PETITIONS, ETC.

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

935. By Mr. GREEN of Pennsylvania: Petition of the Council of the City of Philadelphia, Pa., memorializing the U.S. House of Representatives to enact H.R. 3881, which provides Federal aid to communities in the solution of their mass transportation problems; to the Committee on Banking and Currency.

936. By the SPEAKER: Petition of Paul d'Ortona, president, City Council of Philadelphia, Philadelphia, Pa., petitioning consideration of their resolution to enact H.R. 3881, which provides Federal aid to communities in the solution of their mass transportation problems: to the Committee on Banking and Currency.

937. Also, petition of Henry Stoner, Avon Park, Fla., to do things possible to emphasize the political difference between Moscow and Peiping; and form a Democratic Republican Party for proper grassroots sidewalks education in foreign affairs, and we must also play practical world politics; to the Committee on Foreign Affairs.

SENATE

WEDNESDAY, JUNE 17, 1964

(Legislative day of Monday, March 30, 1964)

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

Rev. J. Millard Ahlstrom, pastor, First Lutheran Church, St. Peter, Minn., offered the following prayer:

Forgive my faults, O God; forgive our faults as a nation; forgive the faults of all men.

We pray for those closest within the circle of our concern—sons and daughters, friends, those we have loved long since and lost awhile. Give them Thy blessing, good Lord.

And now, as to the business at hand this day, grant guidance to the President of the United States; to all who are in positions of authority, in this land and in all the world; and to men of good will everywhere.

Most especially we pray for the 100 who deliberate in this great Chamber. Teach all of them that they are made of mortal clay, but are given the chance of godly choice; that each stands alone, but supported by innumerable hosts of those who watch and wait, today and in the years to come.

In the small, tedious, and homely tasks of this day, help them to see the splendid vistas of all time ahead; and in the work they do here and now, keep them in touch with eternal crowns and everlasting verities.

To stars there are stairways;
From strident clash, brotherhood can come;
From sinful men can emerge the
Sunburst of a new day.

Hear us; hurt us; bless us; heal us.
In Jesus' name we pray. Amen.

THE JOURNAL

On request of Mr. HUMPHREY, and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, June 16, 1964, was dispensed with.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed the bill (S. 1833) to authorize Government agencies to provide quarters, household furniture and equipment, utilities, subsistence, and laundry service to civilian officers and employees of the United States, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 3220. An act for the relief of Hugh M. Brady;

H.R. 5407. An act for the relief of Mary Horalek and Eva Horalek, Blue Rapids, Kans.;

H.R. 6882. An act for the relief of the Maloney Bros. Nursery Co., Inc.;

H.R. 8184. An act for the relief of Mr. and Mrs. Blanton Darbro;

H.R. 8286. An act for the relief of Capt. Leslie B. Shanoff;

H.R. 8746. An act for the relief of Roger A. Ross;

H.R. 9372. An act to remove a cloud on the title of certain property owned by Wilmer Allers and Jane B. Allers, both of Malin, Oreg.;

H.R. 9764. An act for the relief of Anne S. Henkel;

H.R. 9876. An act to amend the Juvenile Delinquency and Youth Offenses Control Act of 1961 by extending its provisions for 2 additional years and providing for a special project and study;

H.R. 9901. An act for the relief of certain individuals;

H.R. 10066. An act for the relief of Joe C. Oden; and

H.R. 11579. An act making appropriations for certain civil functions administered by the Department of Defense, the Panama Canal, certain agencies of the Department of the Interior, the Atomic Energy Commission, the St. Lawrence Seaway Development Corporation, the Tennessee Valley Authority, and the Delaware River Basin Commission, for the fiscal year ending June 30, 1965, and for other purposes.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (S. 718) for the relief of W. H. Pickel, and it was signed by the Acting President pro tempore.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated:

H.R. 3220. An act for the relief of Hugh M. Brady;

H.R. 5407. An act for the relief of Mary Horalek and Eva Horalek, Blue Rapids, Kans.;

H.R. 6882. An act for the relief of the Maloney Bros. Nursery Co., Inc.;

H.R. 8184. An act for the relief of Mr. and Mrs. Blanton Darbro;

H.R. 8286. An act for the relief of Capt. Leslie B. Shanoff;

H.R. 8746. An act for the relief of Roger A. Ross;

H.R. 9372. An act to remove a cloud on the title of certain property owned by Wilmer Allers and Jane B. Allers, both of Malin, Oreg.;

H.R. 9764. An act for the relief of Anne S. Henkel;

H.R. 9901. An act for the relief of certain individuals; and

H.R. 10066. An act for the relief of Joe C. Oden; to the Committee on the Judiciary.

H.R. 9876. An act to amend the Juvenile Delinquency and Youth Offenses Control Act of 1961 by extending its provisions for 2 additional years and providing for a special project and study.

H.R. 11579. An act making appropriations for certain civil functions administered by the Department of Defense, the Panama Canal, certain agencies of the Department of the Interior, the Atomic Energy Commission, the St. Lawrence Seaway Development Corporation, the Tennessee Valley Authority, and the Delaware River Basin Commission, for the fiscal year ending June 30, 1965, and for other purposes; to the Committee on Appropriations.

ORDER FOR TRANSACTION OF ROUTINE BUSINESS

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

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

ORDER FOR RECESS TO 11 A.M. ON THURSDAY, JUNE 18

Mr. HUMPHREY. Mr. President, I ask unanimous consent that at the conclusion of its business today, the Senate stand in recess until Thursday, June 18, at 11 a.m.

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

EXECUTIVE SESSION

Mr. HUMPHREY. Mr. President, I move that the Senate proceed to the consideration of executive business, to consider the nomination on the Executive Calendar.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. If there be no reports of committees, the nomination on the Executive Calendar will be stated.

COMPTROLLER OF CUSTOMS

The Chief Clerk read the nomination of Stanley E. Rutkowski, of New Jersey, to be comptroller of customs at Philadelphia, Pa.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the President be

immediately notified of the confirmation of this nomination.

The ACTING PRESIDENT pro tempore. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

On motion by Mr. HUMPHREY, and by unanimous consent, the Senate resumed the consideration of legislative business.

EXECUTIVE COMMUNICATIONS, ETC.

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

PROPOSED AMENDMENT TO THE BUDGET, 1965, FOR DISTRICT OF COLUMBIA (S. DOC. NO. 80)

A communication from the President of the United States, transmitting an amendment to the budget for the fiscal year 1965, in the amount of $160,000, for the District of Columbia (with an accompanying paper); to the Committee on Appropriations, and ordered to be printed.

REPORT ON GRANT OF FUNDS APPROPRIATED TO NASA FOR RESEARCH AND DEVELOPMENT TO PURDUE UNIVERSITY, LAFAYETTE, IND.

A letter from the Administrator, National Aeronautics and Space Administration, Washington, D.C., reporting, pursuant to law, the grant of $840,000 of research and development funds appropriated to that Administration, to Purdue University, Lafayette, Ind., for the construction of additional laboratory and rocket firing facilities at its Jet Propulsion Center; to the Committee on Aeronautical and Space Sciences.

REPORT OF EXPORT-IMPORT BANK OF WASHINGTON ON GUARANTEES OF CERTAIN TRANSACTIONS

A letter from the Assistant Secretary, Export-Import Bank of Washington, Washington, D.C., reporting, pursuant to law, on the issuance by that Bank on June 12, 1964, of guarantees with respect to certain transactions; to the Committee on Appropriations.

AUTHORIZATION FOR CHECKS TO BE DRAWN IN FAVOR OF BANKING ORGANIZATIONS FOR CREDIT TO A PERSON'S ACCOUNT UNDER CERTAIN CONDITIONS

A letter from the Secretary of the Air Force, transmitting a draft of proposed legislation to authorize checks to be drawn in favor of banking organizations for the credit of a person's account, under certain conditions (with an accompanying paper); to the Committee on Banking and Currency.

REPORT ON SURPLUS PROPERTY CREDIT ACCOUNTS OF FOREIGN GOVERNMENTS AND PRIVATE ENTITIES

A letter from the Secretary of State, transmitting, pursuant to law, a report on surplus property credit accounts of foreign governments and private entities, for the calendar year 1963 (with an accompanying report); to the Committee on Government Operations.

REPORT ON INEFFECTIVE ADMINISTRATION OF U.S. ASSISTANCE TO CHILDREN'S HOSPITAL IN POLAND

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on ineffective administration of U.S. assistance to children's hospital in Poland, Agency for International Development and the Department of State, dated June 1964 (with an accompanying report); to the Committee on Government Operations.

REPORT ON SOUND STRUCTURES SCHEDULED FOR DEMOLITION WITHOUT ADEQUATE CONSIDERATION OF LESS COSTLY METHODS OF REDEVELOPMENT, KEYWAY URBAN RENEWAL PROJECT, TOPEKA, KANS.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on sound structures scheduled for demolition without adequate consideration of less costly methods of redevelopment, Keyway urban renewal project, Topeka, Kans., Housing and Home Finance Agency, dated June 1964 (with an accompanying report); to the Committee on Government Operations.

REPORTS RELATING TO VISA PETITIONS ACCORDING FIRST PREFERENCE TO CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports concerning visa petitions which have been approved according the beneficiaries of such petitions first preference classification (with accompanying papers); to the Committee on the Judiciary.

SUSPENSION OF DEPORTATION OF A CERTAIN ALIEN—WITHDRAWAL OF NAME

A letter from the Comimssioner, Immigration and Naturalization Service, Department of Justice, withdrawing the name of Alfonso Talamantes-Leon from a report relating to aliens whose deportation has been suspended, transmitted to the Senate on May 1, 1963 (with an accompanying paper); to the Committee on the Judiciary.

COURT OPINION IN CASE OF RALPH FEFFER AND SONS, ET AL. *v.* THE UNITED STATES

A letter from the Clerk, U.S. Court of Claims, Washington, D.C., transmitting, pursuant to law, copies of that court's opinion and findings in the case of *Ralph Feffer and Sons, et al.* v. *The United States* (with an accompanying paper); to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

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

By the ACTING PRESIDENT pro tempore:

The memorial of Janie Gilliland, a citizen of the United States, remonstrating against the enactment of the so-called civil rights bill; ordered to lie on the table.

ARE U.S. MILITARY CEMETERIES FULL?

Mr. KEATING. Mr. President, many veterans throughout this country who have answered the call to battle in the time of national need have become alarmed about the recent announcement that all national cemeteries with the exception of Arlington, will be closed to further burials for veterans and their families after 1975.

Veterans receiving honorable discharges for war or peacetime service have heretofore been granted the privilege of burial in our national cemeteries. If this privilege is to be taken away there should be a full explanation for the change in policy to interested veterans organizations and the appropriate congressional committees.

I ask unanimous consent that the resolution of the Queens County Council of the Jewish War Veterans requesting congressional action to reverse this decision of the Army Chief of Support Services be printed in the RECORD and referred to the Committee on Armed Services.

There being no objection, the resolution was referred to the Committee on Armed Services, as follows:

QUEENS COUNTY COUNCIL,
JEWISH WAR VETERANS
OF THE UNITED STATES,
Ozone Park, N.Y.

Whereas the Queens County Council, Jewish War Veterans of the United States has learned of a decision expressed by Col. John W. Hanger, Army Chief of Support Services, that would close all national cemeteries except Arlington to further burials to veterans and their families by 1975; and

Whereas the Queens County Council, Jewish War Veterans, adhering to their stated principle of mutual helpfulness to comrades and their families does feel that this action by the Department of the Army is a gross violation of an honor and privilege granted all veterans since the Civil War and a further abrogation of a legal right; and

Whereas the Queens County Council, Jewish War Veterans, does further hold that this action by the Department of the Army is irresponsible, unilateral and has been conducted without public knowledge: Now, therefore, be it

Resolved, That the constituent members of the House Armed Services Committee and the House Veterans' Affairs Committee be advised of our sentiments; and be it further

Resolved, That the members of these committees do hereby institute immediate action to reverse this unwise and unpopular decision which is an affront to all former members of the Armed Forces and their families who have made great sacrifices in defense of our great Nation; and be it further

Resolved, That the Queens County Council, Jewish War Veterans, call upon all other veterans organizations, civic organizations, and legislators to join with us in an effort to correct this intolerable situation.

JOSEPH FREILICH,
Commander.

REPORT OF A COMMITTEE SUBMITTED DURING RECESS

Pursuant to the order of the Senate of February 27, 1964,

Mr. ROBERTSON, from the Committee on Appropriations, reported favorably, with amendments, on June 17, 1964, the bill (H.R. 10532) making appropriations for the Treasury and Post Office Departments, the Executive Office of the President, and certain independent agencies for the fiscal year ending June 30, 1965, and for other purposes, and submitted a report (No. 1095) thereon, which was printed.

BILLS INTRODUCED

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

By Mr. INOUYE:

S. 2920. A bill for the relief of William Wong; and

S. 2921. A bill to amend the War Claims Act of 1948 and the Trading With the Enemy Act to provide for the submission of certain claims and the reinstatement of certain claims; to the Committee on the Judiciary.

NOTICE OF RESUMPTION OF HEARINGS ON PENDING IMMIGRATION AND NATURALIZATION LEGISLATION

Mr. EASTLAND. Mr. President, as chairman of the Senate Immigration and Naturalization Subcommittee, I wish to announce a resumption of the hearings on pending immigration and naturalization legislation starting on June 25, 1964, at 10:30 a.m., in room 2228, New Senate Office Building.

Priority in the scheduling of witnesses will be given to any sponsors of pending legislation who were unable to appear at the prior hearings.

Executive department witnesses will be invited to appear, following which, interested nongovernmental organizations will be scheduled, as well as any groups or persons who wish to voice opposition to the pending proposals to revise our present immigration and naturalization laws.

THE CIVIL RIGHTS BILL AND PUBLIC SCHOOLS

Mr. ERVIN. Mr. President, after the bill now before the Senate is enacted, the people of America will learn to their sorrow that Edmund Burke spoke tragic truth when he said bad laws are the worst sort of tyranny.

The bill glorifies the office of the Attorney General above that of the President. It is replete with provisions vesting in the single fallible human being occupying the office of Attorney General at any particular time, regardless of his wisdom or unwisdom and regardless of his qualifications or lack of qualifications, arbitrary, capricious, and virtually unreviewable power of unprecedented magnitude, which no man who believes in the reign of law should want and which no man who is sensitive to political considerations should have.

This observation is illustrated in vivid fashion by title IV, which is inserted in the bill for the ostensible purpose of implementing the judge-made concept attached to the 14th amendment for the first time at 12 noon on May 17, 1954, by *Brown* v. *Board of Education of Topeka,* 347 U.S. 483.

Title IV provides, in essence, that upon receipt from private sources of written statements conforming to paragraphs (1) and (2) of subsection (a) of section 407, the Attorney General shall have the absolute power to be exercised solely according to his own capricious desire or fancy to demand of Federal district courts in suits prosecuted at public expense that they assume the administrative tasks of assigning pupils to public schools and to classrooms within such schools in order to achieve "desegregation in public schools and within such schools"—section 401(b)—in all public school districts in all areas of the Nation except those made privileged sanctuaries by the proviso beginning on line 18 on page 21. This proviso was devised by certain proponents of the bill to minimize the impact of title IV upon cities of the North and East having segregated residential patterns. It is obvious that these gentlemen abhor segregation in the South more than they do segregation on their own doorsteps.

While title IV is allegedly inserted in the bill to implement the Brown case, it goes far beyond what was held in that case.

When all is said, title IV is based upon the theory that the Brown case holds that a State is compelled by the equal protection clause of the 14th amendment to provide affirmatively an integrated education.

The Brown case holds nothing of the kind. On the contrary, the Brown case holds exactly the opposite.

Its holding was explained in simple and understandable words by the late Chief Judge John J. Parker of the Fourth Circuit in the per curiam opinion written by him in *Briggs* v. *Elliott,* 132 F. Supp. 776. I quote his words:

> Having said this, it is important that we point out exactly what the Supreme Court has decided and what it has not decided in this case. It has not decided that the Federal courts are to take over or regulate the public schools of the States. It has not decided that the States must mix persons of different races in the schools or must require them to attend schools or must deprive them of the right of choosing the schools they attend. What it has decided, and all that it has decided, is that a State may not deny to any person on account of race the right to attend any school that it maintains. This, under the decision of the Supreme Court, the State may not do directly or indirectly; but if the schools which it maintains are open to children of all races, no violation of the Constitution is involved even though the children of different races voluntarily attend different schools, as they attend different churches. Nothing in the Constitution or in the decision of the Supreme Court takes away from the people freedom to choose the schools they attend. The Constitution, in other words, does not require integration. It merely forbids discrimination. It does not forbid such segregation as occurs as the result of voluntary action. It merely forbids the use of governmental power to enforce segregation. The 14th amendment is a limitation upon the exercise of power by the State or State agencies, not a limitation upon the freedom of individuals.

Judge Parker's analysis of the holding in the Brown case was sustained in the Brown case itself on its remand by the Supreme Court to the Federal District Court sitting in Kansas—139 F. Supp. 468. Moreover, it was subsequently upheld in the following Federal cases:

First. *Evans* v. *Buchanan,* 207 F. Supp. 820, which was handed down by the U.S. District Court for the District of Delaware on August 29, 1962.

Second. *Bell* v. *School City of Gary, Ind.,* 213 F. Supp. 819, which was handed down by the U.S. District Court for the Northern District of Indiana on January 29, 1963.

