much of the civil rights bill.

I am a Texan but spent several of my growing-up years in Pennsylvania and attended an integrated school with 30-percent colored students. I am very grateful for the opportunity afforded me to associate and get acquainted with members of the Negro race. I am glad public school integration is becoming a reality throughout our country. Because tax funds support public schools I feel it is right to pass a law requiring that all students be given the same opportunity regarding public school education, and that they be allowed to attend any public school in their district.

At the same time I believe it to be a moral wrong to deny employment to a person strictly because of race. And at the civil service level, this should be enforced through legal means. But I don't think legislation is the answer in private enterprise. In fact I believe it to be a direct constitutional abortion.

And where can it all end? The old, the young, the disabled, the unattractive and in some cases the female, are all denied jobs for which they have otherwise excellent qualifications.

In the ultimate is the Federal Government going to require that a man hire a fat, unattractive woman of 50 as a secretary because she has the best qualifications of all other applicants? "Is it not lawful for me to do what I will with mine own?" This sort of legislation has no place in a democracy where freedom of the individual is upheld to the highest. Why is it moral for bureaucrats to steal the properties of businessmen and to take over the control of hiring, firing, setting wages, determining races, religious, etc.?

A governmental program of example and encouragement to the people (such as the one regarding the hiring of the handicapped) would be acceptable to those who still cherish personal freedom. Please use your influence to this end.

Sincerely,

———— ————.

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AN OPEN LETTER TO SENATOR JOHN G. TOWER

I was proud to know that you have taken your place in that ragged southern line to help protect the rights of decent, Christian, and law-abiding citizens who are harassed, intimidated, and abused by the church, the press, the school, and the politicians simply because way down deep they still believe themselves masters of their own families, homes, and destinies; because they cannot equate equality as the politician, the clergy, and the liberal equate it.

At the Somme, at Verdun, at Shiloh, at Valley Forge, men died for something more than the whims of politicians or to follow the flag. They must have believed in something.

I believe that something to be a piece of land, a country, a constitution. a certain right. The civil rights bill now before Congress seeks to take away all these things.

True, there is discrimination, but prejudice is a natural part of man. To attempt to destroy prejudice through law is rape of the soul.

In the Army, in prison, wherever large numbers of people must be controlled, man is first stripped of his individuality through laws, uniforms, rules and regulations, and made obedient to one command. Then he dies as heroically as at the Somme or like sheep as at Auschwitz.

The civil rights bill will have a similar effect on the entire Nation.

I do not believe it possible for a nation to give up so much so easy, and am confident that the bill shall not pass in its present form.

Sincerely yours,

———— ————.

DEAR SENATOR TOWER: Although your record is plain and clear in matters where Federal intervention in States concerns is threatened, may I add my support to any move you might make to block passage of the so-called "Civil Rights Act of 1963."

Having read the bill, and several interpretations of its provisions, I believe that the bill is not in the spirit of the Constitution. It is nothing more than a Federal grab for more power. It does not give any minority group any rights, but takes rights away from those who now enjoy them. It is intended to buy votes in areas where opposition to liberal Democrats is gaining strength from minority groups.

God given rights cannot be pronounced by a State or government of any kind. Neither can morality be legislated. True civil rights, which I prefer to regard as liberties rather than rights, cannot be further extended than is provided in the Constitution. Any further extension infringes upon the rights intended for individuals. Not only is this, by the Constitution, illegal, but to my way of thinking, immoral.

Laws enacted contrary to the Constitution, such as the proposed "Civil Rights Act of 1963," can only be administered in a police state situation. It arouses an unholy fear in me when I think of how far we have already come in that direction.

May God help us, and direct the Government in Washington.

Sincerely yours,

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DEAR SENATOR TOWER: This is not a letter prompted by any group or society. Instead, it is prompted by a growing fear for the preservation of the rights which millions of Americans heretofore believed had been forever made inviolate by our wonderful Constitution.

For 20 years, since attaining my majority, I have deplored the sinfulness of my fellow whites whom I have overheard uttering expressions of dislike of and prejudice against the Negro as a group. I have always keenly felt the injustice of group condemnation. Though born and reared in the South, and a grandson of slaveowners, I have yearned for the dissolution of prejudice between races of American citizens.

In the light of those thoughts, however, I fear and detest the encroachment committed upon our Constitution by the House of Representatives through its recent passage of the civil rights bill. As other lawyers have declared, it is the greatest violation of individual and States rights guaranteed in our Constitution yet to occur. If the Senate passes the bill, the way is paved for the landing of United Nations troops on American soil.

No loyal Negro American citizen doubts the basic honesty of the white man whose mind is properly adjusted. Without such a strike being made into our essential liberties, the lot of the Negro race in America has improved beyond all expectation in only a few years. The reason has been the basic honesty and fairness of the American people. No nation in the world has achieved the equality under the law that all races share in our country.

The passage of the civil rights bill will enable our enemies, foreign and domestic, to say "had we not pressed for the regulation of human conduct in America, the Negro would never have achieved his status." Therefore, they will also say "since we, the subversives, the enemies of the republican form of government have agitated the passage of the bill, you members of the Negro race should recognize this achievement by siding with us in the future in all things and causes we espouse." Such would be a lie. It is the ethics, morals, religious inspiration, and basic decency of the free men and women of America which has

caused the progress Negroes have made to have been opened for their transit. Nothing else should be allowed to steal the credit.

Articles IX and X of our Constitution are still there. Don't let your colleagues remove them for all time. Don't allow the most serious inroad in history to be made on our rights as citizens under the banner of "national welfare." Let us permit the Negro's status as being equal under law, and the continued morality of the majority of our citizens have full credit for his rise to equality through his continued education in a free Nation.

Please continue your strong opposition to the civil rights bill.

Sincerely yours,

——— ———.

DEAR SENATOR TOWER: I believe that every Senator would like to discharge the duties and responsibilities entrusted to him by the constituents of his State. I believe that you would like to preserve our constitutional form of government in order that all Americans may enjoy the liberties and freedoms that were promulgated by the Founding Fathers. I do not believe that you would want to enact a law that would temporarily appease 10 percent of the people when it would seriously and permanently impair the freedoms and liberties of 90 percent of the people and, in the final analysis, destroy a free form of government that has made America the greatest Nation on earth.

If the proposed civil rights bill should become law, all States of the American Union would be little more than local governmental agencies, under the control of a powerful Federal Government, with unlimited authority to intervene in private affairs among men. It would impair property and personal rights; the right of freedom of speech and of the press; it would completely destroy free enterprise, individual liberty, and freedom of choice. It would seriously affect practically every American. In your own State, it would adversely affect the farmers, homeowners and realtors, banks and bankers, labor unions and members, merchants, hotel, restaurant and theater owners and employees, newspapers, radio and TV stations, teachers, schools, veterans—practically every conceivable employer and employee.

Operators of public accommodations businesses in your State, as well as mine, want to be free to choose their own customers or patrons. Many of these operators, if forced to comply with such a bill as is now before the Congress, would face the probability of bankruptcy if, by being forced to accept patrons against their own judgment, they would lose all other patrons who helped make their business grow. This would be a concrete example of the Federal Government putting a man, particularly a loyal, taxpaying American, completely out of business.

In Winona, Miss., one business has already been forced to close. A lady there operated a restaurant with separate facilities for the colored and white. The Federal Government required that she remove a partition that separated the colored and white and serve everyone in the same dining room. As a result, the Negroes and the whites refused to come back and she was forced to close her business. She was left with $20,000 worth of property on her hands, 8 or 10 people who worked in the restaurant were out of jobs, and the transients had no place to eat. Under the way she was operating prior to Federal interference, it was entirely satisfactory to both races. The same food and the same services were extended to all customers. Now there is no restaurant at the bus terminal in Winona, because of an act of the Federal Government. After several months, however, Mrs. Staley opened a white restaurant to serve white people on her own property at a different place.

This unconstitutional bill is not only a trespass, but a plain usurpation of the rights of the American people in order to increase Federal power and bring about a powerful centralized government in Washington.

This country was founded upon the principle of freedom under the law. The great task of statesmanship is not to remake the Constitution in the name of changing times, but to preserve American values in changing times by upholding the fundamental laws and the Constitution of the United States.

I know that you are extremely busy with many important matters, but I urge that you take time to make a careful study of this bill and in the name of liberty and the ideals and principles that have made our country great, vote against it, and use every influence that you have to defeat this dangerous, unconstitutional, and obnoxious legislation.

Sincerely yours,

——— ———.

MARCH 25, 1964.

DEAR SENATOR TOWER: Please pardon the stationery, but I'm writing this at home, and I had to borrow this from my wife. You won't remember me, but I met you in the Kochler Hotel in Beeville, Tex., during your campaign and rejoice with you in your fine work.

For many months now I have been alarmed more and more with the pending civil rights bill. This editorial, which appeared in last night's Abilene Reporter-News, was the straw that broke the camel's back. Normally these papers here are very proadministrative. The fact that they would run it suggests a lot of liberals are beginning to worry, too.

I cannot believe a majority of U.S. Senators could or would pass a bill that would make us a police state. Are all of our people in the country informed about this bill, or do they feel it is simply a bill to make the southerners behave? Would this thing not be worth a nationwide hour on television to publicize the small print? Personally, I feel anyone who voted for this thing could be soundly defeated at the polls if only people knew what kind of dictatorial legislation was being passed. How long are our southern legislators going to have to carry the brunt of the fight for everybody's freedom?

I write this, not as an Episcopal minister, but as a private citizen who is scared to death at what is about to happen.

Sincerely yours,

LEE M. ADAMS.

Mr. TOWER. Mr. President, I ask unanimous consent that certain editorials and articles, some excerpted, that I have selected concerning civil rights be printed in the RECORD.

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

[From the Dallas (Tex.) Morning News, April 1964]

CIVIL RIGHTS—I

For the next several days the News will present a series of editorials on the civil rights bill, which has been called the most important piece of legislation ever to be considered by the Congress. It has passed the House and faces lengthy debate in the Senate. Each section of the bill will be analyzed editorially. The series represents weeks of digging and research, including a penetrating study of legal cases and court decisions back to 1875 pertinent to provisions of the bill.

We hope readers will find our conclusions logical and fair; certainly they are sincere and are expressed with the best of intent.

Our opinion of the bill is quite critical. We think that if our readers will take the time necessary to study this analysis, they will understand why we have formed this opinion. We further believe that they will probably reach the same conclusions, for to understand this bill is to oppose it.

Our opposition, like that of many other major dailies, is based upon many factors.

We question neither the motives nor the goals of the bill's supporters, but the methods they have chosen to achieve them. In a free and intelligent society the ends do not justify the means. We are convinced that many who support this measure today as a means to achieve civil rights will live to see it invade their own liberties tomorrow. Someday we fear they will regret what they are now doing.

From the beginning the measure has been shrouded in propaganda. It repeatedly was called a compromise or watered-down version of the original, though it is, in fact, much broader, and more radical.

It was hurried through the House without an opportunity for full discussion, debate, or amendment. Its sponsors adopted a policy of making no concessions because they felt that the Senate, in its long deliberation on the matter, would be able to catch their errors.

That is a poor way to legislate. In the Senate, supporters of the bill have tried to cut off debate and send the measure, unaltered, to the President—signed, sealed, and delivered as quickly as possible.

Is speedy justice a virtue? Apparently that is what some of the bill's sponsors believe, for they have urged haste at every turn, using the excuse that necessity and expediency demand it.

As Representative JOHN DOWDY, of Texas, has wisely noted: "Necessity is the plea for every infringement on human liberty. It is the argument of tyrants and the creed of slaves."

If passed, this bill will represent a concession to pressure groups, rather than a reflection of faith in our own people and institutions.

Its passage may not mark the destruction of a free society or the burial of constitutional principles, but it surely will be an invitation for an insatiable assault upon what remains of them.

This is perhaps the most far-reaching bill that Congress has ever considered seriously. It will insure broad extension of Federal power over States, local government, businesses, unions and individual citizens. Most people have the impression that this bill would affect only the other guy—a handful of fat cats who own segregated theaters or hotels, or crooked politicians who won't count all the votes. Don't kid yourself.

Like an iceberg, 10 percent of this bill is on the surface and 90 percent below. If the 10 percent is "civil right," the 90 percent is a brazen grab of Federal power and an invasion of rights and liberties most of us take for granted.

The centralized government and authoritarian control this bill could make possible is the same kind of government and control that has produced slavery and oppression in the past.

Civil rights leaders who advocate this solution to their problems should take note of this, and pay heed to the advice of a young Congressman from Ohio, JOHN ASHBROOK, who remarked a few weeks ago that "there is no intolerance and injustice which can match that of an all-powerful government in the hands of men bent on imposing their will on a free people."

[From the Dallas (Tex.) Morning News, Mar. 31, 1964]

CIVIL RIGHTS—II

The right to vote is basic to our society. Yet, that right is not absolute. Children and convicts, for example, are not permitted to vote. A resident of one State cannot vote for officials of other States. In all States

a minimum term of residence is required to qualify as a voter. These limitations—and others—are set by the individual States, as the Constitution of the United States prescribes.

Title I of the civil rights bill now before the Senate deals with voting rights and broadens the power of the courts and the Federal Government to prosecute those accused of denying them.

It also lays down rules on the use of literacy tests as a requirement for voting, establishes a sixth-grade education as sufficient qualification for registering and would give Federal officials the authority to standardize other qualifications for voters throughout the United States.

Supposedly, the first section of the civil rights bill will apply only to Federal elections or to elections of Federal officials. And yet it would affect State and local elections in the 46 of our 50 States which hold State and Federal elections on the same day.

Even if this were not true, the bill would constitute a violation of constitutional intent. The Constitution clearly and carefully specifies that the power to set qualification for voting in all elections—including Federal elections—rests with the States, not with the Federal Government.

Article I, section 4 of the Constitution states: "The times, places and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof."

Article I, section 2 specifies: "Electors (voters) in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature." In other words, those qualified to vote for State legislative candidates are qualified to vote in Federal elections, and whatever qualifications are required by each State for the first type of voters must be required for the latter type.

When Congress passed the 24th amendment, abolishing the poll tax, it acknowledged that the proper way to alter the authority of States to set election qualifications is by amending the Constitution. It is, in fact, the only way.

A major criticism of the civil rights bill is that it changes by legislative fiat parts of the Constitution that can be altered only by the amendment process. In their haste, civil rights advocates are taking the low road.

The Supreme Court, in a series of decisions stretching from 1884 to 1959, repeatedly has declared that the States possess the right and authority to set voting requirements, and that this right and authority cannot be usurped by the Federal Government short of a constitutional amendment.

The Supreme Court has also uniformly upheld that States have the constitutional right to use and require literacy tests for voting, yet this bill would virtually abolish them.

Perhaps the most pertinent criticism of this portion of the bill is that there is already abundant law on the books to deal with vote fraud, intimidation and chicanery. There was sufficient law on the books even before the 1957 and 1960 civil rights acts were passed.

The real purpose behind this section is not to protect voting rights, but to transfer the authority for setting voter qualifications from the State to the Federal level. Once this transfer of power is granted, it will not be long before the Federal Government will control and standardize every aspect of voting in the United States—age limits, residence requirements, precinct convention rules, primary filing fees, and the rest.

And once that happens, the States will have lost one more of the prerogatives granted to them by the drafters of the Federal Constitution.

[From the Dallas (Tex.) Morning News, Apr. 1, 1964]

CIVIL RIGHTS—III

"It is part of man's civil rights that he be at liberty to refuse business relations with any person whomsoever, whether the refusal rests upon reason or is the result of whim, caprice, prejudice or malice."

This statement was recorded years ago by an eminent jurist, Thomas M. Cooley, chief justice of the Michigan Supreme Court, professor of law, history and political science at the University of Michigan. Cooley also served 4 years as Chairman of the Interstate Commerce Commission.

Ironically, the interstate commerce clause of the Constitution is one of the two principal props on which supporters of the civil rights bill justify the provisions of title II, dealing with "public accommodations."

This section would compel most private business to serve all comers, with a threat of fines and jail sentences for all who refuse to serve customers on the basis of race, religion, color or national origin.

The commerce clause gave Congress the power "to regulate commerce among the several States." But the purpose of this bill is not to regulate commerce; it is to prohibit discrimination.

It may be argued that the clause has been misapplied before, but two wrongs—or rather four—do not make a right. Twisting of the purpose of this clause began a long time ago: first, to regulate carriers in which goods were hauled, then the goods themselves, and later the conditions under which they were manufactured. Now the civil rights bill would use the clause to impose a requirement to serve.

The only time this requirement to serve has been imposed before has been in the area of public utilities, which usually have been granted exclusive, monopoly franchises and are placed in a special category before the law.

Since their customers are guaranteed—and have nowhere else to go for service—the Government has rightly imposed a requirement to serve. No parallel can be drawn here to justify imposing this requirement on all other private, competitive businesses.

The second prop on which title II rests is the 14th amendment, which prohibits the States from denying citizens "equal protection of the laws."

The 14th obviously refers to State-enforced discrimination, but this bill proposes to deal strictly with private acts of discrimination. Wherever State governments require private businesses to discriminate or segregate, there is room for Federal action. But that is not the issue here.

Sponsors of this portion of the bill make no distinction between private acts of discrimination and State action. They assume, in fact, that the two are the same. Such an assumption can lead only to the conclusion that private acts and private property, in reality, no longer exist.

The Supreme Court repeatedly has held that the 14th amendment applies only to discrimination enforced or required by a State. The Court consistently has said that private acts of discrimination cannot be punished. In an opinion frequently cited, the Court declared that the 14th amendment "creates no shield against merely private conduct, however discriminatory or wrongful."

When Congress passed a force bill in 1875 almost identical to the public-accommodations section of the current civil rights bill, the Supreme Court declared it unconstitutional, ruling that "no countenance of authority for the passage to the law in question can be found in either the 13th or 14th amendment."

It is possible to defend the right of a man to discriminate privately without defending discrimination itself. Part of everyone's freedom is his right to choose or be prejudiced.

The man who buys union-made products only, or buys Fords instead of Chevrolets, discriminates—and probably imposes a more direct burden on interstate commerce when he does so.

When prejudice is made a crime, how much longer will it be before it is also a crime to hold unorthodox political or religious views? After the Government makes it compulsory for a businessman to sell to certain groups, will it next compel him to buy from them?

Representative JOHN ASHBROOK, Republican, of Ohio, notes that supporters of the civil rights bill have argued that the Government must protect human rights to the point even of abolishing property rights, if necessary.

"History," ASHBROOK reminds, "indicates that there have never been human rights in any society or Government which did not have respect for property rights." The Congressman summed up his own opposition to this section of the bill by quoting from a 1950 circuit court ruling which brings the whole issue into proper focus: "We had supposed," said the court, "that it was elementary law that a trader could buy from whom he pleased and sell to whom he pleased, and that his selection of seller and buyer was wholly his own concern."

[From the Dallas (Tex.) Morning News, Apr. 2, 1964]

CIVIL RIGHTS—IV

Not long ago, Attorney General Robert Kennedy told the House Judiciary Committee that the proposed civil rights bill contained provisions which would grant more power than he needed, or wanted, and more than any Attorney General should safely have. "One result," he said, "might be that State and local authorities would abdicate their law-enforcement responsibilities. * * * This, in turn, if it is to be faced squarely, would require creation of a national police force."

One of the portions he may have had in mind is title III of the civil rights bill, which deals with desegregation of public facilities and would grant the Attorney General vast new powers.

An idea of the extent of those powers, the scale of Federal intervention involved and the size of that "national police force" which may be necessary was suggested by a proposed amendment to the bill offered a few weeks ago in the House. The amendment specified that the President would be empowered to appoint 500 additional Federal district judges to handle the anticipated increase in civil rights cases and to spend $100 million for the erection of jails, prisons, and compounds to hold those found guilty of violating the act.

Among the vast new powers granted to the Attorney General in this section of the act is the authority to initiate suits—even though no complaint may have been registered—in any matter he believes to involve the denial of rights or equal protection of the laws.

Similar powers were sought when Congress considered civil rights legislation in 1957 and 1960. In both instances, they were rejected.

In effect, the Attorney General could drum up all the business his office could handle and shop around the country for judges to try his cases. "This section of the bill," says Senator ELLENDER, Democrat, of Louisiana, "is tantamount to giving official recognition to the NAACP as a legal aid society of the Federal Government, while at the same time relieving it of any of the hardships litigants in court cases normally bear."

In civil rights cases, the Justice Department would handle the plaintiff's case or pay the expense, while the defendant would be left to his own resources. This, in itself, is judicial discrimination of the worst kind.

But that's not the least of the hardships to be borne by the accused. While under other provisions of the bill jury trials would not be guaranteed, under this section they are specifically denied.

One of the bill's supporters, Representative GILBERT, of New York, explained that jury trials are unnecessary because title III involves the enforcement of existing constitutional rights. Representative CELLER, of New York, added that jury trials had been authorized for other parts of the bill "as a matter of grace, not a matter of right."

Thus, in their quest to secure what is called a civil right, supporters of this bill are willing to ignore or deny other existing constitutional rights—which, in case Representative GILBERT has forgotten, the guarantee of a trial by jury also happens to be.

Only limit on the Attorney General's power to bring suits under this provision is that he must make certain findings and certifications first. But this requirement would amount to virtually nothing.

A report prepared by the House Judiciary Committee's majority which endorsed the bill let the cat out of the bag by stating: "It is not intended that determination on which the Attorney General's certification is based should be reviewable."

In other words, the basis for his findings—the only limit imposed on him by the bill—is not to be made public, is not subject to review and might as well not exist, for all practical purposes.

On the basis of unknown, unnamed and perhaps nonexistent complaints, the full power of the Attorney General's legal facilities can be unleashed on a defendant who may never know the identity of his accuser or the nature of the accusation.

Talk about discrimination. In the hands of an unscrupulous Attorney General such powers would be dictatorial. This even proponents of the bill concede, though they quickly assure that there is nothing to fear. Such powers, they insist, will only be used in a worthwhile cause.

These assurances are not sufficient. Liberty is too precious to take the slightest gamble that a tyrant will never be in a position to wield powers given to a benevolent ruler. If history has taught us one lesson, it has demonstrated over and over again that powers granted have been powers used.

[From the Dallas (Tex.) Morning News, Apr. 3, 1964]

CIVIL RIGHTS—V

Benjamin Disraeli once remarked that he hated definitions, and Samuel Johnson declared almost a century earlier: "It is one of the maxims of the civil law that definitions are hazardous." Though they may be both hated and hazardous, definitions are often a necessity. Surely when we are dealing with a law which would affect most of our citizens, the essential terms of that law should be defined.

This is one of the major faults of the civil rights bill. Though the bill, if it becomes law, will make discrimination a crime, there is not a single adequate explanation or definition of the word "discrimination" in the bill.

Every person accused of committing a crime in this country has the constitutional right to know the nature of the accusations brought against him. And every citizen has the right to know what the law considers to be a crime, so as to avoid committing one.

Nowhere in the bill is this problem of definitions more severe than in title IV, which deals with desegregation of public education. This portion of the bill would speed up the process started by the Supreme Court 10 years ago when it handed down the historic *Brown* v. *Board of Education* ruling. Under the old "carrot and stick" theory of government, title IV of the bill (and to some extent title VI) would combine attractive inducements with a threat of penalties to "achieve desegregation" in our schools.

But what is desegregation, at what level is it achieved and when is the process complete?

Does desegregation mean the ending of de facto segregation or the ending of racial imbalance by shuffling school districts and shuttling schoolchildren from one part of a city to another? If this is the case—and it appears to be—then the bill is devoid of legal, judicial or commonsense precedent.

Both the aims and the emphasis of the so-called Negro revolution have changed radically in the past decade. Where civil rights advocates once asked for "equality before the law" and called for an end to State enforced acts of discrimination, they are now demanding that the State discriminate in their favor by trampling on the rights of other citizens. Back in the old days when the Supreme Court was more interested in law than election returns and sociology, it declared that there must be some point on the road to equality at which the Negro "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."

But even as recently as 1954 in its famous school decision, and in subsequent rulings, the Supreme Court has not told local school boards what they must do; it has told them what they must not do. There is an important difference.

The Court has merely said that public schools cannot enforce segregation. It has not told the schools or the States to achieve anything, or to balance school enrollment by race. Laws which say it is a crime to libel an individual do not mean you have to say something nice about him.

Under this section of the bill, the Commissioner of Education would be authorized to spend whatever amount of money he chooses to "overcome special educational problems" which accompany desegregation.

The Attorney General could throw the full weight of the Justice Department behind any person in search of a free lawsuit. Even private schools would be affected if they or their students received any form of aid from the Federal Government. This part of the bill could, and probably will, result in interference by Federal officials in the hiring of teachers by local school boards.

Are these matters the sort of thing intended by those who wrote, passed, and ratified the 14th amendment, now used to justify this section of the bill? That question can be answered by citing a simple historical fact: Many of the States which ratified the 14th amendment had totally segregated schools.

[From the Dallas (Tex.) Morning News, April 1964]

CIVIL RIGHTS—VI

Civil rights leaders say that what Negroes need more than a seat at the front of the bus or at the counter of a segregated lunchroom is jobs. This is true, for stable and adequate employment is necessary for economic and social progress. Negroes suffer more than any other group from unemployment.

The supposedly all-encompassing civil rights bill now before the Senate unfortunately would do almost nothing to relieve this No. 1 problem of the Negro.

While one section of the bill deals with employment, the bill itself would not create a single bona fide job for members of a minority. As Representative ALBERT WATSON, Democrat, of South Carolina, remarked recently in the House: "The only jobs it will create will be those on the commissions established therein and the additional Federal marshals and judges necessary to enforce it."

Several sections of the bill—notably titles V and X—would create new jobs, in the form of new additions to an overstaffed Washington bureaucracy. Title V would extend the life of the U.S. Commission on Civil Rights for 4 years. Title X would establish a new Federal Community Relations Service to aid local communities in resolving their racial disputes.

Both sections are innocuous. Neither, as far as we can determine, is unconstitutional or would seriously impinge on the rights of some of our citizens while promoting the rights of others.

There are already 179 community relations commissions working on racial problems at the local level of government in the United States. Is another really needed in Washington?

The proposed Federal Commission is almost sure to foist more unwanted paperwork on businessmen and other private citizens, as well as the bureaucrats. It is doubtful whether services of this new agency would be any help to southern communities trying to solve the problems which uninvited outsiders have already intensified.

One of the few major achievements made by the Civil Rights Commission since its establishment almost 7 years ago was the drafting of a series of proposals sent to the late President Kennedy a year ago. The main item was a recommendation that the President cut off all Federal funds to any State or area where discrimination can be found.

President Kennedy rejected the proposal, saying "it would probably be unwise to give the President of the United States that kind of power." In spite of this rebuff, the Commission has been successful in convincing authors of the current civil rights bill to incorporate "that kind of power" into one of the 11 titles of the bill.

Another example of the Commission's work came to light last year, when one of its subordinate agencies in Utah sent out questionnaires to sororities and fraternities in that State demanding to know how they select and screen members.

This drew sharp protests from Congressmen who felt that prying into the affairs of strictly private social organizations was not part of the role assigned to the Commission when it was set up in 1957. Commission officials insisted they had the right to do this kind of thing—and plenty more.

Just what other things the Commission—and the Community Relations Service—will do in the next 4 years is anybody's guess. But Representative WILLIAM TUCK, Democrat, of Virginia, predicts that they could "turn loose on the people of the Nation a swarm of investigators, detectives, hawkshaws and inspectors with unlimited authority to harass the people, to issue subpenas, to bring miscreants before Federal judges and have them enjoined, fined, and imprisoned and otherwise to intimidate, bullyrag and torment an already aggravated citizenry."

Mr. TUCK's fears may be exaggerated, but they sound familiar. As the Chicago Tribune has noted editorially, another group of "aggravated" citizens once charged that their ruler had "erected a multitude of new offices, and sent hither swarms of officers to harass our people." The ruler was George III, the grievances were listed in the Declaration of Independence and, who knows, Jefferson, Adams, Hancock, Franklin, and other signers might feel the same way about the civil rights bill if they were alive today.

[From the Dallas (Tex.) Morning News, Apr. 6, 1964]

CIVIL RIGHTS—VIII

Fifteen years ago, on March 9, 1949, Lyndon B. Johnson rose in the Senate to speak against the Fair Employment Practices Commission section of a civil rights bill.

"To my way of thinking," he said, "it is this simple: If the Federal Government can by law tell me whom I shall employ, it can likewise tell my prospective employees for whom they must work. If the law can compel me to employ a Negro, it can compel that Negro to work for me * * *. Such a law would necessitate a system of Federal police officers such as we have never before seen. It would require the policing of every business institution, every transaction made between an employer and employee * * * I do not think the proposed law is workable * * * I am convinced it would do everything but what its sponsors intend."

Senator Johnson concluded his remarks on the FEPC proposal by saying: "I can only hope sincerely that the Senate will never be called upon to entertain seriously any such proposal again."

Everyone, of course, has a right to change his mind, and many things can be altered over the period of 15 years. But it is ironic that the man who hoped the Senate would never have to consider FEPC again is today urging the Senate to approve it.

Title VII of the civil rights bill—a revival of the old FEPC plan—would establish an Equal Employment Commission with powers to police employment and membership practices of private businesses, unions, and employment agencies. The Federal Government, which is already a silent partner in American business—taking more than half of all corporate profits—is going to assume a larger role.

Though there is no constitutional authority to justify it, no precedent, no Federal money or contracts involved, the power to dictate hiring, firing, and promotion policies of businesses, labor unions, and even employment agencies is asked.

The Commission's agents could invade private business property, rummage through the records, question employers and employees and conduct investigations. It will be authorized to do these things even if no complaints are made alleging discrimination.

Competence and experience no longer will be the keys to employment. Race will become the primary criteria. With virtually unlimited powers, the Commission could require businesses to go out and recruit workers of a certain race if those businesses have what Washington considers to be an imbalance in employment. And this won't affect just wage earners. The Commission could decide that every fair-sized bank or corporation in the country must hire at least one Negro vice president.

Under title VII, the Government could presume that an employer or a union is discriminating if the percentage of minority workers or members fails to match up to the Commission's standards or quotas, irrespective of any other facts involved.

Yet, nowhere in title VII—or any other part of the bill, for that matter—are any standards or definitions given for judging what discrimination is. No quotas are set. And no proof or evidence is required of the Commission before it can accuse an employer, a union, or an agency of bias.

At best, businessmen and union leaders will have a difficult time knowing what is expected of them. At worst, they could be summoned to court, tried without a jury and fined or imprisoned. Even if acquitted, the accused will have to bear legal and court expenses. In fact, it is entirely possible that a malicious group of persons could make repeated charges of discrimination against a guiltless employer for the sole purpose of tying him up in endless and costly litigation.

With respect to unions, no matter how careful and spotless their records, they will be affected whenever the companies which employ their members are accused of discrimination.

If an employer is ordered to hire, say, 100 Negro workers, the union which supplies his labor must supply only members of that race—though union members of other races may have more seniority or better qualifications.

But, all things considered, labor gets off, under title VII, with a relatively light sentence. Drafters of this section, for example, might have tried to stamp out discrimination against job applicants who don't want to belong to a union. One might think that would be a logical part of any equal employment law. Instead, civil rights proponents have limited their concern to race—a concern which could lead to preferential hiring and promotion practices for minorities.

We're reminded of the famous line from George Orwell's "1984" to the effect that everybody is equal, but some are more equal than others.

[From the Dallas (Tex.) Morning News, April 7, 1964]

CIVIL RIGHTS—IX

A major fault of the civil rights bill now before the Senate is that some of its provisions, which appear to be innocent reforms of minor problems, would open a wedge for considerable mischief or could be used for purposes which even the strongest supporters of this bill do not advocate.

This is the main defect of both title VIII and title IX—probably the least understood sections of the bill. They might be called the bill's "sleeper" provisions.

Title VIII would direct the Secretary of Commerce and the Census Bureau to conduct voting surveys "in such geographic areas as may be recommended by the Commission on Civil Rights." There is no doubt at all what geographic areas would be the targets of title VIII: the Southern States, and the Southern States alone.

When an attempt was made in the House to amend the bill so that it would cover all areas of the country, outlawing vote frauds in Chicago as well as Birmingham, northern liberals complained that this would be an invasion of their States rights and promptly voted down the amendment. In their desire to end discrimination, civil rights advocates have become discriminating themselves.

The purpose of the voting surveys? It is to invoke a punitive provision of the 14th amendment which has never been used since its ratification in 1868. Section 2 of the 14th amendment says that when the right to vote for Federal and some State officers is abridged or denied, the number of seats in Congress held by the offending State or States shall be reduced in proportion to the number of citizens disfranchised.

Taking a hypothetical case, let's say there are 1,500,000 Negroes in Texas eligible to vote in a certain year. Suppose a Census Bureau survey shows that only 250,000 of them are registered. The Civil Rights Commission might conclude that the rest were disfranchised and decide that Texas should lose three seats in Congress, since the number of Negroes not registered would about equal the population of three average congressional districts. This sort of thing probably won't happen, but it could.

Aside from making the point that the Census Bureau is not and should not be a civil rights agency—though this part of the bill would make it one—the major argument against title VIII is that the size of each State's congressional delegation, as the 14th amendment itself explains, is based on the total population of each State, not the number of people who vote or register to vote. This includes children, convicts, and others who are legally ineligible to vote.

In States where one party is dominant and election results are foregone conclusions, fewer people are interested in casting a ballot. Should those States be penalized by losing representation in Congress? Since the people in those States would still be required to pay taxes, they would be justified to revive the rallying cry of the American Revolution—"taxation without representation"—which our forefathers called tyranny.

Title IX of the bill is equally discriminating, though it would touch virtually every part of the Nation. It would give civil rights defendants special permission—not granted to any other litigant—to have their cases removed from State courts to a Federal court of appeals even after those cases have been taken to a Federal court but returned to a State court by a Federal judge.

This, in effect, would strip the Federal district judiciary of the right to decide whether a case belongs in State or Federal court. It would also strip State and local governments virtually of all of their power to deal with the unlawful aspects of civil rights demonstrations. Representative WILLIAM TUCK, Democrat, of Virginia, says: "It leaves the States and the local law-enforcement authorities of the States absolutely without any police power."

The purpose of this section obviously is to permit sit-inners, lay-downers and other such demonstrators almost unlimited legal delay so that no effective action can be taken against them in the interest of law and order.

It is doubly discriminatory, in that it gives civil rights litigants a privilege enjoyed by no other group and attempts to slow down the judicial process for them where, in almost every other respect, the bill calls for judicial haste.

According to the Chicago Tribune, this section of the bill "constitutes a license for virtually unlimited civil disorder and makes racial agitators a privileged class before the law. * * * It turns communities over to street mobs."

[From the Dallas (Tex.) Morning News, April 1964]

CIVIL RIGHTS—X

The Dallas News today concludes its editorial series analyzing the civil rights bill now before the U.S. Senate. The analysis has covered every portion of the bill except title XI—a catchall section designed to square the bill with other Federal laws, court decisions, and State ordinances, and to appropriate funds for its enforcement.

Only criticism of this section is that it would authorize an open-end appropriation—giving enforcers of the law a blank check to spend whatever funds they desire, rather than a limited, specified amount.

In this series, we have pointed out many of the bill's faults and shortcomings. Objections fall logically into three categories:

1. Parts of the bill—notably titles II and VII (public accommodations and FEPC)—are clearly unconstitutional. They deal with discrimination by individual citizens in their own affairs and on their private property. There is no need, no precedent, no justification for the Federal Government to become involved in this area or to attempt to control this type of discrimination.

2. Other parts of the bill—on voting, schools, public facilities, etc.—are aimed at discrimination which is wrong in an area where the Government has a legitimate excuse to act. But in most cases, the remedy is worse than the illness, for it would dangerously increase the powers of the Federal Government and its executive branch. It would upset our vital system of checks and

balances and violate rights which are every bit as important as civil rights.

3. The remainder of the bill, while not unconstitutional and partially justified, is, for the most part, unnecessary, costly and would encourage meddling in private affairs by Federal agencies which are already overstaffed.

Other specific faults pinpointed in the series include: Definitions are not supplied and grants of power are vague or without limit; States would be stripped of their enforcement powers; the courts would be clogged; the President and the Attorney General would be given powers never before contemplated; minorities would be given rights and privileges enjoyed by no one else, while property rights, the guarantee of a trial by jury and other basic liberties were destroyed; due process would be denied, punishing the innocent along with the guilty.

A basic pillar in American liberty is the proposition that a citizen is presumed to be innocent of any charge, until he is proved guilty. But there are places in this bill where the innocent are presumed to be guilty—and must prove themselves innocent at their own expense.

For these and many other reasons, this newspaper strongly opposes the civil rights bill and trusts it will be defeated, or at the very least that the worst sections will be eliminated before passage by Congress.

We question neither the motives nor the goals of the bill's supporters. We do question legislation which would require 90 percent of the population to accommodate itself to the desires of 10 percent. If this were based on sound constitutional methods, perhaps it could be justified. But as we have noted, it is not.

This bill attempts to do by force what can be achieved only by voluntary compliance and good will. It is doubtful whether its provisions could ever be fully enforced. It follows demands of sit-downers and chain-inners who have said, in effect, they will not obey laws or customs of which they disapaprove. Appeasement of these people can only breed more disrespect for our laws—a civil rights law included.

Too many people seem to hold the view that for every human desire and for every problem we must always turn to the Federal Government for a remedy. As Representative JOHN ASHBROOK, Republican, of Ohio, has noted: "No society has ever done more for the downtrodden than has America. No society can ever look more proudly at its humanitarian record." That record, we hasten to add, was achieved principally by the voluntary actions of our free and independent citizens, not by a series of decrees from Washington.

Individuals of every race have only one sure road to social acceptance, economic well-being, and success. That road is paved with hard work, honesty, frugality, and perseverance.

It is a hard road, but it is one we must all travel. Neither the Supreme Court nor Congress nor the President can make it smoother by passing a decision, a law, or a decree which promises instant success.

[From the El Paso (Tex.) Sun News & Shopper]

H.R. 7152: THE CIVIL RIGHTS BILL

(EDITOR'S NOTE.—If we were to write an editorial on civil rights, we couldn't do a better job than Congressman ED FOREMAN has done here.)

Mr. FOREMAN. Mr. Speaker, we must recognize the civil, individual and property rights of all people, regardless of race, color or creed. I am proud to represent the progressive area of west Texas where, within our own local communities, we have, and are, solving our own differences.

I do not believe new Federal laws can legislate social equality. This is a matter that only the people themselves—in our churches, civic clubs, schools, libraries, public meeting places, etc.—can, must and will solve.

Two titles of this proposed legislation, H.R. 7152, title II—injunctive relief against discrimination in places of public accommodation, and title VII—equal employment opportunities, concern me greatly because in them, I find discrimination against the private property rights of all people, including colored and white.

We must clearly understand that there can be no distinction between property rights and human rights. There are no rights but human rights, and what are spoken of as property rights are only the human rights of individuals to property.

The Bill of Rights in the U.S. Constitution recognizes no distinction between property rights and other human rights. The ban against unreasonable search and seizure covers "persons, houses, papers, and effects," without discrimination.

The Founding Fathers realized what some present-day politicians seem to have forgotten: A man without property rights—without the right to the product of his labor—is not a freeman. Unless people can feel secure in their abilities to retain the fruits of their labor, there is little incentive to save to expand the fund of capital—the tools and equipment for production and for better living.

I would like to briefly discuss the so-called human rights that are represented as superior to property rights. By these, I mean the "right" to a job, the "right" to a standard of living, the "right" to a minimum wage or a maximum workweek, the "right" to a "fair" price, the "right" to bargain collectively, the "right" to secure against the adversities and hazards of life, such as disability and old age.

Those who wrote our Constitution would have been surprised to hear these things spoken of as rights. They are not immunities from governmental compulsion; on the contrary, they are demands for new forms of governmental compulsion. They are not claims to the product of one's own labor; they are, in some if not in most cases, claims to the product of other people's labor.

The "human rights" are indeed different from property rights. They are not freedoms or immunities assured to all persons at the expense of others. The real distinction is not between property rights and human rights, but between equality of protection from governmental compulsion on the one hand and the demands for the exercise of such compulsion for the benefit of favored groups on the other.

This, then, gentlemen of the Congress, I believe, should be the light and guidelines by which we reach our decision on this legislation, or for that matter, any legislation with which we may be confronted. We must exercise care not to violate the rights of all Americans in our efforts to secure equality for some. Thank you.

[From the Billings (Mont.) Gazette, Mar. 26, 1964]

LETTERS TO THE EDITOR: READER CONCERNED ABOUT SIDE EFFECTS OF RIGHTS LEGISLATION

EDITOR, THE GAZETTE:

Nowadays, before marketing drugs, they receive exhaustive research and must pass two stringent tests: First, they must be proven effective as remedies; secondly, they must be proven to have no harmful side effects. It is a pity that the standards set for drugs in our Nation are not also applied to political remedies.

For instance, we once tried prohibition. Its aims (preventing alcoholism, broken homes, wasted lives) were commendable. But the medicine was ineffective, and among its adverse side effects were the monstrous crime organizations which we still have with us.

Now comes the civil rights issue. I agree with civil rights proponents in sentiment and principle, and I believe in their sincerity, but apparently, these people in their enthusiasm for the cause have failed to give the proposed legislation an honest examination.

We all know what the civil rights bill is supposed to do. Will it? Or will it cause more strife and prejudice than it cures? And what will be the side effects of this drastic medicine? We might just end up all equal—equal under the thumb of a powerful political machine, our lives controlled by "thought police."

Before taking another wrong cure (with the best possible intentions) let us give this important medicine at least as much scrutiny as was given thalidamide. Remember, its purpose was beneficial.

PETE STORY,
Emigrant.

[From the Wolf Point (Mont.) Herald-News, Feb. 27, 1964]

ATTORNEY FINDS PROPOSED CIVIL RIGHTS MEASURE OBJECTIONABLE

(By Keith L. Burrowes)

With the civil rights measure gaining momentum in the U.S. Congress, a Roosevelt County resident, County Attorney Keith Burrowes has called for interested persons to express their views in letters on the bill to their Senators and Congressmen.

DEAR EDITOR: I would like to express, to your readers, my views concerning the Civil Rights Act of 1963. My reasons for writing this article are twofold: (1) As a citizen of the United States I am vitally interested in individual liberty and freedom of choice; and (2) as a law-trained individual and a practicing attorney I am forever fearful of the continued extension of Government control over individuals and business which destroys this liberty and freedom of choice.

The act itself is titled: "A bill 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 education, to establish a Community Relations Service, to extend for 4 years 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 policy of the act is declared to be to promote the general welfare by eliminating discrimination based on race, color, religion, or national origin in voting, education, and public accommodations through the exercise by Congress of the powers conferred upon it to regulate the manner of holding Federal elections, to enforce the provisions of the 14th and 15th amendments, to regulate commerce among the several States and to make laws necessary and proper to execute the powers conferred upon it by the Constitution.

We need go no further in reading this act to find my first serious objection to it. I am not in favor of discrimination based on race, color, religion, or national origin, but I firmly believe that government cannot and should not legislate morals. The history of governments have many examples of prior attempts to impose social standards on the population not in keeping with the general standards of the times. The hearts and minds of men need changing, through education, but leave the U.S. Constitution alone, unless changed by amendment.

At the time the Constitution of the Untied States was written, the people of the Nation demanded, and got assurances that certain individual freedoms and liberties would be protected against the politically

organized society. These assurances are commonly known as the Bill of Rights. In my opinion the Civil Rights Act of 1963 violates the Constitution of the United States.

Further, the Civil Rights Act of 1963 gives power to the executive department of our Government which is in violation of our expressed policy of checks and balances. It does this by the provisions of the act (legislative) granting to the President (Executive) power to establish a commission which "shall have such powers to effectuate the purpose of this title as may be conferred upon by the President." Included in these powers would be that of changing the present rules and regulations of our court system (judicial) which is actually done in other sections of the act as it is presently before the Congress of the United States.

It is my sincere belief that the title of this act is misleading. The title tends to lull individuals into a false security that the act will help straighten out the Negro problem of our Nation, when in reality it is a bill which can change the basic freedoms of every man, woman, and child of this Nation. I believe there is no individual of this county who could not be immediately affected by the passage of this act.

I urge that all readers examine the act as is now before Congress and write our Congressmen in Washington, letting them know that the proposed bill is objectionable.

KEITH L. BURROWES.

[From U.S. News & World Report, Mar. 30, 1964]

THE BIG CHANGE

(By David Lawrence)

A fundamental change in our constitutional system of government is underway.

Neither the Congress nor the State legislatures have adopted an amendment providing for such a change.

Yet the States have, in effect, lost rights specifically granted or reserved to them in the Constitution itself.

The people's representatives in Congress, though doubtful of the constitutionality of the civil rights bill, for example, have been threatened with demonstrations and violence in the streets of their cities back home unless they accede to the demand for the passage of the pending measure.

The so-called intellectuals insist that to fail to interpret our written Constitution in conformity with the spirit of the times is to be reactionary or old fashioned. The end is supposed to justify the means.

The Supreme Court of the United States has fallen victim to this insidious doctrine. It has yielded to sociological or even political tides in reversing decisions previously established as the law of the land.

Assuming that each period in history does need different laws and perhaps even new functions for the Federal Government to exercise, is it not desirable to give the people a chance to express their agreement or disagreement by submitting to them specific changes in the Constitution for approval or disapproval?

The liberals cannot have it both ways—insist that the Constitution be obeyed in upholding the civil rights of the citizen and yet permit the laws to be written by means of decrees issued by the lower courts at the behest of the Department of Justice or by rulings of the Supreme Court, which now has assumed the right to pass on what is or is not discrimination or integration or racial imbalance.

The change in our system—from a government of laws to a government of men—has been developing gradually over the last three decades, but never before have the American people been confronted as they are today with such a flagrant intrusion by Government into the private rights of the citizen.

The present civil rights bill, if passed by Congress, would bestow on the courts the power to compel anyone engaged in business to give up his privacy—the right to hire the employees of his choice or to serve whatever customers he wishes.

A retired Justice of the Supreme Court, Charles E. Whittaker, in an expository address—delivered recently at Southeast Missouri State College—touched on the difference between the words "public" and "private" in the eyes of the law. He said:

"Many people seem to be quite nonspecific and unclear in their use of the term 'public accommodations.' Those espousing passage of the pending bill seem to take the view that all, or nearly all, entrepreneurial establishments that do business generally with the public are, or ought to be held to be, 'public.'

"Those who resist passage of the pending bill seem to take the view that, in the presently existing legal sense, as in the dictionary sense, only those enterprises which are carried on by, or are lawfully and fully regulated by, the State or Federal Government—usually tax-supported or subsidized enterprises—are 'public,' and that all others, such as one's home, club, store, shop or office, or his restaurant or hotel, are 'private' enterprises, to which only those who are expressly or impliedly invited may, of right, come and enter.

"And they contend that, inasmuch, and so long as, this is so, any invitation expressly or impliedly extended to members of the public may be withdrawn or negated by any private entrepreneur for wholly arbitrary reasons, or for no reason, simply by the giving or posting of a notice accordingly, and that it is beyond the constitutional power of the Federal Government—distinguished from the State government—as held by the Supreme Court in the civil rights cases in 1883, to do anything about it."

Justice Whittaker added that the proponents of the pending bill "seem to hope that the Court, if again presented with the question, would find its 1883 opinion to be erroneously narrow interpretation of the Constitution."

Obviously, if it is desirable to overthrow the decision of 1883, there's a lawful way to do it—by a constitutional amendment. The American people would then have a chance to decide whether they wish to surrender their rights of privacy.

But today the Constitution is ignored by a stampeded, if not intimidated, majority in Congress and by a Supreme Court obsessed with the idea that it has the right to override at will any previous rulings.

This is a profound change in the American system of government. But even more startling is the seeming acquiescence of so many citizens in the idea that, if the objective seems worthy, it does not matter what lawless methods are used to achieve the desired result. This, too, is part of the big change that has come over the American scene.

[From the Wall Street Journal, Mar. 26, 1964]

DISCRIMINATION AGAINST ABILITY

One section of the civil rights bill now in the Senate would create an Equal Employment Opportunity Commission similar to several existing State commissions. So a number of lawmakers have been watching developments at the State level.

Of particular interest to some Congressmen was a recent Illinois case in which Motorola, Inc., was charged with discriminating against a Negro job applicant. The issue turned largely on a preemployment test devised by an Illinois Institute of Technology professor and used to determine the trainability of a prospective employee.

After the test was administered, the company said the applicant had failed and thus rejected him. But the applicant claimed he had in fact passed the test and had been turned down because of his race.

Before an examiner of the Illinois Fair Employment Practices Commission, the company vigorously denied the charge. It said that the test, which is used by several other companies, is completely race free and administered fairly to all applicants. The company also noted that it employed Negroes at all job levels.

The FEPC examiner, nonetheless, ruled that the company in this case had been guilty of discrimination. That is a question often difficult to settle conclusively in this touchy area. But the examiner by no means stopped there.

He went on to direct the firm to stop using the test altogether, on the grounds that it was unfair to hitherto culturally deprived and disadvantaged groups, that it failed to take into account inequalities and differences in environment, and that it thus favored advantaged groups.

If this judgment is approved by the Commission and stands up on appeal, the company thus will have to disregard its established standard of ability in selecting new employees. "That," comments Ohio's Representative ASHBROOK, "is a long step away from saying an employer should not have prejudicial policies."

There's no way to tell how a Federal commission would work out in practice, but such State experiences show all too clearly what it could mean: Government dictation of private hiring policies and discrimination against ability.

THE PROBLEM OF EQUALITY

(Sermon delivered from the pulpit of the First Presbyterian Church, Franklin Road at Tyne Boulevard, Nashville, Tenn., by the minister, Dr. Walter R. Courtney, on September 15, 1963)

During the past summer the air was filled with the raucous sounds of conflict in Birmingham, Chicago, New York, and Danville. It was also redolent with discord within the United Nations, and within the backward countries demanding recognition. Accompanying these was the endless struggle of labor and capital, and the seemingly endless drain of our resources into the giveaway programs at home and abroad. The air was charged with social electricity as individuals, groups, and nations fought for new status under the banner of equality.

Equality has intoxicated the modern world. Men walk starry eyed through the streets and halls dreaming of new days and improved status. The whole world seems in a pep rally mood, and the bonfires grow larger and burn more fiercely, even as the songs, chants, and shouts of the participants become louder and more fervent. In a thousand tongues men scream their demands for equality, for place, for recognition, for rights, for privileges.

As one listens he frequently hears the words, "All men are created equal, and are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness." But the words never end there, but hurry on to declare that it is the responsibility of government to make all men equal and to maintain equality amongst men. Still other words are heard, declaring that democracy has failed to establish equality, and that men therefore must now turn to socialism and communism.

In my summer setting, close to nature, I looked around for evidences of equality in nature, and found none. Trees and hills are not the same in breadth and height. Rivers and lakes are not of uniform size. Not all animals and birds are swift and beautiful. The lion does not recognize the equalness of the antelope, nor the fox the rabbit. Some fields are fertile and others sterile, and clouds and puddles are not the same, though both are water created. In nature inequality

seems to prevail, and yet the inequities of nature produce the beauty we admire.

As I thought of it the same seemed to be true of history. Nations and races do differ in size, wealth, prestige, power, creativity, and vision. Some soar like eagles. Some build like beavers. Some grow like vegetables and weeds in the garden called the earth. Between individuals, races, groups, and nations there are broad differences, and equality is not a characteristic of either nature or human nature.

Having reached this point my mind asked the question, Can we have both freedom and equality? Someone has said, "Freedom without equality tends to become license. Equality without freedom tends to produce stagnation." How can these great objectives be secured without damage to the highest social system men have yet devised, democracy?

Looking back across history, I realized that the Jews preached concern for the poor, but not equality. The Greeks preached democracy, but not equality. The Romans preached justice under law, but not equality. The Middle Ages in Europe preached Christ, but not equality. In fact, not until the French Revolution did men openly reaffirm that "Men are born and always continue free and equal in respects to their rights," and not until our Declaration declared that "All men are created equal" did the world come alive to the possibilities of equality. These two events placed a new chemical in the cup of life, and the contents of that cup are changing men.

Here I paused to rethink the words, "All men are created equal." Are they? I could see that all men are created equally helpless, equally ignorant, equally inexperienced, equally sin touched, but I could not see how they could be said to be created equal in any other sense. Men do not begin life with an even start for all. Their beginnings are marked by differences in pedigrees, health, educational and moral levels, economic strength, social status and personality potentials. There are broad differences in temperament, talents, drives, and desires. They do not begin life on a common line.

And what of the so-called unalienable rights, such as "life, liberty, and the pursuit of happiness"? Life is the gift of God, and so are liberty and happiness—in a certain sense. But being born is never enough. Getting here alive is only a beginning. In order to really live one needs medical science, proper nutrition, adequate care, and a chance to become educated and equipped for adult responsibilities. As to liberty, it is not something that comes with birth. Liberty is man created, man achieved, and man maintained. God approves it, but man must win it. Happiness is a byproduct of a way of life rather than something granted us by birth. It, too, is something we achieve by effort. It depends on many things: employment, purpose, personal development, and the right use of the opportunities and duties of life. Life God gives, but liberty and happiness we must achieve.

Having reached that state of mind, I wondered why men ever thought that government could make man equal and keep them equal. How can mere laws produce equality amongst men on a heart level? How can coerced fellowship ever become real fellowship?

That government has a role to play in the mighty, moving drama of man's progress is not to be denied. Our Constitution and our Bill of Rights stand to affirm it. It is the function of government to state the conditions of liberty, equality, and responsibility, but unless it is the will of the people to give life to the law, it will not work. The prohibition era proved that beyond our contesting.

Then why do we believe and state in our legal documents that "all men are created equal" and have "unalienable rights"?

I presume it is because we must find some means of limiting the powers of the powerful and of protecting the rights of the weak. Great power, unpoliced, tends to become destructive power. The rights of the weak tend to be lost in a land where only the strong prevail.

We all understand this, even as we all realize that the clamor for equality is always a push from below rather than a pull from above, although it has often been both in these United States. Slaves have never enjoyed being slaves. The poor have never enjoyed being poor. The exploited have never been happy with exploitation. Those who fail have never been proud of their shortcomings, and the employed have always felt that it would be better if they were the employers. It is from this level of life that the hunger for equality rises. It is here that utopia displays its broad green fields and still waters. It is from here that the valley of Shangri-la appears as the answer to all the ills of man. It is the hopelessness of the masses that provides the soil for hope in those who will not surrender to the accidents of birth and environment, and it is well that it is so.

And yet one must face facts. In any classroom of pupils only a few qualify under the letter A. Below these leaders of the class are the B students, and then the C's, and then the D's, and then F's. Some by ability and effort rise to the top, while others because of lack of ability or application take their places on the descending curve of scholarship.

In every nation it is the same. Only a small percentage of people have the ability, the desire, the drive, the willingness to work and sacrifice, to foresee and prepare for success in any realm. The people who struggle to succeed are never interested in equality but in superiority. Their goal is never the level of the masses, but a level above the masses. They endorse and espouse liberty, because it creates for them a favorable climate in which to think, plan, create, work, and achieve according to their abilities and desires. They never pace themselves by the speed of the mediocre, but by the speed of the best. They are never satisfied by crumbs; they want half loaves and whole loaves.

It is such people who made America possible, and who have always led men in the upward climb. They are in truth the benefactors of the race. It is their ideas and creativeness that establish businesses and industries, thereby providing employment for others, and the taxes that make community and national progress possible. They furnish our best leadership, and give to the Nation our best guarantee of security. It is because of them that progress is produced in all areas of life, the intellectual, the artistic, the economic, the governmental, and the social. While they did not build America alone, they provided the means whereby our Nation came into existence and has continued on its upward way.

Looking critically at such a line of thought, I suddenly realized that the success of the few creates the inequalities that loom large in the minds of the many. The "haves" highlight the "have-nots." It is the successful who outlive the failures and all others who take their places on the curve of life as it sweeps downward.

During my summer days it seemed to me that:

It is the nature of some men to succeed, and others to fail.

It is the nature of some men to get by, and others to achieve.

It is the nature of the "have-littles" to want more.

It is the nature of the successful to seek to dominate.

It is the nature of those who are unsuccessful to resent it.

It is the nature of the poor to envy.

It is the nature of the wealthy to assume unjust privileges.

It is the nature of those who inherit wealth to use it well, to misuse it, or to feel guilty because they have it.

It is the nature of the intellectuals who receive their compensation from taxes or the gifts of the economically successful to advocate a change of system in order to get one wherein the intellectuals will be as generously rewarded as business executives under free enterprise.

It is because men are unequal in ability and drive, in opportunities for recognition and advancement, in rewards for work done and services rendered that people become restless socially. It is the inequalities of humanity that create the crusaders for equality. In the 18th century men looked to democracy as the answer to the inequalities amongst men, and now in the 20th men look toward socialism and communism.

Democracy as we have tried to shape it in America has been heavily impregnated with the Ten Commandments of Judaism and the spirit of Jesus. Because of this we are suspicious of any system that advocates the big lie, covetousness, greed, the stealing of property, the destruction of life, and the taking away of liberties. Democracy condemns without reservation the confiscation of private property and capital by the state and the regimenting of human beings like animals on a farm. Our democracy is not perfect. Imperfections exists, but its virtues exceed those of any other system mankind has tried.

These observations moved me then to reach certain opinions concerning American democracy:

1. Democracy was never created to be a leveler of men. It was created to be a lifter, a developer of men.

2. Democracy was created to let the gifted, the energetic and the creative rise to high heights of human achievement, and to let each man find his own level on the stairway of existence.

3. Democracy was created to help men meet responsibilities and shirk no duties. That is why our Nation has been concerned about the honest needs of its citizens. We lead the world in justice, even though justice does not always move with prompt alacrity. Our Nation has been noted for the size of its heart and not merely for the size of its pocketbook.

4. Democracy demands that the Nation be governed by the capable, the honorable, the far seeing, the clear seeing, and not by mediocre men. In the beginning it was so. May it be so again.

5. Democracy demands more from men than any other system in the realm of self-discipline, dependability, cooperativeness, industry, thrift, and honor. Democracy will not work when party politics are not guided by basic ethical principles. For a party to foster class consciousness, class conflict, misrepresentation, covetousness, violence, theft, and an open definance of established law is to breed anarchy.

6. Democracy must give to all its people the following rights: The right to equal learning, the right to equal employment, the right to equal treatment, the right to equal justice, the right to adequate housing, and the right to vote.

The meditations of the summer convinced me that governments of themselves cannot make men equal or remake men into the beings they ought to be. That is a spiritual venture, not an economic and political one. A change from democracy to either socialism or communism, or a change from private capitalism to state capitalism, will not solve the basic problems of mankind; it merely shifts the areas of power.

I am disturbed, therefore, when church leaders and church groups seem to advocate

socialistic means and objectives as the answer to the problems of democracy, and especially the problems of equality. This is especially true when certain leaders voice slogans that appear logical and Christian, but are not. Let me name four.

1. "The world owes every man a living." No, it doesn't. Christian ethics have never said so, and I have never known any man worth his salt who has claimed special rights under such a slogan. It is the cry of the lazy, the inept, and the failures. Such a slogan is a far cry from our meeting the needs of the needy, which, of course, is our duty.

2. "Production for use, and not for profit." That sounds good, but it is as phony as a Russian promise. It is profits that have produced the blessings of our Nation and enable her to be a blessing to the nations of the world. Profits are essential to the general well-being of society. When the state takes over under the slogan of "use, not profits" men lose their liberties and their standard of living. Such a switch merely augments the insatiable appetite of the state.

3. "Human rights, not property rights." As I look out over the world, one thing is clear: where there are not private property rights there are no human rights. Private property rights form the seedbed in which human rights mature. As long as private property rights are clear human rights will flourish.

4. "The end justifies the means." According to Christian ethics the statement is not true. It was just such a statement that produced the crucifixion of Jesus, the torture of the martyrs, the burning of witches, and the denial of life and liberty to the inhabitants of current communistic lands.

Churchmen, whether lay or clerical, who seek to solve the problems of our society through socialistic processes rather than democratic ones within the free enterprise system are heading down a road that leads toward darkness. Only by encouraging Christians to envy, to covet, to be class conscious, to foster class conflict, and to approve stealing and even murder, can such objectives be attained. To realize them would bring about a broad denial of law and order, and the orderly handling of social problems. Whenever we as a church, an educational system or a supreme court encourage people to misrepresent facts, to use force wrongfully, to flaunt law and order and to stimulate bitterness and hatred, we depart from logic, Americanism and Christianity.

I unhesitantly oppose the use of socialistic and communistic methods in the solving of the problems of our free enterprise democracy. Our problems are problems of human nature rather than of economics and sociology. The man who has two cars is not preventing another from having one. The man who earns, $50,000 a year is not robbing him who receives $300 a month. The man who owns a good house does not thereby force another man to dwell in the slums. And the people who prosper under our system cannot be blamed for the problems that plague the lives of those who compose the lower 25 percent of the Nation. The so-called "privileged" are not always a credit to either church or state, but they are not in the main parasites on the body politic. We are therefore wrong when we damn the successful, the wealthy, the enlightened and the patriotic in order to gain what we call equality.

Having said that let me hasten to add that the redistribution of wealth will not solve the human problem that plagues us. Wealth is not fairly distributed in any land under the sun; it never has been and I presume never will be. Nor do we solve social predicaments when we blame the top 20 percent of our people for the inequities that seem to mark the 80 percent. Nor is it logical for our Government to be forever emphasizing the neglected duties of the employer while ignoring almost totally the neglected duties of the rest of us. The wealthy have many sins to confess, but so do we all. And when we come to the advocacy of moving from private capitalism to State capitalism, and the listing of the sins of democracy while ignoring its multiple virtues, and assuming that virtue resides in the "have-nots," but not in the "haves," I can only shake my head at the presumed wisdom of such positions.

Let no one hearing my voice conclude that I am speaking as a "have" or a defender of the "haves." Let no one believe that I am unconcerned about those in our midst whose rights are often ignored and whose status is questioned. I am not blind to the sins of the privileged any more than I am the sins of the underprivileged. The business leaders do not need my voice to defend their position; they are strong defenders of themselves. But I have walked the roads of life with men of all classes, and have reached one conclusion, "there is none righteous, no, not one." We are all bearers of the telltale gray of selfishness. The 5 o'clock shadow is on all our faces.

The Lord I love and serve was not overly optimistic about humanity. He knew man as he is, and worked with him for what he could become. He ministered to the multitude, teaching, healing, feeding, encouraging, comforting, but he never assumed that equality was part of the human scene. He talked of love and neighborliness, but not equality.

Perhaps that is why the New Testament puts the emphasis on brotherhood and not equality. It emphasizes responsibilities, not privileges. It stresses love toward God and love toward neighbor. It seeks to create a church that will be brotherly within, and concerned for those without. It urges men to find the God way to selfhood, success and happiness and offers a heat-treated cell of all who misuse life, be they rich or poor.

Paul, in his letter to the Church of Corinth, denounced the lack of brotherhood within the church, and urged men to be concerned for one another, but he did not assume equality to be of the "must" characteristics of Christianity. It was not a matter of love without differences, but love in spite of them.

The church, as someone has said, learned a long time ago that it is easier to create liberty than it is to establish equality. It has always known that equality can only be had by a loss of certain liberties. If men want equality above all else they may best find it in communism. If men want liberty and a fair portion of equality they must turn toward democracy.

What the world needs is a change of heart, a change of climate born of faith in God, a reaching up that there may be a reaching out, a confession that produces a new dedication. This governments and laws cannot create, for governments and laws are but the reflection of the standards of a people. Everything in social Christianity depends on the wise use of possessions, time and talents, and only when we, Christian members of a democracy, become good stewards of the things that bless life do we begin to move in the direction of righteousness and justice, peace and true prosperity.

The problem of equality may be in many ways the greatest problem of our day. We cannot solve it by government, and we shall not solve it en masse. Only when we as Christians take seriously the teachings and example of Jesus shall equality and liberty exist without detraction or subtraction. Only when we stand before God confessing our needs shall we be empowered to meet the needs of others.

If I must choose between liberty and equality, I must choose liberty and then hope and work for equality, for such seems to me to be the Christian's way.

[From Realtor's Headlines, Washington, D.C., sec. 1, vol. 31, No. 22, June 1, 1964]

CIVIL RIGHTS BILL [1]—A BLUEPRINT FOR FEDERAL CONTROL

("It (H.R. 7152) involves broad extensions of Federal power over States and local communities, over business, and labor unions, over private establishments and private citizens, over parents and pupils, and quite probably over the recipients of a host of Federal financial grants. Thereby, this legislation disrupts or threatens to disrupt the delicate balancing of powers within Government and the delicate balancing of rights as between citizens."—Representative AUGUST E. JOHANSEN, Republican, of Michigan.)

TITLE I—VOTING RIGHTS

The bill requires the application of uniform standards for voting in Federal elections and imposes Federal standards for qualifying voters, notwithstanding article I of the Constitution giving each State the power to fix qualifications requisite for electors of the most numerous branch of the legislature.

When Congress sought to remove the poll tax, it restored to a constitutional amendment. However, under title I the Congress is being asked to reject this amendatory process of the Constitution, notwithstanding a series of decisions of the U.S. Supreme Court, ranging from 1884 to 1959, respecting these rights of the States.

TITLE II—INJUNCTIVE RELIEF AGAINST DISCRIMINATION IN PLACES OF PUBLIC ACCOMMODATIONS

Here the bill invokes the commerce clause of the Constitution to compel private business to serve all comers. Thus, for example, the owner of a diner is compelled to serve anyone if any item of food on the menu has moved in interstate commerce. (If this is constitutional, then real estate brokerage is interstate commerce and subject to Federal regulation if the sales contract form, purchaser's check, mortgage, or the material used to construct the house has moved in interstate commerce.)

The listed public accommodations run the gamut from hotels, restaurants, and theaters to "other places of exhibition or entertainment." Excluded are rooming houses of not more than five units and which are actually occupied by the owners as their residences.

The authors of the bill, concerned that the commerce clause may not stand up as a basis for Federal control of such private dealings, also invoke the 14th amendment by forbidding any discrimination "supported by State action" or carried on "under color of any law, statute, ordinance, or regulation, or * * * of any custom or usage required or enforced by officials of the State."