Third. *Bell* v. *School City of Gary,* 324 F. 2d 209, which affirmed the ruling of the U.S. District Court for the Northern District of Indiana and which was handed down by the U.S. Court of Appeals of the Seventh Circuit on October 31, 1963.

I ask unanimous consent that copies of these decisions be printed at this point in the body of the RECORD.

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

BROWN ET AL. *v.* BOARD OF EDUCATION OF TOPEKA ET AL.

(No. 1—Appeal from the U.S. District Court for the District of Kansas,[1] argued December 9, 1952; reargued December 8, 1953; decided May 17, 1954)

Segregation of white and Negro children in the public schools of a State solely on the basis of race, pursuant to state laws permitting or requiring such segregation, denies to Negro children the equal protection of the laws guaranteed by the Fourteenth Amendment—even though the physical facilities and other "tangible" factors of white and Negro schools may be equal. (Pp. 486–496.)

(a) The history of the Fourteenth Amendment is inconclusive as to its intended effect on public education. (Pp. 489–490.)

(b) The question presented in these cases must be determined, not on the basis of conditions existing when the Fourteenth Amendment was adopted, but in the light of the full development of public education and its present place in American life throughout the Nation. (Pp. 492–493.)

(c) Where a State has undertaken to provide an opportunity for an education in its public schools, such an opportunity is a right which must be made available to all on equal terms. (P. 493.)

(d) Segregation of children in public schools solely on the basis of race deprives children of the minority group of equal educational opportunities, even though the physical facilities and other "tangible" factors may be equal. (Pp. 493–494.)

(e) The "separate but equal" doctrine adopted in *Plessy* v. *Ferguson,* 163 U.S. 537, has no place in the field of public education. (P. 495.)

(f) The cases are restored to the docket for further argument on specified questions relating to the forms of the decrees. (Pp. 495–496.)

Robert L. Carter argued the cause for appellants in No. 1 on the original argument and on the reargument. Thurgood Marshall argued the cause for appellants in No. 2 on the original argument and Spottswood W. Robinson, III, for appellants in No. 4 on the original argument, and both argued the causes for appellants in Nos. 2 and 4 on the reargument. Louis L. Redding and Jack Greenberg argued the cause for respondents in No. 10 on the original argument and Jack Greenberg and Thurgood Marshall on the reargument.

On the briefs were Robert L. Carter, Thurgood Marshall, Spottswood W. Robinson, III, Louis L. Redding, Jack Greenberg, George E. C. Hayes, William R. Ming, Jr., Constance Baker Motley, James M. Nabrit, Jr., Charles S. Scott, Frank D. Reeves, Harold R. Boulware and Oliver W. Hill for appellants in Nos. 1, 2 and 4 and respondents in No. 10; George M. Johnson for appellants in Nos. 1, 2

[1] Together with No. 2, *Briggs et al.* v. *Elliott et al.,* on appeal from the United States District Court for the Eastern District of South Carolina, argued December 9–10, 1952, reargued December 7–8, 1953; No. 4, *Davis et al.* v. *County School Board of Prince Edward County, Virginia, et al.,* on appeal from the United States District Court for the Eastern District of Virginia, argued December 10, 1952, reargued December 7–8, 1953; and No. 10, *Gebhart et al.* v. *Belton et al.,* on certiorari to the Supreme Court of Delaware, argued December 11, 1952, reargued December 9, 1953.

and 4; and Loren Miller for appellants in Nos. 2 and 4. Arthur D. Shores and A. T. Walden were on the Statement as to Jurisdiction and a brief opposing a Motion to Dismiss or Affirm in No. 2.

Paul E. Wilson, Assistant Attorney General of Kansas, argued the cause for appellees in No. 1 on the original argument and on the reargument. With him on the briefs was Harold R. Fatzer, Attorney General.

John W. Davis argued the cause for appellees in No. 2 on the original argument and for appellees in Nos. 2 and 4 on the reargument. With him on the briefs in No. 2 were T. C. Callison, Attorney General of South Carolina, Robert Mc Figg, Jr., S. E. Rogers, William R. Meagher and Taggart Whipple.

J. Lindsay Almond, Jr., Attorney General of Virginia, and T. Justin Moore argued the cause for appellees in No. 4 on the original argument and for appellees in Nos. 2 and 4 on the reargument. On the briefs in No. 4 were J. Lindsay Almond, Jr., Attorney General, and Henry T. Wickham, Special Assistant Attorney General, for the State of Virginia, and T. Justin Moore, Archibald G. Robertson, John W. Riely and T. Justin Moore, Jr., for the Prince Edward County School Authorities, appellees.

H. Albert Young, Attorney General of Delaware, argued the cause for petitioners in No. 10 on the original argument and on the reargument. With him on the briefs was Louis J. Finger, Special Deputy Attorney General.

By special leave of Court, Assistant Attorney General Rankin argued the cause for the United States on the reargument, as amicus curiae, urging reversal in Nos. 1, 2 and 4 and affirmance in No. 10. With him on the brief were Attorney General Brownell, Philip Elman, Leon Ulman, William J. Lamont and M. Magdelena Schoch. James P. McGranery, then Attorney General, and Philip Elman filed a brief for the United States on the original argument, as amicus curiae, urging reversal in Nos. 1, 2 and 4 and affirmance in No. 10.

Briefs of amici curiae supporting appellants in No. 1 were filed by Shad Polier, Will Maslow and Joseph B. Robison for the American Jewish Congress; by Edwin J. Lukas, Arnold Forster, Arthur Garfield Hays, Frank E. Karelsen, Leonard Haas, Saburo Kido and Theodore Leskes for the American Civil Liberties Union et al.; and by John Ligtenberg and Selma M. Borchardt for the American Federation of Teachers. Briefs of amici curiae supporting appellants in No. 1 and respondents in No. 10 were filed by Arthur J. Goldberg and Thomas E. Harris for the Congress of Industrial Organizations and by Phineas Indritz for the American Veterans Committee, Inc.

Mr. Chief Justice Warren delivered the opinion of the Court.

These cases come to us from the States of Kansas, South Carolina, Virginia, and Delaware. They are premised on different facts and different local conditions, but a common legal question justifies their consideration together in this consolidated opinion.[1a]

In each of the cases, minors of the Negro race, through their legal representatives, seek the aid of the courts in obtaining admission to the public schools of their community on a nonsegregated basis. In each instance, they had been denied admission to schools attended by white children under laws requiring or permitting segregation according to race. This segregation was alleged to deprive the plaintiffs of the equal protection of the laws under the 14th amendment. In each of the cases other than the Delaware case, a three-judge Federal district court denied relief to the plaintiffs on the so-called "separate but equal" doctrine announced by this Court in *Plessy* v. *Ferguson*, 163 U.S. 537. Under that doctrine, equality of treatment is accorded when the races are provided substantially equal facilities, even though these facilities be separate. In the Delaware case, the Supreme Court of Delaware adhered to that doctrine, but ordered that the plaintiffs be admitted to the white schools because of their superiority to the Negro schools.

The plaintiffs contend that segregated public schools are not "equal" and cannot be made "equal," and that hence they are deprived of the equal protection of the laws. Because of the obvious importance of the question presented, the Court took jurisdiction.[2] Argument was heard in the 1952 term, and reargument was heard this term on certain questions propounded by the Court.[3]

Reargument was largely devoted to the circumstances surrounding the adoption of the 14th amendment in 1868. It covered exhaustively consideration of the amendment in Congress, ratification by the States, then existing practices in racial segregation, and the views of proponents and opponents of the amendment. This discussion and our own investigation convince us that, although these sources cast some light, it is not enough to resolve the problem with which we are faced. At best, they are inconclusive. The most avid proponents of the postwar amendments undoubtedly intended them to remove all legal distinctions among all persons born or naturalized in the United States. Their opponents, just as certainly were antagonistic to both the letter and the spirit of the amendments and wished them to have the most limited effect. What others in Congress and the State legislatures had in mind cannot be determined with any degree of certainty.

An additional reason for the inconclusive nature of the amendment's history, with respect to segregated schools, is the status of public education at that time.[4] In the

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[1a] In the Kansas case, *Brown* v. *Board of Education*, the plaintiffs are Negro children of elementary school age residing in Topeka. They brought this action in the United States District Court for the District of Kansas to enjoin enforcement of a Kansas statute which permits, but does not require, cities of more than 15,000 population to maintain separate school facilities for Negro and white students. Kan. Gen. Stat. § 72–1724 (1949). Pursuant to that authority, the Topeka Board of Education elected to establish segregated elementary schools. Other public schools in the community, however, are operated on a nonsegregated basis. The three-judge District Court, convened under 28 U.S.C. §§ 2281 and 2284, found that segregation in public education has a detrimental effect upon Negro children, but denied relief on the ground that the Negro and white schools were substantially equal with respect to buildings, transportation, curricula, and educational qualifications of teachers. 98 F. Supp. 797. The case is here on direct appeal under 28 U.S.C. § 1253.

In the South Carolina case, *Briggs* v. *Elliott*, the plaintiffs are Negro children of both elementary and high school age residing in Clarendon County. They brought this action in the United States District Court for the Eastern District of South Carolina to enjoin enforcement of provisions in the state constitution and statutory code which require the segregation of Negroes and whites in public schools. S.C. Const., Art. XI, § 7; S.C. Code § 5377 (1942). The three-judge District Court, convened under 28 U.S.C. §§ 2281 and 2284, denied the requested relief. The court found that the Negro schools were inferior to the white schools and ordered the defendants to begin immediately to equalize the facilities. But the court sustained the validity of the contested provisions and denied the plaintiffs admission to the white schools during the equalization program. 98 F. Supp. 529. This Court vacated the District Court's judgment and remanded the case for the purpose of obtaining the court's views on a report filed by the defendants concerning the progress made in the equalization program. 342 U.S. 350. On remand, the District Court found that substantial equality had been achieved except for buildings and that the defendants were proceeding to rectify this inequality as well. 103 F. Supp. 920. The case is again here on direct appeal under 28 U.S.C. § 1253.

In the Virginia case, *Davis* v. *County School Board*, the plaintiffs are Negro children of high school age residing in Prince Edward County. They brought this action in the United States District Court for the Eastern District of Virginia to enjoin enforcement of provisions in the state constitution and statutory code which require the segregation of Negroes and whites in public schools. Va. Const., § 140; Va. Code § 22–221 (1950). The three-judge District Court, convened under 28 U.S.C. §§ 2281 and 2284, denied the requested relief. The court found the Negro school inferior in physical plant, curricula, and transportation, and ordered the defendants forthwith to provide substantially equal curricula and transportation and to "proceed with all reasonable diligence and dispatch to remove" the inequality in physical plant. But, as in the South Carolina case, the court sustained the validity of the contested provisions and denied the plaintiffs admission to the white schools during the equalization program. 103 F. Supp. 337. The case is here on direct appeal under 28 U.S.C. § 1253.

In the Delaware case, *Gebhart* v. *Belton*, the plaintiffs are Negro children of both elementary and high school age residing in New Castle County. They brought this action in the Delaware Court of Chancery to enjoin enforcement of provisions in the state constitution and statutory code which require the segregation of Negroes and whites in public schools. Del. Const., Art. X, § 2; Del. Rev. Code § 2631 (1935). The Chancellor gave judgment for the plaintiffs and ordered their immediate admission to schools previously attended only by white children, on the ground that the Negro schools were inferior with respect to teacher training, pupil-teacher ratio, extracurricular activities, physical plant, and time and distance involved in travel. 87 A. 2d 862. The Chancellor also found that segregation itself results in an inferior education for Negro children (see note 10, infra), but did not rest his decision on that ground. Id., at 865. The Chancellor's decree was affirmed by the Supreme Court of Delaware, which intimated, however, that the defendants might be able to obtain a modification of the decree after equalization of the Negro and white schools had been accomplished. 91 A. 2d 137, 152. The defendants, contending only that the Delaware courts had erred in ordering the immediate admission of the Negro plaintiffs to the white schools, applied to this Court for certiorari. The writ was granted, 344 U.S. 891. The plaintiffs, who were successful below, did not submit a cross-petition.

[2] 344 U.S. 1, 141, 891.

[3] 345 U.S. 972. The Attorney General of the United States participated both terms as amicus curiae.

[4] For a general study of the development of public education prior to the amendment, see Butts and Cremin, "A History of Education in American Culture" (1953), pts. I, II; Cubberley, "Public Education in the United States" (1934 ed.), cc. II–XII. School practices current at the time of the adoption of the 14th amendment are described in Butts and Cremin, supra, at 269–275; Cubberley, supra, at 288–339, 408–431; Knight, "Public Education in the South" (1922), cc. VIII, IX. See also H. Ex. Doc. No. 315, 41st Cong., 2d Sess.

South, the movement toward free common schools, supported by general taxation, had not yet taken hold. Education of white children was largely in the hands of private groups. Education of Negroes was almost nonexistent, and practically all of the race were illiteriate. In fact, any education of Negroes was forbidden by law in some States. Today, in contrast, many Negroes have achieved outstanding success in the arts and sciences as well as in the business and professional world. It is true that public school education at the time of the amendment had advanced further in the North, but the effect of the amendment on Northern States was generally ignored in the congressional debates. Even in the North the conditions of public education did not approximate those existing today. The curriculum was usually rudimentary; ungraded schools were common in rural areas; the school term was but 3 months a year in many States; and compulsory school attendance was virtually unknown. As a consequence, it is not surprising that there should be so little in the history of the 14th amendment relating to its intended effect on public education.

In the first cases in this Court construing the 14th amendment, decided shortly after its adoption, the Court interpreted it as proscribing all State-imposed discriminations against the Negro race.[5] The doctrine of "separate but equal" did not make its appearance in this Court until 1896 in the case of *Plessy* v. *Ferguson*, supra, involving not education but transportation.[6] American courts have since labored with the doctrine for over half a century. In this Court, there have been six cases involving the "separate but equal" doctrine in the field of public education.[7] In *Cumming* v. *County Board of Education*, 175 U.S. 528, and *Gong Lum* v. *Rice*, 275 U.S. 78, the validity of the doctrine itself was not challenged.[8] In more recent cases, all on the graduate school level, inequality was found in that specific benefits enjoyed by white students were denied to Negro students of the same educational qualifications. (*Missouri ex rel. Gaines* v. *Canada*, 305 U.S. 337; *Sipuel* v. *Oklahoma*, 332 U.S. 631; *Sweatt* v. *Painter*, 339 U.S. 629; *McLaurin* v. *Oklahoma State Regents*, 339 U.S. 637.) In none of these cases was it necessary to reexamine the doctrine to grant relief to the Negro plaintiff. And in *Sweatt* v. *Painter*, *supra*, the Court expressly reserved decision on the question whether *Plessy* v. *Ferguson* should be held inapplicable to public education.

In the instant cases, that question is directly presented. Here, unlike *Sweatt* v. *Painter*, there are findings below that the Negro and white schools involved have been equalized, or are being equalized, with respect to buildings, curriculums, qualifications and salaries of teachers, and other "tangible" factors.[9] Our decision, therefore, cannot turn on merely a comparison of these tangible factors in the Negro and white schools involved in each of the cases. We must look instead to the effect of segregation itself on public education.

In approaching this problem, we cannot turn the clock back to 1868 when the amendment was adopted, or even to 1896 when *Plessy* v. *Ferguson* was written. We must consider public education in the light of its full development and its present place in American life throughout the Nation. Only in this way can it be determined if segregation in public schools deprives these plaintiffs of the equal protection of the laws.

Today, education is perhaps the most important function of State and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. It is required in the performance of our most basic public responsibilities, even service in the Armed Forces. It is the very foundation of good citizenship. Today it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the State has undertaken to provide it, is a right which must be made available to all on equal terms.

We come then to the question presented: Does segregation of children in public schools solely on the basis of race, even though the physical facilities and other "tangible" factors may be equal, deprive the children of the minority group of equal educational opportunities? We believe that it does.

In *Sweatt* v. *Painter*, supra, in finding that a segregated law school for Negroes could not provide them equal educational opportunities, this Court relied in large part on "those qualities which are incapable of objective measurement but which make for greatness in a law school." In *McLaurin* v. *Oklahoma State Regents*, *supra*, the court, in requiring that a Negro admitted to a white graduate school be treated like all other students, again resorted to intangible considerations: "his ability to study, to engage in discussions and exchange views with other students, and, in general, to learn his profession." Such considerations apply with added force to children in grade and high schools. To separate them from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone. The effect of this separation on their educational opportunities was well stated by a finding in the Kansas case by a court which nevertheless felt compelled to rule against the Negro plaintiffs:

"Segregation of white and colored children in public schools has a detrimental effect upon the colored children. The impact is greater when it has the sanction of the law; for the policy of separating the races is usually interpreted as denoting the inferiority of the Negro group. A sense of inferiority affects the motivation of a child to learn. Segregation with the sanction of law, therefore, has a tendency to [retard] the educational and mental development of Negro children and to deprive them of some of the benefits they would receive in a racially integrated school system." [10]

Whatever may have been the extent of psychological knowledge at the time of *Plessy* v. *Ferguson*, this finding is amply supported by modern authority.[11] Any language in

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(1871). Although the demand for free public schools followed substantially the same pattern in both the North and the South, the development in the South did not begin to gain momentum until about 1850, some 20 years after that in the North. The reasons for the somewhat slower development in the South (e.g., the rural character of the South and the different regional attitudes toward State assistance) are well explained in Cubberley, supra, at 408–423. In the country as a whole, but particularly in the South, the war virtually stopped all progress in public education. Id., at 427–428. The low status of Negro education in all sections of the country, both before and immediately after the war, is described in Beale, "A History of Freedom of Teaching in American Schools" (1941), 112–132, 175–195. Compulsory school attendance laws were not generally adopted until after the ratification of the 14th amendment, and it was not until 1918 that such laws were in force in all the States. (Cubberly, supra at 563–565.)