The bill thus rejects the traditional concept, affirmed repeatedly by the U.S. Supreme Court, that the 14th amendment does not run against acts of an individual. However, the authors of the bill seek to overcome this probable constitutional impediment by making any licensee (hotel, restaurant, theater, and the like) an agent of the State. If this is constitutional, then the Federal writ could extend to doctors, lawyers, realtors, and others who are licensees of the State.

If this title stands up under the certain attacks which will be launched challenging its constitutionality, then it would be difficult to imagine any area of economic or business activity that would not be subject to Federal regulation. The 9th and the 10th

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[1] This analysis is based on the bill as it passed the House. Parenthetical comments refer to certain bipartisan amendments which have been introduced but not adopted as this issue goes to press.

amendments to the Constitution, eroded pillars as they are to the principle of States rights and the concept of limitation of the powers of the Federal Government, would become completely inert. The victory of the Federal Government over States rights would be complete. The language of title II defies any other conclusion.

The Attorney General is authorized to initiate action for injunctive relief upon the complaint of any person who asserts that he is the object of discrimination. (A bipartisan amendment eliminates this authority, but empowers the Attorney General to intervene on behalf of individuals in cases where there is a pattern or practice of resistance.)

Injunctive actions may result in fine or imprisonment without a jury trial. The defendant will pay the costs of litigation whether he wins or loses; the Federal taxpayer will bear the costs of the complainant. (A bipartisan amendment would limit punishment in nonjury cases to 30 days' imprisonment or $300 fine.)

TITLE III—DESEGREGATION OF PUBLIC FACILITIES

Here the bill authorizes the Attorney General to bring suit to desegregate public facilities which are owned or operated by State or local governments. In addition, the Attorney General is authorized to initiate suit on the complaint of any person who says "that he is being deprived of or threatened with the loss of his right to the equal protection of the laws."

In testifying on the bill in the House, the Attorney General advised that the proposed grant of power was more than he wanted or than any other Attorney General should have. Nevertheless, the House-passed bill grants him this power.

Defendants are not allowed a jury trial. Title III would generate government by injunction and make the Attorney General the personal lawyer for everybody he chooses to represent with power to file suits promiscuously, to shop for judges of his choice, and to select the forum for trial. A practicing lawyer pursuing such a course of action on behalf of a private citizen would very likely be disbarred. (See title II, above, for bipartisan amendments on limitation of punishment in nonjury trials, and actions initiated by the Attorney General.)

TITLE IV—DESEGREGATION OF PUBLIC EDUCATION

Desegregation was ordered by the U.S. Supreme Court 10 years ago. The bill endeavors to speed up the operation by offering inducements on the one hand and threatening penalties on the other. It authorizes the Attorney General to bring civil suits on complaints of the failure of a school board to achieve desegregation. Here the bill contradicts another provision of this title that "'desegregation' shall not mean the assignment of students to public schools in order to overcome racial imbalance."

TITLE V—COMMISSION ON CIVIL RIGHTS

This title extends the life of the Commission for an additional 4 years and would give it new authority (1) to serve as a national clearinghouse for information concerning denials of the equal protection of the laws, and (2) to investigate allegations as to patterns or practices of fraud or discrimination in Federal elections.

TITLE VI—NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS

This title (sec. 601) prohibits discrimination "in connection with activities receiving Federal financial assistance" and authorizes and directs the appropriate Federal agencies to take necessary action but excludes any Federal program involving a contract of insurance or guarantee (FHA, VA, savings and loan associations, national banks, and the like).

Three U.S. Senators during the current debate in the Senate entertained divergent views as to the effect of this title on home purchases made with FHA-insured or VA-guaranteed loans, or mortgages originated by federally chartered savings and loan associations or national banks.

If Senator ALBERT GORE'S, Democrat, of Tennessee, interpretation is correct, the President could issue, under section 601, a much broader Executive order against bias in housing, extending it to sales of existing houses financed with mortgages which involved any Federal financial assistance.

Senator HUBERT HUMPHREY, Democrat, of Minnesota, accuses NAREB of a blatant distortion of the bill in implying that it extends to the sale of private housing. Yet no amendment has been adopted to date which would remove the legal basis for the President to extend the November 1962 Executive order to the sale of existing housing. (The bipartisan amendment fails to include the language of the McClellan amendment No. 524 which would have resolved this ambiguity.)

The bill has been appropriately described as an iceberg with nine-tenths of its meaning hidden beneath the surface of soothing language allegedly enhancing the civil rights of minorities.

If three U.S. Senators (HUMPHREY, SPARKMAN, and GORE) are unable to agree upon the meaning of the language of this title, how can millions of Americans involved annually in the sale of their homes be certain of their rights as freemen exercising a fundamental right to dispose of their property to whomsoever they desire?

TITLE VII—EQUAL EMPLOYMENT OPPORTUNITY

The purpose of this title is to eliminate, through the utilization of formal and informal remedial procedures, discrimination in employment. A Federal Equal Opportunity Commission would be created with the primary responsibility for preventing and eliminating discrimination in employment.

Any business employing 25 or more persons will be covered by the 4th year after enactment. The Commission would be authorized to enter upon business property, have access to business and union records, question employees, and conduct investigations on their own determination of reasonable cause. If persuasion fails, the businessman or union is hauled into court and denied a jury trial.

Any business affecting commerce comes within the scope of this title. Discrimination may be unlawful even though it is not unfavorable to the employee. Intent is not a necessary element of a charge; thus, an employee's good faith would not be a defense. This means that when a complaint is filed, the employer is presumed guilty and the burden of proving otherwise is upon him.

An employer could be fined or imprisoned without a jury trial if he refused to discharge employee A for alleged inefficiency on the ground that employee B who was in line to be promoted to A's position might charge discrimination and the Commission and judge agreed. (See reference in title II to bipartisan amendment on jury trials which would apply also to this title.)

An employer could be penalized for intentionally hiring a number of employees from a minority group to achieve a racial balance in his shop as this would be conferring a special privilege of employment upon a certain group. An aptitude test might be deemed unlawful because it could be construed as unfair to culturally deprived and disadvantaged groups.

A $500 fine could be levied upon an employer for not posting in a conspicuous spot such notices as the Federal Equal Opportunity Commission might require.

Although the title addresses itself to equality and discrimination, it defines neither. Its standards are subjective and vague. No employer can be sure that he is not inviting the Commission's displeasure. As one Congressman remarked recently, you may need a Ph. D. to stay out of the penitentiary.

WHAT REALTORS CAN DO

The fate of the bill will be decided on a vote to limit debate—probably around mid-June. If the vote to limit debate is defeated, the bill is dead.

Assuming all 100 Senators are present, the proponents of a motion to limit debate need 67 votes. The fate of the bill will be determined by the votes of a majority of these Senators: DOMINICK, of Colorado; MILLER and HICKENLOOPER, of Iowa; MUNDT, of South Dakota; BENNETT, of Utah; SIMPSON, of Wyoming; MECHEM, of New Mexico; YARBOROUGH, of Texas; MONRONEY and EDMONDSON, of Oklahoma; MORTON, of Kentucky; MCGEE, of Wyoming; COTTON, of New Hampshire; WILLIAMS, of Delaware; LAUSCHE, of Ohio; CARLSON, of Kansas; JORDAN, of Idaho; CURTIS and HRUSKA, of Nebraska; CANNON and BIBLE, of Nevada. The others are publicly committed for or against a motion to limit debate, and their views are known to their constituents.

Realtors are urged by NAREB President Ed Mendenhall to write their U.S. Senators urging rejection of the so-called civil rights bill, H.R. 7152.

[From Realtor's Headlines, Washington, D.C., Sec. 1, Vol. 31, No. 20, May 18, 1964]

NAREB FIGHTS CIVIL RIGHTS BILL; TREND IS AGAINST FORCED HOUSING

A dramatic turn of public opinion in the Nation against the forced housing laws adopted or proposed by a number of States and cities was reported last week by Ed Mendenhall, president of NAREB, at the annual banquet of the Chicago Real Estate Board.

"Fortunately, the American public seems to be awakening at last to the threat of forced housing laws, as real estate boards and others point out how they shatter the cherished human right of private property ownership, despite the emotional appeals of many well-meaning but unthinking people," Mr. Mendenhall said.

"Four recent actions illustrate how the tide is turning dramatically as the public begins to comprehend the specifics of the too-often deceptive catch phrases of 'fair housing' and 'antibias laws.'"

He said that 2 months ago voters in Seattle, Wash., emphatically rejected a forced housing ordinance by a 2-to-1 margin in a referendum, just a month after Tacoma, Wash., had crushed a similar proposal by a 3-to-1 vote. Last month the Rhode Island House of Representatives turned down a forced housing bill by a 2-to-1 margin, while last December the Wisconsin Legislature voted down a similar bill with the same decisiveness.

The NAREB president expressed confidence "that the voters of Illinois and California will express their resounding accord when they cast their ballots on upcoming referendums on the same subject.

"If so," he added, "it will be a reassurance that Americans cannot be swept completely off their feet by slogans and catch phrases, but that they are still determined to preserve cherished freedoms and human rights."

Rejection by the Congress of the so-called civil rights bill, H.R. 7152, is being urged by NAREB which is encouraging its nearly 77,000 members to contact their Senators, Ed Mendenhall, High Point, N.C., president, announced today.

This move follows action last week by the directors in Chicago condemning the bill now before the Senate as one that would, "under the guise of civil rights legislation, result in an unlimited extension of Federal power into the civil liberties of every citizen."

Mr. Mendenhall emphasized that NAREB is not opposed to civil rights but that the type of bill now before the Congress would destroy civil liberties. "That kind of victory is hollow, and the cost is too great," he added.

While NAREB had not taken a stand on the Federal "civil rights" bill previously, recent debate has disclosed the wide divergencies in opinion among Senators on its effect in many areas, including real estate, and the broad-brush intent to interject the Federal Government into the everyday life of most segments of our economy, he added.

However, many real estate boards and State associations have been fighting at the local and State level forced housing laws and proposals which strip the property owner of his traditional human right of real property ownership—the right to use, rent, and dispose of property as he sees fit as long as it does not threaten the public health or safety—under the guise of creating a new right for individuals of minority groups.

NAREB espouses equal opportunity in housing for all Americans, he said, but being realistic, is convinced that social acceptance can come only through understanding and education.

[From Realtor's Headlines, Washington, D.C., sec. 1, vol. 31, No. 20, May 18, 1964]

CIVIL RIGHTS VERSUS LIBERTIES

(By Lyn E. Davis)

The recent decision of NAREB to oppose the pending so-called civil rights bill (H.R. 7152) was made after months of studying the measure and weighing its broad implications on our society. The decision was not provoked by the passions which this issue has generated, but flowed inescapably from the sincere and abiding conviction that the bill is little more than a gigantic attempt on the part of the Federal Government to remove the last vestiges of States' rights and local determination. There is no other conclusion which can reasonably be drawn from a bill which would project the powerful writ of the Attorney General into the day-to-day lives of American citizens.

Opposition to the bill must not be construed as an attack against civil rights. Realtors insist that all Americans, regardless of race, creed, color, or national origin, have a right to equal protection under the laws of the United States and an equal right to share in the blessings of our democracy; and we concede—regrettably—that our society is not without inequity and deprivation. We insist, however, that these inequities in our institutions will not vanish from the American scene by extending the power of the Federal Government to the homes and the small businesses, the schools, and the ballot boxes of every town and hamlet in these United States.

We insist that the civil rights of any group in this great country will not be enhanced by trampling on the civil liberties of another group.

The bill in the form that is being debated in the Senate poses a serious threat to the economic survival of a small businessman who would be pitted against the resources of the Department of Justice in replying to allegations of discrimination. The firing of an incompetent employee, the promotion of another, the conduct of the lowliest employee of a motel owner in his relation with a customer, the operation of a service station, the letting of a room in a boardinghouse—all would invoke the writ of the Central Government.

Fundamental to our system of jurisprudence is the right of a person to certainty in the law which governs the relations of a man to his fellows and man to the State. Yet during 1 day's debate in the Senate three Members of that august body entertained divergent views as to the meaning of "shall" and "may" in sections 601 and 602 of the bill relating to federally assisted programs. Thus, delicate graduations of meaning cast a cloud over the concept of homeownership, as the omnipotent arm of the Attorney General is raised over the relations between homeowner and neighbor, realtor and home purchaser, mortgage lender and borrower.

Realtors should rise to the challenge posed by this bill to our fundamental liberties by writing their Senators to reject a bill which under the pretext of granting a civil right to some would trample on the civil liberties of all.

Mr. TOWER. Mr. President, we are being asked today to vote for passage of the most comprehensive and sweeping civil rights bill ever to be deliberated upon by this body.

Furthermore, Mr. President, I submit that this is probably the harshest and most punitive civil rights bill we have ever seen, and I believe it comes at an inopportune time. It comes at a time when great progress is being made voluntarily in connection with many civil rights—progress that has been continuing over the past decade, and progress to which I believe we can look forward for many years to come.

I do not believe every provision of the bill is bad. Indeed, I think some of the provisions of the bill are merited.

But, Mr. President, we are also being asked to enact, along with the good provisions of the bill, some provisions which have some rather sinister aspects and implications, which go beyond the mere enforcement of the constitutional rights of minorities; and I believe that in connection with the enforcement of this measure and in its application we can look forward to harassment of businesses and individuals; we can anticipate that burdens of administration and recordkeeping will be imposed on businessmen, particularly small businessmen; and we can see them involved in litigation for days on end, months on end, and years on end.

Yesterday, we were told on this floor by the distinguished senior Senator from Minnesota [Mr. HUMPHREY]:

> The Attorney General may obtain relief in public accommodations and employment cases only where a pattern or practice has been shown to exist. Such a pattern or practice would be present only when the denial of rights consists of something more than an isolated, sporadic incident, but is repeated, routine, or of a generalized nature. There would be a pattern or practice if, for example, a number of companies or persons in the same industry or line of business discriminated, if a chain of motels or restaurants practiced racial discrimination throughout all or a significant part of its system, or if a company repeatedly and regularly engaged in acts prohibited by the statute.

Those were the words of the Senator from Minnesota.

Mr. President, either the Senator from Minnesota is wrong, or the Department of Justice intends to act contrary to the legislative intent, for I have here, from the Department of Justice, a release which reads as follows:

> WASHINGTON.—The Government plans to seek court tests of the civil rights bill as soon as possible after it takes effect, Assistant Attorney General Burke Marshall said today.
>
> Marshall, who will be charged with enforcing much of the bill, said he expected a great deal of voluntary compliance with its provisions.
>
> But he added that he was sure there would be some who would resist the bill and challenge various parts of it.
>
> The dark-haired, mild-mannered Government lawyer, Chief of the Justice Department's Civil Rights Section, said he expected most questions about application of the measure to stem from its provisions outlawing discrimination in places of public accommodation.

And he is quoted as follows:

> "In all cases we will seek voluntary compliance first," he said. "The bill makes the choice clear—either a person complies or we will file a suit."

The Senator from Minnesota [Mr. HUMPHREY] has referred to patterns of discrimination, and he has said that suits will not be brought against individuals. But today, Burke Marshall announces the intent, as soon as the bill goes into effect, to start suits against persons.

So I submit to the Senate that the distinguished Senator from Minnesota has been sadly mistaken about the application of the bill, and all Members of the Senate have been "led down the garden path" in regard to how the bill will be administered and how it will be applied and how it will be enforced.

So let us not be deceived in regard to what we are about to vote for today, Mr. President. We have not seen the entire picture. Senators should read what Mr. Burke Marshall says:

> The bill makes the choice clear—either a person complies or we will file a suit. In cases where we can't obtain voluntary compliances, we will bring suits as quickly as possible.

Then let Senators remember what the Senator from Minnesota [Mr. HUMPHREY] said:

> * * * only where a pattern or practice has been shown to exist. Such a pattern or practice would be present only when the denial of rights consists of something more than an isolated, sporadic incident, but is repeated, routine, or of a generalized nature. There would be a pattern or practice if, for example, a number of companies or persons in the same industry or line of business discriminated, if a chain of motels or restaurants practiced racial discrimination throughout all or a significant part of its system, or if a company repeatedly and regularly engaged in acts prohibited by the statute.

So, Mr. President, we do not really know how the bill is to be enforced; and, as many of us suspected, we find that it is to be enforced in a harsh, police-state, and punitive manner that the proponents of the bill have not told us about. This is what we are up against.

Mr. President, I do not think any Senator really and sincerely believes in discrimination. We abhor discrimination. For myself, I think discrimination is morally wrong. Discrimination on the part of a businessman who serves the general public is morally wrong. I believe that discrimination on the part of an employer, because of race, color, or creed, is morally wrong.

But, Mr. President, we are bringing in an element of compulsion that will not eradicate prejudice or eradicate bigotry.

It will not eradicate discrimination. It will create a new kind and a new class of discrimination.

The distinguished Senator from Arizona [Mr. GOLDWATER] was eminently correct when, yesterday, he said it would require a virtual police state to enforce this measure. What he has said now is coming home to roost, because although the distinguished Senator from Minnesota [Mr. HUMPHREY] said this would not happen, today Mr. Burke Marshall, of the Justice Department, says it will happen, and that immediately test cases will be initiated against persons, without waiting to discover patterns of discrimination.

Mr. President, a while ago I noted that we have made progress in this country. In my State, Negroes comprise approximately 12 percent of the population; 14.9 percent of the vote in the last general election in Texas was cast by Negroes. So although Negroes comprise only approximately 12 percent of the population of Texas, they cast 14.9 percent of that vote.

There is no pattern of discrimination in my State in voting practices, and yet individual administrators of the election code and of elections in my State will be subject to harassment by the Department of Justice if the bill is passed.

Mr. President, I think that if we are ever to eliminate discrimination in this country we must create an atmosphere of good will and a climate in which reasonable men can get together and resolve racial differences.

That has been done successfully in many areas of the country. I believe my State has made commendable progress in that field. But in the bill, we would take the approach that created the problem to begin with. We would take the Thaddeus Stevens and Charles Sumner approach, which brought us where we are. At the conclusion of the great War Between the States it was Lincoln's contention that the South should be brought back into the Union as a full partner with the other States of the Republic. It was Lincoln's contention that the Negro, under the tutelage, guidance, and leadership of the white, should be brought to a position of responsible citizenship. But then Lincoln's untimely death, and there was imposed on the South the radical reconstruction, more harsh than the United States has ever imposed on any alien enemy after a war.

The army of occupation was sent down to the South. The Reconstruction Acts were passed. A military dictatorship was established in the South. Native citizens were disenfranchised, and segregation was started. We were not segregated in the South prior to that time, but they started it. Why? Because mean, wicked, avaricious, and self-seeking men wished to perpetuate themselves in political power and they wanted to bring the Negro under their domination and influence to the extent that he would never act as an individual American citizen, but would act as his slave, as his minion, and as a cog in his political machine. Remember the Freedman's Bureau. It was this army of occupation, this tragic era, this period of bitterness that resulted in the passage of the "Jim Crow" laws in the South.

Mr. President, I am compelled to note that those of us of the South are victims of circumstances not of our own making, nor of our own choosing.

I hasten to say that as a native southerner I am deeply ashamed of the way that we have treated our Negro citizens in the South. I cannot justify that. I feel as deep a sense of depression and revulsion as anyone else when I see the pictures of a restaurant owner turning a Negro away, or when I see policemen setting dogs on demonstrators. I do not like that. We have held them down. We have not given them equal educational opportunities or equal job opportunities. But in a generation we have made genuine progress in that direction. The southern people are good-hearted people. They are not cruel people basically. They are a kind, warm, and hospitable people. They are a people who wish to see the genuine resolution of these difficulties, but they wish to see them resolved in a peaceful, orderly, and lasting manner. They know that prejudice and bigotry cannot be eliminated until the hearts and minds of the southern people are prepared for it. We cannot overturn the mores of a whole society overnight, and that is what we are trying to do in this punitive bill that has been so carefully and cleverly drawn so that it will not apply to discrimination in the North or outside of the South. It will apply only to discrimination in the Southern States.

Is it not convenient for northern politicians to make the southerners the scapegoats? That appears to be what we are doing. I know that men who have prepared the bill are honestly motivated, and that the goal is laudable. But we have been told that if we oppose the bill, we oppose the objective. I point out that the bill is only a suggested means to an end. Let us not regard it as an end in itself. We all deplore discrimination, or most of us do. I, for one, do. But I do not subscribe to the idea that if I am opposed to discrimination I must accept measures aimed at destroying discrimination that I consider to be unconstitutional, punitive in character, and destructive of the final end itself.

The bill is not an ultimate. The bill will be much worse than any Senator has said it will be. I again refer to the fact that the distinguished deputy majority leader, the Senator from Minnesota [Mr. HUMPHREY], yesterday told us that only when patterns of discrimination were established would the Department of Justice move in; and now we are told that the Department will move against individuals immediately with test cases. So let us not be deceived. Let us know what we can expect from the bill.

Mr. President, as a native southerner I passionately desire to see the racial issue resolved. It has been a stinking albatross about our necks for lo these many years. But let us resolve the problem in the right way, and not in a way that will leave an atmosphere of bitterness and rancor that may make it impossible for Christian men of good will to resolve it peacefully to the greater good of the American Republic.

Mr. LAUSCHE. Mr. President, in every Government the people who live under it have rights and obligations. It is anticipated that the people of the particular government will respond in the performance of their obligations and will have accorded to them on an equality basis the rights that are vested in them by the basic law of the particular government. In our system it is anticipated that each citizen will contribute toward the financial management of the Government in accordance with his responsibilities. Each citizen is expected to perform his civic functions in the manner prescribed by law. Finally, each citizen in times of stress and war must respond to the call of the Government, and on the battlefield give of himself for the preservation and the defense of the country.

I was Mayor of Cleveland during World War II. For 3 years, on every morning, when the youth of Cleveland assembled at the terminal depot I was there, as Mayor, to bid them goodby. I witnessed thousands of parents, brothers, sisters, and friends, assembled at the station, bidding farewell to the young men who were going to war. I saw fathers hide behind pillars, weeping, not wanting to depress their sons while they were about to board the train. Mothers, on the other hand, stood by, weeping, most often, but not ashamed to display the fact that they were shedding tears at the thought that the young men might never come back.

I tried to stand up bravely, but frequently my emotions were so great that I likewise departed into some hidden corner so that my reaction would not be seen.

When I beheld such scenes, more than ever did I realize how, in hours of trouble, whether it be within the home, with individuals, or with the people of the country, we are all reduced to equality.

When our men fought on the battlefield, they were ministered to by rabbis, priests, and ministers, without question about their religion. When the young men lay prostrate because of injuries, whether the words were from a priest, rabbi, or minister, those words of solace, those words of comfort, were equally acceptable. And when the Negro boy fell on the battlefield, the white boy did not question whether he should go to help him on account of the color of the lad who was lying in agony, bleeding for his Nation. When he begged for water, it was given to him. When he begged for strength, it was provided for him. No question was asked about religion, national background, or color.

They were all supporting one cause—to preserve the country, fighting valiantly, and giving of themselves without limitation.

Today we have before us the question: Shall we implement the Constitution by law and make possible, through legislative action, the granting of rights which are in a measure a compensation to a citizen for the obligations which he performs for his country?

When the hearings on the original bill began, frankly, I had some misgivings about the ability, under the Constitution, to enact valid legislation on this subject.

My doubts arose because of the 1883 decision, which, in effect, covered the same fields as does this bill. The Court at that time stated that, constitutionally, the law was invalid.

I listened to the arguments about the commerce clause giving foundation for the valid adoption of such a law. After having heard the arguments, after having read the decisions, whether I subscribe to them or not, the evidence is clear that, under the commerce clause, the bill before us, if adopted, will be valid law.

Beginning in the early 1930's, the Supreme Court of the United States ruled that activities affecting interstate commerce came within the provisions of the Constitution. Whether we like it or do not like it, that is the Constitution as it is written today.

As for myself, on this floor I have in the past made statements that I want to accord to every citizen the full enjoyment of his constitutional rights. I made the statement that law and order must be obeyed.

If I voted against the bill on the ground that it was unconstitutional, I would have to distort my honest judgment; and that I am unwilling to do. The Constitution must be obeyed. If we feel that it should not be, it is our responsibility to amend it.

I am of the opinion that the grave apprehensions that have been expressed about what the consequences of adoption of the bill will be are misfounded. Time will not permit me to go into detail, but I went through the whole gamut of operations while I was mayor, when people told me that if "course A" were followed, it would create trouble.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. LAUSCHE. My time is up.

I shall vote for this measure. I shall vote for it because it contemplates according, not to the Negro alone, but to every member of a minority group, the enjoyment of his rights under our Constitution.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. PELL. Mr. President——

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Will our guests in the galleries refrain from conversation so we can hear the closing statements being made?

Mr. PELL. Mr. President, we are coming to a historic moment—the passage of the Civil Rights Act of 1964.

Now that this legislation is about to be passed, the job of all of us is to insure compliance with its provisions. And let us remember that we in the North have great responsibilities in this regard, just as do all the citizens throughout the length and breadth of our land.

This bill confirms certain God-given rights. Let us remember, too, that it implies, equally, responsibilities. These are the responsibilities of the white majority of our Nation to comply with its provisions. And, too, these are the responsibilities of our Negro minority to take advantage of the opportunities that are open or opened to them, particularly to finish school, to register, and to vote. In this regard, I believe we in the North could serve as a better example than we presently do.

I believe, too, that the passage of this bill is a great tribute to the tact, withal tenacity, the patience, withal strength, the good humor, withal determination, of the bipartisan civil rights leadership, Senator HUMPHREY, Senator DIRKSEN, Senator KUCHEL, and my own senior colleague, Senator PASTORE. And, throughout, practicing the patience of Job, with a marvelous sense of timing and steadfastness, led our majority leader, Senator MANSFIELD, whose guidance gave so much toward the passage of this act.

I would like to acknowledge, too, the hard fought, withal losing, battle of those who disagreed with this legislation.

Finally, the passage of this act is a memorial to President Kennedy, who believed in the purposes of this act with his whole heart and soul. It is an equal tribute to President Johnson, a national President, in every sense of the word, who stood so solidly and foursquare behind this legislation.

SENATOR JACKSON'S SPEECH BEFORE THE FOREIGN SERVICE INSTITUTE

Mr. PELL. Mr. President, on June 11, at the Foreign Service Institute of the Department of State, the Senior Seminar in Foreign Policy held its sixth graduation exercises. A timely and penetrating address entitled, "Executives, Experts, and National Security," was delivered on that occasion by my able colleague, the junior Senator from Washington [Mr. JACKSON]. I commend his analysis to all Senators.

The Senator from Washington, as chairman of the Subcommittee on National Security Staffing and Operations, is performing an outstanding service to the Nation in the collection of materials and testimony relating to the effective and efficient operation of the Department of State and the Foreign Service. It is a privilege to serve with Senator JACKSON on this subcommittee. I hope that he will continue to take the lead in further exploration into the problems of security staffing and related areas.

I ask unanimous consent that Senator JACKSON's address may be printed in the RECORD.

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

EXECUTIVES, EXPERTS, AND NATIONAL SECURITY

(Commencement address by Senator HENRY M. JACKSON, to the Foreign Service Institute Senior Seminar, Department of State, Washington, D.C., June 11, 1964)

I am highly honored to join in this graduation ceremony and to address this select gathering.

You are professionals, or experts—diplomatic, military, economic—and what I am primarily interested in this afternoon is the relationship between you as professionals and the executives for whom you work.

In policymaking we start with the facts. The situation is what it is. If it is good, we hope to keep it that way. If it is bad, we hope to change it for the better. Facts are facts, and pigs is pigs, but the facts are not immutable and bacon may be the destiny of a pig.

If it were otherwise, to make policy would be to pound one's head against the wall. Although that description sometimes seems all too accurate, the mutability of facts lies at the heart of policymaking.

It is worth underscoring this bit of wisdom. There are some people who speak of facts as something we ought to adjust to, not as something we ought to adjust. Some people think of policy as a mere response to facts, not as a line of conduct to influence the facts. Some of them are even getting headlines as the "new realists."

Now, as you well know, a good deal of time in Government is spent in trying to decide what the facts are, why they are what they are, and what may be the consequences of choosing one course of action or another.

Here, then, is where the executive needs the expert's help. Unfortunately, the experts often disagree, and it seems to be a rule that the more important the issue, the more likely they are to disagree. If every event had a Pearl Harbor clarity, policymaking would be a lot easier than it is. But, as the citizens of Troy discovered, appearances may be deceiving.

When the experts disagree, how do we proceed? Hitler tried intuition. But the only sound way we have discovered is to grant the experts a full hearing within the councils of Government. The experts who make the most convincing case may be right, or they may be wrong; the process is not guaranteed to produce the correct results, but it is the best process we have been able to devise.

All this underlines the importance of a certain amount of contention in the system. We need more than one intelligence office, more than one hierarchy of experts, if we are to get all the issues out on the table, where they can be recognized. "Streamlining" and "unifying" can be carried to costly lengths. The life and death issues of national security are too important to sacrifice a healthy competition in the name of efficiency.

The executive has to weigh the competing views before making his choice. He has to function as a generalist—a generalist being a specialist on the sum total—for at the point of decision, he must make a net calculation of advantage and disadvantage. Like the business executive, he is trying to maximize—to make the choice which, all things considered, will maximize the difference between the credits and the debits. The task of the businessman is far easier in making the profit-maximizing choice—because the variables are fewer and more predictable—than the problem of the policymaker in maximizing the net national interest. But even businessmen have been known to make mistakes.

One reason, I think, why men who have distinguished themselves in the law or in investment banking have often distinguished themselves in government is that success in their private careers is closely correlated with their skill and shrewdness in judging the competence of experts—in sensing when to have confidence in expert testimony and when not to. It is a skill that comes from dealing with people rather than with numbers or things or production lines.

If I were to stop here, however, I would have left the most important things unsaid. As always, these are the hardest to say. They concern the quality and nature of the relationship between political authorities and professional authorities and do not, therefore, lend themselves to precise statement.

First: Let me say that in my judgment the question of civilian, or political, control is not a real issue. The key decisions in national security affairs have been and will be made by the political authorities.

We have in this country a healthy distrust of the concentration of power. I say "healthy" because it is so easy for a man to confuse his possession of power with the possession of wisdom. The tendency is difficult to resist, as every parent knows. The American people wisely suspect claims to omniscience.

One of the great advantages of civilian supremacy is that truly democratic politics rests on that old principle known as "throwing the rascals out." If power must be concentrated—and it must—we want to concentrate it in the hands of men who can be turned out of office at the next election.

And not being wholly confident even of the efficacy of this principle, we have also built into our system a division of political authority, of what we call "checks and balances." Within the executive branch one department debates with and checks another; the legislative branch checks and balances the executive; and an independent judiciary branch is alert to the abuse of power by the other two.

If some of you think this system sometimes functions less than perfectly, you might ponder Winston Churchill's observation that democracy is the worst form of government ever devised by man—except for all the others.

Second: The new developments in science and technology mean that a greater centralization of authority is possible now than ever before. In particular, systems for storing and retrieving information and for testing quantifiable hypotheses are giving the political authorities, especially the chiefs of the great executive departments, means of central control that differ in kind, not just in degree, from those of an earlier day.

These changes are long term and largely irreversible. We find them in business, in education, and in government. They profoundly affect the relation of the executive to his advisers. The executive can know more details than he used to; he can ask more questions and get more answers before making his decisions. And although specialties are becoming more specialized, it is also true that advice is no longer so neatly compartmented into diplomatic, economic, military, and scientific pigeonholes as it once was. The closed societies of experts are being opened up and exposed to competition. This is true in all fields. The physicist has something to say about biology. The sociologist has a lot to say about economic development. The diplomat and the scientist and of course the economist have contributions to make in an area that the military once thought was its almost exclusive preserve.

On the whole this intermingling is desirable. It should make possible a better understanding of our problems and a better integration, a better coordination of the factors bearing on a decision.

Particularly in the cases of the professional military officer and the professional diplomat, these developments present a difficult dilemma. The military officer serves in an old profession concerned with the "management of violence;" the diplomat's calling, equally ancient, might be described as the "management of national interests" in a world in which such interests are often in conflict. Because of the nature of their responsibilities, discipline, honor, a sense of duty have been, and remain, of major importance.

The dilemma of the diplomat, as for the soldier, is to preserve and conserve the values of his profession with its special duties and disciplines and skills, while opening it up to new influences, to the challenge of fresh ideas, to the competition of men from other disciplines. The adjustment is not made easier by the fact that, as is so often true in life, the newcomers are inclined to be a bit brash, a bit disrespectful of established ways, a bit overconfident in their approaches, a bit skeptical of the lessons of experience.

No one really has a right to be the trusted adviser. It is a privilege that must be earned by showing that one's views merit attention. Of course, it is also true that those who are in positions of authority have an obligation to seek advice. And they will. A President or a Secretary of State or a Secretary of Defense will turn to the people who they think can help them. They will seek where they can find—or hope that they can find.

In all frankness, I think some career men have been a little too inclined to complain that they are not being listened to—instead of buckling down to the job of competing with experts from other fields, learning enough about other disciplines to enrich the advice they have to give, while introducing valuable insights derived from their own professional experience.

I am confident that the future of the diplomatic profession—and the military—lies with those young men and women—young in spirit, that is, not necessarily young in years—who are receptive to new ideas and prepared to learn and appropriate good ideas from a variety of sources while remaining respectful of those qualities and faithful to those values which have distinguished their professions and which ought to be preserved.

Third: Science and technology, as I have said, have contributed to a centralization of authority, and herein lies a danger—the old, familiar danger of excessive concentration of power. Centralization yields dividends, and therefore we will centralize. But there is a corollary danger: the possibility that power can be misused or abused is an increasing function of the concentration of power.

What can usefully be said about this ancient subject? Perhaps not much that is new. The more concentrated power is, the more restraint, the more humility, should be shown by the holders of power. In his own interest, the executive needs to show respect for his advisers, or he will find that the advice they give him will be corrupted. It is difficult in the best of circumstances for the powerful to escape the yes-man hazard. One of an executive's major tasks is to create a climate in which dissent is encouraged and welcomed, even though the recommendation of the dissenter is rejected. The clear-eyed executive will understand that he should be concerned about the possibility that he may, with the best of intentions, misuse his power—through some lack of sophistication, some mistake in judgment, or some shading of the truth to protect his personal reputation—and that the right of his advisers to differ is a healthy check on his exercise of the powers entrusted to him.

An executive should, therefore, scrupulously avoid retaliatory or vindictive measures against those who disagree with him. He should be loyal to his subordinates if he expects loyalty of them.

More than that, in our system of divided political authority, he should accept and even champion their right to give their honest advice when they appear, in accordance with our constitutional processes, before congressional committees. For the ability of the Congress to avail itself of honest testimony is a necessary requirement for sound legislation and for dependable appraisal of national problems. Furthermore, it is the only insurance the Congress has that it will get enough information to meet its constitutional responsibility to exercise financial control of the Federal budget—including the defense budget.

It is no secret that executive authorities may destroy a good idea whose time has really come. The merit of a new idea can never be absolutely established in advance. No idea is so good that it cannot be killed by overanalysis—or stunted by compromise in the process of winning acceptance.

For example, have we been imaginative in applying new doctrine and new technology to the waging of counterinsurgency actions? Have we substituted a hasty review of foreign aid—aimed at passing a particular appropriation bill—for a basic look at the role of economic assistance as a tool of American foreign policy? Are we really exploring the possible lines along which satisfactory understandings might be found with our NATO allies—understandings reflecting the growing power of Western European countries and reconciling the members' divergent conceptions of their national needs?

Indeed, the diplomatic or military bureaucracy itself—like any big bureaucracy—actually stultifies much creative effort. In this regard, the need is for more top career officers who measure up to the high standard set by Gen. George C. Marshall. As Robert Lovett has described him for us, General Marshall recognized that: "change is, indeed, one of the primary laws of life. His receptiveness to new ideas * * * for example, in the use of airpower and in the Marshall plan, was made easier by this philosophy, for he was not burdened with the attitude of mind which regards any change as a threat to the established order—or vested rights, if you choose—which must, therefore, be automatically, even blindly resisted."

One of this country's great economists spoke of capitalism as a process of "creative destruction." This was, as he saw it, the basis of the extraordinary economic progress made by capitalist systems. It was possible because free enterprise permitted the good new idea to destroy the obsolete idea. The vested interest could not block the upstart.

We need to find the equivalent of this process of "creative destruction" in government. In particular, our career services must become more hospitable to new concepts. I would like you to think about the possibility of developing what might be called a venture capital philosophy for the career services, in terms of which the creative and talented mind is not discouraged—but is positively encouraged.

Fourth: With the increased concentration of power in the heads of our great executive departments and the President, Congress has an enhanced responsibility to play its checking and balancing role—that is, to subject to its tests the judgment of those in positions of authority in the executive branch.

Under our Constitution, Congress is the creator of executive departments, the source of their statutory mandates, and the monitor of their operations; it authorizes programs and it appropriates funds. In our system, the Secretaries of State and Defense and other department chiefs are not only responsible to the President, but they are also accountable to the Congress for the discharge of their constitutional responsibilities—for the excellent reason that we do not place unlimited trust or power in any one man.

At the very heart of the American system of government—in contrast to dictatorship—is the principle and practice of congressional review—the duty of the legislature to cross-examine the powerful.

And let me add that if the Congress is to be effective in its vital function of review of executive activities there is no satisfactory substitute for Members of Congress, particularly those on the key committees, personally involving themselves in the day-in-and-day-out pick and shovel work.

No doubt Congress can and should improve its procedures. For one thing, we are now much too easy on executive branch officials who come up to the Hill and say "if you will just give us the money, we can do it"—and then they don't do it. But, back they come, the next year, singing the same kind of song and making the same kind of rosy

promises. We need to find better ways to get across to executive branch officials that if they don't bestir themselves and implement the assurances they give us, their presence for future false assurances will not be welcomed. We also need to strengthen our means to audit, through the appropriate congressional committees, the actual accomplishments of executive programs.

One of the major purposes of congressional consideration is an educational one. So long as we rely on the democratic system, the ultimate test of a policy is its acceptance by the people. In the final analysis, the people must be persuaded of the wisdom of the policies and programs they are asked to support—and to pay for. Congressional study and debate can be a vital element in this educational process.

My last point is this: With the greater and graver responsibilities of today's government officials, our system of free elections takes on added importance.

An illustration of how things can go from bad to worse in the absence of free elections is provided by Hitler's Germany—where the people lost the means to call the tyrant and his retainers to account and to retire them from office as their program unfolded.

This year I and one-third of my colleagues are standing for election, as Senators do every 6 years; every Member of the House must stand for election every 2 years; and every 4 years the people choose their President. This series of elections is essentially an audit of performance—the method by which the American people inspect the record of their legislators and their executive authorities, and then render a judgment.

As career officers you do not have to meet the test of election—or re-election. But you can understand that those of use who do stand for election have a lively interest in the kind of job you do to serve the national interest. After all, I am going to have to defend it as best I can—or to criticize it when I cannot honestly defend it. It used to be said that the Supreme Court reads the election returns. Well, I am sure you do, also. And it is by that process that the people, whom we serve, seek to preserve their security and their liberty.

THE CIVIL RIGHTS ACT

Mr. McCARTHY. Mr. President, I yield myself such time as I may require.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota may proceed.

Mr. McCARTHY. Mr. President, the Senate of the United States is about to approve the Civil Rights Act of 1964. This is not an action which is being taken without thorough consideration and study and reflection, as some have charged. It is not an action in which the will of the people is not fully and adequately known, as some Members of the Senate have suggested. It is not an action which is beyond the responsibility of the Federal Government, and hence not beyond the responsibility of the legislative branch of that Government, as some have suggested.

The need for this action has been demonstrated in the depth of over 100 years of American history and it has also been demonstrated in the breadth of contemporary America. It has been petitioned not only in words but also in the actions, even the sufferings, and in some cases by the death of American citizens.

The legislatures of the majority of States of the Union have shown their will and judgment through the years in passing laws against discrimination. The courts of the land have not only struck down segregation laws, but have also ruled against the practice of discrimination. Teachers and educators, who know that discrimination cannot be reconciled with the truths which they teach, have called upon us for action; and religious leaders have asked us to sustain in the law of this land the moral principles and precepts of reason and also of faith. Artists and those who are students of the arts have demonstrated and declared that excellence and creative ability are not the quality of a race but rather the quality of the individual.

Four Presidents of the United States have asked the Congress to close the gap between executive actions, the decisions of the courts, and the statutes of this land. We are here today taking action to close that gap, and to meet our responsibilities. Finally, there are those who have in person in the North and South, and in the East and West, given public demonstration that they believe in human dignity and in equality. Their leaders, more than any others, have called upon us to take action here today.

This long debate in the Senate has been in the best tradition of American disagreement and political controversy. The leaders on both sides have demonstrated their realization that this is a historic decision of great moral and cultural importance—as well as political significance. They have known that they dealt in the very substance of the democratic life of the United States, and that what was being tested was not just the reality and the practice of American democracy, but the fundamental principles on which this democracy has been built.

Those who have opposed the passage of this proposed legislation, or who have advocated that it be significantly modified, have not questioned the strength and the appropriateness of the Bill of Rights and the 14th and 15th amendments. On the contrary, they have, for the most part, raised practical questions as to the lines of authority between the Federal Government and State governments, as to the limitations of the authority of the Federal Government and of the executive branch of that Government; and they have raised honest questions as to whether the new procedures would be effective and as to whether the execution of this law might not result in the impairment or loss of other rights and privileges.

Certainly these are proper questions to raise—and these are questions which have been properly and adequately answered.

Why, some have asked, should the Federal Government now intervene in areas which traditionally have been State and local areas of responsibility; and why, they ask, should accepted or established arrangements—arrangements which have existed without disturbance for 50 years or more—now be declared not only to be unlawful, but also immoral?

The answer to these questions is to be found, in part, in principle and belief, and in part, also, in the very context of history itself. The search for freedom and for a world in which freedom and equality can be enjoyed has been the preoccupation of civilized people throughout the history of the world. Certainly, it has been the preoccupation of Americans since this country was first settled. One man has said: once we have declared for liberty and for freedom and for equality, we have declared for an unending war in an unending revolution. Certainly, we in the United States have declared more often, more consistently and more loudly, for equality, for liberty and freedom; and, consequently, we must bear the burden of that revolution and give the example.

The Declaration of Independence and the rights of that Declaration were not based on any reference to a papal bull or any kind of royal grant, nor of any ancient scroll which had been found.

These rights were not claimed because the people of this continent were once English, or because they were Christian, or because they were white, or because they were North Americans. These rights were claimed on the basis of the nature of man and the nature of a person. All of these rights to which we now refer today, on another occasion were declared to be the inalienable rights of all men. These civil rights do not derive because of law but, rather, derive from the very nature of man himself. They have their basis and they rest in that nature. We have made these basic human rights civil rights, and we have sought to guarantee and protect them through the Constitution of the United States and of the States, and through the laws of the land.

The moral basis of these civil rights and of this pending civil rights bill is expressed most clearly in the Declaration of Independence and in the Constitution, and affirmatively included in the moral and religious principles which the great majority of the citizens of the United States have accepted and do accept.

The formalization of these beliefs and of these principles in law has been a progressive one, depending upon events and the movement of history itself. The Constitution, we know, recognized slavery; the Emancipation Proclamation and the 13th amendment abolished it.

No new rights are created by this bill. The debate has not been over an abstract list of rights but over those changes in procedures and in law which may be necessary to facilitate and, in some cases, to insure the enjoyment of fundamental human rights.

It means little to speak about inalienable rights of life, liberty, and the pursuit of happiness, if there exist no opportunities for education or for useful employment—if those who speak of them or in whom these rights theoretically inhere do not have a chance to vote or to be educated or to participate in the economic efforts of the country, and on the basis of that participation to establish their claim to a share of the goods of that system.

Any venture of law in the field of human relations is a difficult and a dangerous one. This is a dangerous venture. The enactment of this law will not solve

all problems of this kind. But this is, nonetheless, a necessary and an all-important law.

This is an imperfect law, as is any law which ventures into the difficult area of human relations. It is a law which will be subject to review by the courts and again by the Congress—perhaps again and again by the Congress. It is a law which, if it is to be reasonably effective, will depend for administration upon dedicated and prudent men.

It is a law, I insist, which is not directed against the people of any one region of this country, but one which calls for moral and intellectual response from all the people of the United States.

It is a law which could not be postponed, for both principle and the movement of history itself cry out for its passage in this year of 1964.

Mr. President, I reserve the remainder of my time.

Mr. CARLSON. Mr. President, I yield myself such time as I may need.

After weeks of debate, we are approaching a final vote on probably the most significant proposal to be considered by the Congress in this generation.

It is most difficult to legislate in the field of civil rights because of the emotional nature of the issues involved.

Many of the citizens of Kansas—both proponents and opponents—have written to me of their sincere concern about many of the provisions of the bill and its effect on the rights of citizens of our Nation.

To them I say that the bill is not as bad as its enemies claim; nor will it produce the benefits the proponents anticipate. In my opinion, the amendments approved by the Senate have made this a constitutional and effective civil rights bill.

In the final analysis, governmental coercion through legislation will not of itself bring an end to discrimination and insure equality of treatment to every citizen.

The end of discrimination and inequality of treatment among our citizens will come only when all of us are willing to lay aside bigotry and prejudice and give full credence to the Golden Rule.

I shall vote for this bill with some misgivings, but with the hope that it will bring about closer cooperation and good will among our citizens.

Mr. COOPER. Mr. President, we have spent many days in debating this important bill. At this late hour there is little that anyone can add to the long debate.

It is true that there are provisions in the bill which do not meet with the approval of many Senators, both those who support the bill, as well as those who oppose it. I respect the convictions of those who oppose the bill. I am led to say, however, that I do not know how Congress could agree upon any civil rights bill which could receive the approval of more Members unless it were so diluted that it would be ineffective.

I have some understanding of the problems of the Southern States. Having lived my entire lifetime in the border State of Kentucky, I know the emotions and the convictions and, I may say, the prejudices which are bound up in the issue of civil rights.

If I had lived in one of those States and were speaking and voting tonight, I could not say that I would hold the same position that I do, although I hope that I would. For years ago I reached the conviction that these great issues of human rights must be faced and must be solved within the framework of law. Time and again in this debate concern has been voiced about the incidents of violence which have grown in our land in recent years. I have been concerned about the trend toward violence. If it should become a practice in our country to employ violence to settle great governmental questions, it would seriously alter a distinguishing characteristic of our country—that of change and progress by the processes of law. Nevertheless, I know that protests, which sometimes lead to violence, are generally the constitutional demonstrations of men and women who are objecting, and objecting rightfully, because they are being denied their constitutional rights. These demonstrations will not end until these rights are assured by law, and not offered as a matter of grace.

This bill in three of its major sections, titles I, II, and IV deals with rights that have been declared constitutional rights by the Bill of Rights, and by the courts. If the titles against which complaint has been made—title II and title VII—have not yet been judged to be constitutional rights, nevertheless they are rights of equal opportunity, they are moral rights and rights of decency which should be accorded every citizen of this land. If they are not accorded, we will deny the promise of this land, the promise which our country has held for its people and the people of the world, as a country of freedom and justice.

Consent is a necessary element to law. Consent to law comes through education and through the leadership of those who govern; it comes through the leadership of people in every walk of life; but it must also come from a willingness to accept law, and from enforcement of the law.

Consent develops as Justice Frankfurter in the famous case, Cooper against Aaron, once declared, with the help of men who are charged with the responsibility of official power, as used in the leadership of people.

In speaking of consent, Justice Frankfurter said:

> Local customs, however hardened by time, are not decreed in heaven. Habits and the feelings they engender may be counteracted and moderated. Experience attests that such local habits and feelings will yield, gradually though this be, to law and education. And educational influences are exerted not only by explicit teaching. They vigorously flow from the fruitful exercise of the responsibility of those charged with political official power, and from the almost unconsciously transforming actualities of living under law.

I believe that Congress, in passing this civil rights bill, will exercise its responsibility to assure the rights and opportunities of all of its citizens. We have placed these rights, as the great Justice said, in the "transforming actualities of living under law."

This is the final hour of decision. It is an hour which requires us, now that the bill is to be passed, to put our hands to the plow and to work together in the days ahead as men of good faith, and with faith in our system of law, which protects the equal rights of all our citizens.

Mr. THURMOND. Mr. President, I yield myself such time as I may use.

This bill is the greatest grasp of Executive power conceived in the 20th century. It will make of the President a czar and of the Attorney General a Rasputin.

This bill is drafted with the clear, deliberate intent to destroy every effective constitutional limitation upon the extension of Federal Executive power over individuals and States. While the Federal controls created by the bill apply primarily to discrimination on the grounds of race, color, religion, sex, or national origin, they would set a precedent for the expansion of Federal dictation into almost every phase of business and individual relationship.

The powers given to the Attorney General under the bill are enormous. The bill would grant to the Attorney General unprecedented authority to file suits against property owners, to file suits against plain citizens, to file suits against State and local officials, even though the supposed grievant has not filed suit. The Attorney General would become the grievant's lawyer at the taxpayer's expense.

The bill grants to the Attorney General the unprecedented power to shop around for a judge that he prefers to hear a voting suit; the right to sue an owner of public accommodations before the owner is accused of a discriminatory practice; the right to sue State and local officials concerning public facilities and against local school boards, although no suit has been filed by any schoolchild, parent, or any other person.

The bill would give unprecedented power to the Federal Government to withhold funds that are justly due the States or their political subdivisions. I again remind Senators that title VI of the bill amends every Federal law—and that means more than 100—that deals with financing, to require each Federal agency to issue regulations defining for itself "discrimination," and, "race, color, religion, or national origin." Subject to ineffective limitations, each agency is permitted to set up its own controls, sanctions and penalties, including "termination of, or refusal to grant or to continue assistance," and, "any other means authorized by law."

Mr. President, how much time have I remaining?

The ACTING PRESIDENT pro tempore. The Senator has 1 minute remaining.

Mr. THURMOND. Mr. President, I wish again to remind the Senate that this bill is clearly unconstitutional.

It would seek to permit Congress to establish qualifications for voting, although this power is reserved to the States under the Constitution. This is

in violation of section 2 of article I, and the 10th and 17th amendments.

The bill attempts to apply the provisions of the 14th amendment to "private actions" although it is applicable on its very face only to State action. This bill is in direct conflict with the 1883 Civil Rights cases, and the 1959 Howard Johnson case.

The bill would deny the right of trial by jury in a criminal prosecution in violation of the sixth amendment.

The bill would deprive a person of property without due process, in violation of the fifth amendment. The bill would deprive a person of property without just compensation in violation of the fifth amendment.

The bill makes an offense of speaking or writing against the objects sought to be accomplished by the bill. This is a violation of the first amendment.

The bill seeks to regulate businesses which are solely local in character. This is in violation of section 8 of article I, which regulates commerce among the several States.

The bill seeks to subject citizens to "involuntary servitude" by making them render personal services against their own choice, in violation of the 13th amendment.

The bill attempts to delegate legislative powers to the Attorney General and other officials of the executive branch in violation of section 1 of article I of the Constitution.

Mr. President, I hope that the Senate will defeat the bill.

THIS THING THAT WE DO

Mr. PROUTY. Mr. President, 103 years ago—when the House of this Nation was divided—to serve the cause of freedom and to make our people one, a man came out of Illinois.

One hundred and three years later, to open the doors of our National House and to serve the cause of freedom, another man has come out of Illinois.

True it may be that no one man was responsible for the abolition of slavery. True it may be that no man is responsible for our statute to prohibit discrimination. But, without Lincoln there would have been no Emancipation Proclamation, and without DIRSKEN there would have been no civil rights bill.

From Jefferson to Johnson, from Lincoln to Dirksen, the roads are long and the journeys arduous.

Twice an assassin's bullet struck down the guiding spirit of liberty and twice the Nation moved on. Frederick Douglass, Abraham Lincoln, John Fitzgerald Kennedy—all these are gone. How I wish they could know that in 1964 when there was heard the cry "freedom now," the Congress answered "ever more."

"Ever more" is the solemn pledge we make this day. It is ours to keep—it is ours to bequeath to the yet unborn.

History will long remember the sturdy stewards of this undertaking—DIRKSEN, MANSFIELD, HUMPHREY, KUCHEL, and all the rest—but the journey will go on. Indignities will not end in this generation, nor in the next, but let it go out to all the world that we have begun their undoing.

One hundred years ago man in bondage was set loose. Perhaps 100 years hence man in prejudice will be set free—free in every inch and corner of this vast earth; free in full measure; free for all ages and times. These are the aims of a mighty and majestic people.

Mr. President, I have often wondered during the course of these proceedings whether there was present some hand more splendid than our own. For, if not, even the falling of a sparrow could escape His note. I expect that He observes our feeble endeavors to restore what He intended and which man has taken away.

This thing that we do—if it be an act for vengence or gain—will surely fail. But if it be an act of love—it will surely succeed.

May our aim be noble and our law just, and may we have the touch of His blessing for "Except the Lord build the house, we labor in vain that build it."

Mr. MANSFIELD. Mr. President, I yield myself 10 minutes or less.

The ACTING PRESIDENT pro tempore. The Senator from Montana is recognized for 10 minutes.

Mr. MANSFIELD. Mr. President, this is the first anniversary of the late President John F. Kennedy's submission of the present legislation to Congress. In presenting it, President Kennedy asked for a law to provide "reasonable men with the reasonable means" to soothe the Nation's racial malady "however long it may take and however troublesome it may be."

Mr. President, the Senate is about to fulfill its responsibilities in the resolution of the most divisive issue in our history. The attainment of this moment, in my judgment, is perhaps of even greater significance than the outcome of the vote itself, for it underscores, once again, the basic premise of our Government—that a people of great diversity can resolve even its most profound differences, under the Constitution, through the processes of reason, restraint, and reciprocal understanding. And what has been done in the Senate on the issue of civil rights can and must be done throughout the Nation. The differences on civil rights run as deep in this body as elsewhere; but no blood has been shed in this Chamber, and blood need not be shed elsewhere.

Like other exceptional accomplishments of this body, this moment is the work, not of one, but of both parties. The course of the entire debate makes clear that there has existed, as the paramount consideration on both sides of the aisle, an awareness of a paramount need of the Nation.

This moment belongs to the Senate as a whole. Senators of the Republic have put aside personal inclinations. All Senators have endured frustrations, disappointments, and inconveniences along the arduous trail which has led to this vote.

But I want to say, in particular, of the distinguished Senator from Illinois, the minority leader [Mr. DIRKSEN], that this is his finest hour.

His concern for the welfare of the Nation, above personal and party concern, has been revealed many times in the Senate, but never before in so vital and difficult a context. The Senate and the whole country are in the debt of the Senator from Illinois.

And we are in debt, too, to the distinguished majority whip, the Senator from Minnesota [Mr. HUMPHREY]. He has rendered a great service under difficult personal circumstances, to the Senate and the Nation through his patience and dedication. He has performed Herculean feats in maintaining the Democratic share of a quorum day after day and night after night, in acting as the principal exponent and defender of the bill in debate, and in general floor management. He has served with a deep understanding of the Senate's ways and with the tremendous energy, intelligence, skill, and good humor which have characterized him in many other situations.

Others, too, have done exceptional service in these critical months. There has been the work of the distinguished minority whip, the Senator from California [Mr. KUCHEL], who filled the job of floor leader for the Republicans. The floor captains, both Democratic and Republican, made the major speeches to explain and to defend in detail the particular titles, and served long hours on the floor. There has been the good sense of the Senator from Vermont [Mr. AIKEN], the Senator from Massachusetts [Mr. SALTONSTALL], the Senator from Kentucky [Mr. COOPER], the Senator from Washington [Mr. MAGNUSON], the Senator from Rhode Island [Mr. PASTORE], the Senator from Michigan [Mr. HART], the Senator from Pennsylvania [Mr. CLARK], the Senator from Illinois, [Mr. DOUGLAS], the Senator from Hawaii [Mr. INOUYE], the Senator from Colorado [Mr. ALLOTT], the Senator from Kansas [Mr. CARLSON], the Senators from New York [Mr. JAVITS and Mr. KEATING], the Senator from Pennsylvania [Mr. SCOTT], the Senator from New Jersey [Mr. CASE], and other Senators—all others—who worked long and hard in conferences and on the floor. And I should like to note, too, the contribution of the Senator from Iowa [Mr. HICKENLOOPER], and certain of his Republican colleagues who, despite personal reservations, in the end, found the route to agreement which made cloture possible. In so doing, they placed the demeanor and responsibility of the Senate, as an institution, above personal feelings. The courage and dedication displayed by Senator CLAIR ENGLE were contributions, too, which should not and will not be forgotten.

And finally, Mr. President, there has been the insistence of the opposition on prolonged debate. It was learned and thorough, and it played an essential role in refining the provisions of the bill. But, in my judgment, its most important function was to discourage self-righteousness on the part of the majority. There is no room for unwarranted sentiments of victory if the legislation we have molded is to be given constructive meaning for the Nation in the years ahead. If we are about to enter upon a second Reconstruction—as the Senator from Georgia [Mr. RUSSELL] called it—then it must be a reconstruction of the

heart, a reconstruction involving, not one section, but all sections of the Nation. The dimensions of the problem with which we have been struggling these past months stretch the length and breadth of the Nation. An accurate appraisal of them leads, not to a sense of triumph over the passage of this bill, but to a profound humility. No one, let me say, understood this reality better than the late President John Fitzgerald Kennedy. This, indeed, is his moment, as well as the Senate's.

Mr. President, William H. Stringer wrote an excellent article, entitled "The Senators' Creed," which was published earlier this week in the Christian Science Monitor. I quote from the article by Mr. Stringer:

> One of the observations that Americans can proudly make about the Senate's battle over cloture was that vituperation was held in check.
>
> Nearly everyone seemed to recognize that this was a solemn, poignant moment in the history of the United States—this struggle over a far-reaching civil rights bill, this wrenching change in the customs of proud people—and the Senators conducted themselves honorably.
>
> This is a behavior in American politics that needs to be cherished and cultivated. Politics is not always so practiced in heated election campaigns. But the Senate—that "gentlemen's club"—usually sets a standard.

Mr. President, it will soon be time to call the roll, to record the yeas and nays, and then to proceed to the other business of the Nation, which, of necessity, we have put aside for so long.

Mr. DIRKSEN. Mr. President, we are on the threshold of what I suppose everyone will consider a historic vote.

I am deeply grateful to the majority leader [Mr. MANSFIELD] for his patience, his tolerance, and his sense of self-effacement in all the tedious struggle that has gone on for nearly 100 days; and I am truly grateful to the deputy majority leader [Mr. HUMPHREY], because of the attributes he has brought to this struggle. He has been fair, tolerant, and just, and always has brought to this problem an understanding heart.

To my revered assistant, the distinguished whip on the minority side [Mr. KUCHEL], I say with equal accolade how grateful I am for the way he stood by under every circumstance and for the rare patience he has displayed in all this difficult time.

Mr. President, it has been a tedious matter. It has been a long labor, indeed. On looking back, I think a little of the rather popular television program called "That Was the Week That Was." I think tonight we can say, "That was the year that was," because it was a year ago this June that we first started coming to grips with this very challenging controversy on civil rights.

On the 5th of June, my own party, after 2 days of labor and conference, came forward with a consensus to express its views on the subject. That consensus is printed in the CONGRESSIONAL RECORD. I shall read only a portion of what we said in the course of that statement. Before I do so, I wish to say that prior to the conference I had worked out on a portable typewriter what I thought was a general and acceptable statement of principle. In the course of the conference, a word was removed, and then it was restored; a phrase was removed, and then it was restored. Finally, we came up with a declaration of which I think we can all be proud, for among other things, the statement included the following:

> It is the consensus of the Senate Republican conference that: "The Federal Government, including the legislative, executive, and judicial branches, has a solemn duty to preserve the rights, privileges, and immunities of citizens of the United States in conformity with the Constitution, which makes every native-born and naturalized person a citizen of the United States, as well as the State in which he resides. Equality of rights and opportunities has not been fully achieved in the long period since the 14th and 15th amendments to the Constitution were adopted, and this inequality and lack of opportunity and the racial tensions which they engender are out of character with the spirit of a nation pledged to justice and freedom."

I recite one other paragraph from that statement of principle:

> The Republican Members of the U.S. Senate, in this 88th Congress, reaffirm and reassert the basic principles of the party with respect to civil rights, and further affirm that the President, with the support of Congress, consistent with its duties as defined in the Constitution, must protect the rights of all U.S. citizens regardless of race, creed, color, or national origin.

Mr. President, that conference took place on June 5, 1963, and this is June of 1964. So with a sense of propriety I can say for the bone pickers who will be setting it down on the history books that "this is the year that was."

After this statement of principle came the conferences at the White House. Those also occurred in the month of June. I remember how patient the late President of the United States was when he met first with the joint leadership, and then with individual Members, and then with the minority Members in the hope that his message and his bill to be presented to both branches of the Congress could be scheduled for early action.

I recited once before that I and my party had chided the late President of the United States for his dereliction in the matter, and said that there was a promise and a pledge that when a new Congress began in 1961 there would be early action on the civil rights issue.

When that action was not forthcoming, we were unsparing, of course, in our criticism, until at long last that bill was submitted.

Then came the grinding of the legislative mill. That mill grinds slowly but it grinds exceedingly fine. What has happened in "the year that was" is a tribute to the patience and understanding of the country, to the Senate, and generally the people of this Republic. It was marked, of course, by demonstrations and marches, and on occasion by some outbursts of violence. But the mills have ground before, Mr. President, where a moral issue was involved, and it is not too far from fact and reason to assert that they will continue to grind in the history of this blessed and continuing Republic.

For example, I mention that in the field of child labor, when even President Wilson observed, years ago, that the Beveridge bill was obviously absurd, the mill continued to grind, and at long last the Congress undertook to prevent the shipment in interstate commerce of goods that had been produced by the sweated toil of children. There was a moral issue.

In 1906, after the reports of Harvey Wiley—President McKinley had gone before—there were fulminations on the Senate floor. The speeches that were delivered about the intrusion of Federal power sound absolutely incredible today when we undertake to reread them. But there was an inexorable force. In the past 30 years, while I have been here, I have not seen a single Congress that has not added to the Pure Food, Drug, and Cosmetic Act.

I mentioned on the floor of the Senate once before that when the legislature in New York State inhibited work in the bake shops of that State beyond 10 hours a day and 6 days a week, the law was stricken down by the highest tribunal in the land. Then in the Wilson administration came the Adamson law, which provided for an 8-hour workday on the railroads. Today who will stand in his place and quarrel with those limitations upon the workday and the workweek?

I was in the House of Representatives in 1934 when the Social Security Act was placed upon the statute books. I remember the fulminations, the castigations, and the averments that the act was unconstitutional. But it is on the books and it is accepted; and all the trenchant editorials, all of the truculent statements, and all the speeches on the floor of the House and Senate were swept away by some inexorable force. I do not remember the beginning, but I mentioned before that in 1888, when a group of crusaders went to Chicago to enlarge, if they could, an interest in the civil service system, there were only six people who attended the meeting, but it required only one bullet—a bullet from an assassin—to reach President Garfield's heart to completely change the mood of the country and, as a result, in 1883 the Pendleton Act went on the books.

Will any Senator stand in his place today in this or any other body and undertake to sweep it aside and call for repeal of the civil service system?

Theodore Roosevelt and Gifford Pinchot argued and worked to get into the public domain great quantities of ground for the benefit of the people, and were met by every barricade and obstacle.

But truth and righteousness and a sense of justice prevailed, and it required no constitutional amendment to bring it about. Nor did it require a constitutional amendment to bring about these forward thrusts in the interest of the people and in the interest of the expansion of enjoyment for the living of our people.

The same thing can be said about the minimum wage. I had my fingers crossed about it many times. My friend

from West Virginia nods his head in approval. He remembers very well when we were on a subcommittee together. We accepted that proposal as a matter of course.

These are programs that touch people. Today they are accepted because they are accepted as a part of the forward thrust in the whole efforts of mankind to move forward.

I reemphasize the fact that it required no constitutional change to bring this about, because it appeared there was latitude enough in that document, the oldest written constitution on the face of the earth, to embrace within its four corners these advances for human brotherhood.

It leads us—it leads me, certainly—to the conclusion that in the history of mankind there is an inexorable moral force that carries us forward.

No matter what statements may be made on the floor, no matter how tart the editorials in every section of the country, no matter what the resistance of people who do not wish to change, it will not be denied. Mankind ever forward goes. There have been fulminations to impede, but they have never stopped that thrust. As I think of it, it is slow. It is undramatic. Somebody once said that progress is the intelligent, undramatic application of life on what is here.

It is a good definition. When I think of the word dramatic I think of what Woodrow Wilson said in World War I. I was in uniform on the Western Front. There was a movement in this country to send Theodore Roosevelt there to head a division. That suggestion had great appeal. Letters by the hundred of thousands moved into the White House. Woodrow Wilson settled the issue with a single sentence. He said, "The answer is 'No' because the business in hand is undramatic."

This is not dramatic business. Here we are dealing with a moral force that carries us along.

Argue and fuss and utter all the extreme opinions one will, Mr. President—our people still go forward, and we will not be worthy of our trust if we do not give heed to the great, mobile force that carries humankind along its path.

There was a time when the attributes of life, when life itself, when all those things we hope for a human being, did not count too much in the scale of everyday values. When Peter the Great went to Poland on a visit, he was told, "We have invented a new torture machine. We put a body on the rack and tear it asunder." He said "I would like to have a demonstration." He was told, "We have nobody in prison on whom to demonstrate." He said, "It is all right. Take one of my retinue and break his body."

That is all life amounted to only a few hundred years ago.

There was a queen named Marie Antoinette. History records that as she was going through the countryside she saw groveling peasants trying to subsist on roots and herbs and whatever nature had to offer them. One of the servants said to her, "They are groveling peasants, without bread to eat." History records the cynical answer that she gave in response. She said, "Let them eat cake."

What an answer. But history would not accept that answer, because the thrust of humankind has been ever forward and upward.

I remember the day when I sat with General Eisenhower in his office. I saw a picture on the wall. I said, "That looks like Marshall Zhukov to me." He said, "It is. I want to tell you a story about him and when they gave me my decoration"—I forget whether it was the Red Star, or the Order of Lenin. He said, "You know, he is a great general, and he is an intriguing fellow, but he is very cynical. He has little regard for human life on the battlefield. When I told him of one of our forays and I told him we sent a minesweeper into the area so our soldiers could proceed, Zhukov said, 'Oh, you sent in your minesweepers? We do not do that. One life—what is it? One thousand lives—what are they? Ten thousand lives—what are they? Poof.'" That shows a disregard for human life and for all the attributes that go with it.