[5] *Slaughter-House Cases*, 16 Wall. 36, 67–72 (1873); *Strauder* v. *West Virginia*, 100 U.S. 303, 307–308 (1880):

"It ordains that no State shall deprive any person of life, liberty, or property, without due process of law, or deny to any person within its jurisdiction the equal protection of the laws. What is this but declaring that the law in the States shall be the same for the black as for the white; that all persons, whether colored or white, shall stand equal before the laws of the States, and, in regard to the colored race, for whose protection the amendment was primarily designed, that no discrimination shall be made against them by law because of their color? The words of the amendment, it is true, are prohibitory, but they contain a necessary implication of a positive immunity, or right, most valuable to the colored race—the right to exemption from unfriendly legislation against them distinctively as colored—exemption from legal discriminations, implying inferiority in civil society, lessening the security of their enjoyment of the rights which others enjoy, and discriminations which are steps towards reducing them to the condition of a subject race."

See also *Virginia* v. *Rives*, 100 U.S. 313, 318 (1880); *Ex parte Virginia*, 100 U.S. 339, 344–345 (1880).

[6] The doctrine apparently originated in *Roberts* v. *City of Boston*, 59 Mass. 198, 206 (1850), upholding school segregation against attack as being violative of a state constitutional guarantee of equality. Segregation in Boston public schools was eliminated in 1855. Mass. Acts 1855, c. 256. But elsewhere in the North segregation in public education has persisted in some communities until recent years. It is apparent that such segregation has long been a nationwide problem, not merely one of sectional concern.

[7] See also *Berea College* v. *Kentucky*, 211 U.S. 45 (1908).

[8] In the *Cumming* case, Negro taxpayers sought an injunction requiring the defendant school board to discontinue the operation of a high school for white children until the board resumed operation of a high school for Negro children. Similarly, in the *Gong Lum* case, the plaintiff, a child of Chinese descent, contended only that State authorities had misapplied the doctrine by classifying him with Negro children and requiring him to attend a Negro school.

[9] In the Kansas case, the court below found substantial equality as to all such factors. (98 F. Supp. 797, 798.) In the South Carolina case, the court below found that the defendants were proceeding "promptly and in good faith to comply with the court's decree." (103 F. Supp. 920, 921.) In the Virginia case, the court below noted that the equalization program was already "afoot and progressing" (103 F. Supp. 337, 341); since then, we have been advised, in the Virginia Attorney General's brief on reargument, that the program has now been completed. In the Delaware case, the court below similarly noted that the State's equalization program was well underway. (91 A. 2d 137, 149.)

[10] A similar finding was made in the Delaware case: "I conclude from the testimony that in our Delaware society, State-imposed segregation in education itself results in the Negro children, as a class, receiving educational opportunities which are substantially inferior to those available to white children otherwise similarly situated" (87 A. 2d 862, 865).

[11] K. B. Clark, "Effect of Prejudice and Discrimination on Personality Development" (Midcentury White House Conference on Children and Youth, 1950); Witmer and Kotinsky, "Personality in the Making" (1952), c. VI; Deutscher and Chein, "The Psychological Effects of Enforced Segregation: A Survey of Social Science Opinion," 26 J. Psychol. 259

Plessy v. *Ferguson* contrary to this finding is rejected.

We conclude that in the field of public education the doctrine of "separate but equal" has no place. Separate educational facilities are inherently unequal. Therefore, we hold that the plaintiffs and others similarly situated for whom the actions have been brought are, by reason of the segregation complained of, deprived of the equal protection of the laws guaranteed by the 14th amendment. This disposition makes unnecessary any discussion whether such segregation also violates the due process clause of the 14th amendment.[12]

Because these are class actions, because of the wide applicability of this decision, and because of the great variety of local conditions, the formulation of decrees in these cases presents problems of considerable complexity. On reargument, the consideration of appropriate relief was necessarily subordinated to the primary question—the constitutionality of segregation in public education. We have now announced that such segregation is a denial of the equal protection of the laws. In order that we may have the full assistance of the parties in formulating decrees, the cases will be restored to the docket, and the parties are requested to present further argument on questions 4 and 5 previously propounded by the Court for the reargument this term.[13] The Attorney General of the United States is again invited to participate. The attorneys general of the States requiring or permitting segregation in public education will also be permitted to appear as amici curiae upon request to do so by September 15, 1954, and submission of briefs by October 1, 1954.[14]

It is so ordered.

(1948); Chein, "What Are the Psychological Effects of Segregation Under Conditions of Equal Facilities?" 3 Int. J. Opinion and Attitude Res. 229 (1949); Brameld, "Educational Costs, in Discrimination and National Welfare" (MacIver, ed., 1949), 44–48; Frazier, "The Negro in the United States" (1949), 674–681. And see generally Myrdal, "An American Dilemma" (1944).

[12] See *Bolling* v. *Sharpe, post,* p. 497, concerning the due process clause of the fifth amendment.

[13] "4. Assuming it is decided that segregation in public schools violates the 14th amendment—

"(a) would a decree necessarily follow providing that, within the limits set by normal geographic school districting, Negro children should forthwith be admitted to schools of their choice, or

"(b) may this Court, in the exercise of its equity powers, permit an effective gradual adjustment to be brought about from existing segregated systems to a system not based on color distinctions?

"5. On the assumption on which questions 4 (a) and (b) are based, and assuming further that this Court will exercise its equity powers to the end described in question 4(b),

"(a) should this Court formulate detailed decrees in these cases;

"(b) if so, what specific issues should the decrees reach;

"(c) should this Court appoint a special master to hear evidence with a view to recommending specific terms for such decrees;

"(d) should this Court remand to the courts of first instance with directions to frame decrees in these cases, and if so what general directions should the decrees of this Court include and what procedures should the courts of first instance follow in arriving at the specific terms of more detailed decrees?"

[14] See rule 42, Revised Rules of this Court (effective July 1, 1954).

HARRY BRIGGS, JR., ET AL., PLAINTIFFS *v.* R. W. ELLIOTT, ET AL., DEFENDANTS

CIV. A. No. 2657

(U.S. District Court E.D. South Carolina, Charleston Division, July 15, 1955)

Action against board of trustees of school district for declaratory judgment and injunctive relief. The District Court, per curiam, held that equal protections clause of Constitution is limitation upon exercise of power by State or State agencies, and is not limitation upon freedom of individuals. Judgment accordingly.

1. Constitutional Law ⇐220: State may not, either directly or indirectly, deny to any person on account of race the right to attend any school maintained by such State.

2. Constitutional Law ⇐220: If schools maintained by State are open to children of all races, no violation of equal protection of laws is involved, even though children of races voluntarily attend different schools. (U.S.C.A. Const. Amend. 14.)

3. Constitutional Law ⇐220: Equal protection clause of Constitution does not require integration of schools, but merely forbids discrimination, and does not forbid such segregation as occurs as result of voluntary action. (U.S.C.A. Const. Amend. 14.)

4. Constitutional Law ⇐209: Equal protection clause of Constitution is limitation upon exercise of power by State or State agencies, and is not limitation upon freedom of individuals. (U.S.C.A. Const. Amend. 14.)

Thurgood Marshall, New York, N.Y., Harold R. Boulware, Columbia, S.C., for plaintiffs.

S. E. Rogers, Summerton, S.C., Robert McC. Figg, Jr., Charleston, S.C., for defendants.

Before Parker and Dobie, circuit judges, and Timmerman, district judge.

Per curiam.

This court in its prior decisions in this case, 98 F. Supp. 529; 103 F. Supp. 920, followed what it conceived to be the law as laid down in prior decisions of the Supreme Court, *Plessy* v. *Ferguson,* 163 U.S. 537, 16 S. Ct. 1138, 41 L. Ed. 256; *Gong Lum* v. *Rice,* 275 U.S. 78, 48 S. Ct. 91, 72 L. Ed. 172, that nothing in the 14th amendment to the Constitution of the United States forbids segregation of the races in the public schools provided equal facilities are accorded the children of all races. Our decision has been reversed by the Supreme Court, *Brown* v. *Board of Education of Topeka,* 349 U.S. 294, 75 S. Ct. 753, 757, which has remanded the case to us with direction "to take such proceedings and enter such orders and decrees consistent with this opinion as are necessary and proper to admit to public schools on a racially nondiscriminatory basis with all deliberate speed the parties to these cases."

Whatever may have been the views of this court as to the law when the case was originally before us, it is our duty now to accept the law as declared by the Supreme Court.

[1–4] Having said this, it is important that we point out exactly what the Supreme Court has decided and what it has not decided in this case. It has not decided that the Federal courts are to take over or regulate the public schools of the States. It has not decided that the States must mix persons of different races in the schools or must require them to attend schools or must deprive them of the right of choosing the schools they attend. What it has decided, and all that it has decided, is that a State may not deny to any person on account of race the right to attend any school that it maintains. This, under the decision of the Supreme Court, the State may not do directly or indirectly; but if the schools which it maintains are open to children of all races, no violation of the Constitution is involved even though the children of different races voluntarily attend different schools, as they attend different churches. Nothing in the Constitution or in the decision of the Supreme Court takes away from the people freedom to choose the schools they attend. The Constitution, in other words, does not require integration. It merely forbids discrimination. It does not forbid such segregation as occurs as the result of voluntary action. It merely forbids the use of governmental power to enforce segregation. The 14th amendment is a limitation upon the exercise of power by the State or State agencies, not a limitation upon the freedom of individuals.

The Supreme Court has pointed out that the solution of the problem in accord with its decisions is the primary responsibility of school authorities and that the function of the courts is to determine whether action of the school authorities constitutes "good faith implementation of the governing constitutional principles." With respect to the action to be taken under its decision the Supreme Court said:

"Full implementation of these constitutional principles may require solution of varied local school problems. School authorities have the primary responsibility for elucidating, assessing, and solving these problems; courts will have to consider whether the action of school authorities constitutes good faith implementation of the governing constitutional principles. Because of their proximity to local conditions and the possible need for further hearings, the courts which originally heard these cases can best perform this judicial appraisal. Accordingly, we believe it appropriate to remand the cases to those courts.

"In fashioning and effectuating the decrees, the courts will be guided by equitable principles. Traditionally, equity has been characterized by a practical flexibility in shaping its remedies and by a facility for adjusting and reconciling public and private needs. These cases call for the exercise of these traditional attributes of equity power. At stake is the personal interest of the plaintiffs in admission to public schools as soon as practicable on a nondiscriminatory basis. To effectuate this interest may call for elimination of a variety of obstacles in making the transition to school systems operated in accordance with the constitutional principles set forth in our May 17, 1954, decision. Courts of equity may properly take into account the public interest in the elimination of such obstacles in a systematic and effective manner. But it should go without saying that the vitality of these constitutional principles cannot be allowed to yield simply because of disagreement with them.

"While giving weight to these public and private considerations, the courts will require that the defendants make a prompt and reasonable start toward full compliance with our May 17, 1954, ruling. Once such a start has been made, the courts may find that additional time is necessary to carry out the ruling in an effective manner. The burden rests upon the defendants to establish that such time is necessary in the public interest and is consistent with good faith compliance at the earliest practicable date. To that end, the courts may consider problems related to administration, arising from the physical condition of the school plant, the school transportation system, personnel, revision of school districts, and attendance areas into compact units to achieve a system of determining admission to the public schools on a nonracial basis, and revision of local laws and regulations which may be necessary in solving the foregoing problems. They will also consider the adequacy of any plans the defendants may propose to meet these problems and to effectuate a transition to a racially nondiscriminatory school system. During this period of transition, the courts will retain jurisdiction of these cases.

"The judgments below, except that in the Delaware case, are accordingly reversed and remanded to the district courts to take such proceedings and enter such orders and decrees consistent with this opinion as are necessary and proper to admit to public schools on a racially nondiscriminatory basis with all deliberate speed the parties to these cases."

The court is convened to hear any concrete suggestions you may have to make as to the decree that it should enter.

DECREE

This cause coming on to be heard on the motion of plaintiffs for a judgment and decree in accordance with the mandate of the Supreme Court, and the court having carefully considered the decision of the Supreme Court, the arguments of counsel, and the record heretofore made in this cause:

It is ordered that the decree heretofore entered by this court be set aside, and in accordance with the decision and mandate of the Supreme Court, it is ordered, adjudged, and decreed that the provisions of the Constitution and laws of the State of South Carolina requiring segregation of the races in the public schools are null and void because violative of the 14th amendment to the Constitution of the United States, and that the defendants be and they are hereby restrained and enjoined from refusing on account of race to admit to any school under their supervision any child qualified to enter such school, from and after such time as they may have made the necessary arrangements for admission of children to such school on a nondiscriminatory basis with all deliberate speed as required by the decision of the Supreme Court in this cause. It is further ordered that this cause be retained on the docket for the entry of further orders herein if necessity for same should arise.

BRENDA EVANS ET AL., PLAINTIFFS *v.* MADELINE BUCHANAN ET AL., DEFENDANTS

CIV. A. Nos. 1816–1822

(U.S. District Court, D. Delaware, Aug. 29, 1962)

Proceeding on petition by nine Negro children for an order allowing them to transfer from an all Negro school to an integrated school. The district court, Wright, Chief Judge, held that evidence was insufficient to overcome presumption of unconstitutionality arising from board's assignment of petitioners to a school having an all-Negro student body and faculty administered by a separate board and surrounded by white districts on all sides, and therefore petitioners were entitled to relief subject to board coming forward with additional evidence to justify its present plan of pupil attendance areas as rational and nondiscriminatory.

Order in accordance with opinion.

1. Constitutional Law ⇐220: States do not have an affirmative constitutional duty to provide an integrated education (U.S. C.A. Const. Amend. 14).

2. Constitutional Law ⇐209: The equal protection clause of the Federal Constitution does not contemplate compelling action, but is a prohibition preventing States from applying their laws unequally (U.S.C.A. Const. Amend. 14).

3. Constitutional Law ⇐220: A school board's failure, if any, to consider racial problem in assigning children to schools did not render a desegregation plan unconstitutional (U.S.C.A. Const. Amend 14).

4. Schools and School Districts ⇐154: Whether Negro children are deprived of their constitutional rights in their assignment to certain schools is a question of fact.

5. Constitutional Law ⇐220: Criteria such as transportation geography and access roads are rational bases for establishing pupil attendance areas or designating school districts, however, if those criteria are merely camouflage and school officials have placed children in particular districts solely because of race, a cause of action under the Constitution exists (U.S.C.A. Const. Amend. 14).

6. Schools and School Districts, ⇐155: Presumption of unconstitutionality arose where children were assigned to an all-Negro student and faculty school administered by a separate board of trustees, surrounded entirely by predominantly white attendance areas and promulgator of attendance plan had initial burden of coming forward with proof that plan was nondiscriminatory. (U.S.C.A. Const. Amend. 14.)

7. Schools and School Districts, ⇐155: Evidence, in action by nine Negro children for an order allowing them to transfer from an all-Negro school to an integrated elementary school, was insufficient to overcome presumption of unconstitutionality arising from board's assignment of the children to a school having an all-Negro student body and faculty administered by a separate board and surrounded by white districts on all sides, and therefore the children were entitled to relief subject to board coming forward with additional evidence to justify its present plan of pupil attendance areas as rational and nondiscriminatory. (U.S.C.A. Const. Amend. 14.)

Louis L. Redding, of Redding & Williams, Wilmington, Del., for 19 petitioning childen.

Irving Morris, of Cohen & Morris, and Leonard L. Williams, of Redding & Williams, Wilmington, Del., for nine petitioning children.

Sidney Clark, Wilmington, Del., for the Millside board.

Januar D. Bove, Jr., attorney general, of the State of Delaware, for the State Board of Education of the State of Delaware.

James M. Tunnell, Jr., and Walter K. Stapleton, of Morris, Nichols, Arsht & Tunnell, Wilmington, Del., for the Board of School Trustees of School District No. 47, Rose Hill-Minquadale.

Wright, Chief Judge.

This case raises further problems concerning the mandate of the Supreme Court in *Brown* v. *Board of Education*.[1] Petitioners, nine Negro children, have asked this court to allow them to transfer from the all-Negro Dunleith School administered by the Millside school district, to the integrated Rose Hill Elementary School which is under the jurisdiction of the Rose Hill-Minquadale School District No. 47. Named defendants include the State board of education, and the Rose Mill-Minquadale district. The latter has also petitioned this court seeking instructions concerning whether they should allow the 9 children to transfer and whether they should allow 19 Negro students residenced in the Millside district to continue attending the Rose Hill School. A detailed exposition of the facts is necessary to an understanding of the issues posed.

Delaware had, before the decision in Brown, adhered to a strict, segregationist policy. The State laws establishing the separate but equal doctrine for education were declared unconstitutional in 1954,[2] and subsequently, a class action against the State and its board of education was brought by Negro children to compel their admission into the public schools of Delaware on a racially nondiscriminatory basis. Summary judgment for the plaintiffs was granted in 1957.[3] In 1959 a proposed plan for integration was submitted to this court for approval and after extensive litigation it was approved in 1961.[4] This court retained jurisdiction of the original cause and the parties in order to insure the vindication of the plaintiffs' rights, to allow the defendants to petition for temporary relief in the event the plan was placing a great burden on the administration of the school system, and to hear other matters pertaining to the problem of integrating the public schools.[5]

Apart from all this litigation, on October 14, 1954, the State board ordered the local boards to prepare plans for desegregation to be submitted to the former for its approval. The plan which is the subject of this suit was submitted and approved by the board in 1955. It is not part of the general plan which received court approval in 1961. Generally, the plan which was drawn up by the Rose Hill-Minquadale district called for its own reorganization.