So today we come to grips finally with a bill that advances the enjoyment of living; but, more than that, it advances the equality of opportunity.

I do not emphasize the word "equality" standing by itself. It means equality of opportunity in the field of education. It means equality of opportunity in the field of employment. It means equality of opportunity in the field of participation in the affairs of government, and the day in the life of a citizen when he can go to the polls, under a representative system, to select the person for whom to vote, who is going to stay in that position for a period of years, whether it is at the local, State, or National level?

That is it.

Equality of opportunity, if we are going to talk about conscience, is the mass conscience of mankind that speaks in every generation, and it will continue to speak long after we are dead and gone.

Every generation, of course, must march up to the unfinished tasks of the generation that has gone before. Often times I have puzzled about the Tower of Babel which stood on the Plain of Shinar—that great work on which they labored in the hope that all those in that area might wander afield. Always there was a high beckoning tower to bring them back to the point of orientation. But then came the confusion of tongues, for that is exactly what "babel" means. That is the greatest unfinished project in the history of mankind. There probably will be greater, unfinished projects, and every generation will have to confront them.

They will also be found in the domain of freedom. They will be found in the pursuit of happiness as the Declaration of Independence asserts. They will be found in expanded living for people, for that is one of the goals of mankind. They will be found in the field of equal opportunity. They will be the unfinished work of every generation.

Mr. President, I must add a personal note, because on occasion a number of the "boys" up in the gallery have asked me, "How have you become a crusader in this cause?"

It is a fair question, and it deserves a fair answer.

That question was asked me once before. It was many years ago. I was then in the House of Representatives. I went to a meeting, and I listened to a Chinese doctor from the front at the time of the Japanese invasion of China come in and plead for money, for bandages, for medicine, in order to carry on. There was one line he used in his plea that seared itself indelibly into my memory.

He said, "They scream, but they live."

I carried those words with me for days and weeks, and when finally I was requested to go into the country for a number of speeches in the interest of Chinese relief, I did so.

A friend said to me, "Why do you waste your time on so remote a project? After all they are people with yellow skins, 12,000 miles from home. You are wasting time which you might well devote to your own constituents."

I said, "My friend, as an answer, there occurs to me a line from an English poet, whose name was John Donne. He left what I believe was a precious legacy on the parchments of history. He said, "Any man's death diminishes me, because I am involved in mankind."

I am involved in mankind, and whatever the skin, we are all involved in mankind. Equality of opportunity must prevail if we are to complete the covenant that we have made with the people, and if we are to honor the pledges we made when we held up our hands to take an oath to defend the laws and to carry out the Constitution of the United States.

Eight times I did it in the House of Representatives.

Three times—God willing—my people have permitted me to do it in the Senate of the United States.

There is involved here the citizenship of people under the Constitution who, by the 14th amendment, are made not only citizens of the State where they reside, but also citizens of the United States of America.

That is what we deal with here. We are confronted with the challenge, and we must reckon with it.

I was heartened by a telegram dated June 10—I do not know whether other Senators received copies of it—datelined Cleveland, Ohio. It was addressed to me. I read it to the Senate:

> We, the 40 undersigned Governors of the United States of America record our conviction that the prompt enactment of civil rights legislation by the Congress of the United States is urgently in the national interest and that the civil rights legislation pending before the Senate of the United States should be voted upon and approved, and that copy of this statement of principle be transmitted to the President.

Who were those Governors?

I shall not spell out the list in detail.

The Governors of Alaska, Ohio, and Connecticut.

The Governors of Pennsylvania, Hawaii, and Kansas.

The Governors of Indiana, South Dakota, and Kentucky.

The Governors of Wyoming, Massachusetts, and Maine.

The Governors of Missouri, Nevada, and Michigan.

The Governors of New Jersey, North Dakota, and Washington.

The Governors of Wisconsin, Guam, and California.

The Governors of Colorado, Delaware, and Rhode Island.

The Governors of Illinois, Oregon, and Iowa.

The Governors of Idaho, Maryland, and Utah.

The Governors of Minnesota, Arizona, and Nebraska.

The Governors of New Hampshire, Oklahoma, and New Mexico.

The Governors of Vermont, West Virginia, and American Samoa.

The Governor of the Virgin Islands.

There they are—40 of them.

What did they say?

Quick approval of the pending bill.

That is what they suggested to the Senate of the United States.

I believe that this telegram should be made a part of the RECORD, and I ask unanimous consent that the telegram be printed in the RECORD as a part of my remarks.

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

GOVERNORS' CONFERENCE—BIPARTISAN STATEMENT OF PRINCIPLE

CLEVELAND, OHIO,
June 10, 1964.

Senator EVERETT DIRKSEN,
Senate Office Building,
Washington, D.C.:

We, the 40 undersigned Governors of the United States of America, record our conviction that the prompt enactment of civil rights legislation by the Congress of the United States is urgently in the national interest and that the civil rights legislation now pending before the Senate of the United States should be voted upon and approved, and that copy of this statement of principle be transmitted to the President of the United States and to each Member of the Senate of the United States.

Gov. William A. Egan, Alaska; Gov. James A. Rhodes, Ohio; Gov. John Dempsey, Connecticut; Gov. William W. Scranton, Pennsylvania; Gov. John A. Burns, Hawaii; Gov. John Anderson, Jr., Kansas; Gov. Matthew E. Welsh, Indiana; Gov. Archie Gubbrud, South Dakota; Gov. Edward T. Breathitt, Kentucky; Gov. Clifford P. Hansen, Wyoming; Gov. Endicott Peabody, Massachusetts; Gov. John H. Reed, Maine; and Gov. John M. Dalton, Missouri; Gov. Grant Sawyer, Nevada; Gov. George Romney, Michigan; Gov. Richard J. Hughes, New Jersey; Gov. William L. Guy, North Dakota; Gov. Albert D. Rosellini, Washington; Gov. John W. Reynold, Wisconsin; Gov. Manuel Flores Leon Guerrero, Guam; Gov. Edmund G. Brown, California; Gov. John A. Love, Colorado; Gov. Elbert N. Carvel, Delaware; Gov. John H. Chafee, Rhode Island; Gov. Otto Kerner, Illinois; Gov. Mark O. Hatfield, Oregon; Gov. Harold E. Hughes, Iowa; Gov. Robert E. Smylie, Idaho; Gov. J. Millard Tawes, Maryland; Gov. George D. Clyde, Utah; Gov. Karl F. Rolvaag, Minnesota; Gov. Paul Fannin, Arizona; Gov. Frank B. Morrison, Nebraska; Gov. John W. King, New Hampshire; Gov. Henry Bellmon, Oklahoma; Gov. Jack M. Campbell, New Mexico; Gov. Philip H. Hoff, Vermont; Gov. William W. Barron, West Virginia; Gov. H. Rex Lee, American Samoa; Gov. Ralph M. Paiewonsky, Virgin Islands.

Mr. DIRKSEN. Mr. President, in line with the sentiment offered by the poet, "Any man's death diminishes me, because I am involved in mankind," so every denial of freedom, every denial of equal opportunity for a livelihood, for an education, for a right to participate in representative government diminishes me.

There is the moral basis for our case.

It has been long and tedious; but the mills will continue to grind, and, whatever we do here tonight as we stand on the threshold of a historic rollcall, those mills will not stop grinding.

So, Mr. President, I commend this bill to the Senate, and in its wisdom I trust that in bountiful measure it will prevail.

I close by expressing once more my gratitude to the distinguished majority leader for the tolerance that he has shown all through this long period of nearly 100 days.

But standing on the pinnacle of this night, looking back, looking around, looking forward, as an anniversary occasion requires, this is "the year that was," and it will be so recorded by the bone pickers who somehow put together all the items that portray man's journey through time that is history. I am prepared for the vote.

The ACTING PRESIDENT pro tempore. The bill having been read the third time, the question is, Shall it pass? The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 73, nays 27, as follows:

[No. 436 Leg.]

YEAS—73

Aiken	Gruening	Morse
Allott	Hart	Morton
Anderson	Hartke	Moss
Bartlett	Hayden	Mundt
Bayh	Hruska	Muskie
Beall	Humphrey	Nelson
Bennett	Inouye	Neuberger
Bible	Jackson	Pastore
Boggs	Javits	Pearson
Brewster	Jordan, Idaho	Pell
Burdick	Keating	Prouty
Cannon	Kennedy	Proxmire
Carlson	Kuchel	Randolph
Case	Lausche	Ribicoff
Church	Long, Mo.	Saltonstall
Clark	Magnuson	Scott
Cooper	Mansfield	Smith
Curtis	McCarthy	Symington
Dirksen	McGee	Williams, N.J.
Dodd	McGovern	Williams, Del.
Dominick	McIntyre	Yarborough
Douglas	McNamara	Young, N. Dak.
Edmondson	Metcalf	Young, Ohio
Engle	Miller	
Fong	Monroney	

NAYS—27

Byrd, Va.	Hickenlooper	Russell
Byrd, W. Va.	Hill	Simpson
Cotton	Holland	Smathers
Eastland	Johnston	Sparkman
Ellender	Jordan, N.C.	Stennis
Ervin	Long, La.	Talmadge
Fulbright	McClellan	Thurmond
Goldwater	Mechem	Tower
Gore	Robertson	Walters

So the bill (H.R. 7152) was passed.

[Applause in the galleries.]

The ACTING PRESIDENT pro tempore. The guests in the galleries will refrain from conversation and comment. The Senate will be in order.

Mr. DIRKSEN. Mr. President, I move that the Senate reconsider the vote by which the bill was passed.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the bill as amended by the Senate be printed.

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

LEGISLATIVE PROGRAM — ORDER FOR ADJOURNMENT UNTIL MONDAY

Mr. DIRKSEN. Mr. President, I should like to query the majority leader with regard to the schedule for next week. I would like to know whether the Senate will adjourn until Monday.

Mr. MANSFIELD. Mr. President, in view of the circumstances, there will not be the usual Saturday session.

I ask unanimous consent that at the conclusion of business today, the Senate stand in adjournment until 12 noon, on Monday next.

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

Mr. MANSFIELD. Mr. President, for the information of the Senate, in response to the question asked by the distinguished minority leader, it is anticipated that on Monday the Senate will start consideration of the Interior appropriation bill, to be followed, although not necessarily in this order, by the Treasury and Post Office appropriation bill, the atomic energy authorization bill, the National Aeronautics and Space authorization bill.

I would also, for the information of the Senate, state that after consulting with the distinguished minority leader—and I would hope with the concurrence of the Senate—we would be allowed to pass a number of unobjected-to items on the calendar. They are items which have been cleared. We would like to do it this evening.

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

NATIONAL COMMISSION ON FOOD MARKETING

The ACTING PRESIDENT pro tempore. The Chair lays before the Senate a message from the House of Representatives, amending the joint resolution (S.J. Res. 71) to establish a National Commission of Food Marketing to study the food industry from the producer to the consumer, which was, to strike out all after the resolving clause and insert:

That there is hereby established a bipartisan National Commission on Food Marketing (hereinafter referred to as the "Commission").

SEC. 2. ORGANIZATION OF THE COMMISSION.—(a) The Commission shall be composed of fifteen members including (1) five Members of the Senate, to be appointed by the President of the Senate; (2) five Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives; and (3) five members to be appointed by the President from outside the Federal Government.

(b) Any vacancy in the Commission shall not affect its powers and shall be filled in the same manner as the original position.

(c) Eight members of the Commission shall constitute a quorum.

SEC. 3. COMPENSATION OF MEMBERS.—(a) Members of Congress who are members of the Commission shall serve without compensation in addition to that received for their services as Members of Congress; but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

(b) Each member of the Commission who is appointed by the President may receive compensation at the rate of $100 for each day such member is engaged upon work of the Commission, and shall be reimbursed for travel expenses, including per diem in lieu of subsistence as authorized by law (5 U.S.C. 73b–2) for persons in the Government service employed intermittently.

SEC. 4. DUTIES OF THE COMMISSION.—(a) The Commission shall study and appraise the marketing structure of the food industry, including the following:

(1) The actual changes, principally in the past two decades in the various segments of the food industry;

(2) The changes likely to materialize if present trends continue;

(3) The kind of food industry that would assure efficiency of production, assembly, processing, and distribution, provide appropriate services to consumers, and yet maintain acceptable competitive alternatives of procurement and sale in all segments of the industry from producer to consumer.

(4) The changes in statutes or public policy, the organization of farming and of food assembly, processing, and distribution, and the interrelationships between segments of the food industry which would be appropriate to achieve a desired distribution of power as well as desired levels of efficiency.

(5) The effectiveness of the services including the dissemination of market news, and regulatory activities of the Federal Government in terms of present and probable developments in the industry; and

(6) The effect of imported food on United States producers, processors, and consumers.

(b) The Commission shall make such interim reports as it deems advisable, and it shall make a final report of its findings and conclusions to the President and to the Congress by July 1, 1965.

SEC. 5. POWERS OF THE COMMISSION.—(a) The Commission, or any three members thereof as authorized by the Commission, may conduct hearings anywhere in the United States or otherwise secure data and expressions of opinions pertinent to the study. In connection therewith the Commission is authorized by majority vote—

(1) to require, by special or general orders, corporations, business firms, and individuals to submit in writing such reports and answers to questions as the Commission may prescribe; such submission shall be made within such reasonable period and under oath or otherwise as the Commission may determine;

(2) to administer oaths;

(3) to require by subpena the attendance and testimony of witnesses and the production of all documentary evidence relating to the execution of its duties;

(4) in the case of disobedience to a subpena or order issued under paragraph (a) of this section to invoke the aid of any district court of the United States in requiring compliance with such subpena or order;

(5) in any proceeding or investigation to order testimony to be taken by deposition before any person who is designated by the Commission and has the power to administer oaths, and in such instances to compel testimony and the production of evidence in the same manner as authorized under subparagraphs (3) and (4) above; and

(6) to pay witnesses the same fees and mileage as are paid in like circumstances in the courts of the United States.

(b) Any district court of the United States within the jurisdiction of which an inquiry is carried on may, in case of refusal to obey a subpena or order of the Commission issued under paragraph (a) of this section, issue an order requiring compliance therewith; and any failure to obey the order of the court may be punished by the court as a contempt thereof.

(c) The Commission is authorized to require directly from the head of any Federal executive department or independent agency available information deemed useful in the discharge of its duties. All departments and independent agencies of the Government are hereby authorized and directed to cooperate with the Commission and to furnish all information requested by the Commission to the extent permitted by law.

(d) The Commission is authorized to enter into contracts with Federal or State agencies, private firms, institutions, and individuals for the conducting of research or surveys, the preparation of reports, and other activities necessary to the discharge of its duties.

(e) When the Commission finds that publication of any information obtained by it is in the public interest and would not give an unfair competitive advantage to any person, it is authorized to publish such information in the form and manner deemed best adapted for public use, except that data and information which would separately disclose the business transactions of any person, trade secrets, or names of customers shall be held confidential and shall not be disclosed by the Commission or its staff: *Provided, however,* That the Commission shall permit business firms or individuals reasonable access to documents furnished by them for the purpose of obtaining or copying such documents as need may arise.

(f) The Commission is authorized to delegate any of its functions to individual members of the Commission or to designated individuals on its staff and to make such rules and regulations as are necessary for the conduct of its business, except as herein otherwise provided.

SEC. 6. ADMINISTRATIVE ARRANGEMENTS.—(a) The Commission is authorized, without regard to the civil service laws and regulations or the Classification Act of 1949, as amended, to appoint and fix the compensation of an executive director and the executive director, with the approval of the Commission, shall employ and fix the compensation of such additional personnel as may be necessary to carry out the functions of the Commission, but no individual so appointed shall receive compensation in excess of the rate authorized for GS–18 under the Classification Act of 1949, as amended.

(b) The executive director, with the approval of the Commission, is authorized to obtain services in accordance with the provisions of section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), but at rates for individuals not to exceed $100 per diem.

(c) The head of any executive department or independent agency of the Federal Government is authorized to detail, on a reimbursable basis, any of its personnel to assist the Commission in carrying out its work.

(d) Financial and administrative services (including those related to budgeting and accounting, financial reporting, personnel, and procurement) shall be provided the Commission by the General Services Administration, for which payment shall be made in advance, or by reimbursement, from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator of General Services: *Provided,* That the regulations of the General Services Administration for the collection of indebtedness of personnel resulting from erroneous payments (5 U.S.C. 46c) shall apply to the collection of erroneous payments made to or on behalf of a Commission employee, and regulations of said Administrator for the administrative control of funds (31 U.S.C. 665(g)) shall apply to appropriations of the Commission: *Provided further,* That the Commission shall not be required to prescribe such regulations.

(e) Ninety days after submission of its final report, as provided in section 4(b), the Commission shall cease to exist.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated such sums not in excess of $1,500,000 as may be necessary to carry out the provisions of this joint resolution. Any money appropriated pursuant hereto shall remain available to the Commission until the date of its expiration, as fixed by section 6(e).

Mr. MAGNUSON. Mr. President, I ask unanimous consent that the action of the Senate in respect to the appointment of conferees be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, the action is rescinded.

Mr. MAGNUSON. Mr. President, I move that the Senate accept the House amendments to Senate Joint Resolution 71.

The motion was agreed to.

DEPARTMENT OF THE INTERIOR APPROPRIATIONS, 1965

Mr. MANSFIELD. Mr. President, I ask unanimous consent that Calendar No. 936, H.R. 10433, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1965, and for other purposes, be made the pending business.

The ACTING PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate proceeded to consider the bill (H.R. 10433), which had been reported from the Committee on Appropriations with amendments.

RESOLUTIONS OF THE NATIONAL CONGRESS OF PARENTS AND TEACHERS CONVENTION

Mr. MORSE. Mr. President, the National Congress of Parents and Teachers, as Senators know, is an organization composed of hardworking men and women devoted to the best interests of the American public schools whether it be found in Oregon, Oklahoma, New Jersey, or on an isolated base of our military services overseas.

I am pleased to learn that under the leadership of its new president, Mrs. Jennelle Moorhead, of Eugene, Oreg., the 12 million membership National Congress of Parents and Teachers—PTA—is reaffirming its support for needed improvements in the oversea dependents' schools. The NCPT's oversea branch, the European Congress of American Parents and Teachers, with its 82,608 members serving in 16 countries where the Department of Defense operates schools for the children of American parents serving the United States abroad, has compiled its firsthand observations in

a series of resolutions designed to provide academic training at least equivalent to these schools' stateside counterparts.

Mr. President, I ask unanimous consent that the resolutions submitted to the 1964 convention to which I have alluded be printed in the RECORD at this point in my remarks.

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

EUROPEAN CONGRESS OF AMERICAN PARENTS AND TEACHERS

Whereas education is an important means through which the American people strive to provide opportunity for every citizen to become a productive member of society; and

Whereas some children who suffer physical or mental limitations will not fulfill the academic promise of their innate ability unless they receive compensatory health, welfare, and educational services from the school and the community; and

Whereas the European Congress of American Parents and Teachers serves as a bridge to link home, school, and community in a comparative effort to provide equality of opportunity for all children; and

Whereas this conference has underscored the urgency for positive action to achieve quality education for all and also compensatory services for disadvantaged children; and

Whereas the delegates of the 1964 spring conference affirm their support of the need for classes for handicapped children: Be it

Resolved, That delegates of the 1964 spring conference strongly support military regulations which provide that when parents of handicapped children leave the CONUS for overseas assignment every effort be made to assign the parents to bases providing appropriate classes and facilities; and be it further

Resolved, That the European Congress of American Parents and Teachers petition the National Congress of Parents and Teachers, through its representation in Washington, D.C., to seek the financial aid and teacher staffing necessary to provide adequate academic training for handicapped children; and be it further

Resolved, That the military services look toward action that will discourage assignment overseas of parents of handicapped children

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EUROPEAN CONGRESS OF AMERICAN PARENTS AND TEACHERS

Whereas the safety and physical well-being of children while in school is a recognized part of American educational service; and

Whereas the services of a qualified nurse are an integral part of the maintenance of this safety and physical well-being of schoolchildren: Be it

Resolved, That the European Congress of American Parents and Teachers again petition the National Congress of Parents and Teachers to utilize the full weight of that organization to insure that all children in dependents' schools have easily available to them the services of registered nurses with sufficient medical supplies and, further, that the National Congress of Parents and Teachers, through its representation in Washington, D.C., seek to have a program of this nature included in the budgetary request for appropriation from the Congress of the United States.

EUROPEAN CONGRESS OF AMERICAN PARENTS AND TEACHERS

Whereas teachers' working practices and salary schedules are determined by Public Law 86–91; and

Whereas the Congress of the United States has not fully implemented the intent and purpose of this public law: Be it

Resolved, That this European Congress of American Parents and Teachers reaffirm its belief that full and immediate implementation of Public Law 86–91 is in the best interests of the oversea dependents' schools; that this European Congress of American Parents and Teachers petition the National Congress of Parents and Teachers to undertake to assist in bringing about the necessary implementation of Public Law 86–91.

STUDENTS' ASSISTANCE—HIGHER EDUCATION

Mr. MORSE. Mr. President, Mr. Robert B. Frazier, associate editor of the Oregon Register-Guard, on May 24, 1964, published an article in which he detailed the difficulties faced by individuals serving on scholarship selection committees caused by the lack of funds to assist the able and deserving student who has applied for scholarship assistance.

The experience which has been so lucidly and concisely set forth by Mr. Frazier is one which I am sure is shared by any individual who has been given this type of responsibility.

The article points up, in my judgment, the importance of having recognition and substantial aid given to our young people with talent but without money through the establishment by the Federal Government of a broad-scale scholarship incentive program.

It is my hope that in the near future the Education Subcommittee of the Senate Committee on Labor and Public Welfare can bring to the floor legislation incorporating such a scholarly component. Certainly Mr. Frazier's experience is strong testimony upon the need for such a program.

Mr. President, I ask unanimous consent that the article to which I have alluded be printed in the RECORD at this point in my remarks, together with an article which appeared in the June 4, 1964, issue of the Machinist under the byline of Mr. Sidney Margolius.

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

[From the Oregon Register-Guard, May 24, 1964]

TUITION BOOSTS DON'T HELP: LACK OF CASH FOR COLLEGE CAUSING WASTE OF TALENT

(By Robert B. Frazier)

A boy in southern Oregon will graduate from high school next month with a grade point average of 3.8. (A 4.0 is perfect.) This boy is president of the student body and has played football. His test scores, another indication of promise, are very good. He'd like to be a lawyer. But lawyers have to go to college, and therein lies his problem. Both his parents are dead. He can hardly stay in high school.

A few miles away there lives a farmgirl who, because of chores, has only a limited amount of time. Yet, she has been president of the student body and editor of the yearbook. Because she once got a B in gym her grade point average is "only" 3.97. She'd like to come to the University of Oregon and study social science. But, with three younger brothers and sisters and a family income of $6,550, she will need help.

These cases and dozens more came to my attention this spring when I served as representative of the University of Oregon Dad's Club on the University Scholarship Committee. The dads give 1 scholarship of $500 and 16 more for full tuition, which is $330 this year and may be as much as $496 next year. I had to pick out the most deserving applicants for those awards. And I had only 16 to give out. Every application screamed for a richly deserved award.

The job was both heartwarming and heartbreaking. Will that orphan kid get a chance at law school? Can America afford to waste the talents of that brilliant farm girl?

Look at this one. Boy. GPA of 3.59. Test scores are 676 and 703, with 800 being perfect and 500 quite good. Father and stepfather dead. Mother, older than most mothers of teenagers, lives on social security. The boy wants to study journalism or law. I don't know about the law business, but my business needs people like that.

Girl. Perfect 4 point. President of the Girls' League. Wants to be a nurse. Family income, $2,500 a year.

Boy. Active in sports and works on school paper. Vice president of class. Wants to be an architect. At home are six brothers and sisters competing for a share of the family's $4,500 income.

Eastern Oregon boy in broken home. Good grades, high test scores, fine activity record. First member of his family ever to graduate from high school. Family income: $4,100.

Boy in the valley. His principal says he supports a car, which he keeps piling up. GPA of 3.63. President of his class. Four brothers and sisters. Family income $6,900. Wild he may be, but maybe college is just what he needs to give guidance to the brains and energy.

There are more—the alcoholic fathers, the abusive stepfathers, the mothers in mental hospitals, the sickness in the family, the business failures, the fires that have destroyed homes, the pitifully small incomes. Running along with these misfortunes are the high test scores, the good grades, the activity records, and the ambition and hope.

And I had only 16 scholarships.

Senior classes grow bigger every year. Scholarship money doesn't increase that fast. And every time Oregon decides to take another $50 or $100 out of the hides of its children for tuition, the available money helps even fewer students.

Somewhere, this country has lost its sense of values.

[From the Machinist, June 4, 1964]

SCHOLARSHIPS FOR THE WEALTHY?

(By Sidney Margolius)

Education experts have become seriously concerned that the majority of college scholarships go to relatively well-to-do families, not to the low- and moderate-income families who most need financial aid.

In an analysis of "Who Gets the Scholarships?" in Financial Aid News, Elmer D. West and Charlene Gleazer, of the American Council on Education, reported that at 65 colleges they studied, financial aid was offered to only 63 percent of new students who applied for aid from families with incomes from $3,000 to $4,999, and 59 percent to those below $3,000. In comparison, 62 percent of those from families with incomes from $9,000 to $10,999 were offered aid; 57 percent of those from $11,000 to $12,999 families, and an even 38 percent of those with incomes of $13,000 or over.

In numbers the contrast is even more drastic. Of the total of 7,844 students offered aid by the 65 colleges, only 1,264 were in the under $5,000 group, or 16 percent. But in real life, 40 percent of all American families have incomes under $5,000.

In comparison, about 1,700 students whose families had incomes over $11,000, were offered aid.

This report clearly shows "that too many rich families are getting too many scholarships and too many poor families are getting nothing," charges Richard Deverall, staff representative of the AFL–CIO Education

Department. Previously, AFL–CIO Education Director Lawrence Rogin had warned that by their very nature scholarships go only to the most brilliant and do not reach down to the many still capable and even above normal students from moderate-income families who often cannot continue their education without such aid.

That actually is the heart of the problem for the record number of youngsters graduating from high school this year and hoping to go on to college, and the even greater number that will come out of the high schools in 1965. There is a genuine four-alarm crisis in the making as this tidal wave of education-seeking kids beseige the colleges both for admittance and assistance in paying today's record-high tuition fees.

The College Scholarship Service, a cooperative activity of over 500 colleges which published the analysis by West and Gleazer, itself is concerned about the urgency of providing more aid for families who need it most. In fact, the CSS was established to help colleges award student aid on the basis of actual need as shown in the parents confidential statement that families of applicants for aid are asked to fill out. The CSS seeks to provide a fair, uniform standard for awarding student aid, which today often is a combination of scholarships or outright grant plus campus employment plus part low-interest loan.

The problem is that academic achievement still is a basic consideration in awarding aid, and kids from middle and higher-income families usually have the edge here. Their families give them more early educational advantages; they go to better schools in the well-to-do suburbs than the often crowded and rundown schools in many city neighborhoods; they have more motivation to do well in school because they expect to go to college, and sometimes get more attention and assistance from teachers and principals than the kids who don't get good marks early.

The hopeful trend for moderate-income families, says Rexford A. Moon, director of the College Scholarship Service, is that more and more, the colleges and other scholarship donors are giving greater consideration to actual financial need. Of two similarly qualified applicants for aid, one may be awarded a larger amount than another because of his greater financial need. As well as income and family assets, the CSS analysis considers the number of children and other dependents, special family problems such as unusual medical expenses, working mother's expenses and other out-of-the-ordinary problems affecting your ability to pay for college.

Moon points out that all but 8 percent of college scholarships today are awarded with some consideration for actual need as well as academic qualification. For some years, the typical family income of students getting aid from CSS members has held steady at $8,000 even though average incomes of families as a whole have risen in that period.

College financial-aid experts we have consulted advise that kids who are qualified academically should not be afraid to apply for aid and to stress their need.

At that, colleges may be trying more efficiently to stretch their scholarship funds by gaging the applicant's relative need, than many noncollege donors of scholarships who may use academic achievement or some personal characteristic as the basis for awards. Some very bright kids may walk off with several scholarships from local organizations as well as a grant from a college, and thus are enabled not merely to go to college but to an expensive college away from the home area, or to get to college with more outright cash grants than are urgently needed.

Labor's education experts are determined to see that children of working families get a fair chance at higher education. Rogin has warned that "Increasing costs and more rigid admissions policies will make college education more difficult for the 'good' student from a low-income family while those of high income will always be able to find a place. In the United States, the labor movement is not prepared to accept higher education as the prerogative of the well to do and the very bright. We regard equality of opportunity for college education as an essential of a democratic society."

Mr. MORSE. Mr. President, Mr. Margolius has raised a very serious question which, in my judgment, should concern all of us. As I have indicated many times before, this Nation cannot afford to waste the talents and abilities of its young people through denying them the training which allows them to function at their highest level of skill. I thoroughly concur in his view that a scholarship program should be broadly based and I would hope that we can give assistance to the "C" student who, when all is said and done, is the backbone of our higher education student body.

CIVIL RIGHTS ACT OF 1963

Mr. CHURCH. Mr. President, the Senate has just enacted the most comprehensive civil rights bill in history. We have reaffirmed our faith in the great principle of equality under law, which has long been the cornerstone of our Constitution, and was once the rallying cry in our war for independence. It is this principle, more than any other, which sets us apart as a nation, and the success or failure of the great American experiment largely rests upon our ability to press forward toward a fuller realization of this precious goal.

I pray, Mr. President, that this bill will open a fissure in the glacier of racial prejudice which burdens us, and that a prolonged thaw in racial tension may follow its enactment. If so, domestic peace will be preserved; the rights of all citizens will be confirmed through the orderly processes of the law; and the march toward more perfect freedom will proceed again. If not, hatreds will harden, violence will spread, and the voice of the demagog will be heard throughout the land.

Never was the time more urgent for the conscience of the American people, whether black, white, red, or tan, to prevail, nor the need more pressing for passions to subside. It is a time for each of us to turn to the inner voice which speaks silently, but which leads along the paths of righteousness.

COMMENCEMENT EXERCISES OF LAFAYETTE COLLEGE, EASTON, PA.

Mr. CHURCH. Mr. President, on June 5, 1964, I was present at the commencement exercises of Lafayette College, in Easton, Pa., where I was privileged to receive an honorary degree.

The commencement address was delivered by Mr. Thomas J. Watson, Jr., chairman of the board of the IBM Corp. It was one of the finest statements I had ever heard given at a graduation exercise, and it contained words of advice which seem to me to have special applicability to those of us who are engaged in public life.

For this reason, I ask unanimous consent that this outstanding address may be printed at this point in the RECORD, and I highly commend it to the attention of my colleagues.

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

REMARKS BY THOMAS J. WATSON, JR., CHAIRMAN OF THE BOARD, IBM CORP., AT LAFAYETTE COLLEGE COMMENCEMENT

Twenty-seven years ago I sat where you now sit in the graduating class of 1937 at Brown University. I'm sure I seem several generations away from you in age, but those 27 years have gone by so quickly that it's not at all hard for me to remember that vivid day of my own graduation. Strangely enough, the one thing about that day that I cannot remember is what the commencement speaker had to say. My thoughts, like yours, were targeted upon my family and my friends and my plans for the summer. But of one thing I'm sure: If the speaker made a short speech, I know I blessed him.

Therefore, I surmise there is only one sure way to earn a place in your memory and that is to be brief. I will.

My subject today is in the general area of self-protection. I want to spend a few moments contrasting the drive for physical protection in and out of college with the great difficulty all of us have through life in protecting the nonphysical parts of our being.

In college sports, one is constantly protecting one's body with all kinds of devices, from shoulder pads to shinguards. Even in later life, we continue this drive for physical safety with such things as padded dashboards and shatterproof windshields. All these things help to keep one's body safe and unmarked, and they are good things.

However, all of you graduating today possess something much more important than your body. I am speaking of your mind, your spirit, your ability to think and speak independently, and your ability at this point as college seniors to stand up and be counted with a clear and firm position on nearly any of the issues which affect your life or the life of the Nation.

The fundamental convictions and principles which help you form your firm, clear position are your most precious possession. Paradoxically, all the wonderful equipment available for shielding the body is worthless for protecting the spirit and the mind.

What then can you do to protect these priceless personal assets? You can't hide them; you can't smother them; you can't rely on some kind of padding. On the contrary, you can protect them only by exposing them to danger, only by defending your personal beliefs regardless of opposition and, like tempered steel, toughening your convictions by the hot shock of conflict.

If you succeed in preserving your principles in the years ahead, without becoming so radical that nobody will listen or follow your example, you will become a part of that elite group in the world which Crawford Greenwalt, chairman of the Du Pont Co., calls the "uncommon man."

The world's destiny will, to a great extent, depend on how many of these uncommon men and women we have. If there are enough of them and they assume their rightful role of leadership, our future will be secure. If we fail to produce them in sufficient numbers, we will fail as a nation.

It may seem fantastic to you that you could lose this outspoken ability you have been developing throughout your scholastic career. Yet it's a fact that the mass world in which we live tends to etch away the

tough hard bumps of conviction and belief. I venture to predict that not one of you will be at work very many years before you will have to look into your heart and answer some very difficult questions. Your answers will, in a very real sense, begin to determine whether your parents, this institution, and the world in which you have lived have produced a common or uncommon human being.

You will have to choose between the safe, conservative, silent position and the choice of speaking your mind, of stating your true position and thereby earning yourself some enemies.

Will you develop the reputation of being outspoken, sometimes uncooperative but always honest in supporting what your beliefs indicate is right?

Or will you be a steadfast, reliable fellow who can always be counted on to cooperate?

If you take the safe choice, you may well get a promotion or two, and get it faster than less diplomatic people, but in the end you will never fulfill the best that's in you.

If you take the bold choice, you may find yourself temporarily stymied, but a quote which was a favorite of President Kennedy's suggests the importance of the bold choice. It is from Dante and goes:

"The hottest places in Hell are reserved for those who, in times of moral crisis, preserved their neutrality."

If you make the bold choice you will be taking the only road men have ever found toward true success and greatness. And I might even say—true happiness.

All of the great men of history have had to answer the same critical questions. Each had to choose between the safe protection of the crowd and the risk of standing up and being counted. And you can find no truly great men who took the easy way.

For their courage some suffered abuse, imprisonment, or even death. Others lived to win the acclaim of their fellow men. But all achieved greatness.

Through history, examples are abundant: Columbus, Charles Darwin, Galileo, who confirmed the theory that the earth traveled about the sun, and who for his affirmation became a prisoner to the inquisition. Socrates, who told his judges at his trial: "Men of Athens, I honor and love you; but I shall obey God rather than you, and while I have life and strength, I shall never cease from the practice and teaching of philosophy."

If we turn to our own times, we can all of us recall other men of other lands who refused to take the easy way out, who stood up against the current for what they believed right and just. Nehru in India, De Gaulle in France, Churchill in England.

And in our own country, it wasn't easy in 1956 when the British, French, and Israel, forces invaded Egypt—in the midst of an American presidential election—for the President of the United States, Dwight D. Eisenhower, to condemn the use of force and to call upon the aggressors to get out. But he did it—and the electorate overwhelmingly upheld his courage.

And it wasn't easy for another American President of a different political party—John F. Kennedy—to take an unequivocal stand on civil rights, when that stand might have cost him the votes of the South, which in the 1960 election gave him his tiny margin of victory. But he did it and thereby added a postpublication chapter to "Profiles in Courage."

All these men, despite their great variety, had something in common. Every single one of them put principle first, safety second; individuality first, adjustment second; courage first, cost second.

We need more such men, more than ever before, living at this hour. The issues are the biggest in history—the need for courageous dialog greater than ever.

I'm not arguing for nonconformity in everything. I'm not urging you, for example, to refuse to be polite, to pay your bills, to stand in the line at a supermarket. I'm not even suggesting that you should debate every issue, for if you take a minority position on everything, you won't be a leader—you'll be a crank. But I am calling on you to be shrewd enough to recognize those things upon which agreement and compromise are sensible, and bold enough to take a stand on those issues on which you feel disagreement and differences are not only possible but necessary.

Now suppose you try, in your own manner, to follow this course. What will happen to you?

Well, Nicholas Murray Butler, the great president of Columbia University at the beginning of this century, said that the world is made up of three groups of people:

A small elite group who make things happen.

A somewhat larger group who watch things happen.

And the great multitude who don't know what happens.

This means that the leaders, the makers of opinion in the world, are a very limited group of people.

So as you stand and are counted, you will first run into the group who equate newness with wrongness. If it's a new idea, it's uncomfortable and they won't like it. These are the conventionalists.

Second, you're sure to meet cynics, people who believe anyone who sticks his neck out is a fool. I am sure all of you have heard of measures which passed the Congress in a breeze on a voice vote, and later go down to crashing defeat when some Congressman insists that every vote be recorded in the CONGRESSIONAL RECORD.

Third, you'll run into the group of people who believe that there are certain taboo questions that should not be debated. These suppressors of dissent think that once a stand has been taken it is forever settled. Disarmament, the admission of Red China to the U.N., a change in policy toward Castro or Vietnam—all such touchy subjects, these people warn, should be left alone.

A few months ago, as you probably know, the chairman of the Senate Foreign Relations Committee, Senator WILLIAM FULBRIGHT, raised some of these questions and gave his own answers in a forthright speech on the Senate floor. He called upon Americans to think some "unthinkable thoughts." Some Senators and some writers attacked his opinions, as is their right and indeed their duty. But others refused to discuss the questions and instead merely condemned the Senator for mentioning them in public.

Now, what's wrong with shutting off all such discussion? John Stuart Mill in his "Essay on Liberty" gave an argument for freedom of speech which described three possible effects of speaking out—and I would like to apply these to Senator FULBRIGHT'S action:

In the first place, the Senator may be a hundred percent right. If so, the popular current opinion is nearly a hundred percent wrong, and in the national interest it deserves rejection.

Second, the Senator may be partially right. If so, the current opinion is partly wrong and in the national interest requires revision.

Third, the Senator may be a hundred percent wrong. If so he still serves the national interest. How? By driving the defenders of the current opinion to go back and look at the facts, to rethink their reasons, to express their conclusion so that people can accept it with greater conviction.

Now, if you buck the conventionalists, the cynics and the suppressors of dissent, here's what may well happen: Sometimes you may look foolish; sometimes you may lose some money or even your job; sometimes you may give offense to others. There's no getting around it.

Strangely, the expounders of many of the great new ideas of history frequently were considered on the lunatic fringe for some or all of their lives.

If you stand up and are counted, from time to time you may get yourself knocked down. But remember this: A man flattened by an opponent can get up again. A man flattened by conformity stays down for good.

Therefore, I'd like to reverse a traditional piece of commencement-time advice. You know it well, it goes: "Make no little plans." Instead, I'd like to say this: Make no little enemies—people with whom you differ for some petty, insignificant, personal reason. Instead I would urge you to cultivate "mighty opposites"—people with whom you disagree on big issues, with whom you will fight to the end over fundamental convictions. And that fight, I can assure you, will be good for you and for your opponent. And it will honor your college and your country.

Why? The answer brings us back to where we started, to the subject of self-protection. Debate won't destroy the United States of America. For if the United States is any one thing, it is this: Freedom of the mind. Preserve it, and we preserve the Union. Lose it, and the Union is lost.

And how about the individual? How can he protect himself? Well, in the end, despite all the buffetings and scorn and ridicule he may have to take, intellectual courage won't destroy the American citizen. But intellectual cowardice will. If you want a sure prescription for hurt and defeat, it is this: Play it safe, stifle your thoughts, hold your tongue, flatten your intellectual profile.

But if you want to protect your precious heritage, the great gifts of principle and conviction which you take with you from this college today, then make the bold choice. Follow the path of the unsafe, independent thinker. Expose your ideas to the dangers of controversy. Speak your mind and fear less the label of "crackpot" than the stigma of conformity. And on issues that seem important to you, stand up and be counted at any cost.

If I could leave with you one thought, one guide, one goal, one overriding objective toward which to aspire, it would be that you live your life so that you could be described in old age in the words of Robert Frost:

"You won't find him changed from the boy you knew,
Only more sure of what he thought was true."

APPORTIONMENT OF STATE LEGISLATURES

Mr. THURMOND. Mr. President, the people in South Carolina have been shocked and appalled by the recent Supreme Court decisions on apportionment of State legislatures. Even in areas of South Carolina which might benefit by more representation in the General Assembly of South Carolina, these decisions have not been accepted because of the realization that they strike at the very foundations of our political system and are beyond the scope and power of the U.S. Supreme Court.

I ask unanimous consent, Mr. President, to have printed in the RECORD at the conclusion of these remarks an editorial from the News and Courier of Charleston, S.C., of June 17, 1964, entitled "Shaking off the Republic"; an editorial from the June 17, 1964, issue

of the Spartanburg Herald of Spartanburg, S.C., entitled "Startling Decision by Supreme Court"; an editorial from the Greenville News of Greenville, S.C., printed on June 18, 1964, entitled "The Runaway Supreme Court"; and another editorial from the Spartanburg Herald dated June 18, 1964, entitled "Court Has Gone Far in Reversing Balance."

I also ask unanimous consent, Mr. President, to have printed in the RECORD at the conclusion of these remarks an outstanding column on this same subject by the distinguished news columnist, Mr. David Lawrence, entitled "The Omnipotent Supreme Court: Apportionment Ruling Cited as Latest Example of Power Grab by Justices," from the June 17, 1964, edition of the Evening Star of Washington, D.C.

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

[From the Charleston (S.C.) News and Courier, June 17, 1964]

SHAKING OFF THE REPUBLIC

The U.S. Supreme Court ruling that membership in both houses of every State legislature must be based solely on population is another in a long series of constitutional repeals by judges.

In assuming authority to rewrite the U.S. Constitution without observing the amendment procedure provided by the Constitution itself, this Supreme Court has set up a pattern for dictatorship and the death of the Republic.

If these remarks seem old fashioned and repetitious, it is because the public has become accustomed to the notion of government beyond the limits of the Constitution. We do not question the popularity of some of the Court's recent decisions. The same sort of laws might have been voted into effect had they been submitted in constitutional manner. But they were not so enacted.

The current decision will have the effect of transferring greater weight to voters in the cities and reducing the political advantage of sparsely settled rural centers. The notion of "one man, one vote" has settled so deeply into the consciousness of modern Americans that the decision no doubt will seem reasonable and just to many of today's citizens. The decision is, in fact, further implementation of the principles of unlimited democracy.

This is not what was intended by the U.S. Constitution. The United States is—or rather was—a republic, not a democracy. Section 4 of article IV of the Constitution says:

"The United States shall guarantee to every State in this Union a republican form of government, and shall protect them against invasion, and, on application of the legislature, or of the executive (when the legislatures cannot be convened) against domestic violence."

Elsewhere the Constitution sets out in plain terms what is meant by a republican form of government. This includes the creation of a Senate, with two Members from each State, regardless of population. The Senate is part of the intricate system of checks and balances devised by the Constitution to curb the evils of pure democracy.

In guaranteeing a republican form of government to the States, the Constitution assured the same protection for local government. This same section—additionally guaranteeing protection from civil disturbance—already is being ignored by the encouragement of demonstrations and the like in many ways, including court decisions.

Despite modern communications, the American people seem strangely unaware of what is happening to their Republic. Perhaps they do not care. The founders of the Republic no doubt suspected the public would turn fickle. They would grieve to see their handiwork today. The disturbance of a delicate balance of political forces is bound to create trouble. The decree on State legislature is one of the most serious shocks yet to occur. It will not be the last.

SOUTH CAROLINA SENATE

If South Carolina is forced to change the makeup of its Senate to meet requirements imposed by the U.S. Supreme Court, the politics of this State could be markedly affected.

The options in senatorial reapportionment, as carried out in other States, include changing the size of counties, forming senatorial districts that encompass more than one county, or allotting more than one senator to large counties.

Whatever the manner of change, it would alter the political structure. If Charleston, Richland, Greenville, Spartanburg, and other heavily populated counties had more than one senator, the authority of senators from small counties would be lessened. If senatorial districts were created, each incumbent would be faced with a new bloc of voters with whom he was unfamiliar.

If a large county gained another senator, it would mean that the undivided power now enjoyed by a State senator would have to be shared. This, in turn, would tend to strengthen the position of House members of the legislative delegation. A more numerous State senate, in which political control was divided in the case of large counties, also might shift more power to the State House of Representatives.

These are some of the possible developments that must be taken into consideration if and when South Carolina is compelled to alter its present senatorial arrangements.

[From the Spartanburg (S.C.) Herald, June 17, 1964]

STARTLING DECISION BY SUPREME COURT

In the beginning, the States of the United States formed a Federal Government and told that Government what form it should have and what the limitations of its powers would be.

Each State was initially independent. Some were large, some were small. There was a good deal of maneuvering by the large States to see that the Central Government was organized so that they would be in control; small States worked for a system that would give them an edge.

American history books record "The Great Compromise," a unique balance that helped to make the U.S. system distinctive and workable. The States agreed to have a legislative branch composed of two houses. The lower House of Representatives was based strictly on population, the upper Senate having two Members from each State regardless of size.

The result has been stable government, responsive to popular demand but tempered with protection for the minority. This is one of the important balance wheels in American democracy.

The U.S. Supreme Court now has rejected the validity of that concept. It has pulled a turnabout on the States so that the Federal Government presumes to tell the States what form of organization they may have.

Its ruling this week was that in States which have two houses of legislature, both of them must be apportioned according to population.

In South Carolina, we have nearly a duplicate of the Federal Congress. The house of representatives is based on population, while each of the 46 counties has 1 senator.

Presumably, the South Carolina Senate would be ruled unconstitutional if challenged in Federal courts. The threat might move the State toward some needed consolidation of extremely small counties, but this is not a proper matter for Federal determination.

Chief Justice Earl Warren's explanation of the majority decision (6 to 3) could be applied as logically to the U.S. Congress as to a State legislature.

The Supreme Court did not declare the Constitution to be unconstitutional, but it's coming close.

Justice Potter Stewart, vehemently disagreeing with his colleagues, made a most appropriate point:

The ruling "can find no support in the words of the Constitution, in any prior decision of this Court, or in the 175-year political history of the Federal Union."

The Supreme Court apparently isn't going to be bothered by any such trivialities as that.

[From the Greenville (S.C.) News, June 18, 1964]

THE RUNAWAY SUPREME COURT

Even though Greenville County stands to gain by it, most Greenvillians will join those who love the Constitution in deploring the Supreme Court's decision on legislative apportionment.

The Court's decree that State senates, as well as State houses of representatives, must be elected on an equal population basis, will give Greenville County a larger voice in South Carolina's upper chamber.

But it will create turmoil and rancor in this State and in almost every other State in the Nation as attempts are made to undo what experience and custom have built up during the past century and three-quarters.

Of all the 50 States, perhaps only Nebraska will not feel the effect of this momentous and unprecedented intrusion into State legislative affairs. Nebraska has only one legislative body, the senate. All other States have two and the great majority if not all of them have based one house on population and the other on geography.

The precedent for this arrangement seemed ample to those who have written State constitutions over the years. The U.S. Constitution provided for just such an arrangement in creating the House of Representatives and the Senate.

While the Constitution does not so provide in the case of the States, it has been felt that permission is granted by example.

For some 176 years, the two-house, population-and-geography system has been condoned by the Federal Government. In practice it has been adequate. Although it has been exploited to some degree, the disadvantages have never been felt to be so burdensome as to require action by the Supreme Court.

The men who believed the work of our Founding Fathers to be worthy of emulation could not, of course, anticipate the arrogance of the Warren court. Swollen by conceit and consumed with impatience, the majority of that body will not be content until they have completely revamped our entire political and social system to suit their predilections.

The grave danger of this frame of mind was clearly pointed out in dissenting opinions by Associate Justices John M. Harlan and Potter Stewart.

Justice Harlan decried the weakening of the political system which the majority opinion makes inevitable.

He declared that if the Court continues on its present course, a complacent body politic may result. For why should the States, or any other political agency, take action when in the end it will be the Supreme Court which will speak with final authority?

The Constitution, Justice Harlan said, is an instrument of government, fundamental to which is the premise that in a diffusion of governmental authority lies the greatest promise that this Nation will realize liberty for all its citizens.

"This Court," he continued, "limited in accordance with that premise, does not serve its high purpose when it exceeds its authority, even to satisfy justified impatience with the slow workings of the political process. For when, in the name of constitutional interpretation, the Court adds something to the Constitution that was deliberately excluded from it, the Court in reality substitutes its views of what should be so for the amending process."

Justice Stewart, in a separate dissent, added: "With all respect, I am convinced the decisions are a long step backward into that unhappy era when a majority of the members of this Court were thought by many to have convinced themselves and each other that the demands of the Constitution were to be measured not by what it says but by their own notions of wise political theory."

This decision, like too many another of the Warren court's excursions outside proper judicial waters, will take years of effort and legal wrangling to become accustomed to. We are not so pessimistic nor so doubtful of our basic democratic institutions, as to believe the Republic cannot survive it.

We should even like to be a little optimistic.

Perhaps this time, at long last, public revulsion will be complete. The Warren superschool board was bad; the Warren superboard of elections is even worse. Perhaps its effect will be felt by so many that some safeguards will finally be erected to contain, if not roll back, the runaway Supreme Court.

[From the Spartanburg (S.C.) Herald, June 18, 1964]

COURT HAS GONE FAR IN REVERSING BALANCE

Just how far the U.S. Supreme Court has gone in reversing the traditional and constitutional balance of power between State and Federal Governments is shown in a few striking decisions over the past few weeks.

Begin with the integration of the University of Georgia. The State talked about withdrawing funds appropriated to the institution.

The Federal Court moved in with an order that said the State could not take back money it previously had allocated to such an institution. Even then, it seemed obvious that if the Supreme Court presumed authority to so rule it holds equal power to require a State to appropriate and expend money.

This is precisely what it did do only a few days ago, when a Federal court not only said that Prince Edward County must appropriate funds for public schools but stipulated how much.

Then there was the Tennessee congressional district case. The Supreme Court required redistricting, a function that had been considered strictly a prerogative of State legislatures. Admittedly, there was logic in the need for redistricting, but that was not the major principle. The basic question was the Supreme Court's constitutional authority to make the determination.

The same is true in the latest decision that State senates, as well as their lower houses, must be apportioned according to population. It is true that corrections are badly needed in some States (South Carolina being in relatively good condition). But does the Constitution grant the Supreme Court power to make the States act in this field?

This would seem to be logically impossible, since the State legislatures now overruled were in existence prior to the adoption of the Constitution itself. State governments hardly could have meant to adopt a Constitution that would outlaw the form of their legislatures.

Another stark example of Federal court preemption was in the contempt cases against Gov. Ross Barnett, of Mississippi, and his Lieutenant Governor. The Constitution specifically provides that disputes between States and the Federal Government shall come before the Supreme Court. This provision was rejected and a lower Federal court found the two State officials guilty of contempt.

The Supreme Court itself denied that they had any right to a trial by jury.

One wonders where this development of the Supreme Court omnipotence is likely to end.

[From the Washington (D.C.) Star, June 17, 1964]

THE OMNIPOTENT SUPREME COURT: APPORTIONMENT RULING CITED AS LATEST EXAMPLE OF POWER GRAB BY JUSTICES

(By David Lawrence)

A majority of the Supreme Court of the United States has again overstepped the bounds of judicial self-restraint. This time the Court has chosen to ignore the language of the Constitution itself which gives to the States the right to fix their own voting districts for the two houses of each legislature.

No such usurpation of power by the judicial branch of the Government has been recorded before in the whole history of the Republic as is being manifested by the present Court. The Supreme Court by its recent decisions has taken upon itself to tell the board of supervisors in a county how it shall tax and appropriate its money. It, moreover, has told the American people, in effect, that there must be no prayer in the schools during school hours. And now it has undertaken to say that the 50 States of the Union cannot have their legislative houses based upon any form of representation the constitution of the State may proclaim, but must conform to a formula set forth by the Supreme Court of the United States itself.

If the foregoing observations are considered too critical of the Court's decisions, any doubts are dispelled by the actual words of the Justices who dissented in the reapportionment cases handed down on Monday of this week.

Justice Harlan, for example, declared that the failure of the Court to consider the language of the 14th amendment—on which the Court's opinion was based—"cannot be excused or explained by any concept of 'developing' constitutionalism." He added:

"It is meaningless to speak of constitutional 'development' when both the language and history of the controlling provisions of the Constitution are wholly ignored."

Justice Harlan further declared that the Court's action "amounts to nothing less than an exercise of the amending power by this Court," and said:

"For when, in the name of constitutional interpretation, the Court adds something to the Constitution that was deliberately excluded from it, the Court in reality substitutes its view of what should be so for the amending process."

Justice Harlan pointed out that the decisions this week "give support to a current mistaken view of the Constitution and the constitutional function of this Court." He continued:

"This view, in a nutshell, is that every major social ill in this country can find its cure in some constitutional 'principle' and that this Court should 'take the lead' in promoting reform when other branches of government fail to act. The Constitution is not a panacea for every blot upon the public welfare, nor should this Court, ordained as a judicial body, be thought of as a general haven for reform movements."

Justice Stewart, in a dissenting opinion in which he was joined by Justice Clark, declared:

"With all respect, I am convinced these decisions mark a long step backward into that unhappy era when a majority of the members of this Court were thought by many to have convinced themselves and each other that the demands of the Constitution were to be measured not by what it says, but by their own notions of wise political theory. The rule announced today is at odds with long-established principles of constitutional adjudication under the equal protection clause, and it stifles values of local individuality and initiative vital to the character of the Federal Union which it was the genius of our Constitution to create.

"What the Court has done is to convert a particular political philosophy into a constitutional rule, binding upon each of the 50 States, from Maine to Hawaii, from Alaska to Texas, without regard and without respect for the many individualized and differentiated characteristics of each State, characteristics stemming from each State's distinct history, distinct geography, distinct distribution of population, and distinct political heritage. My own understanding of the various theories of representative government is that no one theory has ever commanded unanimous assent among political scientists, historians, or others who have considered the problem."

Thus, three justices of the Supreme Court criticized their six colleagues for having overstepped the bounds of the Constitution.

What can the people throughout the country who disagree with the Court do about its rulings? For one thing, they can urge Congress to pass a law taking from the Supreme Court all jurisdiction in apportionment cases. But an even more effective course would be the passage of a new constitutional amendment reiterating that the States of the Union have a right to apportion legislative districts under their own constitutions.

VISIT OF U.S. CITIZENS TO COMMUNIST CUBA

Mr. THURMOND. Mr. President, the Times and Democrat of Orangeburg, S.C., has published in its June 17, 1964, issue an outstanding editorial in support of the position taken by Congressman ALBERT WATSON against permitting U.S. citizens to visit Communist Cuba and agitate there in favor of communism. I concur fully with the sentiments expressed in this editorial and also with a letter which Congressman WATSON has addressed to the Secretary of State and the Attorney General urging that passports of these disloyal citizens be revoked and that they be denied reentry into this country. The time has come, Mr. President, for the people in America to decide whether they are going to be on the side of communism and socialism or whether they are going to be on the side of capitalism and freedom—and I might add, God.

I ask unanimous consent that this editorial entitled "He Tried—We Should, Too" be printed in the RECORD.

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

[The Orangeburg (S.C.) Times and Democrat, June 17, 1964]

HE TRIED—WE SHOULD, TOO

U.S. Second Congressonal District Representative ALBERT WATSON has the unusual knack of expressing himself well on matters with which we agree. Reading of an unauthorized visit to Cuba of a group of 73 American students who, according to news reports, have denounced the American Government as the "biggest farce in history" and

advocated its destruction, Representative WATSON got his dander up.

He did what you and I should but don't. He wrote Secretary of State Dean Rusk and Attorney General Robert F. Kennedy, urging that their passports be revoked and that reentry be denied them.

Here is what he wrote:

"Dear Sirs:

"It is with disbelief and disgust that I read the Associated Press report from Havana where several students from a group of 73 Americans visiting Cuba in defiance of travel restrictions had denounced the American Government as 'the biggest farce in history' and had further been so brazen as to advocate 'its destruction.'

"While every citizen is free to criticize his government, we must not allow this group to defy American law in traveling to a country which has illegally expropriated our property and threatened our people, and while there called for the destruction of our Government. That this would happen on our very doorsteps in Communist Cuba makes the act more despicable and contemptible.

"This letter is to urge you, as heads of the State and Justice Departments, to institute immediate proceedings revoking the passports of this group and barring their reentry into the United States. If citizens, even public officials, of a sovereign state can be threatened with jail for alleged defiance of a Supreme Court decision, then certainly we shall not allow anyone to reenter our country who has advocated 'the destruction of our Government.'

"Additionally, America has just experienced the tragic assassination of her President by an avowed young Marxist, and under no circumstances should these so-called students be allowed to reenter our Nation.

"No doubt, the recent Supreme Court decision, freeing the members of the U.S. Communist Party from registration under a law passed by Congress, has contributed in large measure to this open defiance by the current group of so-called Americans traveling in Cuba. To permit them to reenter the United States would, in my judgment, be a possible act in aiding another would-be assassin.

"The reason we are again plagued with such a law-defying Communist group is because others have gone unpunished by the United States. Witness the other group of so-called American students who went to Cuba last year and apparently nothing has been done to them other than their appearance before the House Un-American Activities Committee last fall when they heaped all types of abuse and vilification upon that committee.

"Should we bar reentry of these would-be traitors, I believe it will bring them and others of like mind to their knees. If, according to their statement, 'our Government is a farce and should be destroyed' then let these people stay in Cuba and enjoy the privation and enslavement under a true Communist dictator.

"Unless these steps are taken immediately to revoke their passports and bar reentry into the United States, this Nation will be the laughing stock of Cuba and the world.

"There will be those who will come to the defense of the students, perhaps some in high authority like the nine men who now rule our destiny. They will be pictured as 'harmless,' 'misled,' 'seeking publicity,' and the like. And they will undoubtedly be greeted back by Messrs. Rusk and Kennedy (the name doesn't make him perfect). Perhaps the State Department will send them taxpayers' funds to enable them to return, just as it did in the case of Lee Oswald."

While we agree 100 percent with Representative WATSON, we do not believe that his protest will be given much consideration. But at least he tried. And that's what the rest of us should do.

VIEWS OF A LAYMAN WHO DISAPPROVES

Mr. THURMOND. Mr. President, I have been very impressed with an article which has been printed in the News and Courier of Charleston, S.C., of June 14, 1964. The article is entitled "Views of a Layman Who Disapproves" and was written by Mr. W. W. Taylor of Raleigh, N.C. Originally the statement was broadcasted on station WRAL–TV in Raleigh.

Mr. Taylor does a very eloquent job of discussing the question of the so-called moral issue which has been raised about the so-called civil rights legislation. I ask unanimous consent, Mr. President, that this article be printed in the RECORD at the conclusion of these remarks.

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

[From the Charleston, (S.C.) News and Courier, June 14, 1964]

VIEWS OF A LAYMAN WHO DISAPPROVES

(By W. W. Taylor, Jr.)

(EDITOR'S NOTE.—This statement was prepared by Mr. W. W. Taylor of Raleigh, a member of the law firm of Maupin, Taylor, and Ellis.

(Mr. Taylor served three terms in the North Carolina House of Representatives. He is a former president of the North Carolina Bar Association. He is the grandson of an Episcopal minister and an active layman in his church. His statement was broadcast by WRAL–TV station in Raleigh, N.C.)

I have been requested to express the views of a layman who disapproves strongly of some of the positions and activities of the church today. With the few opportunities for expression afforded by the church leadership to those who disapprove, this opportunity carries with it an obligation.

Although I do not presume to speak for anyone but myself, I believe that there are many laymen and some clergymen who share my views that the church—in which my grandfather was a priest, in which I was reared, and in which I have participated actively—has in recent years departed from its primary function of teaching the Gospel of Jesus Christ and has, instead, concentrated its efforts on promoting social and economic theories about which there are wide differences of opinion among those who consider themselves Christians and has, to a large extent, made itself an appendage of the liberal political movement in the United States, which at all levels depends for its existence upon the bloc vote of minority groups.

My concern has increased progressively, year by year, as I have observed individuals, claiming to speak for the church, appearing before legislative committees in support of or opposition to controversial legislation, stirring up racial discord, publishing an inflammatory magazine called "Church and Race," lobbying for the passage of the pending civil rights bill, leading unlawful mob activities, and supporting and subsidizing, with church funds, criminal conduct on the part of clergymen paid by the National Council of Churches to come into this State and openly defy our laws.

All thinking persons are concerned with the present race problem. Most are aware that such problems have always existed where people of different races have lived side by side. The hatred and contempt of the Jews for the Samaritans had endured for centuries before the birth of Christ.

Racial attitudes will not, however, be changed by laws or decrees, regardless of their source. On the contrary, attempts at enforced solutions will only magnify existing problems, produce increased ill will, and create unyielding opposition among those normally tolerant.

Serious though the race problem may be, there are other questions arising from the church's attitude and activities that are, in my opinion, more fraught with dangers of harmful and lasting consequences.

What has become of the separation of church and state? What will become of our society if open defiance of law is tolerated? What will be the lot of individuals and minority groups if constitutional guarantees of life, liberty, and property are swept away? The church appears to me to be taking an active part on the wrong side of each of these questions.

The church leadership seems fully committed to seeking the passage of the civil rights bill, the true purpose of which is to attract minority bloc votes having the balance of power in a few States which, in the main, hold the balance of power in national elections. A Congressman from New Hampshire, a former attorney general of that State, recently stated unequivocally on the floor of the House that this legislation is purely political and that it would not get 50 votes from the 435 House Members if they voted by secret ballot.

I do not know what Jesus Christ, if alive, would have to say about the race problem and the civil rights bill—and I do not think that anyone else does, either.

While His views may be subject to different interpretations, Christ's statements to the Samaritan woman at the well and the Canaanite woman, whose sick child He first refused to heal, and His admonition to His disciples, as He sent them forth to spread the Gospel, "Go not into the way of the gentiles, and into any city of the Samaritans enter ye not," certainly seem to indicate that He felt no obligation to tear down racial barriers then existing between the Jews and their neighbors. Peter and Paul, after His death, apparently conceived that their mission was to carry the gospel only to the Jews, until the Jews refused to accept it and they turned to the gentiles.

I find nothing in the Bible to indicate that Jesus Christ was either revolutionist or an advocate of civil disobedience. Had He, with His miraculous powers, been the former, the Jews, seeking a military leader to drive out the Romans, would have made Him a king, instead of sending Him to the cross.

His submission to duly constituted authority was a far cry from illegal trespasses on private property, or from support of a Negro leader in Williamston, N.C., who recently called for the violation of all laws that did not agree with his interpretation of the 14th amendment. It was not popular for Jesus, in the presence of His nationalistic, captive countrymen, to counsel, "Render unto Caesar the things that are Caesar's," but by so doing He helped to create a respect for law and order in Christian countries that made possible the development and survival of Western civilization.

Those who advocate the unlawful blocking of streets and the highhanded invasion of private property will look in vain to find support in the teachings of Him who counseled obedience to the unpopular laws of the Roman conquerors and to every jot and tittle of the Mosaic Code.

Mob violence and anarchy are no less mob violence and anarchy because the leaders of the mob wear clerical collars instead of hoods and bedsheets. What would be the attitude of the church if the Ku Klux Klan was leading mobs in the street and urging defiance of the law and contempt for private property rights? Can there be one law for the clergy and another for the Ku Klux Klan?

I, for one, am unwilling to condone such behavior, whether by the Ku Klux Klan or

by the wife of a retired bishop. The next step after the breakdown of the civil law is rule by the mob. To aid or abet those who defy the law is, itself, a violation of law. And yet, if I participate in the activities of the church and contribute to its support, I find myself forced into that position.

One would think that, with a knowledge and understanding of the lessons of history, the leaders of all denominations would take a firm stand on the side of long-established constitutional principles. One would expect them to speak out against open defiance of the law, fighting in the streets and invasion of private property.

They have, I believe, in the past condemned such activities when carried on by the Ku Klux Klan. Today, though, inconceivable as it may be, they seem to be in the van of those promoting them.

With what fire are they playing? Who will compose the mobs of the future, and on whom will they wreak their fury? The protest against social injustice that started with the mob at the Bastille ended with Napoleon's cannon and barricades in the streets of Paris.

History records that when violent political or social upheavals have taken place the Christian church is frequently one of the first institutions to be banned. The Russians experience is still very close to us.

It is conceivable that in this country we could ever have a complete breakdown in law enforcement, or that constitutional rights could ever be swept away, or that the church could ever be destroyed by forces from without or schisms from within, or even that the right to say a simple prayer in school could ever be denied? We know the answer to the last question. How would we have answered it 10 years ago? What will be our answers to the others 10 years from now?

My concern over current trends and my interest in the preservation of the orderly society of which I am a part, and of the church of my forefathers, make me increasingly reluctant to participate with and support those who, though well-intentioned Christians, are, in my opinion, blind to the dangers of the course which they are pursuing.

CONSIDERATION OF CERTAIN CALENDAR MEASURES

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of unobjected-to items on the calendar, beginning with Calendar No. 922, and going through in sequence.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered; and the measures on the calendar, commencing with Calendar No. 922, will be stated.

MARY LANE LAYCOCK

The bill (S. 2170) for the relief of Mary Lane Laycock was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Mary Lane Laycock, of Washington, District of Columbia, is hereby relieved of all liability for repayment to the United States of the sum of $217.60, representing overpayments of salary which she received as an employee of the Department of Justice for the period from December 9, 1962, through August 3, 1963, following her promotion from grade GS–4 to grade GS–5, effective December 9, 1962, such overpayments having been made in violation of section 802(b) of the Classification Act of 1949 (5 U.S.C. 1132(b)) as a result of administrative error in determining the rate of basic compensation to which the said Mary Lane Laycock was entitled upon such promotion. In the audit and settlement of the account of any certifying or disbursing office of the United States, full credit shall be given for the amount for which liability is relieved by this Act.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Mary Lane Laycock, the sum of any amounts received or withheld from her on account of the overpayments referred to in the first section of this Act.