Prior to the Brown case and this specific reorganization there were two administrative boards with constituencies of coterminous boundaries. The Dunleith Board (Millside district) had jurisdiction over one school, the Dunleith School, which then served all the Negro children in the Rose Hill-Minquadale area for grades 1–9. The predecessors of the Rose Hill board had jurisdiction of all the white schools in the district. Thus, it is clear that this specific plan called for the severance of one part of the Rose Hill-Minquadale district and its establishment as a separate district called Millside.

The Dunleith School is all Negro and serves these children for grades 1–9. It has no white students. Dunleith has an all-Negro faculty and is administered by a special board of trustees.[6] It is in the center of attendance area No. 2—the Millside district—in which only Negro families live. It should be noted that the Millside district is quite small in area when compared to the surrounding attendance areas and that the latter areas are all white or primarily all-white districts. The white children in areas 1, 3, and 4 go to their respective elementary schools for grades 1–5; then they all go to the Colwyck Junior High School for grades 6–9. The Colwyck Elementary School is all white; there are some Negroes in the Rose Hill-Minquadale Schools. For grades 10–12 all students, both white and Negro, from the areas denoted 1–4 go to the senior high.

Counsel for the Negro children predicate the right of transfer on the grounds that the Rose Hill board and the State board in its approval of the former's plan have acted unconstitutionally. It is argued that the State is compelled by the equal protection clause of the Federal Constitution to provide affirmatively an integrated education. Thus, Delaware must ensure the fact that Negroes go to school with whites; a principle which allegedly has been flagrantly violated in the case. Alternatively, the plan is attacked as a deprivation of 14th amendment rights on the grounds that the board failed to consider the integration problem when drawing up the plan. The latter must be irrational, it is argued, because its makers failed to consider the vital, race problem. The usual arguments and proofs are made in favor of constitutionality. Rose Hill board argues that the sole criteria were the use of

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[1] 347 U.S. 483, 74 S. Ct. 686, 98 L. Ed. 873 (1954).

[2] The Delaware case was one of four decided under the Brown heading.

[3] *Evans* v. *Buchanan*, 152 F. Supp. 886 (D. Del. 1957).

[4] *Evans* v. *Buchanan*, 195 F. Supp. 321 (D. Del. 1961).

[5] See 195 F. Supp. at 323.

[6] It does not appear from the record whether the board is composed entirely of Negroes. It is, however, the successor of an all Negro board and has jurisdiction over an all Negro district. Therefore, it would appear safe to assume that the Millside board is all Negro.

facilities, access roads, et cetera, and that the plan therefore meets the standards of rationality demanded by the applicable constitutional provision.

[1, 2] The Court holds that the States do not have an affirmative, constitutional duty to provide an integrated education. The pertinent portion of the 14th amendment of the U.S. Constitution reads, "nor [shall any State] deny any person within its jurisdiction the equal protection of the laws." This clause does not contemplate compelling action; rather, it is a prohibition preventing the States from applying their laws unequally.

When interpreting the equal protection clause in the Brown case the Supreme Court held only that a State may not deny any person on account of race the right to attend a public school. Chief Justice Warren, speaking for the Court said, "To separate them [Negroes] from others * * * solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone."[7] The clear implication of this statement is that if races are separated because of geographic or transportation considerations or other similar criteria, it is no concern of the Federal Constitution. Thus, discrimination is forbidden but integration is not compelled.

Counsel has cited cases they assert support the children's position. The court believes otherwise. In the Taylor case,[8] strong factual showings of discrimination were made. In another case,[9] the fourth circuit upheld the denial of the district court of five Negro children's application for transfer on the grounds that the criteria of residence and academic preparedness were properly applied in the threshold denial by the school board. Moreover, several lower courts have squarely held that the States have no affirmative duty in this area.[10] This court can only conclude that the present state of the law does not support this position.

In effect, counsel is asking the States to intentionally gerrymander districts which may be rational when viewed by acceptable, nondiscriminatory criteria. The dangers of children unnecessarily crossing streets, the inconvenience of traveling great distances and of overcrowding and other possible consequences of insuring mixed schools outweigh the deleterious, psychological effects, if any, suffered by Negroes who have not been discriminated against, as such, but who merely live near each other. As with most problems, its cure rests in elimination of its roots. The problems in this case grow out of segregated housing.

[3] The assertion that the board's failure to consider the racial problem renders the plan unconstitutional must, as a matter of law, be rejected. When carefully analyzed it is apparent that it leads to no different place than the first argument. As a practical matter consideration of a problem is only meaningful when acted upon. The action which such consideration would evoke is affirmative integration. The latter is not constitutionally compelled.

[4, 5] There have been many lower court decisions[11] since the Brown case held children may not be denied entrance to public schools solely on the basis of race. One of the teachings of these cases is that whether Negro children are deprived of their constitutional rights is a question of fact. Criteria such as transportation, geography and access roads are rational bases for establishing pupil attendance areas or designating school districts. If, however, these criteria are merely camouflage and school officials have placed children in particular districts solely because of race, a cause of action under the Constitution exists.

Whether such a case is presented can be fairly and intelligently determined only after a detailed presentation and careful study of all the relevant facts. Detailed exhibits and testimony should be offered demonstrating why a school board chose to draw its lines in the manner it did. What directions, if any, were given by the school board to the persons designated to delineate the attendance areas and all relevant and pertinent discussions by the school board held in conjunction with the formulation of a plan should be presented. Evidence should be offered dealing with location, physical facilities, access roads, modes of transportation, population of particular pupil attendance areas and the white-Negro ratio of both students and teachers.

[6] When it is alleged and uncontroverted as in this case that the children go to an all-Negro student and faculty school, administered by a separate board of trustees, and surrounded entirely by predominantly white attendance areas, the controlling public attendance area plan is subject to careful scrutiny and the promulgators of the plan should have the duty of justification. The Rose Hill-Minquadale board as promulgator of the plan and the State board of education as the party having the ultimate responsibility for administering a nondiscriminatory system of public education should have the intial burden of coming forward since a presumption of unconstitutionality arises under this set of facts.[12] This presumption principle rests upon a bilateral rationale. First, the basic facts are highly probative of the presumed fact.[13] Secondly, the evidence, in great part, rests in the hands of those who conceived and implemented the plan.

[7] A hearing has been held and proof offered. At best, the evidence presented by the Rose Hill-Minquadale board as justification for its action and that of the State board of education, is inconclusive.[14] The type of showing necessary to rebut the presumption of unconstitutionality has not been made. Thus, in this posture, the court has no other alternative but to decree that the 9 children who have applied for admission to the Rose Hill School this fall be admitted[15] and that the 19 children admitted to the Rose Hill School last fall remain until further order of this court. This, in no way, shall prejudice the right of the Rose Hill-Minquadale board and the State board of education to come forward at any time with additional evidence to justify the present plan of pupil attendance areas as rational and nondiscriminatory.[16] At such a time the court will, of course, consider any rebuttal evidence the involved children may wish to offer. Thereafter, a final decision on the constitutionality of the present plan will be made. If the plan is determined to be nondiscriminatory and therefore constitutionally unassailable, the Negro children will be ordered back to the designated school for their attendance area.[17]

Submit order in accordance herewith.

RACHEL LYNN BELL, A MINOR, BY MRS. ODESSA K. BELL, HER MOTHER AND NEXT FRIEND, ET AL. *v.* SCHOOL CITY OF GARY, IND., CIV. No. 3346.

(U.S. District Court, N. D. Indiana, Hammond Division, Jan. 29, 1963.)

Declaratory judgment action brought by minor Negro children enrolled in public schools charging that city maintained a segregated school system in violation of plaintiff's constitutional rights. The district court, Beamer, J., held that the plaintiffs had failed to establish that the board of education had deliberately or purposely segregated city neighborhood schools according to race by drawing of boundary lines so as to contain Negroes in certain districts and whites in others.

Judgment accordingly.

1. Declaratory judgment ⇐345: Plaintiffs, bringing declaratory judgment action charging that city schools were maintained as racially segregated school system in violation of plaintiffs' constitutional rights, failed to sustain burden of showing that city school board had drawn boundary lines of neighborhood school districts within system so as to contain Negroes in certain districts and whites in others.

2. Declaratory judgment ⇐345: Evidence in declaratory judgment that city school system maintained segregated schools established that there were compelling reasons for redrawing boundary lines of school districts as result of construction of new school, aside from any racial consideration.

3. Declaratory judgment ⇐345: Plaintiffs failed to prove in declaratory judgment action that students attending predominantly Negro schools in city school system had been discriminated against because of inferior instruction, inferior curriculum or overcrowded conditions.

4. Schools and school districts ⇐13: Mere fact certain schools in city school system are completely or predominantly Negro does not mean that school board is maintaining a segregated school system.

5. Schools and school districts ⇐13: School system developed on neighborhood school plan, honestly and conscientiously

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[7] 347 U.S. at 494, 74 S. Ct. at 691 (1954).

[8] *Taylor, et al.* v. *Board of Education*, 191 F. Supp. 181 (S.D.N.Y.), aff'd. 294 F. 2d 36 (2 Cir. 1961).

[9] *Jones* v. *School Board of City of Alexandria*, 278 F. 2d 72 (4 Cir. 1960).

[10] *Thompson* v. *County School Board of Arlington*, 204 F. Supp. 620 (E.D. Va. 1962); *Briggs* v. *Elliott*, 132 F. Supp. 776 (E.D.S.C. 1955). But see *Branche* v. *Board of Education of the Town of Hempstead*, 204 F. Supp. 150 (E.D.N.Y. 1962).

[11] See e.g., cases notes 8–10, supra; *Sealy* v. *Department of Public Instruction of Penn.*, 252 F. 2d 898 (3 Cir. 1958); *Calhoun* v. *Members of Bd. of Education, City of Atlanta*, 188 F. Supp. 401 (N.D., Ga. 1959); *Henry* v. *Godsell*, 165 F. Supp. 87 (E.D. Mich. 1958); *Kelly* v. *Board of Education of City of Nashville*, 159 F. Supp. 272 (M.D. Tenn. 1958).

[12] The court does not mean to suggest that a presumption will only arise on this set of facts. The one fact of an all-Negro student body might be sufficient to justify the invocation of the presumption. We need not decide that now.

[13] The existence of an all-Negro student body and faculty, administered by a separate board and surrounded by white districts on all sides is highly probative of the fact of discrimination.

[14] Basically, the board's one witness asserted that only facilities, location, and access roads were considered in drawing up the plan. The board offered little more than that in justification.

[15] Of course, if 200 children applied for transfer, even if the presumption were operative the court might not order transfer as a matter of course.

[16] The court does not feel that a final decision on the merits should be made until the board has had an opportunity to come forward under the guidelines of this opinion.

[17] Absent compelling reasons the court would make the order effective at the next fall term following its decision.

constructed with no intention or purpose to segregate races, need not be destroyed or abandoned because resulting effect is to have racial imbalance in certain schools where districts are populated almost entirely by Negroes or whites, and racial balance in public schools is not constitutionally mandated.

F. Laurence Anderson, Jr., Hilbert L. Bradley, Gary, Ind., Richard G. Hatcher, East Chicago, Ind., Charles Wills, South Bend, Ind., Robert L. Carter, Barbara A. Morris, New York City, for plaintiffs.

Orval W. Anderson, Albert H. Gavit, Gary, Ind., Edmond J. Leeney, Hammond, Ind., for defendant.

Beamer, District Judge.

This is a declaratory judgment action brought by approximately 100 minor Negro children, enrolled in the public schools in Gary, Ind. The action is brought by and on behalf of the plaintiffs and all others who are similarly situated, against the School City of Gary, Ind.

The plaintiffs present three principal questions which they ask the court to determine:

1. Whether the defendant, by assigning plaintiffs and the other members of the class to certain schools, by creating attendance zones, by controlling transfers from school to school, by controlling assignments from elementary to secondary schools and by the pattern of building new schools and enlarging others, maintain the Gary schools as a racially segregated school system in violation of the plaintiff's constitutional rights.

2. Whether the defendant is discriminating against the plaintiffs and the class they represent by providing inferior facilities in all respects, including but not limited to overcrowded and larger classes and unequal recreational and extra-curricular facilities in violation of their constitutional rights, and

3. Whether the plaintiffs and other members of the class have a constitutional right to attend racially integrated schools and the defendant has a constitutional duty to provide and maintain a racially integrated school system.

The evidence shows that Gary, Ind. is a rapidly growing industrial city located in the northwest portion of Indiana. Geographically it is shaped much like the capital letter "T." Its north boundary line is the southern shore of Lake Michigan. The stem of the "T" extends approximately 7 miles from near the shore of Lake Michigan to the southern boundary of the city and is approximately 2 miles wide. The crossbar of the "T" is approximately 4 miles wide and extends east and west a distance of approximately 10½ miles. Steel mills and other heavy industrial establishments are located primarily along the shore of the lake. The remainder of the territory is devoted to commercial and residential areas although some industry is located near the east and west portions of the crossbar of the "T."

The population of Gary, according to the U.S. Census, in 1950 was 133,911 which included 39,326 Negroes. In 1960, the population was 178,320, of which 69,340 were Negroes. The student population in the public schools for the 1951–52 school year was 22,770, of which 8,406 or approximately 37 percent were Negroes. In the 1961–62 school year there were 43,090 students in the public school system and 23,055 or approximately 53 percent were Negroes.

In 1951, the Gary School City maintained 20 school buildings. In 1961, the number of buildings had increased to 40. Additional schools had either been completed or were in the process of completion at the time of the trial of this case.

In the school year 1961–62, 10,710 of the students enrolled in the Gary school system attended 14 schools which were 100 percent white; 16,252 students attended 12 schools which were populated from 99 to 100 percent by Negroes; 6,981 students attended 5 schools which were from 77 to 95 percent Negroes; 4,066 attended 4 schools which had a range from 13 to 37 percent Negro; 5,465 attended 5 schools which had a Negro population from 1 to 5 percent.

The schools in operation in the 1951–52 and 1961–62 school years, their total enrollment and percentage of Negro students are shown on the following chart.

Table showing comparison of Negro and white youth enrolled [1] in Gary public schools, year 1951 and year 1961

Schools	1951–52			1961–62		
	Total enrollment	Number of Negroes	Percent	Total enrollment	Number of Negroes	Percent
Aetna				1,095		
Ambridge	190			350		
Banneker				877	876	99
Bethune				1,011	1,001	99.01
Beveridge	465	69	14.8	470	392	83.4
Brunswick				1,039		
Carver	893	893	100	1,196	1,196	100
Chase				467	171	36.8
Douglass				1,051	1,050	99.9
Drew				978	974	99.59
Dunbar				1,343	1,342	99.92
Edison	1,339			1,358	27	1.9
Emerson	1,896	179	9.44	2,184	276	12.64
Franklin	482			756		
Froebel	2,260	1,266	56	2,109	2,004	95
Garnett				1,272	1,272	100
Glen Park	474			293		
Ivanhoe	108			678	89	13.12
Jefferson	701	8	1.14	773	35	4.9
Kuny				375		
Lincoln	754	744	98.67	1,418	1,413	99.64
Locke				1,094	1,093	99.9
Mann	2,115			1,602	1	.99
Marquette				707		
Melton				701		
Miller	212			196		
Nobel				626		
Norton				1,660	1,466	88.31
Pittman Square				507		
Pulaski	1,671	1,646	98.52	1,719	1,714	99.7
Pyle				868	836	96.3
Riley	313			725		
Roosevelt	3,676	3,676	100	3,202	3,200	99.00
Tolleston	1,698	74	4.3	1,898	1,455	76.65
Vohr				801	11	1.37
Wallace	2,384			2,726		
Washington	344	30	8.72	676	162	23.96
Webster				547		
Williams				881	881	100
Wirt	795			1,034	2	1.9
Special schools:						
Duneland				74	35	47.29
Lutheran Church				62	45	72.58
Norton Park				45	34	77.3
Teenettes				9	2	2.2
Total	22,770	8,406	36.5	43,090	23,055	53.5

[1] Some years estimated because no records made.

The Negro population in Gary is concentrated in what is generally called the central district which occupies roughly the south half of the crossbar of the "T" from east to west and is bounded on the north by the Wabash Railroad and on the south by the city limits and the Little Calumet River. The expansion of the Negro population within the Gary city limits has been largely from east to west within the central district. Approximately 70,000 Negroes including the 23,000 Negro schoolchildren live in this district which comprises about one-third of the area of the city.

Gary, which is a relatively new city, having been organized in 1906, developed a rather unique school system commonly known as the Wirt system, so named after the superintendent of schools who was its architect. It was originally laid out in eight school districts and, as the school population demanded, one large school was built in each of the eight districts. Each of these schools handled the education of the public school population within its area, from kindergarten through high school. The original eight schools comprising this system were Edison, Tolleston, Mann, Froebel, Roosevelt, Wallace, Emerson, and Wirt. Only Emerson remains a kindergarten-through-12 school.

As the school population expanded, additional elementary schools were built. These were generally schools serving children from kindergarten through the sixth grade. Some of these elementary schools serve students from only one of the original eight districts and others accommodate elementary students from two or three such districts.