JOHN F. WOOD

The bill (H.R. 2726) for the relief of John F. Wood of Newport News, Va., was considered, ordered to a third reading, read the third time, and passed.

ELMER J. AND RICHARD R. PAYNE

The bill (H.R. 2818) for the relief of Elmer J. and Richard R. Payne was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I now move that the Senate turn to Calendar No. 991.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered; the clerk will call the calendar measures beginning with Calendar No. 991.

LEASING OF REAL PROPERTY FOR NOT MORE THAN 30 YEARS BY THE POSTMASTER GENERAL

The Senate proceeded to consider the bill (H.R. 9653) to extend the authority of the Postmaster General to enter into leases of real property for periods not exceeding 30 years and for other purposes which had been reported from the Committee on Public Works with an amendment on page 1, after line 5, to strike out:

Agreements may not be entered into under sections 2104 and 2105 of this title after July 22, 1964.

And, in lieu thereof, to insert:

Agreements may not be entered into under sections 2104 and 2105 of this title after July 22, 1964, and under section 2103 after December 31, 1966.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1049), explaining the purposes of the bill.

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

The purpose of this legislation is to continue beyond the current expiration date of July 22, 1964, the authority under title 39, United States Code, section 2103, for the Postmaster General to enter into lease agreements for postal buildings for periods up to 30 years and the authority under such section for condemnation and other land acquisition and related land disposition.

ROBERT S. KERR WATER RESEARCH CENTER

The concurrent resolution (H. Con. Res. 189) resolution expressing the sense of Congress that the Southwest Regional Water Laboratory should be known as the Robert S. Kerr Water Research Center was considered, and agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1050), explaining the purposes of the resolution.

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

The resolution would designate the Southwest Regional Water Laboratory of the Department of Health, Education, and Welfare, at Ada, Okla., as the Robert S. Kerr Water Research Center in honor of the late Senator Robert S. Kerr, of Oklahoma.

STUDY OF DUST CONTROL MEASURES

The bill (H.R. 9720) authorizing a study of dust control measures at Long Island, Port Isabel, Tex., was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1051), explaining the purposes of the bill.

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

The purpose of the bill is to authorize the Chief of Engineers to undertake a study of the adverse effects of duststorms from Long Island at Port Isabel, Tex., with a view toward establishing such remedial and protective measures as in his judgment may be deemed necessary to prevent such adverse effect.

CONSTRUCTION OF DAM ON THE ST. LOUIS RIVER, MONT.

The bill (H.R. 9934) to authorize the construction of a dam on the St. Louis River, Mont., was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1048), explaining the purposes of the bill.

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

The bill would grant the consent of Congress for the purposes of section 9 of the act of March 3, 1899 (33 U.S.C. 401), to the Eveleth Taconite Co., a Minnesota corporation, its successors and assigns, to construct a dam on the St. Louis River, Minn., townships 56 and 57 north, range 18 west, St. Louis County, Minn. The authority granted by the bill would terminate if the actual construction of the dam is not commenced within 5 years and completed within 10 years from the date of passage of this act. Plans for construction of the dam are required to be submitted to and approved by the Chief of Engineers and Secretary of the Army.

Mr. MANSFIELD. Mr. President, I ask that the Senate turn next to the consideration of Calendar No. 998.

The ACTING PRESIDENT pro tempore. Without objection it is so ordered; and the clerk will call Calendar No. 998.

CONVEYANCE OF CERTAIN REAL PROPERTY FOR PUBLIC AIRPORT PURPOSES AT GRAND PRAIRIE, TEX. — BILL SUBSEQUENTLY PASSED OVER

The Senate proceeded to consider the bill (H.R. 8462) to authorize the conveyance of certain real property of the United States heretofore granted to the city of Grand Prairie, Tex., for public airport purposes, which had been reported from the Committee on Commerce with an amendment to strike out all after the enacting clause and insert:

That (a) subject to the provisions of section 2 of this Act, the city of Grand Prairie, Texas, shall be authorized to convey to the highest bidder all right, title, and interest of such city in and to certain real property transferred to such city for public airport purposes by the United States. Such real property consists of a tract of land containing 127.99 acres, more or less, comprising a portion of the 195.82-acre tract situated in the county of Dallas, State of Texas, described in the deed dated May 22, 1962, entered into between the United States as grantor, acting by and through the Secretary of the Army, and the city of Grand Prairie, Texas, as grantee, and more particularly described as follows:

Being a tract or parcel of land lying and situated in Grand Prairie, Dallas County, Texas, and a part of the McKinney and Williams survey, abstract numbered 1045 and the Elizabeth Gray survey, abstract numbered 517.

Beginning at a point on the east right-of-way line of Carrier Parkway (formerly Southwest Eighth Street) where it intersects the south boundary line of the McKinney and Williams survey, abstract numbered 1045, said point being the northwest corner of lot 17, block 9, of the Indian Hills Park addition to the city of Grand Prairie:

thence south 0 degree 33 minutes 30 seconds west along the east right-of-way line of Carrier Parkway a distance of 2,683.0 feet to the southeast corner of Grand Prairie Airport;

thence north 89 degrees 34 minutes 30 seconds west a distance of 1,509.8 feet along the south boundary line to a point, said point being 200 feet easterly of and perpendicular to the extended centerline of the north-south runway;

thence north 1 degree 19 minutes 30 seconds west and parallel to said centerline a distance of 2,670.35 feet to a five-eighth-inch pipe, said point being 200 feet easterly of and perpendicular to said centerline;

thence north 0 degree 52 minutes west, 1,050 feet to a one-half-inch rod, said point being the easternmost southeast corner of a 42.39-acre tract presently owned by the United States of America and licensed to the Texas National Guard:

thence north 8 degrees 20 minutes 30 seconds west a distance of 691.70 feet to a point on the south right-of-way line of Jefferson Avenue;

thence north 81 degrees 39 minutes 30 seconds east along the south right-of-way line of Jefferson Avenue a distance of 249.06 feet to the northwest corner of land known as General Services Administration land acquisition;

thence south 8 degrees 20 minutes 30 seconds east a distance of 330 feet to a point for General Services Administration land's southwest corner;

thence south 44 degrees 41 minutes 30 seconds east following General Services Administration land's southerly boundary line a distance of 2,016.45 feet to the place of beginning and containing 127.99 acres of land, more or less,

together with the rights appurtenant to the above-described land, under and by virtue of the restrictive condition contained in deed without warranty dated January 12, 1961, recorded in volume 5490, page 26, Deed Records of Dallas County, Texas, whereby the United States of America conveyed 31.97 acres of adjacent land, more or less, to Jerome K. Dealey, Dallas, Texas, said restrictive condition in said deed without warranty from the United States of America to the said Jerome K. Dealey providing that the construction of buildings or improvements on the land therein and thereby conveyed shall be restricted in height so that there will be no obstructions above the plane of an approach zone with a glide angle of 20:1 where the zero elevation beginning point for the glide angle is fixed by starting at a 1¼-inch iron pipe, being the northwest corner of the Indian Hills Park addition (abstract 517) to the city of Grand Prairie, Texas, as shown in volume 17, page 365 of the Plat Records of Dallas County, Texas, and the northwest corner of lot 17, block 9 of said Indian Hills Park addition; thence, north 40 degrees 3 minutes west 905 feet, more or less, to the intersection of such line with the centerline of an existing asphalt runway; said approach zone plan to be 250 feet wide, extending 125 feet on either side of point of beginning and 410 feet wide at 20:1 slant distance of 1,600 feet along the runway centerline extending from the point of beginning.

(b) Subject to the provisions of section 2 of this Act, the city of Grand Prairie, Texas, shall convey to the United States, acting by and through the Secretary of the Army, all right, title, and interest of such city in and to certain real property transferred to such city for public airport purposes by the United States. Such real property consists of a tract of land containing 67.83 acres, more or less, comprising a portion of the 195.82-acre tract situated in the county of Dallas, State of Texas, the exact legal description of which property is contained in the deed dated May 22, 1962, entered into between the United States as grantor, acting by and through the Secretary of the Army, and the city of Grand Prairie, Texas, as grantee, and more particularly described as follows:

Being a tract of land situated in the county of Dallas, State of Texas, and being part of the McKinney and Williams survey (A–1045) and part of the Elizabeth Gray survey (A–517), and being more particularly described as follows:

Beginning at a 1¼-inch pipe at the intersection of the south boundary line of said Elizabeth Gray survey with the east right-of-way line of Southwest Fourteenth Street (formerly locally called Twelfth Street Road), said pipe being located south 89 degrees 26 minutes east, 20 feet from the southwest corner of said Elizabeth Gray survey;

thence along the boundary line of a 195.82-acre tract of land conveyed by the United States of America to the city of Grand Prairie by deed without warranty dated May 22, 1962, and recorded in volume 5810 at page 206 of the Deed Records of Dallas County, Texas, as follows: along the east right-of-way line of Southwest Fourteenth Street, north 00 degrees 22 minutes 30 seconds east, 1,545.45 feet to a five-eights-inch pipe, said point being the southernmost corner of a 42.39-acre tract presently owned by the United States of America and licensed to the Texas National Guard;

thence along the boundary line of said 42.39-acre tract as follows: north 29 degrees 32 minutes 30 seconds east, 981.15 feet to a one-half-inch rod, said point being perpendicular to and 400 feet west of the centerline of a north-south runway;

thence north 01 degrees 19 minutes 30 seconds west, along a line parallel to and 400 feet west of said centerline, 1,476.75 feet to a one-half-inch rod on the south boundary line of the most western ramp;

thence north 81 degrees 59 minutes 30 seconds east, 614.10 feet to a one-half-inch rod, said point being the easternmost southeast corner of said 42.39-acre tract, and a reentrant corner of aforesaid 195.82-acre tract;

thence departing from the boundary line of said 195.82-acre tract and said 42.39-acre tract, severing said 195.82-acre tract, south 00 degrees 52 minutes east, 1,050 feet to a five-eighths-inch pipe, said point being 200 feet easterly of and perpendicular to the centerline of said runway;

thence 200 feet easterly of and parallel to said centerline and its southerly extension, south 01 degrees 19 minutes 30 seconds east, 2,670.35 feet to a railroad spike set in a south boundary line of said 195.82-acre tract, same being the south boundary line of the Elizabeth Gray survey;

thence along the boundary line of said 195.82-acre tracts as follows: along the south boundary line of said Elizabeth Gray survey, north 89 degrees 34 minutes 30 seconds west, 47.5 feet to a point in the east boundary line of the William C. May survey (A–890);

thence along the common line between said May and Gray surveys as follows: north 00 degrees 02 minutes west, 138.4 feet to a three-fourths-inch rod for the northeast corner of said May survey and a reentrant corner of said Gray survey;

thence north 89 degrees 26 minutes west, 1,091 feet to the point of beginning, containing 67.83 acres, more or less.

(c) Subject to the provisions of section 2 of this Act, the city of Grand Prairie, Texas, shall convey to the United States such avigation, clearing, and restrictive easements over the 127.99 acres described in section 1(a) of this Act, as the Secretary of the Army, after consultation with the Administration of the Federal Aviation Agency, shall determine necessary to provide adequate lateral and transitional zone clearance for the operation and utilization of the airstrip (runway) located within the 67.83 acres of land described in section 1(b) of this Act.

SEC. 2. (a) The sale referred to in subsection (a) of the first section of this Act shall be authorized in writing by the Administrator of the Federal Aviation Agency, only after—

1. a site for a new airport has been selected and the Administrator, Federal Aviation Agency, has determined that such site is capable of being developed and used as an airport adequate to meet the needs of Grand Prairie;

2. a plan for construction of airport facilities at the new site has been submitted to and approved by the Administrator, Federal Aviation Agency;

3. the city of Grand Prairie has, through advertising and sealed bids, provided assurances that construction of airport facilities can be accomplished in accordance with the plan submitted to and approved by the Administrator, Federal Aviation Agency; and

4. the city of Grand Prairie has, after advertising, received sealed bids on the 127.99 acres to be sold and determines that the bid to be accepted is in an amount equal to or greater than the combined costs of acquiring land for a new airport site and constructing the airport facilities thereon in accordance with plans submitted to and approved by the Administrator, Federal Aviation Agency.

(b) Airport facilities constructed with the proceeds of the sale authorized in section 1(a) shall be only those kinds of facilities which are eligible for construction with Federal funds under the Federal Airport Act. Any proceeds of the sale of the 127.99 acres

in excess of the amount needed for acquisition and construction at the new site shall be paid to the Administrator of the Federal Aviation Agency. The Administrator is authorized to receive such excess proceeds and to use such proceeds for the purposes of the discretionary fund established under section 6(b) of the Federal Airport Act.

(c) The real property acquired by the city of Grand Prairie, Texas, with the proceeds of the sale authorized pursuant to subsection (a) of the first section of this Act shall be subject to such terms, exceptions, reservations, conditions, and covenants as the Administrator of the Federal Aviation Agency, after consultation with the Secretary of the Army, may deem appropriate to assure that such property will be held and used by such city for public airport purposes; and also subject to the condition that the United States and its assigns, agents, permittees, and licensees (including but not limited to the Texas National Guard) shall have the right of joint use, without charge of any kind, with the city of Grand Prairie of the landing areas, runways, and taxiways for landings and takeoffs of aircraft, together with the right of ingress and egress to said landing areas, runways, and taxiways.

(d) Subject to the approval of the Administrator of the Federal Aviation Agency with respect to the coordination of the sale authorized by him under the foregoing provisions of this section with the conveyance required by this subsection, the city of Grand Prairie, Texas, shall convey, without monetary consideration therefor, to the United States, acting by and through the Secretary of the Army, that tract of land containing 67.83 acres, more or less, situated in the county of Dallas, State of Texas, the exact legal description of which is set forth in subsection (b) of the first section of this Act; together with all such avigation, clearing and restrictive easements described in section 1(c) of this Act.

(e) The enactment of this Act shall in no manner serve to waive or diminish the existing obligations of the city of Grand Prairie, Texas, to operate and maintain these lands as a public airport until such time as a final determination thereon is made by the Administrator of the Federal Aviation Agency: *Provided further*, That the city shall continue to provide, without cost to the Department of the Army, for the repair, maintenance, and operation of the existing Grand Prairie Airport and related facilities until such time as the same is reconveyed to the United States, and/or the civilian use of this airfield is transferred to the proposed new city airport.

SEC. 3. The provisions relating to the reversion to the United States of legal title to certain real property in the event it is not used for airport purposes contained in the deed dated May 22, 1962, entered into between the United States as grantor, acting by and through the Secretary of the Army, and the city of Grand Prairie, Texas, as grantee, are hereby declared to be null and void from and after the date of the disposal of said property in compliance with the provisions of this Act, to the extent such provisions apply to the 127.99 acres, more or less, described in subsection (a) of the first section of this Act.

SEC. 4. The Administrator of the Federal Aviation Agency shall issue and obtain such written instruments as may be necessary to carry out the foregoing provisions of this Act. However, prior approval of the Secretary of the Army shall be obtained as to those instruments of direct concern to the Department of the Army, and the Secretary of the Army is hereby authorized and directed to accept, on behalf of the United States, all instruments of conveyance of such real property and real property interests as are conveyed to the United States pursuant to the foregoing provisions of this Act, and to accept custody and control of such property.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MORSE subsequently said: Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. MORSE. I did not know there was to be a call of the calendar. Let me ask whether Calendar 998, House bill 8462, has been reached?

Mr. MANSFIELD. Yes; and it has been passed.

Mr. MORSE. Mr. President, I wish to object to the consideration of that bill, as of now. I am not ready to have the bill passed, without first making provision for inclusion of the Morse formula, and without inquiring about the Morse formula.

Mr. MANSFIELD. Very well.

Mr. President, I ask that the action taken by the Senate on Calendar 998, House bill 8462, be rescinded, and that the bill be restored to the calendar.

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

Mr. MORSE. Mr. President, I wish to make a statement in regard to Calendar No. 998, House bill 8462. I hope we can reach an understanding in regard to this bill, in connection with an amendment I propose to offer.

In its present form, the bill violates the Morse formula—clearly, unquestionably.

I am in a predicament in connection with this matter, even though last year I made clear what my position would be. I think the Senator from Texas [Mr. YARBOROUGH], with whom I work very closely, and for whom I have a high and very affectionate regard, probably would be willing to accept my amendment. However, it does no good to accept, on the floor of the Senate, such an amendment to a House bill, and then, when the conference is held, have the House conferees take an adamant position in regard to the amendment, and thus defeat the purpose of the Morse formula amendment.

If the House conferees and the Senate conferees are not willing to bring back to us a conference report on a House bill which conforms to the Morse formula, I do not propose to let this kind of runaround of the Morse formula prevail. It has happened several times, and I am fed up with it; and I am going to object unless we work out an understanding that the Morse formula will be included in these bills before they come over from the House, or get assurance that I will not be thwarted in my desire to protect the taxpayers' money in connection with these giveaway bills—thwarted by having them passed by the House without inclusion of the Morse formula, and, although subsequently getting the Morse formula added by the Senate, later having it stricken out in conference. However, that is the situation which prevails. Certainly it is not fair to many Senators who say to me, "Stick by your guns"—as I have done since 1946, to the tune of $800 million of savings, on the record; and we do not know how many millions of dollars more have been saved as a result of the introduction, during this period, of bills containing the Morse formula.

I do not like this development in regard to the Morse formula. I am not only fighting to protect the Morse formula in connection with these bills; I am also fighting to protect the interests of other Senators who recognize the soundness of the Morse formula and have been keeping faith by bringing in bills with the Morse formula in them.

So I am objecting, tonight; and I hope we can work out some understanding—through the Senator from Texas [Mr. YARBOROUGH]; and I know he is anxious to work it out—on the House side, because I am not willing to vote in favor of such bills, only to have the Morse-formula provision or amendment defeated in conference.

Mr. MANSFIELD. Mr. President, had I known of the Senator's objection to the bill, I would not have brought up the bill.

Mr. ALLOTT. Mr. President, what is the present status of Calendar No. 998, House bill 8462?

Mr. MANSFIELD. The action taken by the Senate has been rescinded, and the bill has been restored to the calendar.

PERIODIC CONGRESSIONAL REVIEW OF FEDERAL GRANTS-IN-AID TO STATES AND LOCAL UNITS OF GOVERNMENT

The Senate proceeded to consider the bill (S. 2114) to provide for periodic congressional review of Federal grants-in-aid to States and to local units of government which had been reported from the Committee on Government Operations, with amendments, on page 2, line 9, after the word "purpose.", to insert "It is further the purpose and intent of this Act to provide for continuing review of existing Federal programs for grant-in-aid assistance to the States or their political subdivisions by the Comptroller General with a view to the formulation of recommendations to assist the Congress in making changes in requirements and procedures applicable to such programs in the interest of eliminating areas of conflict and duplication in program operations and achieving more efficient, effective, and economical administration of such programs, and greater uniformity in the operation thereof."; on page 3, line 5, after the word "expire", to strike out "on" and insert "not later than"; in line 11, after the word "of", where it appears the second time, to strike out "four" and insert "three"; in line 13, after the word "the", to strike out "twelve-month"; at the beginning of line 14, to insert "of not less than twelve months or more than twenty-four months"; on page 4, after line 3, to strike out:

(3) Whether or not any changes in purpose or direction of the original program should be made.

And, in lieu thereof, to insert:

(3) Whether or not any changes in purpose, direction, or administration of the original program, or in procedures and requirements applicable thereto to conform to recommendations by the Comptroller General under section 4, should be made.

After line 10, to insert:

(4) Whether or not any changes in purpose, direction, or administration of the original program should be made in the light of reports and recommendations submitted on request by the Advisory Commission on Intergovernmental Relations.

In line 17, after the word "than", to strike out "ninety" and insert "one hundred and twenty"; after line 19, to insert:

STUDIES BY COMPTROLLER GENERAL OF FEDERAL GRANT-IN-AID PROGRAMS

SEC. 4. The Comptroller General shall make continuing studies of presently existing and all future programs for grant-in-aid assistance from the Federal Government to the States or their political subdivisions concerning the extent to which program conflict and duplication can be eliminated and more effective, efficient, economical, and uniform administration of such programs could be achieved by changing certain requirements and procedures applicable thereto.

In reviewing such programs the Comptroller General shall consider, among other relevant matters, the equalization formulas, and the budgetary, accounting, reporting, and administrative procedures applicable to such programs. Reports on such studies, together with recommendations, shall be submitted by the Comptroller General to the Congress. Reports on expiring programs should, to the extent practicable, be submitted in the year prior to the date set for their expiration.

On page 5, after line 12, to insert:

STUDIES BY ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

SEC. 5. Upon request of any committee referred to in section 3, the Advisory Commission on Intergovernmental Relations (established by Public Law 86–380) shall, during the same period referred to in such section, conduct studies of the intergovernmental relations aspects of programs which are subject to the provisions of such section, including (1) the impact of such programs, if any, on the structural organization of State and local governments and on Federal-State-local fiscal relations, and (2) the coordination of Federal administration of such programs with State and local administration thereof, and shall report its findings and recommendations to such committee.

On page 6, after line 3, to insert:

SEC. 6. (a) Each recipient of assistance under (1) any Act of Congress enacted after the effective date of this Act which provides for a grant-in-aid from the United States to a State or a political subdivision thereof, or (2) any new grant-in-aid agreement, or extension, modification or alteration of any existing grant-in-aid agreement pursuant to existing law shall keep such records as the Federal agency administering such grant shall prescribe, including records which fully disclose the amount and disposition by such recipient of such grant-in-aid, the total cost of the project or undertaking in connection with which such grant-in-aid is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) The head of the Federal agency administering such grant and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients that are pertinent to the grant received.

And, on page 7, at the beginning of line 2, to change the section number from "4" to "7"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

STATEMENT OF PURPOSE

SECTION 1. It is the purpose and intent of this Act to establish a uniform policy and procedure whereby programs for grant-in-aid assistance from the Federal Government to the States or to their political subdivisions which may be enacted hereafter by the Congress shall be made the subject of sufficient subsequent review by the Congress to insure that (1) the effectiveness of grants-in-aid as instruments of Federal-State-local cooperation is improved and enhanced; (2) grant programs are revised and redirected as necessary to meet new conditions arising subsequent to their original enactment; and (3) grant programs are terminated when they have substantially achieved their purpose. It is further the purpose and intent of this Act to provide for continuing review of existing Federal programs for grant-in-aid assistance to the States or their political subdivisions by the Comptroller General with a view to the formulation of recommendations to assist the Congress in making changes in requirements and procedures applicable to such programs in the interest of eliminating areas of conflict and duplication in program operations and achieving more efficient, effective, and economical administration of such programs, and greater uniformity in the operation thereof.

EXPIRATION OF GRANT-IN-AID PROGRAMS

SEC. 2. Where any Act of Congress enacted in the Eighty-ninth or any subsequent Congress authorizes the making of grants-in-aid to two or more States or to political subdivisions of two or more States and no expiration date for such authority is specified by law, then the authority to make grants-in-aid by reason of such Act to States, political subdivisions, and other beneficiaries from funds not theretofore obligated shall expire not later than June 30 of the fifth calendar year which begins after the effective date of such Act.

COMMITTEE STUDIES OF GRANT-IN-AID PROGRAMS

SEC. 3. Where any Act of Congress enacted in the Eighty-ninth or any subsequent Congress authorizes the making of grants-in-aid over a period of three or more years to two or more States or to political subdivisions of two or more States, then during the period of not less than twelve months or more than twenty-four months immediately preceding the date on which such authority is to expire the committees of the House and of the Senate to which legislation extending such authority would be referred shall, separately or jointly, conduct studies of the program under which such grants-in-aid are made with a view to ascertaining, among other matters of concern to the committees, the following:

(1) The extent to which the purposes for which the grants-in-aid are authorized have been met.

(2) The extent to which such programs can be carried on without further financial assistance from the United States.

(3) Whether or not any changes in purpose, direction, or administration of the original program, or in procedures and requirements applicable thereto to conform to recommendations by the Comptroller General under section 4, should be made.

(4) Whether or not any changes in purpose, direction, or administration of the original program should be made in the light of reports and recommendations submitted on request by the Advisory Commission on Intergovernmental Relations.

Each such committee shall report the results of its investigation and study to its respective House not later than one hundred and twenty days before such authority is due to expire.

STUDIES BY COMPTROLLER GENERAL OF FEDERAL GRANT-IN-AID PROGRAMS

SEC. 4. The Comptroller General shall make continuing studies of presently existing and all future programs for grant-in-aid assistance from the Federal Government to the States or their political subdivisions concerning the extent to which program conflict and duplication can be eliminated and more effective, efficient, economical, and uniform administration of such programs could be achieved by changing certain requirements and procedures applicable thereto.

In reviewing such programs the Comptroller General shall consider, among other relevant matters, the equalization formulas, and the budgetary, accounting, reporting, and administrative procedures applicable to such programs. Reports on such studies, together with recommendations, shall be submitted by the Comptroller General to the Congress. Reports on expiring programs should, to the extent practicable, be submitted in the year prior to the date set for their expiration.

STUDIES BY ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

SEC. 5. Upon request of any committee referred to in section 3, the Advisory Commission on Intergovernmental Relations (established by Public Law 86–380) shall, during the same period referred to in such section, conduct studies of the intergovernmental relations aspects of programs which are subject to the provisions of such section, including (1) the impact of such programs, if any, on the structural organization of State and local governments and on Federal-State-local fiscal relations, and (2) the coordination of Federal administration of such programs with State and local administration thereof, and shall report its findings and recommendations to such committee.

RECORDS AND AUDIT

SEC. 6. (a) Each recipient of assistance under (1) any Act of Congress enacted after the effective date of this Act which provides for a grant-in-aid from the United States to a State or a political subdivision thereof, or (2) any new grant-in-aid agreement, or extension, modification or alteration of any existing grant-in-aid agreement pursuant to existing law shall keep such records as the Federal agency administering such grant shall prescribe, including records which fully disclose the amount and disposition by such recipient of such grant-in-aid, the total cost of the project or undertaking in connection with which such grant-in-aid is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) The head of the Federal agency administering such grant and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients that are pertinent to the grant received.

DEFINITIONS

SEC. 7. For the purposes of this Act—

(1) The term "State" means the government of a State, or any agency or instrumentality of a State.

(2) The term "political subdivision" means a local unit of government, including specifically a county, municipality, city, town, township, or a school or other special district created by or pursuant to State law.

(3) The term "grant-in-aid" means money, or property provided in lieu of money, paid or furnished by the United States under a fixed annual or aggregate authorization—

(A) to a State or political subdivision of a State; or

(B) to a beneficiary under a State-administered plan or program which is subject to approval by a Federal agency;

if such authorization either (i) requires the States or political subdivisions to expend non-Federal funds as a condition for the receipt of money or property from the United States, or (ii) specifies directly, or establishes by means of a formula, the amounts which may be paid or furnished to States or political subdivisions, or the amounts to be allotted for use in each of the States by the State, political subdivisions, or other beneficiaries. The term does not include (1) shared revenues, (2) payments of taxes, (3) payments in lieu of taxes, (4) loans or repayable advances, (5) surplus property or surplus agricultural commodities furnished as such, (6) payments under research and development contracts or grants which are awarded directly and on similar terms to all qualifying organizations, whether public or private, or (7) payments to States or political subdivisions as full reimbursement for the costs incurred in paying benefits or furnishing services to persons entitled thereto under Federal laws.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1056), explaining the purposes of the bill.

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

The purpose of this bill, as amended, is to establish a uniform policy and procedure for periodic congressional review of grant-in-aid programs which are designed to assist States and their political subdivisions in meeting recognized national needs. Such reassessment by Congress is necessary to insure that the effectiveness of Federal grants as instruments of intergovernmental cooperation is improved, that such programs are revised and redirected to meet changing conditions and challenging new national problems, and that grant programs are terminated when they have substantially achieved their purpose. This legislation is intended neither to encourage nor discourage the use of the grant-in-aid device, but only to improve it when Congress deems it desirable.

AMENDMENT TO REORGANIZATION ACT OF 1949

The bill (H.R. 3496) to further amend the Reorganization Act of 1949, as amended, so that such act will apply to reorganization plans transmitted to the Congress at any time before June 1, 1965, was considered, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H.R. 6237) to amend section 503 of the Federal Property and Administrative Services Act of 1949, to authorize grants for the collection, reproduction, and publication of documentary source material significant to the history of the United States was announced as next in order.

Mr. MANSFIELD. Over.

The ACTING PRESIDENT pro tempore. The bill will be passed over.

AMENDMENT OF FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949 WITH REGARD TO PROCUREMENT OF PROPERTY AND NONPERSONAL SERVICES BY EXECUTIVE AGENCIES

The bill (S. 1232) to amend the Federal Property and Administrative Services Act of 1949 to make title III thereof directly applicable to procurement of property and nonpersonal services by executive agencies was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 302 of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, is amended to read as follows:

"SEC. 302. (a) Executive agencies shall make purchases and contracts for property and nonpersonal services in accordance with the provisions of this title and implementing regulations of the Administrator; but this title does not apply—

"(1) to agencies and activities specified in section 2303(a) of title 10, United States Code; or

"(2) when this title is made inapplicable pursuant to section 602(d) of this Act or any other law, but when this title is made inapplicable by any such provision of law sections 3709 and 3710 of the Revised Statutes, as amended (41 U.S.C. 5 and 8), shall be applicable in the absence of authority conferred by statute to procure without advertising or without regard to said section 3709."

SEC. 2. Subsection (c) of section 302 of said Act is amended as follows:

(a) By revising paragraph (4) to read:

"(4) for professional nonpersonal services;".

(b) By revising paragraph (15) to read:

"(15) otherwise authorized by law, except that section 304 shall apply to purchases and contracts made without advertising under this paragraph."

SEC. 3. The second sentence of subsection (a) of section 307 of said Act is amended by inserting immediately after "section," the following: "and except as provided in section 205(d) with respect to the Administrator,".

SEC. 4. Subsection (b) of section 307 of said Act is amended by striking out the second sentence thereof.

SEC. 5. Section 310 of said Act is amended to read as follows:

"SEC. 310. Sections 3709, 3710, and 3735 of the Revised Statutes, as amended (41 U.S.C. 5, 8, and 13), shall not apply to the procurement of property or nonpersonal services made by any executive agency pursuant to this title. Any provision of law which authorizes an executive agency (other than an executive agency which is exempted from the provisions of this title by section 302(a) of this Act), to procure any property or nonpersonal services without advertising or without regard to said section 3709 shall be construed to authorize the procurement of such property or services pursuant to section 302 (c)(15) of this Act without regard to the advertising requirements of sections 302(c) and 303 of this Act."

SEC. 6. Title III of said Act is amended by striking out the words "property and services" wherever they appear in that title (except where such words appear in section 304 (b) of that title), and inserting in lieu thereof the words "property and nonpersonal services".

SEC. 7. Subsection (d) of section 602 of said Act is amended as follows:

(a) By striking out the semicolon at the end of paragraph (15) and inserting in lieu thereof a comma and the following: "and the leasing and acquisition of real property, as authorized by law;".

(b) By striking out the word "or" where it appears at the end of paragraph (18).

(c) By striking out the period at the end of paragraph (19), and inserting in lieu thereof a semicolon and the word "or".

(d) By adding at the end of that subsection the following new paragraph:

"(20) The Secretary of the Interior with respect to procurement for program operations under the Bonneville Project Act of 1937 (50 Stat. 731), as amended."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1059), explaining the purposes of the bill.

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

The primary purpose of this bill is to make the modern code of procurement procedures contained in title III of the Federal Property and Administrative Services Act of 1949 directly applicable by statute to executive agencies of the Government not now so covered. At the present time, use of this modern code by such agencies is entirely on a permissive, delegated basis. This code will replace use of the limited provisions of section 3709, Revised Statutes, governing advertising and negotiation. A common statutory foundation of procurement authority will further enable the Administrator of General Services to prescribe uniform procurement policies and procedures for agencies and so to develop uniform procurement practices for the benefit both of the Government and the businessman contracting with the Government.

The bill also proposed certain less significant improvements in procurement. The bill would exclude the procurement of personal services from the operation of title III, which is essentially a property management code of procedures. It would make certain limitations of section 304 of the Federal Property and Administrative Services Act of 1949 (concerning fees of cost-type contracts, contingent fees, examination records, etc.) applicable to contracts negotiated by executive agencies under any law, not only title III.

AMENDMENT OF TITLE V OF THE FEDERAL AVIATION ACT OF 1958

The bill (H.R. 8673) to amend title V of the Federal Aviation Act of 1958, to provide that the validity of an instrument the recording of which is provided for by such act shall be governed by the laws of the place in which such instrument is delivered, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1060), explaining the purposes of the bill.

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

The bill would create a uniform Federal rule which would provide that the validity of certain instruments affecting title to or interest in aircraft shall be governed by the

laws of the State, District of Columbia, territory, or possession in which they are delivered. Designation of the place of delivery in the instrument would constitute presumptive evidence that the instrument was delivered at the place so specified. The bill makes clear that this legislation in no way affects the Convention on the International Recognition of Rights in Aircraft. In addition, the Administrator of the Federal Aviation Agency would be authorized to except certain instruments from the present statutory requirement that they must be notarized before recordation.

COST TO THE PUBLIC OF COAST AND GEODETIC SURVEY RADIO NAVIGATION CHARTS

The Senate proceeded to consider the bill (S. 1336) to provide that the price at which the Coast and Geodetic Survey sells radio navigation charts and certain related material to the public shall not be less than the cost thereof which had been reported from the Committee on Commerce, with an amendment, to strike out all after the enacting clause and insert:

That section 76 of the Act entitled "An Act providing for the public printing and binding and the distribution of public documents", approved January 12, 1895 (28 Stat. 620; 44 U.S.C. 246), as amended, is amended to read:

"a. The charts published by the Coast and Geodetic Survey shall be sold at cost of paper and printing as nearly as practicable. The price to the public shall include all expenses incurred in actual reproduction of the charts after the original cartography, such as photography, opaquing, platemaking, press time and bindery operations; the full postage rates, according to the rates for postal services used; and any additional cost factors deemed appropriate by the Secretary, such as overhead and administrative expenses allocable to the production of the charts and related reference materials: *Provided*, That the costs of basic surveys and geodetic work done by the Coast and Geodetic Survey shall not be included in the price of such charts and reference materials. The Secretary of Commerce shall publish the prices at which such charts and reference materials are sold to the public at least once each calendar year.

"b. There shall be no free distribution of such charts except to the departments and officers of the United States requiring them for public use; and a number of copies of each sheet, not to exceed three hundred, to be presented to such foreign governments, libraries, and scientific associations, and institutions of learning as the Secretary of Commerce may direct; but on the order of Senators, Representatives, and Delegates not to exceed one hundred copies to each may be distributed through the Director of the Coast and Geodetic Survey."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide that the price at which the Coast and Geodetic Survey sells certain charts and related material to the public shall not be less than the cost thereof."

Mr. ALLOTT. Mr. President, I would like to say a word about the bill.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

Mr. ALLOTT. Mr. President, this is a bill which has had very widespread significance and involves one of the real areas where the Federal Government has attempted to compete with private enterprise in direct competition with private enterprise.

I want to say a word on behalf of the distinguished Senator from California [Mr. KUCHEL], who has contributed so much to the passage of this bill. I think this is a real milestone toward stopping Government competition with private enterprise.

Mr. ALLOTT subsequently said: Mr. President, I move that the vote by which Calendar No. 1004, Senate bill 1336, was passed be reconsidered.

Mr. KUCHEL. Mr. President, I move to lay on the table the motion to reconsider.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1061), explaining the purposes of the bill.

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

The bill would amend the act of January 12, 1895, so as to conform the law with existing administrative practice with respect to the pricing of charts published by the Coast and Geodetic Survey. The bill would make clear that the price of such charts to the public shall include all expenses incurred in actual reproduction of the charts after the original cartography such as photography, opaquing, platemaking, etc.

REAL PROPERTY TRANSFERRED BY THE RECONSTRUCTION FINANCE CORPORATION TO OTHER GOVERNMENT DEPARTMENTS

The bill (H.R. 9964) to extend for 2 years the period for which payments in lieu of taxes may be made to certain real property transferred by the Reconstruction Finance Corporation to other Government departments was considered, ordered to a third reading, read the third time, and passed.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled, That (a) section 703 of the Federal Property and Administrative Services Act of 1949 (69 Stat. 722) is amended by striking out the figures "1965", and inserting in lieu thereof the figures "1967".

(b) Section 704 of such Act (69 Stat. 723) is amended by striking out the figures "1964", and inserting in lieu thereof the figures "1966".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1063), explaining the purposes of the bill.

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

The purpose of this bill is to extend for 2 years, from December 31, 1964, the period in which payments in lieu of taxes may be made to State and local taxing authorities by the Federal Government with respect to certain real property on which payments were authorized by Public Law 388, 84th Congress.

Public Law 388, which became law on August 12, 1955, was designed to furnish temporary relief for local taxing authorities which were under an undue and unexpected burden as the result of the transfer of taxable real property from the Reconstruction Finance Corporation, or its subsidiaries, to another Federal agency or department, which transfer operated to take such property out of taxation. The act authorized payments in lieu of taxes with respect to such property only if it was transferred by the RFC, or one of its subsidiaries, to another Federal agency or department on or after January 1, 1946, and only if title to such property has been held continuously by the United States since such transfer.

MRS. AUDREY ROSSMAN

The bill (H.R. 9090) for the relief of Mrs. Audrey Rossman was considered, ordered to a third reading, read the third time, and passed.

GIH HO PAO

The bill (S. 584) for the relief of Gih Ho Pao and his wife Joanie T. Pao was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of section 2 of the Act entitled "An Act to facilitate the entry of alien skilled specialists and certain relatives of United States citizens, and for other purposes", approved October 24, 1962 (76 Stat. 1247), Yih-Ho Pao shall be held and considered to be an alien eligible for a quota immigrant status under the provisions of section 203 (a) (1) of the Immigration and Nationality Act on the basis of a petition filed with the Attorney General prior to April 1, 1962.

CZESLAW (CHESTER) KALUZNY

The bill (S. 2629) for the relief of Czeslaw (Chester) Kaluzny was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 203(a)(2) and 205 of the Immigration and Nationality Act, Czeslaw (Chester) Kaluzny shall be held and considered to be the natural-born alien son of Mr. and Mrs. Joseph D. Malinowski, citizens of the United States: *Provided*, That the natural father of the said Czeslaw (Chester) Kaluzny shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

AZIZA (SUSAN) SASSON

The Senate proceeded to consider the bill (S. 2149) for the relief of Aziza (Susan) Sasson, which had been reported from the Committee on the Judiciary, with an amendment to strike out all after the enacting clause and insert:

That, for the purposes of the Act of July 14, 1960 (74 Stat. 504), Aziza (Susan) Sasson shall be held and considered to have been paroled into the United States on the date of the enactment of this Act, as provided for in the said Act of July 14, 1960.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALEXA DANIEL

The Senate proceeded to consider the bill (S. 2163) for the relief of Alexa Daniel, which had been reported from the Committee on the Judiciary, with an amendment to strike out all after the enacting clause and insert:

That, for the purposes of section 322 of the Immigration and Nationality Act, Alexa Daniel shall be held and considered to be under eighteen years of age.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MRS. ANNA SOOS

The Senate proceeded to consider the bill (S. 2320) for the relief of Mrs. Anna Soos, which had been reported from the Committee on the Judiciary, with an amendment to strike out all after the enacting clause and insert:

That the Attorney General is authorized and directed to discontinue any deportation proceedings and to cancel any outstanding orders and warrants of deportation, warrants of arrest, and bond, which may have issued in the case of Mrs. Anna Soos. From and after the date of the enactment of this Act, the said Mrs. Anna Soos shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and orders have issued.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DAVID LEE BOGUE

The Senate proceeded to consider the bill (S. 2354) for the relief of David Lee Bogue, which had been reported from the Committee on the Judiciary, with an amendment to strike out all after the enacting clause and insert:

That David Lee Bogue, who lost United States citizenship under the provisions of sections 349(a)(1), (2), and (3) of the Immigration and Nationality Act of 1952, may be naturalized by taking prior to one year after the effective date of this Act, before any court referred to in subsection (a) of section 310 of the Immigration and Nationality Act or before any diplomatic or consular officer of the United States abroad, an oath as prescribed by section 337 of such Act. From and after naturalization under this Act, the said David Lee Bogue shall have the same citizenship status as that which existed immediately prior to its loss.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MILAGROS ARAGON NERI

The Senate proceeded to consider the bill (S. 2374) for the relief of Milagros Aragon Neri, which had been reported from the Committee on the Judiciary, with an amendment, to strike out all after the enacting clause and insert:

That, in the administration of the Immigration and Nationality Act, the provisions of sections 202(a)(5) and 202(b) shall be inapplicable in the case of Milagros Aragon Neri.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARDIROS KOUYOUMJIAM

The Senate proceeded to consider the bill (S. 2378) for the relief of Mardiros Kouyoumjiam and his wife, Mamj Kouyoumjiam, which had been reported from the Committee on the Judiciary, with an amendment, to strike out all after the enacting clause and insert:

That, in the administration of the Act of September 26, 1961 (75 Stat. 650, 657), Mardiros Kouyoumjiam and his wife, Manig Kouyoumjiam, shall be deemed to be without the purview of section 25(a) of that Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GERARD PIULLET

The bill (H.R. 6308) for the relief of Gerard Piullet was considered, ordered to a third reading, read the third time, and passed.

DAVID SHEPPARD

The bill (H.R. 6843) for the relief of David Sheppard was considered, ordered to a third reading, read the third time, and passed.

DIEDRE REGINA SHORE

The bill (H.R. 8964) for the relief of Diedre Regina Shore was considered, ordered to a third reading, read the third time, and passed.

ELISABETE MARIA FONSECA

The bill (H.R. 9220) for the relief of Elisabete Maria Fonseca was considered, ordered to a third reading, read the third time, and passed.

STATE TAXATION OF EMPLOYEES ENGAGED IN REGULATED INTERSTATE TRANSPORTATION

The Senate proceeded to consider the bill (S. 1719) to amend the Interstate Commerce Act and the Federal Aviation Act of 1958 in order to exempt certain wages and salary of employees from withholding for tax purposes under the laws of States or subdivisions thereof other than the State or subdivision of the employee's residence, which had been reported from the Committee on Commerce with an amendment to strike out all after the enacting clause and insert:

That part I of the Interstate Commerce Act is amended by redesignating section 26 as section 27 and by inserting before such section a new section as follows:

"EXEMPTION OF CERTAIN WAGES AND SALARY OF EMPLOYEES FROM WITHHOLDING BY OTHER THAN RESIDENCE STATE

"SEC. 26. (a) No part of the wages or salary paid by any railroad, express company, or sleeping car company, subject to the provisions of this part, to an employee who performs his regularly assigned duties as such an employee on a locomotive, car, or other track-borne vehicle in more than one State, shall be withheld for tax purposes pursuant to the laws of any State or subdivision thereof other than the State or subdivision of such employee's residence, as shown on the employment records of any such carrier; nor shall any such carrier file any information return or other report for tax purposes with respect to such wages or salary with any State or subdivision thereof other than such State or subdivision of residence.

"(b) For the purposes of this section, the term 'State' also means the District of Columbia."

SEC. 2. (a) Section 202(b) of the Interstate Commerce Act is amended by inserting after "Nothing in this part" a comma and the following: "except as provided in section 226A,".

(b) Part II of the Interstate Commerce Act is amended by inserting after section 226 a new section as follows:

"EXEMPTION OF CERTAIN WAGES AND SALARY OF EMPLOYEES FROM WITHHOLDING BY OTHER THAN RESIDENCE STATE

"SEC. 226A. (a) No part of the wages or salary paid by any motor carrier subject to the provisions of this part to any employee who performs his regularly assigned duties as such an employee on a motor vehicle in more than one State, shall be withheld for tax purposes pursuant to the laws of any State or subdivision thereof other than the State or subdivision of such employee's residence, as shown on the employment records of such carrier; nor shall such carrier file any information return or other report for tax purposes with respect to such wages or salary with any State or subdivision thereof other than such State or subdivision of residence.

"(b) For the purposes of this section, the term 'State' also means any possession of the United States or the Commonwealth of Puerto Rico."

SEC. 3. (a) Part III of the Interstate Commerce Act is amended by redesignating section 323 as section 324 and by inserting before such section a new section as follows:

"EXEMPTION OF CERTAIN WAGES AND SALARY OF EMPLOYEES FROM WITHHOLDING BY OTHER THAN RESIDENCE STATE

"SEC. 323. No part of the wages or salary paid by any water carrier subject to the provisions of this part to an employee who performs his regularly assigned duties as such an employee on a vessel in more than one State, shall be withheld for tax purposes pursuant to the laws of any State or subdivision thereof other than the State or subdivision of such employee's residence, as shown on the employment records of such carrier; nor shall such carrier file any information return or other report for tax purposes with respect to such wages or salary with any State or subdivision thereof other than such State or subdivision of residence."

(b) The table of contents contained in section 301 of the Interstate Commerce Act is amended by striking out

"Sec. 323. Separability of provisions."

and inserting in lieu thereof:

"Sec. 323. Exemption of certain wages and salary of employees from withholding by other than residence State.

"Sec. 324. Separability of provisions."

SEC. 4. (a) Title XI of the Federal Aviation Act of 1958 is amended by inserting after section 1111 the following new section:

"EXEMPTION OF CERTAIN WAGES AND SALARY OF EMPLOYEES FROM WITHHOLDING BY OTHER THAN RESIDENCE STATE

"SEC. 1112. (a) No part of the wages or salary paid by any air carrier to an employee who performs his regularly assigned duties as such an employee on an aircraft in more than one State shall be withheld for tax purposes pursuant to the laws of any State or subdivision thereof other than the State or subdivision of such employee's residence, as shown on the employment records of such carrier; nor shall such carrier file any information return or other report for tax purposes with respect to such wages or salary with any State or subdivision thereof other than such State or subdivision of residence.

"(b) For the purposes of this section, the term 'State' also means the District of Columbia and any of the possessions of the United States."

(b) That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the heading "TITLE XI—MISCELLANEOUS" is amended by adding at the end thereof the following:

"Sec. 1112. Exemption of certain wages and salary of employees from withholding by other than residence State."

SEC. 5. The amendments made by this Act shall become effective on the first day of the first calendar year beginning after the date of enactment of this Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1076), explaining the purposes of the bill.

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

The bill would exempt the wages and salary of certain employees of regulated interstate transportation carriers from the withholding tax requirements of States and local subdivisions, except in the State or local subdivision of the employee's residence. It would also relieve these carriers of any duty to file information returns for tax purposes on the wages and salary of certain employees, except in the State or local subdivision of such employee's residence. In so doing, the bill would remove the substantial burden to interstate commerce which the imposition of withholding taxes on the nonresident employees of these carriers by States and local subdivisions has caused. The bill will not impair the general taxing authority of State and local governments, nor will it relieve the affected employees of their liability to pay taxes properly due.

LIBERALIZATION OF CONDITIONS OF LOANS BY NATIONAL BANKS ON FOREST TRACTS

The bill (H.R. 8230) to amend section 24, of the Federal Reserve Act (121 U.S.C. 371) to liberalize the conditions of loans by national banks on forest tracts was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1077), explaining the purposes of the bill.

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

The bill would amend the terms under which national banks may make real estate loans on properly managed forest tracts, (1) by broadening the basis of the loan security from "economically marketable timber" to "growing timber, lands, and improvements"; (2) by increasing the permissible loan term from 10 to 15 years in the case of amortized loans and from 2 to 3 years in the case of unamortized loans; and (3) by increasing the maximum permissible loan ratio from 40 to 60 percent of the appraised fair market value in the case of both amortized and unamortized loans.

AMENDMENT TO FEDERAL CREDIT UNION ACT

The bill (H.R. 8459) to amend the Federal Credit Union Act to allow Federal credit unions greater flexibility in their organizations and operations was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1078), explaining the purposes of the bill.

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

H.R. 8459 would amend the Federal Credit Union Act so as to provide for Federal credit unions additional investment powers, greater administrative flexibility, and additional protection against false statements or willful overvaluations in connection with applications, loans, and the like.

Section 1 of the bill would extend the investment powers of Federal credit unions so as to include authority to invest in obligations issued by banks for cooperatives, Federal land banks, Federal intermediate credit banks, Federal home loan banks, the Federal Home Loan Bank Board, or any corporation designated in section 101 of the Government Corporation Control Act as a wholly owned Government corporation.

Section 2 of the bill would authorize Federal credit unions to establish supervisory committees of not less than three members nor more than five members, instead of the present requirement that the supervisory committee must consist of three members.

Section 3 of the bill would authorize the payment of interest refunds at the close of any dividend period, instead of permitting such refunds only on December 31 of each year.

Section 4 of the bill would authorize Federal credit unions, subject to regulations prescribed by the Director of the Bureau of Federal Credit Unions, to treat as security for a loan, insurance on home improvement loans obtained under title I of the National Housing Act.

Section 5 of the bill would make it an offense under the United States Criminal Code for anyone knowingly to make a false statement or report or willfully overvalue any land, property, or security to influence the action of a Federal credit union in connection with any application, loan, or the like.

AMENDMENT TO RESOLUTION WITH RESPECT TO PROMOTION OF HIGHWAY TRAFFIC SAFETY

The bill (S. 2318) 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 was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the joint resolution approved August 20, 1958 (72 Stat. 635), is amended by inserting in the resolving clause after the word "States" the phrase ", and one or more of the several States and the District of Columbia,".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1079), explaining the purposes of the bill.

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

S. 2318 would include the District of Columbia within the provisions of a 1958 joint resolution authorizing interstate traffic safety compacts. The District of Columbia, for example, would be allowed to enter into an agreement concerning the posting of collateral by nonresidents arrested for certain traffic violations. The purpose of such an agreement would be to permit residents of Maryland or Virginia who are arrested in the District the privilege of receiving citations in the same manner as residents of the District of Columbia, in exchange for similar treatment to be afforded District residents.

BILL PASSED OVER

The bill (H.R. 287) to amend title II of the Social Security Act to include Nevada among those States which are permitted to divide their retirement systems into two parts for purposes of obtaining social security coverage under Federal-State agreement was announced as next in order.

Mr. MANSFIELD. Over.

The ACTING PRESIDENT pro tempore. The bill will be passed over.

EXPORTATION OF WORKING PARTS OF AIRCRAFT

The bill (H.R. 1608) to amend the Tariff Act of 1930 to provide that certain aircraft engines and propellers may be exported as working parts of aircraft, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1081), explaining the purposes of the bill.

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

This bill would provide that aircraft engines, propellers, and parts and accessories thereof may be imported into the United States for purposes of repair duty free if such articles are subsequently removed as part of an aircraft departing the United States in international air traffic.

DUTY-FREE IMPORTATION OF CERTAIN WOOLS

The bill (H.R. 2652) to amend the Tariff Act of 1930 to provide for the duty-free importation of certain wools for use in the manufacturing of polishing felts

was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1082), explaining the purposes of the bill.

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

This bill would provide for the duty-free treatment of Karakul wools and certain other coarse wools imported for use in the manufacture of pressed felt for polishing plate and mirror glass.

EMPLOYEES COVERED BY STATE OF MAINE RETIREMENT SYSTEM

The bill (H.R. 3348) to amend section 316 of the social security amendments of 1958 to extend the time within which teachers and other employees covered by the same retirement system in the State of Maine may be treated as being covered by separate retirement systems for purposes of the old age, survivors, and disability insurance program was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1083), explaining the purposes of the bill.

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

Section 1 of H.R. 3348 reinstates a provision of law which permitted the State of Maine to treat teaching and nonteaching employees who are actually in the same retirement system as though they were under separate retirement systems for social security coverage purposes. The original provision, enacted as part of the Social Security Amendments of 1958, expired on June 30, 1960. The Social Security Amendments of 1960 reopened the provision until July 1, 1961. H.R. 3348 would reopen the provision until July 1, 1965. Section 2 of the bill amends title II of the Social Security Act to include Texas among the States which may obtain social security coverage, under State agreement, for State and local policemen and firemen under retirement systems.

FREE IMPORTATION OF SOLUBLE AND INSTANT COFFEE

The bill (H.R. 4198) to amend the Tariff Act of 1930 to provide for the free importation of soluble and instant coffee was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1084), explaining the purposes of the bill.

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

This bill would provide for the free importation of soluble or instant coffee (containing no admixture of sugar, cereal, or other additive).

"Soluble" coffee and "instant" coffee are synonymous terms and will hereinafter be referred to as soluble coffee. The soluble coffee (containing no admixture of sugar, cereal, or other additive) to which this bill applies is the "dried water-soluble solids derived from roasted coffee."

SUSPENSION FOR TEMPORARY PERIOD IMPORT DUTY ON MANGANESE ORE

The bill (H.R. 7480) to suspend for a temporary period the import duty on manganese ore (including ferruginous ore) and related products was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1085), explaining the purposes of the bill.

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

The principal use of manganese ore is for metallurgical purposes in the production of steel. Much smaller amounts are consumed in the production of dry-cell batteries and in the manufacture of manganese chemicals.

Consumers of manganese ore in the United States are principally producers of manganese ferroalloys, primarily ferromanganese, and to a lesser extent silicomanganese.

During 1962 domestic ore accounted for only about 1 percent of the manganese ore consumed in the United States for metallurgical purposes; only about 12 percent of consumption in the manufacture of dry-cell batteries; and about 4 percent of the ore used in producing chemicals and for miscellaneous applications. The balance of domestic consumption of manganese ore is supplied by imports, principally from Brazil, Ghana, India, Morocco, and the Union of South Africa.

H.R. 7480 would temporarily suspend the present reduced rate of duty, established pursuant to trade agreement concessions, on manganese ore, including ferruginous manganese ore, and manganiferous ore, containing over 10 percent by weight of manganese. This reduced rate of duty is presently one-fourth cent per pound on the metallic manganese content of the ore.

PREVENTION OF DOUBLE TAXATION IN CASE OF CERTAIN TOBACCO PRODUCTS

The bill (H.R. 8268) to prevent double taxation in the case of certain tobacco products exported and returned unchanged to the United States for delivery to a manufacturer's bonded factory was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1086), explaining the purposes of the bill.

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

This bill would prevent double taxation in the case of certain tobacco products exported and returned unchanged to the United States for delivery to a manufacturer's bonded factory.

TARIFF CLASSIFICATION OF CERTAIN PARTICLEBOARD

The bill (H.R. 8975) to provide for the tariff classification of certain particleboard was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1087), explaining the purposes of the bill.

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

This bill would provide for the tariff classification of certain particleboard imported during the period beginning July 11, 1957, and ending August 31, 1963.

PLACEMENT AND FOSTER CARE OF DEPENDENT CHILDREN

The bill (H.R. 9688) to extend the period during which responsibility for the placement and foster care of dependent children, under the program of aid to families with dependent children under title IV of the Social Security Act, may be exercised by a public agency other than the agency administering such aid under the State plan was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1088), explaining the purposes of the bill.

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

The purpose of this bill is to extend for 3 years, from June 30, 1964, until June 30, 1967, the provision of the Public Welfare Amendments of 1962 (Public Law 87–543 as extended by Public Law 88–48) which permits the responsibility for the placement and foster care of dependent children under the program of aid and services to needy families with children (title IV of the Social Security Act) to be exercised by a public agency other than the agency which regularly administers this program.

CONTINUATION OF EXISTING SUSPENSION OF DUTIES FOR METAL SCRAP

The bill (H.R. 10463) to continue until the close of June 30, 1965, the existing suspension of duties for metal scrap was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1089), explaining the purposes of the bill.

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

This bill would continue for 1 year (from the close of June 30, 1964, to the close of June 30, 1965) (1) the existing suspension of duties on metal waste and scrap, etc., provided by item 911.12 of the Tariff Schedules of the United States, and (2) the existing reduction of duties on copper waste and scrap, etc., provided by items 911.10 and 911.11 of such schedules.

EXTENSION FOR TEMPORARY PERIOD OF FREE IMPORTATION OF PERSONAL AND HOUSEHOLD EFFECTS

The bill (H.R. 10465) to extend for a temporary period the existing provisions of law relating to the free importation of personal and household effects brought into the United States under

Government orders was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1090), explaining the purposes of the bill.

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

This bill would amend item 915.20 of the Tariff Schedules of the United States to continue for 2 years (from the close of June 30, 1964, until the close of June 30, 1966) the existing provisions of law relating to the free importation of personal and household effects brought into the United States under Government orders.

EXTENSION OF PERIOD FOR TEMPORARY ASSISTANCE FOR U.S. CITIZENS RETURNED FROM FOREIGN COUNTRIES

The bill (H.R. 10466) to amend title XI of the Social Security Act to extend the period during which temporary assistance may be provided for U.S. citizens returned from foreign countries was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1091), explaining the purposes of the bill.

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

The purpose of this bill is to extend for 3 years, from June 30, 1964, until June 30, 1967, the provisions of section 1113(d) of the Social Security Act which authorized provision of temporary assistance to U.S. citizens returned from foreign countries under certain circumstances.

CONTINUATION OF SUSPENSION OF DUTY ON CERTAIN COPYING SHOE LATHES

The bill (H.R. 10468) to continue until the close of June 30, 1966, the existing suspension of duty on certain copying shoe lathes was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1092), explaining the purposes of the bill.

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

This bill would amend item 911.70 of the Tariff Schedules of the United States to continue until the close of June 30, 1966, the existing suspension of duty on copying lathes used for making rough or finished shoe lasts from models of shoe lasts and capable of producing more than one size shoe from a single size model of a shoe last.

EXTENSION FOR TEMPORARY PERIOD SUSPENSION OF DUTY ON CERTAIN NATURAL GRAPHITE

The bill (H.R. 10537) to continue for a temporary period the existing suspension of duty on certain natural graphite was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1093), explaining the purposes of the bill.

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

This bill would continue until July, 1966, the present suspension of duty on natural amorphous graphite, crude and refined, valued at $50 per ton or less.

TWO YEARS' SUSPENSION OF DUTY ON CERTAIN ALUMINA AND PERMANENT SUSPENSION OF DUTY ON CERTAIN BAUXITE

The Senate proceeded to consider the bill (H.R. 9311) to continue for 2 years the suspension of duty on certain alumina and to make permanent the suspension of duty on certain bauxite, which had been reported from the Committee on Finance, with an amendment to strike out all after the enacting clause and insert:

That (a) items 907.15, 909.30, and 911.05 of title I of the Tariff Act of 1930 (Tariff Schedules of the United States; 28 F.R., part II, pages 432 and 433, Aug. 17, 1963) are each amended by striking out "On or before 7/15/64" and inserting in lieu thereof "On or before 7/15/66".

(b) The amendments made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption after July 15, 1964.

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act to continue for 2 years the existing suspensions of duty on certain alumina and bauxite."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1094), explaining the purposes of the bill.

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

This bill would continue for 2 years, until July 16, 1966, the suspension of duty on alumina when imported for use in producing aluminum, and on bauxite ore and calcined bauxite. The committee amendment deletes that provision of the House bill which would have placed bauxite permanently on the free list.

Mr. MANSFIELD. Mr. President, that concludes the call of the calendar.

TRANSACTION OF ADDITIONAL ROUTINE BUSINESS

By unanimous consent, the following additional routine business was transacted:

ADDITIONAL BILLS INTRODUCED

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

By Mr. DIRKSEN (for himself and Mr. DOUGLAS):

S. 2928. A bill to authorize and direct the Secretary of Agriculture to make a preliminary survey of the proposed George Rogers Clark Recreation Way within and adjacent to the Shawnee National Forest in the State of Illinois; to the Committee on Agriculture and Forestry.

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

By Mr. McCARTHY:

S. 2929. A bill to amend subtitle C of the Consolidated Farmers Home Administration Act of 1961 in order to authorize the Secretary of Agriculture to make emergency loans to producers who suffer severe production losses, and for other purposes; to the Committee on Agriculture and Forestry.

THE GEORGE ROGERS CLARK RECREATION WAY

Mr. DIRKSEN. Mr. President, for myself and Senator DOUGLAS I introduce, for appropriate reference, a bill to authorize and direct the Secretary of Agriculture to make a preliminary survey of the proposed George Rogers Clark Recreation Way within and adjacent to the Shawnee National Forest in the State of Illinois.

One of the necessary prerequisites of a satisfactory recreation way is public control of the right-of-way and adequate lands along it to assure scenic conservation and development of desirable public recreation areas. Last year, the National Forest Reservation Commission extended the Shawnee National Forest purchase unit to connect the two segments of the national forest.

This 100-mile proposed recreation way, sometimes referred to as the river-to-river road, would extend from Fountain Bluff on the Mississippi River to the general area of Old Shawneetown, Ill., on the Ohio River.

This preliminary survey would be a major step toward accomplishing the desires of the local sponsors of this scenic highway. The study is estimated to cost approximately $40,000. This road and the attractions along the way cross lines of seven counties, and Federal and State agencies are involved. It also has an important place in the State's program of development through the board of economic development in Illinois, the department of conservation, and other agencies. George Rogers Clark, a Revolutionary War figure, is closely associated with this general area of southern Illinois. Mr. John Allen in his book, "The Legends and Lore of Southern Illinois," stated:

It was through his efforts, more than those of any other, that Illinois along with the remainder of the whole northwestern territory became a part of the United States. Most of the military activities that Clark conducted to accomplish this objective were enacted in Illinois.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 2928) to authorize and direct the Secretary of Agriculture to make a preliminary survey of the pro-

posed George Rogers Clark Recreation Way within and adjacent to the Shawnee National Forest in the State of Illinois, introduced by Mr. DIRKSEN (for himself and Mr. DOUGLAS), was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

NOTICE OF HEARINGS BY COMMITTEE ON BANKING AND CURRENCY

Mr. ROBERTSON. Mr. President, I should like to announce that the Committee on Banking and Currency will hold hearings on the nomination of Hamer H. Budge, of Idaho, to be a member of the Securities and Exchange Commission. The hearing is scheduled to be held on Wednesday, June 24, 1964, in room 5302 New Senate Office Building at 10 a.m.

In addition, immediately following the hearing on the nomination the committee will hold hearings on H.R. 10000, a bill to extend the Defense Production Act of 1950; and it will consider H.R. 11499, to extend for 2 years the authority of Federal Reserve banks to purchase U.S. obligations directly from the Treasury; and House Joint Resolution 1041, temporarily extending the program of insured rental housing loans for the elderly in rural areas.

Any persons who wish to appear and testify in connection with this nomination, or these bills are requested to notify Mr. Matthew Hale, chief of staff, Senate Committee on Banking and Currency, room 5300, New Senate Office Building, telephone 225–3921.

I should like to add for the information of those interested that I am sending notices to the members of the Banking and Currency Committee of a meeting in executive session on S. 750, to be held Tuesday, June 23, at 10 a.m., in the committee room.

ADJOURNMENT TO NOON ON MONDAY

Mr. MANSFIELD. Mr. President, if there is no further business to come before the Senate, I now move—and with a sense of relief—that the Senate stand in adjournment until 12 o'clock noon, on Monday next.

The motion was agreed to; and (at 8 o'clock and 10 minutes p.m.) the Senate adjourned to Monday, June 22, 1964, at 12 o'clock meridian.

SENATE

MONDAY, JUNE 22, 1964

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

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

O Thou God of grace and glory, by thronging duties pressed, we pause reverently for this dedicated moment at our daily altar of prayer.

We are grateful that amid all life's vicissitudes and buffetings, its strain and stress, "from every stormy wind that blows, from every swelling tide of woes, there is a calm—a sure retreat."

And so, facing tests of wisdom that are beyond our puny, fallible powers, for the solving of national problems which loom before those whom the people have chosen, we ask for them a strength that is not their own. We fain would join the exultant company who, across all the centuries, have been able to chant with victorious gladness, "I sought the Lord, and He heard me, and delivered me from all my fears."

Give us a common faith that any tyranny over the bodies and minds of men carries with it its own death germs, and that at last on the calendar of the future the coronation of Thy truth is sure. In that confidence we march on to the coming kingdom of Thy grace. Amen.

THE JOURNAL

On request by Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Friday, June 19, 1964, was dispensed with.

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

As in exective session,

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

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

MESSAGE FROM THE HOUSE—ENROLLED JOINT RESOLUTION SIGNED

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled 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, and it was signed by the Acting President pro tempore.

ORDER DISPENSING WITH CALL OF CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the calendar, under rule VIII, be dispensed with for today.

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

TRANSACTION OF ROUTINE BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that morning business be proceeded with, under the rule as amended by the Church resolution, and under the usual 3-minute limitation on statements.

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

Mr. MANSFIELD. This will permit committees to sit until the morning hour is concluded.

COMMITTEE MEETING DURING SENATE SESSION

On request by Mr. MANSFIELD, and by unanimous consent, the Committee on Public Works was authorized to meet during the session of the Senate today.

LEGISLATIVE PROGRAM—REQUEST BY A SENATOR

Mr. MANSFIELD. Mr. President, before the Senate proceeds to the consideration, later in the afternoon, of the Interior Department appropriation bill, I wish to note that a Member of the Senate approached me last week in connection with the program for this week, and made a request which I agreed to honor; but I must confess that I have forgotten who the Member was, what the request was, and what it was that I agreed to do.

I trust that I shall be forgiven for this lapse of memory, in view of the intensity of the situation which prevailed at the time. I trust, too, that by calling up the Interior Department appropriation bill, I shall not be violating a commitment which I may have made. Finally, I trust that the Member who spoke to me will remind me of what transpired between us. In the more subdued atmosphere of this Monday afternoon, I ought to be able to do a little better with my memory.

EXECUTIVE COMMUNICATIONS, ETC.

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

REPORT ON DEFENSE PROCUREMENT FROM SMALL AND OTHER BUSINESS FIRMS

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

REPORT ON COMBAT READINESS OF AIRCRAFT OF THE 1ST AND 2D ARMORED DIVISIONS IMPAIRED BY INADEQUATE MAINTENANCE AT FORT HOOD, TEX.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on combat readiness of aircraft of the 1st and 2d Armored Divisions impaired by inadequate maintenance at Fort Hood, Tex., Department of the Army, dated June 1964 (with an accompanying report); to the Committee on Government Operations.

REPORT ON EXCESSIVE OCEAN FREIGHT CHARGES ON COMMERCIAL SHIPMENTS MADE BY THE PANAMA CANAL COMPANY

A letter from the Comptroller General of the United States, transmitting, pursuant to