As these elementary schools were built, attendance zones were drawn for them and as the students complete the course in the elementary school to which they are assigned, they then go on to the high school in the district in which they reside for the completion of their public school education.

When some of the original kindergarten-through-12 schools could no longer handle the school population above the sixth grade, junior high schools were built to relieve the pressure. The Pulaski Junior High School was the original junior high building and it houses seventh-, eighth-, and ninth-grade students from portions of the Roosevelt, Froebel, and Emerson districts. The Beckman Junior High School building, just now being completed, will handle sixth-, seventh-, and eighth-grade students from a portion of the Roosevelt district and Bailly, also in the process of construction, will handle seventh-, and eighth-grade students from the Wallace district.

Prior to 1949, Gary had segregated schools in what is commonly known as the Pulaski Complex. Two schools were built on the same campus; one was called Pulaski-East and the other Pulaski-West. One was occupied by Negro students and the other by white students. This was in accordance with

the separate but equal policy, then permitted by Indiana law (Burns Indiana Statutes Annotated, 1948 Replacement, Section 28–5104). In 1949, Indiana repealed the separate but equal law and passed a new act expressly prohibiting segregated schools on the basis of race, color, or creed (Burns Indiana Statutes Annotated, 1948 Replacement, Pocket Supplement, sec. 28–5158). Complying with the mandate of the Indiana Legislature, the Gary School Board abolished the segregated schools in the Pulaski Complex and integrated the two schools. Prior to this time, however, the races were mixed in some of the other schools in the Gary system.

It is the contention of the plaintiffs that the defendant, by the manner in which it has drawn its school district boundaries, has purposely and intentionally maintained a segregated school system thereby depriving a majority of the Negro students in Gary from attending schools with white students. The board, on the other hand, specifically denies that there has been any intentional segregation of the races in the Gary school system. As a matter of fact, the school board and its staff insists that they are color blind, so far as the races are concerned, in the administration of the Gary school system. They maintain no records on the basis of race or color and had to secure the information as to the number of Negroes attending the various schools from sources other than records kept by the school administration for the purpose of obtaining racial figures for the trial of this case.

There can be no doubt that those in charge of administration of the Gary schools have had a serious problem, during the past decade or so, in maintaining facilities for the rapidly expanding school population. During the past 10 years, 22 new schools or additions have been built and the classrooms have been more than doubled. In Indiana a school corporation is limited in its bonding power to 2 percent of the assessed valuation of the property in the district. The Gary School City has been bonded to its limits for the purpose of providing facilities for the past several years. In addition, they have provided, through taxation, an accumulated building fund for the purpose of aiding in the construction of facilities for their ever expanding student population. For the year 1962, payable in 1963, the property tax rate for the School City of Gary is $5.85 per $100 of assessed valuation, which is either the highest or one of the highest in the State of Indiana.

In spite of the tremendous effort made by the board of trustees and the school administration, they have not always been able to keep their students adequately and properly housed. In addition to adding school buildings they have rented churches, storerooms, and utilized other public buildings, such as armories and park buildings, for the purpose of providing classrooms for children. It has also been necessary to operate some of the schools on a two-shift basis. Roosevelt, a predominantly Negro school, for example, operates now as a senior high school in the morning and as a junior high school in the afternoon. Wallace, an all-white school, is operated the same way. This condition will be relieved in the very near future when the new Beckman and Bailly Junior High buildings will be occupied for the first time. Twenty-eight classes in the Drew Elementary School are also operated on a two-shift basis. This situation will also be eliminated when the new junior high school buildings are occupied.

The boundary lines of the original kindergarten through 12 schools have remained unchanged for the most part since they were originally established. In 1953, there was a change in the line between the Emerson and Roosevelt Districts from 20th Avenue to 19th Avenue which affected the students from grades 7 through 12 who lived in the area affected by the boundary change. The plaintiffs contend that this shift was made in order to put all of the students in these grades from the Dorrie Miller housing project, which is occupied by Negroes, in the Roosevelt School, a predominantly Negro school, rather than the Emerson School which is a predominantly white school, for the purpose of segregating the races. The defendant, on the other hand, claims there were no racial considerations involved in this change. The change was made on August 26, 1953, after a careful study had been made by the school boundary committee. The report of the boundary committee reads as follows:

"Introduction

"The school boundary committee at their meeting, August 26, 1953, recommended that the south line of the Emerson School boundary, grades 7 to 12, be changed from 20th Avenue to 19th Avenue. That is, to change to a line running east and west along 19th Avenue from Virginia Street to the city limits.

"A. Reasons for change

"1. Because of the completion of the Dorrie Miller project, it was necessary to redefine this Emerson boundary line. The present line (20th Avenue) divides the project area in half. Also, 20th Avenue is not marked when it reaches the project area. It is not considered good for children of a closely knit community, such as the project, to attend different schools.

"2. Another consideration faced by the committee was the fact that in the Pulaski area, and in Aetna, some 1,200 new homes have been built or will soon be completed. On the average, each home represent slightly over one grade school child. So these facts had to be evaluated carefully in shifting this school boundary.

"B. Effect on Emerson and Roosevelt

"1. As a result of this boundary change, there will be less than 10 children shifted from one school to the other at the present time. This is because:

"a. Over 90 percent of the families moving into this area have children less than 12 years old.

"b. Students already enrolled in the 7th to 12th grade level are permitted to remain.

"2. It will be from 3 to 5 years before there may be any increase of enrollment either at Emerson or Roosevelt at the 7th to 12th grade level because of the younger families in the area, as well as the fact that Pulaski plans to enlarge its grade capacity to include the 7th and 8th.

"C. Other possibilities considered

"1. One suggestion considered was to move the boundary line from 20th Avenue to 15th Avenue. However, consideration of the capacity of the schools, distance of travel of the students, indicated that this was not feasible.

"2. Another suggestion was to keep the line at 20th Avenue, until it reaches Ohio Street, and then north on Ohio to 19th Avenue, and then east to the city limits.

"Again at this time only about six 7th graders would be affected by this move. Just south of Pulaski School, between 19th and 20th Avenues, there are 176 new family units. It will be 4 years until many of this group are in high school.

"The majority of the committee members believed that there was an advantage of making boundaries along straight lines. Since the 19th Avenue line would be the line on one side of Ohio Street, they believed it could just as well extend over to Virginia.

"D. General considerations

"The committee believed that this should be considered as a temporary boundary line for this year. More facts about the movement of population into these areas will have to be obtained before making long-range plans. The development of Pulaski School will also affect any future recommendations."

There was also testimony at the trial that plans were then under way for the construction of a new junior high school on the Roosevelt campus which comprises a large area and permitted the construction of additional facilities on the site in accordance with the requirements of the State Department of Education, whereas the Emerson land area was much smaller and would not permit the expansion of the facilities in accordance with the requirements of the State because of the lack of sufficient ground.

The plaintiffs only other serious contention that redistricting was done for the purpose of maintaining Negro students in a school separate from white students was in the Washington Elementary School district. The Washington School District was originally a rectangular area approximately 15 blocks east and west by 18 blocks north and south. The Washington School Building was located in the northwest quarter of this section. When the school population in the area became too great to be accommodated in the Washington School because of new housing in the southern portion of the district, the Locke School was constructed and was located in what was roughly the southeast quarter of the district, approximately 8 blocks south and 3 blocks east of the Washington School. After the Locke School was built, the former Washington School District was divided into two districts by dividing the area at 19th Avenue which required all of the students south of the avenue to go to the Locke School and all of the students north of the avenue to continue to go to Washington. As a result, Locke, in the 1961–1962 school year, was populated by 99 percent Negro students whereas Washington School had a Negro population of 24 percent. Plaintiffs contend that by drawing the boundary of the new districts north and south along Whitcomb Street that the percentage of Negroes at both schools would have been approximately equal. The defendant, however, contends that drawing the boundary line as suggested would require students in the two districts to travel a much greater distance to get to school and that students living in the southernmost portion of the district near Whitcomb Street would have to travel 14 or 15 blocks to school and go directly past the Locke School which is located approximately 3 blocks from their homes. Likewise, students living in the northern part of the Washington district near Whitcomb Street would travel approximately the same distance to Locke School and in order to get there would have to go within 2 blocks of the Washington School which, at most, would be 5 blocks from their homes. The defendant contends that there was no racial consideration in the location of the schools and the only consideration in the location of the Locke School was the availability of land in the areas which would best serve the students within the area. At the time Washington School was constructed there were no racial considerations involved.

With the two exceptions mentioned above, there is no serious contention on the part of the plaintiffs that the boundary lines of the various school districts were especially drawn for the purpose of segregating the races in the public schools.

The board of school trustees is a bipartisan board consisting of five members appointed by the mayor for staggered 4-year terms. The board elects its own officers. Dr. Leroy W. Bingham, a Negro, is now the board's president. He testified that it was the policy of the board to construct and to enlarge school buildings where they are needed for the purpose of serving students in the area, whether that area be populated by Negroes or whites, or by both races. He

also testified that there was no policy of segregation of races in the Gary school system; that beginning with the school year 1961 the board adopted a policy of total integration of its staff from the administrative level on down. He also stated that in order to alleviate congestion in the more heavily populated areas, the board adopted a policy of transferring students from several congested areas to less congested areas in order to try to balance the loads in the various buildings. He also testified that this was done without any consideration of race whatsoever, but for the purpose of relieving congestion wherever possible and using every building to its total capacity; that the policy of the board was to make complete use of the facilities available for the benefit of all of the children in the school system without regard to race so that all students could be afforded the best education possible.

Mr. Samuel Moise, immediate past president of the board, also testified to the same effect and it was stipulated by counsel that the other three members, if called to testify, would substantiate the testimony given by Dr. Bingham and Mr. Moise.

Relative to the integration of the staff, a Negro occupies the position of assistant superintendent of schools in charge of the bureau of research and publication. He is one of three assistant superintendents, all of whom have equal rank. The coordinator of secondary education is also a Negro, as is the supervisor of special education, the mathematics consultant in charge of the mathematics program in secondary education, a coordinator in the food services department, elementary supervisor and a member of the special services department who devotes a large part of his work to the problem of proper boundary lines for attendance areas. There are 18 Negro principals and 38 white principals.[1] The teaching staff consists of 798½ Negro teachers, 833½ white teachers,[2] and 3 orientals. All schools with the exception of one small elementary school have at least one Negro teacher on the staff. All but 5 of the 42 schools have at least 1 white teacher.

As a result of the policy of transferring students from overcrowded schools to less crowded schools, 123 children, 92 of whom are Negroes, have been transferred from Tolleston, a predominantly Negro school, to Mann, a predominantly white school. Eighty-seven Negro students have been transferred from Tolleston to Edison, a predominantly white school. One hundred and forty students, 120 of whom are Negroes, have been transferred from Froebel, a predominantly Negro school, to Chase, a predominantly white school. In most, if not all instances, the transferred students are transported by bus at a cost of $20 a day per bus load and because of the cost and other factors, the board hopes to utilize facilities within walking distance to the schools as soon as possible. It was stated that this transfer policy, now in effect, is intended to be temporary and was instituted to alleviate overcrowded conditions wherever possible and was not done because of any racial considerations.

The transfer of students generally, from one school to another, is handled on an individual basis. There is no transfer as a matter of right from one school district to another, but on the application of an individual student or his parent, the reason for the transfer request is considered and allowed or denied depending upon the apparent reasonableness and desirability of the transfer, and no racial factors are considered in allowing or disallowing a transfer.

From time to time protests have been made to the school board by Negro groups concerning the construction of contemplated buildings on the ground that the planned location would create a racial imbalance in the school. The evidence indicates that consideration was given to all of these protests and that on one or more occasion the construction of schools already planned for a certain location was held up or canceled because of these protests.

[1, 2] From a consideration of all the evidence and the record, the court cannot see that the board of education has deliberately or purposely segregated the Gary schools according to race. In the court's opinion the plaintiffs have failed to sustain their burden of showing that the school board has so drawn the boundary lines of the school districts within the Gary school system so as to contain the Negroes in certain districts and the whites in others. The only real attempt by the plaintiffs to show such action on the part of the school board was in connection with the Washington-Locke District as a result of the construction of the new Locke school and in the Roosevelt-Emerson districts in changing the boundary lines from 19th to 20th Avenue. In the Court's opinion there were compelling reasons for districting these two areas in the manner in which it was accomplished, aside from any racial consideration and the Court cannot presume that the board acted in bad faith. Furthermore, the evidence shows that Negro students were attending both the Emerson School and the Washington School at the time this redistricting was done.

An examination of the school boundary lines in the light of the various factors involved such as density of population, distances that the students have to travel and the safety of the children, particularly in the lower grades, indicates that the areas have been reasonably arrived at and that the lines have not been drawn for the purpose of including or excluding children of certain races.

The safety factors are difficult to solve in this school system. Three U.S. highways and the Indiana toll road traverse Gary from east to west. At least nine railroads cross the city, mostly at grade, as they converge on Chicago from the east or southeast. Some of these railroads have multiple tracks through the city and the streets crossing them are several blocks apart in some areas. The Little Calumet River crosses the city from east to west and is infrequently bridged. These are all safety factors that have to be considered in locating schools and fixing attendance districts.

The evidence shows that the board has consistently followed the general policy of requiring the students to attend the school designated to serve the district in which they live regardless of race. This is clearly demonstrated by the attendance figures in the 1951–52 and 1961–62 school years in certain school districts. The Tolleston School, for example, in 1951–52 had 1,698 students, 74 or 4.3 percent of whom were Negroes. With no change in the school boundary lines in 1961–62 the school had 1,898 students and 1,455 or 76.65 percent were Negroes. Another example is the Froebel School which, in the 1951–52 school year had an enrollment of 2,260 students and 1,266 or 56 percent were Negro. In the 1961–62 school year the same school, with the same boundary lines, had 2,109 students and 2,004 or 95 percent were Negro. Beveridge Elementary School in 1951–52 had 465 students, 69 or 14.8 percent of whom were Negroes. In 1961–62 Beveridge had an enrollment of 470 students and 392 or 83 percent were Negro.

The problem in Gary is not one of segregated schools but rather one of segregated housing. Either by choice or design, the Negro population of Gary is concentrated in the so-called central area, and as a result the schools in that area are populated by Negro students. If the Negro population was proportionately scattered throughout the city, the racial percentages within the schools would be in relative proportion of Negroes to whites.

(3) The plaintiffs attempted to prove that students attending predominantly Negro schools are discriminated against because of inferior instruction, inferior curriculum, and overcrowded conditions but the evidence was unimpressive.

The evidence as to inferior instruction consisted of figures showing more nontenure teachers with lower pay in some of the predominantly Negro schools, and the results of certain achievement tests disclosing a lower standard of achievement by the students in some of these schools than by the students attending some of the predominantly white schools.

A tenure teacher in Indiana is one who has taught in a school system for at least 5 years. After that time he attains certain employment security which protects him from discharge, except for cause. Tenure status has nothing to do with his skill or ability as a teacher, except that his employment for the sixth year probably indicates that his first 5 years of service were satisfactory, otherwise he would not be retained. Since the greatest expansion of students and staff in Gary has been in the schools attended predominantly by Negroes it is only natural that more new teachers would be found there. This does not mean that these teachers are inferior. The evidence shows that the same standards are used in selecting all teachers and that in all cases the administration seeks to select the very best teacher available.

Since the salary increases for the teaching staff are based on years of service in the system, the newer teachers naturally receive less compensation, but again this has nothing to do with the teachers' ability. All teachers with the same length of service receive the same pay.

A comparison of achievement tests sheds little or no light on the quality of instruction, unless there is a corresponding showing of ability to achieve.

The only evidence of inferior curriculum was that certain elective subjects are offered in some schools and not in others. It was explained that these electives are offered on the basis of whether or not there are sufficient students interested in the course in a given school to constitute a class large enough to justify assigning an instructor.

Certain exhibits were introduced by the plaintiffs for the purpose of showing that there was overcrowding in some of the predominantly Negro schools and that the classes were larger in such schools. The defendant offered evidence to show that these exhibits were either inaccurate or misleading. In any event, the variance between class sizes in the various schools was not great. Larger classes and more crowded conditions in the Negro districts might reasonably be expected because that is the area where the greatest increase in student population has occurred in the past 10 years. While the greater expansion of facilities has also been in this area, it has been difficult if not impossible, to keep up with the needs. There is no convincing evidence of any discrimination as claimed by the plaintiffs.

The plaintiffs in their briefs have relied heavily upon the case of *Taylor* v. *Board of Education* (191 F. Supp. 181 and 2 Cir., 294 F. 2d 36) to sustain their position that the school board has deliberately segregated the Gary schools. The facts here are entirely different than in the Taylor case. The evidence there showed that the board had deliberately drawn the district lines of the Lincoln School for the purpose of containing most of the Negroes and excluding most of the whites.

[1] Assistant principals are included in these figures.

[2] The one-half teacher refers to teachers who work one-half time.

There is no such evidence in this case and in the Court's opinion the decision in Taylor does not apply because of lack of intent or purpose on the part of the defendant here to segregate the races in certain schools.

4. The fact that certain schools are completely or predominantly Negro does not mean that the defendant maintains a segregated school system. See *Brown* v. *Board of Education of Topeka* (139 F. Supp. 468). There, the three-judge court, charged with the duty of implementing the decision of the Supreme Court (349 U.S. 294, 75 S. Ct. 753, 99 L. Ed. 1083) held, in passing upon the plan submitted by the school board for desegregation of the Topeka schools, that a school is not segregated because it is attended by all Negro students if the district is inhabited entirely by Negroes and they are compelled to attend the school in the district in which they live.

The plaintiffs contend, however, that regardless of the motive or intent of the defendant, actual segregation of the races in the Gary schools exists because a large percentage of the Negro children are required to attend schools that are totally or predominantly Negro in composition, whereas, a large percentage of the white students attend schools that are totally or predominantly white. It is the position of the plaintiffs that regardless of school districts or the residence of the Negro students, or any other factors, there is an affirmative duty on the part of the defendant to integrate the races so as to bring about, as nearly as possible, a racial balance in each of the various schools in the system.

In support of their proposition, the plaintiffs cite language from the decision of the Supreme Court in *Brown* v. *Board of Education* (347 U.S. 483, 494, 74 S. Ct. 686, 691, 98 L. Ed. 873) to the effect that:

"To separate them (Negroes) from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone."

The plaintiffs concede the question which they now urge has not been passed upon by the Supreme Court or by any other court where the question was specifically presented. They contend however that the language above quoted from the Supreme Court in the Brown case, together with language found in certain other cases, principally *Taylor* v. *The Board of Education, supra,* and *Branche* v. *Board of Education* (204 F. Supp. 150), indicates that it is the policy of the law that those in charge of the administration of our schools are not only prohibited from segregating the races but they also have the affirmative duty to integrate the races and see that there is racial balance maintained in the schools under their supervision.

Without reviewing the language of the cited decisions here, it must be remembered that in Taylor the Court was dealing with a situation where it found that the school board had deliberately segregated the races in their school district and whatever the Court said there was stated in the light of the Court's mandate to desegregate a school which was purposely segregated. In its final analysis Taylor mandated the school board to undo what had been illegally done. In the Branche case the Court was passing upon a motion for summary judgment filed by the board of education. The Court's opinion was that the board's showing on its motion for summary judgment was not sufficiently convincing and that therefore there must be a trial on the merits. Whatever language the Court used in this posture could not be decisive of the question here.

At the trial of this case the plaintiffs offered an expert, a Dr. Max Wolff, a sociology professor with no experience in public school administration, or for that matter no experience in the field of public school education.

Dr. Wolff defined a segregated school as "any school where the percentage of Negro to white students was one-third greater or one-third less than the percentage of Negro students to white students in the entire system." Applying his formula to the Gary schools he concluded that any school with less than 36 percent Negro students was a segregated white school and any school with more than 72 percent colored students was a segregated Negro school. Dr. Wolff cited no authority for his definition of segregated schools other than himself. Dr. Wolff's definition of a segregated school may be a good sociological definition, but the Court can find no authority which would indicate that it is a good legal definition. The Court is of the opinion that a simple definition of a segregated school, within the context in which we are dealing, is a school which a given student would be otherwise eligible to attend, except for his race or color, or, a school which a student is compelled to attend because of his race or color.

5. The neighborhood school which serves the students within a prescribed district is a long and well established institution in American public school education. It is almost universally used, particularly in the larger school systems. It has many social, cultural, and administrative advantages which are apparent without enumeration. With the use of the neighborhood school districts in any school system with a large and expanding percentage of Negro population, it is almost inevitable that a racial imbalance will result in certain schools. Nevertheless, I have seen nothing in the many cases dealing with the segregation problem which leads me to believe that the law requires that a school system developed on the neighborhood school plan, honestly and conscientiously constructed with no intention or purpose to segregate the races, must be destroyed or abandoned because the resulting effect is to have a racial imbalance in certain schools where the district is populated almost entirely by Negroes or whites. On the other hand, there are many expressions to the contrary, and these expressions lead me to believe that racial balance in our public schools is not constitutionally mandated.

In its original opinion in *Brown* v. *Board of Education, supra,* the Supreme Court set the case for further argument on the question of how its decision should be implemented. One of the questions to be reargued was:

"4. Assuming it is decided that segregation in public schools violates the 14th amendment—

"'(a) would a decree necessarily follow providing that, within the limits set by normal geographic districting, Negro children should forthwith be admitted to schools of their choice. (See footnote 2, 349 U.S. 298, 75 S. Ct. 755.)

Following reargument, the Supreme Court handed down the second decision in the Brown case (349 U.S. 294, 75 S. Ct. 753), which was in effect its instructions to the district courts involved as to how its policy of desegregation should be carried out.

In instructing the district courts, the Court said in part:

"While giving weight to these public and private considerations, the courts will require that the defendants make a prompt and reasonable start toward full compliance with our May 17, 1954, ruling. To that end, the courts may consider problems related to administration, arising from the physical condition of the school plant, the school transportation system, personnel, revision of school districts, and attendance areas into compact units to achieve a system of determining admission to the public schools on a nonracial basis."

These instructions clearly indicate that the Supreme Court intended that the desegregation policy was to be carried out within the framework of "school districts and attendance areas." In carrying out the instructions of the Supreme Court, the three-judge District Court in the District of Kansas said in *Brown* v. *Board of Education* (139 F. Supp. 468):

"It was stressed at the hearing that such schools as Buchanan are all-colored schools and that in them there is no intermingling of colored and white children. Desegregation does not mean that there must be intermingling of the races in all school districts. It means only that they may not be prevented from intermingling or going to school together because of race or color.

"If it is a fact, as we understand it is, with respect to Buchanan School that the district is inhabited entirely by colored students, no violation of any constitutional right results because they are compelled to attend the school in the district in which they live."

By this expression the district court clearly indicated that even in a school system that had been segregated and where the burden was on the board to show that their desegregation plan eliminated racial segregation as such, there could still be all-colored schools if all of the students living in a properly constituted school district were Negroes, and that no constitutional rights were violated because students were compelled to attend the school in the district in which they lived.

In the recent case of *Evans* v. *Buchanan,* 207 F. Supp. 820, the Court said:

"The Court holds that the States do not have an affirmative, constitutional duty to provide an integrated education. The pertinent portion of the 14th amendment of the U.S. Constitution reads, 'nor [shall any State] deny any person within its jurisdiction the equal protection of the laws.' This clause does not contemplate compelling action; rather, it is a prohibition preventing the States from applying their laws unequally.

"When interpreting the equal protection clause in the Brown case the Supreme Court held only that a State may not deny any person on account of race the right to attend a public school. Chief Justice Warren, speaking for the Court, said, 'To separate them [Negroes] from others * * * solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone.' The clear implication of this statement is that if races are separated because of geographic or transportation considerations or other similar criteria, it is no concern of the Federal Constitution. Thus, discrimination is forbidden but integration is not compelled."

The court finds no support for the plaintiff's position that the defendant has an affirmative duty to balance the races in the various schools under its jurisdiction, regardless of the residence of students involved. Indeed, their own evidence is that such a task could not be accomplished in the Gary schools. Their expert, Dr. Wolff, submitted a proposal for balancing the races in most of the schools by eliminating 4 of the 8 high schools now existing and building 3 new high schools and by transferring approximately 6,000 students from their neighborhood schools to other schools, some of them great distances away. Even if his plan were adopted, Roosevelt School would still be 100 percent Negro and Bailly, by his definition, would continue to be a segregated white school. In developing his plan, Dr. Wolff, in effect, admitted that he considered only the desirability of creating a racial balance in the schools and that costs, safety factors and other considerations were at least secondary to his main objective.

Unfortunately, the problems confronting the school administration are not as simple as Dr. Wolff's solution. For example, the financial burden of transporting 6,000 students from their home neighborhood to another would be a matter of considerable concern to the administrators of an already heavily taxed and indebted school district. Moreover, the administrative problem of choosing those who would be transferred and those who would not in a rapidly growing school system where the racial complexion of the various neighborhoods is constantly changing would be almost impossible to solve.

Furthermore, requiring certain students to leave their neighborhood and friends and be transfererd to another school miles away, while other students, similarly situated, remained in the neighborhood school, simply for the purpose of balancing the races in the various schools would in my opinion be indeed a violation of the equal protection clause of the 14th amendment.

For reasons stated herein, the court finds no violation by the defendant of the plaintiffs' constitutional rights.

Defendant's counsel will submit findings of fact, conclusions of law and order consistent with this opinion on or before February 11, 1963.

RACHEL LYNN BELL, A MINOR, BY MRS. ODESSA K. BELL, HER MOTHER, ETC., ET AL., PLAINTIFFS-APPELLANTS, V. SCHOOL CITY OF GARY, IND., ET AL., DEFENDANTS-APPELLEES, No. 14152

(U.S. Court of Appeals, Seventh Circuit, October 31, 1963)

Declaratory judgment action brought by minor Negro children charging that city maintained a segregated school system in violation of plaintiffs' consititutional rights. The U.S. District Court for the Northern District of Indiana, George N. Beamer, J., 213 F. Supp. 819, dismissed the complaint and the plaintiffs appealed. The court of appeals, Duffy, circuit judge, held that no affirmative constitutional duty existed to change innocently arrived at school attendance districts by the mere fact that shifts in population had increased or decreased the percentage of Negro or white pupils and that the plaintiffs' constitutional rights were not being violated. Affirmed.

1. Schools and school districts ⟸13: There is no affirmative constitutional duty to change innocently arrived at school attendance district by the mere fact that shifts in population have increased or decreased the percentage of either Negro or white pupils.

2. Schools and school districts ⟸13: Constitutional rights of Negro students in city school system incorporating a neighborhood school plan which had been honestly and conscientiously constructed with no intention or purpose to segregate the races were not violated even though racial imbalance resulted in certain schools when areas became populated almost entirely by Negroes or whites. (Burns' Ann. St. §§ 28–1902, 28–5159; U.S.C. Const. Amend. 14.)

F. Laurence Anderson, Jr., Gary, Ind.; Robert L. Carter, Barbara A. Morris, New York City; Anderson, Hicks & Anderson, Hilbert L. Bradley, Gary, Ind.; Richard G. Hatcher, East Chicago, Ind.; Charles Wills, Indianapolis, Ind., of counsel, for appellants.

Albert H. Gavit, Gary, Ind.; Edmond J. Leeney, Hammond, Ind.; Orval Anderson, Gary, Ind., for appellees.

Before Duffy, Schnackenberg, and Castle, circuit judges.

Duffy, circuit judge.

Approximately 100 minor schoolchildren enrolled in the public schools of Gary, Ind., brought this action for a declaratory judgment upon their own behalf and also upon behalf of all others similarly situated. The principal relief asked was that defendants be enjoined from operating and providing racially segregated public schools in Gary, Ind. One of the named defendants is the School City of Gary, Indiana.[1]

Subsequent to the trial below, District Judge Beamer wrote an excellent opinion which was incorporated in his findings of fact and conclusions of law. The opinion has been printed (D.C., 213 F. Supp. 819). In this opinion on appeal we have approved of, adopted and used a number of the district court's concise statements of fact.

Gary is a rapidly growing industrial city in northwest Indiana. The district judge pointed out that "Geographically it is shaped much like the capital letter 'T.' Its north boundary line is the southern shore of Lake Michigan. The stem of the 'T' extends approximately * * * 2 miles wide. The crossbar of the 'T' is approximately 4 miles wide and extends east and west a distance of approximately 10½ miles."

In 1950, the population of Gary was 133,-911 which included 39,326 Negroes. In 1960, the population was 178,320 of which 69,340 were Negroes.

The student population in the public schools of Gary for the 1951–52 school year was 22,770 of which 8,406 or approximately 37 percent were Negroes. In the 1961–62 school year there were 43,090 students in the public school system, and 23,055 or approximately 53 percent were Negroes.

In 1951, the School City of Gary maintained and used 20 school buildings. In 1961, the number of school buildings had increased to 40. Additional schools were in the process of completion at the time of the trial of this case.

In the school year 1961–62, 16,242 students attended 12 schools which were populated from 99 to 100 percent by Negroes; 6,981 students attended 5 schools which were 77 to 95 percent Negroes; 4,066 attended 4 schools which had a range from 13 to 37 percent Negroes; 5,465 attended 5 schools which had a Negro population of from 1 to 5 percent.

The Negro population in Gary is concentrated in the central district which occupies roughly the south half of the crossbar of the "T" from east to west and is bounded on the north by the Wabash Railroad and on the south by the city limits and the Little Calumet River. Approximately 70,000 Negroes including 23,000 Negro schoolchildren live in this district which comprises about one-third of the area of the city.

The city of Gary was organized in 1906. Originally, eight school districts were laid out, and as the school population required, one large school was built in each of the eight districts. As the school population expanded, elementary schools were built. At the same time, attendance zones were drawn for such elementary schools and as the students completed the course in the elementary school to which they were assigned, they then went to the high school in the district in which they resided for the completion of their public school education.

The board of school trustees is a bipartisan board of five members appointed by the mayor. The board elects its own officers. Dr. LeRoy Bingham, a Negro, was the president of the board when this suit was commenced. At the trial, he testified there was no policy of segregation of races in the Gary school system. He also testified the board adopted a policy of transferring students from several congested areas to less congested areas in order to try to balance the loads in the various buildings; that it was the policy of the board to make complete use of the facilities available for the benefit of all the children in the school system without regard to race.

The school staff has been integrated. A Negro occupies the position of assistant superintendent of schools. He is one of three assistant superintendents, all of whom have equal rank. The coordinator of secondary education is a Negro as is the supervisor of special education, the mathematics consultant, a coordinator in the food services department and a member of the special services department who devotes a large part of his time to the problem of proper boundary lines for attendance areas. There are 18 Negro principals and 38 white principals.[2] On the teaching staff, there are 798 Negro teachers, 833 white teachers, and 3 orientals. All schools with the exception of one small elementary school have at least one Negro teacher on the staff. All but 5 of the 42 schools have at least 1 white teacher.

Those in charge of the administration of the Gary schools have had a difficult problem for more than a decade in maintaining facilities for the rapidly expanding school population. Twenty-two new schools or additions have been built in the last 10 years and classrooms have been more than doubled. A school corporation in Indiana is limited in its bonding power to 2 percent of the assessed valuation of the property in the district. The Gary School City has been bonded to its limits for the past several years.

For the year 1962, payable in 1963, the property tax rate for the School District of Gary is $5.85 per $100 of assessed valuation. The district judge noted that this was either the highest or one of the highest rates in the entire State of Indiana.

In addition to building new school buildings, the board of trustees and the school administration have rented churches, storerooms, and utilized such buildings as armories and park buildings for the purpose of providing classrooms for children. Some schools have been operated on a two-shift basis. Roosevelt is predominantly a Negro school. It operates as a senior high school in the morning and as a junior high school in the afternoon. It should be noted that Wallace, an all-white school, is operated in precisely the same manner.

Pursuant to the policy of transferring students from overcrowded schools, 123 students, 92 of whom are Negroes, were transferred from Tolleston, a predominantly Negro school to Mann, a predominantly white school. Eighty-seven Negro students were transferred from Tolleston to Edison, a predominantly white school. One hundred and forty students of whom 120 are Negroes, were transferred from Froebel, a predominantly Negro school to Chase, a predominantly white school.

The transfer of students from one school to another is handled on an individual basis. There is no transfer as a matter of right from one school to the other. However, no racial characteristics are considered in allowing or disallowing a transfer.

The school board has consistently followed the policy requiring students to attend the school designated to serve the district in which they live regardless of race. This was in accord with the Indiana statute which provides that all students in the public schools are to be admitted "in the public or common school in their districts in which they reside without regard to race, creed or color, class or national origin" (§ 28–5159 Burns Indiana Statutes).

Plaintiffs' position is grounded on their fundamental theory that their right to be integrated in school is such an overriding purpose that little, if any, consideration need to be given to the safety of the children, convenience of pupils and their parents, and costs of the operation of the school system.

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[1] By the terms of sec. 28–1902, Burns Indiana Statutes, the City of Gary is declared to be a school corporation for school purposes, "* * * and shall be known and designated as 'School City of [Gary] Indiana.'" Where the term "defendant" is used in this opinion, reference is to School City of Gary, Indiana.

[2] Assistant principals are included in these figures.

There was testimony that under plaintiffs' plan, at least 6,000 pupils would have to be transported on each schoolday, presumably by bus, and that the cost of operating 1 bus was $20 per day.

The district judge pointed out "The safety factors are difficult to solve in this school system. Three U.S. highways and the Indiana toll road traverse Gary from east to west. At least nine railroads cross the city, mostly at grade, as they converge on Chicago from the east or southeast. Some of these railroads have multiple tracks through the city and the streets crossing them are several blocks apart in some areas. The Little Calumet River crosses the city from east to west and is infrequently bridged. These are all safety factors that have to be considered in locating schools and fixing attendance districts."

Let us consider Tolleston School in Gary. In the school year 1951–52, this school was in a predominantly white neighborhood; only 4.3 percent of its school-age children were colored. But, in the following 10 years, colored people, on their own volition, moved in large numbers into this school district area. There was no change in the school district boundary lines. At the end of this period, the percentage of colored pupils was 76.65 percent. The plaintiffs claim that the voluntary Negro influx into this area has caused imbalance which defendants have the affirmative duty to change. In effect, plaintiffs say that defendants must somehow transplant from Tolleston enough Negro pupils to reduce their number to 50 percent of capacity, or some other arbitrary figure, and then, by some means, go out into the 42 square miles of the city of Gary into the so-called white districts, and bring into the Tolleston School a sufficient number of white students to correct the imbalance.

Plaintiffs are unable to point to any court decision which has laid down the principle which justifies their claim that there is an affirmative duty on the Gary school system to recast or realine school districts or areas for the purpose of mixing or blending Negroes and whites in a particular school.

Plaintiffs argue that *Brown* v. *Board of Education* (347 U.S. 483, 74 S. Ct. 686, 98 L. Ed. 873), proclaims that segregated public education is incompatible with the requirements of the 14th amendment in a school system maintained pursuant to State law. However, the holding in Brown was that the forced segregation of children in public schools solely on the basis of race, denied the children of the minority group the equal protection of the laws granted by the 14th amendment.

[1] The situation in Brown is a far cry from the situation existing in Gary, Ind. The school district boundaries in Gary were determined without any consideration of race or color. We agree with the argument of the defendants stated as "there is no affirmative U.S. constitutional duty to change innocently arrived at school attendance districts by the mere fact that shifts in population either increase or decrease the percentage of either Negro or white pupils."

After the original opinion in *Brown* v. *Board of Education*, supra, the Court set the case for further argument on the question of how its decision should be implemented. Thereafter, a three-judge district court was designated in Kansas to consider the Kansas aspects of the instructions in the Brown case. Tht Court stated, *Brown* v. *Board of Education, D.C.* (139 F. Supp. 468, 470), "Desegregation does not mean that there must be intermingling of the races in all school districts. It means only that they may not be prevented from intermingling or going to school together because or race or color."

In *Briggs* v. *Elliott* (E.D.S.C.) (132 F. Supp. 776, 777) the Court said: "The Constitution, in other words, does not require integration. It merely forbids discrimination."

We agree with and the record fully sustains the district court's finding, "An examination of the school boundary lines in the light of the various factors involved such as density of population, distances that the students have to travel and the safety of the children, particularly in the lower grades, indicates that the areas have been reasonably arrived at and that the lines have not been drawn for the purpose of including or excluding children of certain races."

We approve also of the statement in the district court's opinion, "Nevertheless, I have seen nothing in the many cases dealing with the segregation problem which leads me to believe that the law requires that a school system developed on the neighborhood school plan, honestly and conscientiously constructed with no intention or purpose to segregate the races, must be destroyed or abandoned because the resulting effect is to have a racial imbalance in certain schools where the district is populated almost entirely by Negroes or whites."

[2] We hold that the constitutional rights of the plaintiffs and others similarly situated, were not violated by the manner in which the defendant school district of Gary, Ind., maintained and operated its schools, and that the district court was correct in dismissing the complaint herein. Affirmed.

Mr. ERVIN. Mr. President, in closing, I cannot forbear comment upon these two strange statements contained in the Brown case:

First. That the validity of the "separate but equal" doctrine was not challenged in Gong Lum against Rice.

Second. That the history of the 14th amendment was "inconclusive" with respect to the question whether the amendment permitted the States to segregate their children in their public schools on the basis of race.

The truth is that the only question involved in Gong Lum against Rice was a challenge to the validity of the "separate but equal" doctrine. This is made crystal clear by Chief Justice William Howard Taft, the writer of the unanimous opinion in that case, when he wrote these words:

1. The case then reduces itself to the question whether a State can be said to afford a child of Chinese ancestry born in this country, and a citizen of the United States, equal protection of the laws by giving her the opportunity for a common school education in a school which receives only colored children of the brown, yellow, or black races (275 U.S. 85).

2. The question here is whether a Chinese citizen of the United States is denied equal protection of the laws when he is classed among the colored races and furnished facilities for education equal to that offered to all, whether white, brown, yellow, or black (275 U.S. 85).

With all due deference to the writer of the opinion in Brown against Board of Education of Topeka, I assert without the slightest fear of successful contradiction that the history of the 14th amendment makes it as clear as the noonday sun in an unclouded sky that the amendment was not designed to interfere in any way with the power of the several States to segregate their children in their public schools on the basis of race as long as they provided equal facilities for them and that the construction placed upon the amendment to this effect by all Presidents, all Governors, all Congresses, all State legislatures, and all Federal and State courts during the 86 years next preceding 12 o'clock noon on May 17, 1954, was in full accord with the intent of those who drafted, submitted, and ratified the amendment.

For the purpose of keeping the record straight and of showing how the 14th amendment was interpreted on this point by all Presidents, all Congresses, all Federal Courts, all State Governors, all State legislatures, and all State courts from the time of its ratification until 12 o'clock noon on May 17, 1954, I ask unanimous consent to have printed at this point in the body of the RECORD the unanimous decision and opinion handed down by the Supreme Court of the United States on November 21, 1927, in *Gong Lum* v. *Rice*, 275 U.S. 78, declaring that the equal protection clause of the 14th amendment was not intended by those who drafted it and those who ratified it to deny to the States the power to operate segregated schools.

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

GONG LUM ET AL. *v.* RICE ET AL.

(Error to the Supreme Court of the State of Mississippi, No. 29; submitted Oct. 12, 1927; decided Nov. 21 1927)

A child of Chinese blood, born in, and a citizen of, the United States, is not denied the equal protection of the laws by being classed by the State among the colored races who are assigned to public schools separate from those provided for the whites, when equal facilities for education are afforded to both classes (p. 85) (139 Miss. 760, affirmed).

Error to a judgment of the Supreme Court of Mississippi, reversing a judgment awarding the writ of mandamus. The writ was applied for in the interest of Martha Lum, a child of Chinese blood, born in the United States, and was directed to the trustees of a high school district and the State superintendent of education, commanding them to cease discriminating against her and to admit her to the privileges of the high school specified, which was assigned to white children exclusively.

Messrs. J. N. Flowers, Earl Brewer, and Edward C. Brewer for plaintiff in error.

The white, or Caucasian, race, which makes the laws and construes and enforces them, thinks that in order to protect itself against the infusion of the blood of other races its children must be kept in schools from which other races are excluded. The classification is made for the exclusive benefit of the lawmaking race. The basic assumption is that if the children of two races associate daily in the schoolroom the two races will at last intermix; that the purity of each is jeopardized by the mingling of the children in the schoolroom; that such association among children means social intercourse and social equality. This danger, the white race, by its laws, seeks to divert from itself. It levies the taxes on all alike to support a public school system, but in the organization of the system it creates its own exclusive schools for its children, and other schools for the children of all other races to attend together.

If there is danger in the association, it is a danger from which one race is entitled to protection just the same as another. The white race may not legally expose the yellow race to a danger that the dominant race recognizes and, by the same laws, guards itself against. The white race creates for itself a privilege that it denies to other races; exposes the children of other races to risks and dangers to which it would not expose

its own children. This is discrimination. (*Lehew* v. *Brummell*, 103 Mo. 549; *Strauder* v. *West Virginia*, 100 U.S. 303.)

Color may reasonably be used as a basis for classification only insofar as it indicates a particular race. Race may reasonably be used as a basis. "Colored" describes only one race, and that is the Negro. (*State* v. *Treadway*, 126 La. 52; *Lehew* v. *Brummell, supra; Plessy* v. *Ferguson*, 163 U.S. 537; *Berea College* v. *Kentucky*, 133 Ky. 209; *West Chester R.R.* v. *Miles*, 55 Pa. St. 209; *Tucker* v. *Blease*, 97 S.C. 303.)

Messrs. Rush H. Knox, attorney general of Mississippi, and E. C. Sharp for defendants in error.

Mr. Chief Justice Taft delivered the opinion of the Court.

This was a petition for mandamus filed in the State Circuit Court of Mississippi for the First Judicial District of Bolivar County.

Gong Lum is a resident of Mississippi, resides in the Rosedale Consolidated High School District, and is the father of Martha Lum. He is engaged in the mercantile business. Neither he nor she was connected with the consular service or any other service of the Government of China, or any other government, at the time of her birth.

She was 9 years old when the petition was filed, having been born January 21, 1915, and she sued by her next friend, Chew How, who is a native born citizen of the United States and the State of Mississippi. The petition alleged that she was of good moral character and between the ages of 5 and 21 years, and that, as she was such a citizen and an educable child, it became her father's duty under the law to send her to school; that she desired to attend the Rosedale Consolidated High School; that at the opening of the school she appeared as a pupil, but at the noon recess she was notified by the superintendent that she would not be allowed to return to the school; that an order had been issued by the board of trustees, who are made defendants, excluding her from attending the school solely on the ground that she was of Chinese descent and not a member of the white or Caucasian race, and that their order had been made in pursuance to instructions from the State superintendent of education of Mississippi, who is also made a defendant.

The petitioners further show that there is no school maintained in the district for the education of children of Chinese descent, and none established in Bolivar County where she could attend.

The constitution of Mississippi requires that there shall be a county common school fund, made up of poll taxes from the various counties, to be retained in the counties where the same is collected, and a State common school fund to be taken from the general fund in the State treasury, which together shall be sufficient to maintain a common school for a term of 4 months in each scholastic year, but that any county or separate school district may levy an additional tax to maintain schools for a longer time than a term of 4 months, and that the said common school fund shall be distributed among the several counties and separate school districts in proportion to the number of educable children in each, to be collected from the data in the office of the State superintendent of education in the manner prescribed by law; that the legislature encourage by all suitable means the promotion of intellectual, scientific, moral and agricultural improvement, by the establishment of a uniform system of free public schools by taxation or otherwise, for all children between the ages of 5 and 21 years, and, as soon as practicable, establish schools of higher grade.

The petition alleged that, in obedience to this mandate of the Constitution, the legislature has provided for the establishment and for the payment of the expenses of the Rosedale Consolidated High School, and that the plaintiff, Gong Lum, the petitioner's father, is a taxpayer and helps to support and maintain the school; that Martha Lum is an educable child, is entitled to attend the school as a pupil, and that this is the only school conducted in the district available for her as a pupil; that the right to attend it is a valuable right; that she is not a member of the colored race nor is she of mixed blood, but that she is pure Chinese; that she is by the action of the board of trustees and the State superintendent discriminated against directly and denied her right to be a member of the Rosedale School; that the school authorities have no discretion under the law as to her admission as a pupil in the school, but that they continue without authority of law to deny her the right to attend it as a pupil. For these reasons the writ of mandamus is prayer for against the defendants commanding them and each of them to desist from discriminating against her on account of her race or ancestry and to give her the same rights and privileges that other educable children between the ages of 5 and 21 are granted in the Rosedale Consolidated High School.

The petition was demurred to by the defendants on the ground, among others, that the bill showed on its face that plaintiff is a member of the Mongolian or yellow race, and therefore not entitled to attend the schools provided by law in the State of Mississippi for children of the white or Caucasian race.

The trial court overruled the demurrer and ordered that a writ of mandamus issue to the defendants as prayed in the petition.

The defendants then appealed to the Supreme Court of Mississippi, which heard the case. (*Rice* v. *Gong Lum*, 139 Miss. 760.) In its opinion, it directed its attention to the proper construction of section 207 of the State constitution of 1890, which provides:

"Separate schools shall be maintained for children of the white and colored races."

The Court held that this provision of the constitution divided the educable children into those of the pure white or Caucasian race, on the one hand, and the brown, yellow, and black races, on the other, and therefore that Martha Lum of the Mongolian or yellow race could not insist on being classed with the whites under this constitutional division. The Court said:

"The legislature is not compelled to provide separate schools for each of the colored races, and, unless and until it does provide such schools and provide for segregation of the other races, such races are entitled to have the benefit of the colored public schools. Under our statutes a colored public school exists in every county and in some convenient district in which every colored child is entitled to obtain an education. These schools are within the reach of all the children of the State, and the plaintiff does not show by her petition that she applied for admission to such schools. On the contrary the petitioner takes the position that because there are no separate public schools for Mongolians that she is entitled to enter the white public schools in preference to the colored public schools. A consolidated school in this State is simply a common school conducted as other common schools are conducted; the only distinction being that two or more school districts have been consolidated into one school. Such consolidation is entirely discretionary with the county school board having reference to the condition existing in the particular territory. Where a school district has an unusual amount of territory, with an unusual valuation of property therein, it may levy additional taxes. But the other common schools under similar statutes have the same power.

"If the plaintiff desires, she may attend the colored public schools of her district, or, if she does not so desire, she may go to a private school. The compulsory school law of this State does not require the attendance at a public school, and a parent under the decisions of the Supreme Court of the United States has a right to educate his child in a private school if he so desires. But plaintiff is not entitled to attend a white public school."

As we have seen, the plaintiffs aver that the Rosedale Consolidated High School is the only school conducted in that district available for Martha Lum as a pupil. They also aver that there is no school maintained in the district of Bolivar County for the education of Chinese children and none in the county. How are these averments to be reconciled with the statement of the State supreme court that colored schools are maintained in every county by virtue of the Constitution? This seems to be explained, in the language of the State supreme court, as follows:

"By statute it is provided that all the territory of each county of the State shall be divided into school districts separately for the white and colored races; that is to say, the whole territory is to be divided into white school districts, and then a new division of the county for colored school districts. In other words, the statutory scheme is to make the districts outside of the separate school districts, districts for the particular race, white or colored, so that the territorial limits of the school districts need not be the same, but the territory embraced in a school district for the colored race may not be the same territory embraced in the school district for the white race, and vice versa, which system of creating the common school districts for the two races, white and colored, does not require schools for each race as such to be maintained in each district, but each child, no matter from what territory, is assigned to some school district, the school buildings being separately located and separately controlled, but each having the same curriculum, and each having the same number of months of school term, if the attendance is maintained for the said statutory period, which school district of the common or public schools has certain privileges, among which is to maintain a public school by local taxation for a longer period of time than the said term of 4 months under named conditions which apply alike to the common schools for the white and colored races."

We must assume then that there are school districts for colored children in Bolivar County, but that no colored school is within the limits of the Rosedale Consolidated High School District. This is not inconsistent with there being, at a place outside of that district and in a different district, a colored school which the plaintiff Martha Lum, may conveniently attend. If so, she is not denied, under the existing school system, the right to attend and enjoy the privileges of a common school education in a colored school. If it were otherwise, the petition should have contained an allegation showing it. Had the petition alleged specifically that there was no colored school in Martha Lum's neighborhood to which she could conveniently go, a different question would have been presented, and this, without regard to the State supreme court's construction of the State constitution as limiting the white schools provided for the education of children of the white or Caucasian race. But we do not find the petition to present such a situation.

The case then reduces itself to the question whether a State can be said to afford to a child of Chinese ancestry born in this country, and a citizen of the United States, equal protection of the laws by giving her the opportunity for a common school education in a school which receives only colored children of the brown, yellow or black races.

The right and power of the State to regulate the method of providing for the education of its youth at public expense is clear.

In *Cumming* v. *Richmond County Board of Education*, 175 U.S. 528, 545, persons of color sued the board of education to enjoin it from maintaining a high school for white children without providing a similar school for colored children which had existed and had been discontinued. Mr. Justice Harlan, in delivering the opinion of the Court, said:

"Under the circumstances disclosed, we cannot say that this action of the State court was, within the meaning of the 14th amendment, a denial by the State to the plaintiffs and to those associated with them of the equal protection of the laws, or of any privileges belonging to them as citizens of the United States. We may add that while all admit that the benefits and burdens of public taxation must be shared by citizens without discrimination against any class on account of their race, the education of the people in schools maintained by State taxation is a matter belonging to the respective States, and any interference on the part of Federal authority with the management of such schools cannot be justified except in the case of a clear and unmistakably disregard of rights secured by the supreme law of the land."

The question here is whether a Chinese citizen of the United States is denied equal protection of the laws when he is classed among the colored races and furnished facilities for education equal to that offered to all, whether white, brown, yellow, or black. Were this a new question, it would call for very full argument and consideration, but we think that it is the same question which has been many times decided to be within the constitutional power of the State legislature to settle without intervention of the Federal courts under the Federal Constitution. (*Roberts* v. *City of Boston*, 5 Cush. (Mass.), 198, 206, 208, 209; *State ex rel. Garnes* v. *McCann*, 21 Oh. St. 198, 210; *People ex rel. King* v. *Gallagher*, 93 N.Y. 438; *People ex rel. Cisco* v. *School Board*, 161 N.Y. 598; *Ward* v. *Flood*, 48 Cal. 36; *Wysinger* v. *Crookshank*, 82 Cal. 588, 590; *Reynolds* v. *Board of Education*, 66 Kans. 672; *McMillan* v. *School Committee*, 107 N.C. 609; *Cory* v. *Carter*, 48 Ind. 327; *Lehew* v. *Brummell*, 103 Mo. 546; *Dameron* v. *Bayless*, 14 Ariz. 180; *State ex rel. Stoutmeyer* v. *Duffy*, 7 Nev. 342, 348, 355; *Bertonneau* v. *Board*, 3 Woods 177, s.c. 3 Fed. Cases, 294, Case No. 1361; *United States* v. *Buntin*, 10 Fed 730, 735; *Wong Him* v. *Callahan*, 119 Fed. 381.)

In *Plessy* v. *Ferguson*, 163 U.S. 537, 544, 545, in upholding the validity under the 14th amendment of a statute of Louisiana requiring the separation of the white and colored races in railway coaches, a more difficult question than this, this Court, speaking of permitted race separation, said:

"The most common instance of this is connected with the establishment of separate schools for white and colored children, which has been held to be a valid exercise of the legislative power even by courts of States where the politcal rights of the colored race have been longest and most earnestly enforced."

The case of *Roberts* v. *City of Boston, supra*, in which Chief Justice Shaw of the Supreme Judicial Court of Massachusetts, announced the opinion of that court upholding the separation of colored and white schools under a State constitutional injunction of equal protection, the same as the 14th amendment, was then referred to, and this Court continued:

"Similar laws have been enacted by Congress under its general power of legislation over the District of Columbia, Rev. Stat. D.C. sections 281, 282, 283, 310, 319, as well as by the legislatures of many of the States, and have been generally, if not uniformly, sustained by the Courts," citing many of the cases above named.

Most of the cases cited arose, it is true, over the establishment of separate schools as between white pupils and black pupils, but we cannot think that the question is any different or that any different result can be reached, assuming the cases above cited to be rightly decided, where the issue is as between white pupils and the pupils of the yellow races. The decision is within the discretion of the State in regulating its public schools and does not conflict with the 14th amendment. The judgment of the Supreme Court of Mississippi is—

Affirmed.

OPINION OF JAMES A. FARLEY ON PRESIDENTIAL NOMINEES

Mr. WALTERS. Mr. President, I ask unanimous consent to have printed in the RECORD an interview with former Democratic National Chairman James A. Farley. The interview was published in the Nashville Banner on May 29.

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

[From the Nashville Banner, May 29, 1964]

CALIFORNIA PRIMARY KEY FOR NIXON, SAYS FARLEY

NEW YORK.—James A. Farley, former Democratic national chairman, said today the California Republican presidential primary set the stage for former Vice President Richard M. Nixon to win the nomination.

Farley, former Postmaster General and one of the Nation's most astute politicians, said Nixon or Gov. William Scranton, of Pennsylvania, might pick up the nomination if Senator BARRY GOLDWATER, of Arizona, failed to make a strong showing in California.

GOLDWATER and Gov. Nelson A. Rockefeller, of New York, are the only candidates on the California primary ballot.

"If GOLDWATER doesn't win and Rockefeller is successful in California, neither of them will have enough strength for a first-ballot nomination," Farley said. "If a deadlock there develops, the Republicans are likely to go to another candidate—and if they do it probably will be Nixon or Scranton in the order named."

But "Genial Jim," now chairman of the board of the Coca-Cola Export Corp., said in an interview on the eve of his 76th birthday Saturday that the question of the Republican nominee was purely academic because President Lyndon B. Johnson would win overwhelmingly in the November election.

Farley now sits in a plush 18th-floor Manhattan office, handling tons of correspondence when he isn't flying overseas or around the country or making appearances at banquets or lunches.

Asked whether he thought former President Eisenhower's recent statement on Republican principles was a slap at GOLDWATER, Farley said he did not know. But he said he thought Eisenhower should endorse some candidate.

"If I were a Republican, I would hope he would take a position for a political candidate," Farley said.

Would Farley himself be willing to run for the Senate in New York against Republican incumbent Senator KENNETH KEATING?

"In 1958 I was quite willing to run for the Senate but neither Mayor Robert F. Wagner, Democratic Leader Carmine de Sapio, or former Gov. Averell Harriman were willing," Farley said. "They supported New York County District Attorney Frank S. Hogan. I have no desire to run for the Senate now."

How do you feel President Johnson has handled himself since succeeding President John F. Kennedy?

"President Johnson came better qualified for the Presidency than any man ever named," Farley said. "Within a few hours he was sworn in and demonstrated the transition could occur without any difficulty. The manner in which he took over did not surprise those of us who knew him so well."

Do you feel President Johnson should select his vice-presidential running mate?

"Yes. Many men eminently qualified have been named as possibilities and President Johnson, realizing the importance of his running mate, will give consideration to all and come up with the one who most fits the bill."

Who is the Democrat who could make the strongest race against KEATING in New York?

"Mayor Wagner. I do not know whether he wants to make the run or whether he would be susceptible to a draft. But he would be the strongest man."

Will the civil rights bill be passed?

"Despite the debate in Congress, the civil rights bill will be passed. I'm sure the leaders of both parties will get together and there will be an agreement by both sides."

Farley will be in Atlantic City, N.J., when the Democrats gather in convention. It will be the 11th consecutive Democratic convention he has attended. He will go as a delegate at large.

His greatest joys aside from his family life, he said, were in three activities: attending conventions, traveling on the presidential campaign train, and visiting campaign headquarters.

On his birthday Saturday, he will follow the same schedule he has on his birthdays since his wife died in 1955.

He will rise early in his Waldorf-Astoria Hotel apartment, attend mass at St. Patrick's Cathedral, visit Mrs. Farley's grave at the Gate of Heaven Cemetery in Valhalla, N.Y., the graves of his parents in St. Peter's at Haverstraw, N.Y., and dine later with his children and grandchildren.

SUPREME COURT DECISIONS GIVING FREE REIGN TO THE COMMUNIST PARTY, U.S.A.

Mr. THURMOND. Mr. President, the Supreme Court has shocked and appalled the American public in decision after decision which virtually gives free reign to the Communist Party, U.S.A., and other subversive elements in this country to continue their relentless drive to subvert and overthrow our constitutional form of government. I have expressed myself on the Supreme Court decision of June 8 concerning the registration of Communist Party, U.S.A., in my newsletter of June 15, 1964, entitled "Toward a Socialist America." In order that Members of Congress may have a full understanding of my position on this matter, I ask unanimous consent to have this newsletter printed in the RECORD at the conclusion of these remarks.

I also ask unanimous consent to have printed in the RECORD an excellent editorial in the June 12, 1964, issue of the State of Columbia, S.C., entitled "Communism and the Court."

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

TOWARD A SOCIALIST AMERICA—U.S. SENATOR FROM SOUTH CAROLINA STROM THURMOND REPORTS TO THE PEOPLE

The Communist Party, U.S.A., is working diligently to put across its program for a Socialist America with as much or more success than ever before. As FBI Director J. Edgar Hoover pointed out in recent testimony to the House Appropriations Committee, the main points being pushed by the party are: "The racial struggle, the abolition

of all internal security programs * * * the reduction of military spending with the diversion of such appropriations to a broad program of social welfare projects * * * peaceful coexistence, disarmament, an end to nuclear testing, and increased East-West trade." Mr. Hoover warned that the "old Communist principle still holds: 'communism must be built with non-Communist hands.'"

Listed second only to creation of racial strife is the Communist effort to render ineffective all security laws which stand in their way. The racial demonstrations and riots—and those promised after passage of the "civil rights" bill—are made to order for the Communist program.

In recent years, the Communists have been notably assisted in emasculating the effectiveness of internal security laws in this country by the U.S. Supreme Court. On June 1, 1964, the Court upheld a decision which says that on technical grounds the Communist Party, U.S.A., cannot be forced to register with the Attorney General and provide pertinent information on its membership, finances, meeting places, etc.

After 10½ years of litigation and one reversal by the Supreme Court, the Justices finally found on June 4, 1961, that the Communist Party, U.S.A., is "a tool of Moscow" and, therefore, is a subversive organization under the criteria set up by our internal security laws. During this period, the evidence of the Communist Party, U.S.A.'s, subversive activities were quite apparent to everyone except the Court. The Justices professed to be concerned about the constitutional rights of those seeking to overthrow the Constitution.

On the other hand, the Court seems to show much less concern about the constitutional rights of those who do not share this leftwing bias. For instance, even though the Constitution explicitly provides for trial by jury, the Court ruled against a jury trial for former Governor Barnett and Governor Johnson, both of Mississippi.

These Court decisions are written in large part to fit a preconceived political philosophy rather than to follow the important legal principle of stare decisis and the Constitution. Unfortunately for America, the Court has demonstrated in recent years a bias for leftwing causes. The American Bar Association's Special Committee on Communist Tactics, Strategy, and Objectives in 1958 viewed with alarm 20 cases decided by the Court in the 2 previous years.

The chairman of the Internal Security Subcommittee of the Senate has expressed even stronger concern after analyzing Court decisions touching on communism or subversive activities from 1919 through 1961. He showed that the swing toward upholding the Communist position has shifted radically from 36 percent in the early years to 66 percent during the reign of Chief Justice Earl Warren.

Court decisions in other areas of American life have likewise helped to fulfill Communist aims, especially the recent anti-prayer decisions. In 1932, William Foster, then chairman of the CPUSA, predicted in his book "Toward a Soviet America" that "God will be banished from the laboratories as well as the schools. * * * The studies will be revolutionized, being cleansed of religious, patriotic, and other features of the bourgeois ideology."

The Court has sought to put across in America a new social and legal order which sets the stage for transformation of our Nation into a Socialist America. The executive branch, instead of seeking to reverse the trend of the Court, seems to be moving more swiftly into the vortex of socialist seduction. The Congress has expressed much concern, but, unfortunately, the legislative powers are neutralized against halting the Court's leftwing bias and anti-Constitution decisions because the Congress has become too subservient to the executive branch.

Khrushchev predicted optimistically in 1962 that "tomorrow the Red flag will fly over the United States. But we will not fly the flag. It will be the American people themselves." Unless the American people can convince the Congress to change the tide, such actions as the recent Court decisions may soon prove him correct.

Sincerely,

STROM THURMOND.

[From the Columbia (S.C.) State, June 12, 1964]

COMMUNISM AND THE COURT

On June 8, the Supreme Court finally made a shambles of 1950 Federal law requiring members of the Communist Party to register as agents of a foreign power.

Not a single Communist Party member ever registered as required by law; not one party member spent a day in jail for refusing to comply with the law. Now it seems likely that one never will.

Making the action of the Supreme Court even more incomprehensible is the fact that this same Court had earlier upheld the constitutionality of the act. When this happened, almost everyone concluded the Communists in this country had exhausted—after about 12 years—their legal maneuverings to avoid obeying the law.

Everyone, that is, except the Communists. They started a new maneuver, claiming that having to register would amount to self-incrimination, and the fifth amendment protects people from incriminating themselves.

In the appeals court opinion which the Supreme Court upheld by refusing to review it—the judge writing the opinion bought the plea against self-incrimination. He wrote that many criminal laws are now aimed at the Communists, and that mere association tends to incriminate.

So far as this particular law was concerned, there was no penalty attached to the act of registering; the penalty was for failure to register, and the application of the penalty was about 13 years overdue.

The Communist reaction was quite in character; they called the decision a "major victory for the constitutional liberties of all American people and an important rebuff to the Goldwater-Birchite conspiracy." Look, if you will, at who is talking about "constitutional liberties," smearing GOLDWATER and calling something a "conspiracy."

Communists, of course, intend to destroy our Constitution; they make no bones about it. They are using their liberties, real and court imagined, to undermine and ultimately overthrow our Government.

Ironically, only by a very narrow margin did the Senate the other day amend a "civil rights" bill to allow a jury trial for those loyal Americans who might be accused of "discrimination." This same Court, which so meticulously safeguards the rights of professional criminals and Communist subversives, not long ago showed far less concern about allowing a Governor of a sovereign State even the courtesy, if not the justice, of a jury trial.

In the final analysis, this decision qualifies as the near ultimate in judicially created confusion. By successive decisions the Supreme Court has held that a law is constitutional but cannot constitutionally be enforced.

TURKISH PERSECUTION OF ORTHODOX RELIGIOUS LEADERS

Mr. KEATING. Mr. President, it is a source of continuing concern to me that, in addition to the dangerous political conflicts now raging in Cyprus, an effort is being made to inject the venom of religious persecution into the issue.

The Government of Turkey, in violation of the Treaty of Lausanne, has instituted pressures against the Ecumenical Patriarchate of the Eastern Orthodox Church, which for 16 centuries has had its seat in Constantinople. These pressures are unquestionably related to the Cyprus situation and are an attempt by the Turkish Government to flex its political muscles, as it were.

Yet they could well lead, as did similar moves in 1955, to bloodshed and violence against Greeks living in Turkey. Such a deplorable development should be discouraged right now by our Government before it is too late.

The recent illness of the Patriarch Athenagoras is undoubtedly aggravated by anxiety over these arbitrary actions. In his role as head of the Eastern Orthodox Church, in free nations and behind the Iron Curtain, the Patriarch bears a heavy responsibility. Political harassment added to his other concerns are laying a heavy burden on his health and are also putting in some jeopardy the voice of religious and political independence as it speaks in sometimes hostile states.

I have been in touch with the Department of State about this issue, and although I am somewhat disappointed by the handsoff attitude our Government has taken, I am hopeful that, when public attention around the world is focused on this issue, there will be a universal reaction that may encourage the Turkish Government to respect the principles of the Treaty of Lausanne and the basic rights of religious freedom which should be guaranteed to every faith.

Mr. President, I ask unanimous consent to have printed in the RECORD the text of the letters I have received from the Department of State on this issue during the last month.

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

DEPARTMENT OF STATE,
Washington, May 13, 1964.

Hon. KENNETH B. KEATING,
U.S. Senate.

DEAR SENATOR KEATING: Thank you for your communication of May 5 commenting on reports of steps taken by the Turkish Government against members of the Orthodox Church in Istanbul, including the Orthodox patriarchate.

We have been following these developments very carefully. Turkey has recently given Greece the required 6 months' notice for terminating the treaty on which the rights of Greek citizens in Turkey, and Turkish citizens in Greece, are based, but states it is prepared to negotiate a new agreement. No date, however, has been set for these talks between the two countries. Turkey has also announced that some 300 Greek citizens in Turkey, whom it accuses of violating a Turkish law prohibiting foreigners from engaging in certain professions, must change jobs. In addition, several naturalized Turkish citizens of Greek origin have been told their citizenship is being nullified and they must leave the country. This latter group includes two metropolitans of the patriarchate who left Turkey on April 21. They requested and received American visas, and are now in New York. There have been other developments involving visa agreements between Greece and Turkey.

The United States is deeply concerned about these developments and is actively attempting to moderate the views of Greece and Turkey. We believe our policy can be most effective if we continue our contacts with and make suggestions to both sides, taking specific steps on patricular problems such as that of the metropolitans when possible. Since the dispute involves two of our closest allies, you can be assured we will vigorously pursue all possible means to encourage a settlement.

In your communication, you mention the case of the Reverend Anastasios Xenos. We have no information on the events you describe, but we have requested a report from our consulate general in Istanbul. I shall write again when that report arrives.

In the meantime, if there is anything further I can do on this matter, please do not hesitate to write again.

Sincerely yours,

FREDERICK G. DUTTON,
Assistant Secretary.

MAY 25, 1964.

Hon. KENNETH B. KEATING,
U.S. Senate.

DEAR SENATOR KEATING: Thank you for your letter of May 15 commenting on recent developments concerning the Orthodox patriarchate in Istanbul, Turkey.

The actions taken by the Turkish Government which you discuss include one (the deportation of two metropolitans) listed in my letter to you of May 13 and another about patriarchate publications. The third action you list has to do with the closing of a Greek orphanage. According to our consulate general in Istanbul, the private Greek orphanage at Buyuk Ada has been condemned as a fire hazard, and the nearly 300 children formerly housed there are now being well cared for in nearby monasteries. We also understand that the Turkish authorities have orally agreed to permit remodeling of the orphanage so it will no longer be a fire hazard.

The Turkish Government has announced that the actions involving the patriarchate have been taken entirely within the framework of the relevant Turkish laws. Nevertheless, the United States is deeply concerned about all of these developments. We will continue, as I said in my letter of May 13, to help in specific problems when possible. The American visas issued to the two Orthodox metropolitans are an example of this action.

We believe, however, all of the actions concerning the patriarchate and the Greek community of Istanbul must be seen in the broader terms of the deteriorating relations between Greece and Turkey. We are actively pursuing many means toward improving those relations. We fully support the United Nations peacekeeping effort on Cyprus and the work of the United Nations mediator. We are also vigorously following many less formal lines of action on the island. Our aim is not only to restore peace there, but also to move from that stage to improved relations between our two friends and allies, Turkey and Greece.

We have been in the closest contact with the Greek and Turkish Governments throughout these last few months. Many U.S. officials, including President Johnson and Secretary Rusk, have stated our strongly held belief that an open break between two NATO allies would be catastrophic and that every possible effort must be taken to avoid that possibility. We fully support the recent decision of the NATO Council of Ministers according to which Secretary General Stikker will maintain a "watching brief" and would offer whatever assistance is possible to help prevent the two NATO allies from coming into open conflict.

I hope this reply helps in answering the questions raised in your letter. If there is anything else I can do for you on this subject, please do not hestitate to write again.

Sincerely yours,

FREDERICK G. DUTTON,
Assistant Secretary.
For the Secretary of State.

JUNE 1, 1964.

The Honorable KENNETH B. KEATING,
U.S. Senate.

DEAR SENATOR KEATING: In my letter of May 13 about developments concerning the Orthodox community of Istanbul, Turkey, I promised to ask for further details concerning the case of Father Anastasios Xenos. We have just received a report on this subject from our consulate general in Istanbul.

The consul has talked with Turkish police authorities and the ecumenical patriarchate about Father Xenos. These sources agree that Father Xenos was warned by the Turkish authorities in December 1963 that, as a Greek citizen, he was forbidden under Turkish Law 2007 to continue his work as an Orthodox priest in Turkey. This law states that certain professions, including his office, can be filled only by Turkish citizens. Despite this warning, Father Xenos continued his functions at his church in Kuru Cesme. As a result, he was brought before the First Peace Court in April and ordered expelled from Turkey. During the trial, which lasted about 2 weeks, he was kept in Sultan Ahmet jail. The patriarchate also confirmed the fact that the priest is a Greek citizen. No other priest has reportedly been jailed since this incident.

I hope this report helps clarify the incident, but if there is anything else I can do on this matter, please do not hesitate to write again.

Sincerely yours,

FREDERICK G. DUTTON,
Assistant Secretary.

MONTANA FLOOD DISASTER, WEST OF THE CONTINENTAL DIVIDE

Mr. MANSFIELD. Mr. President, on Monday, I reported to the Senate on the results of my 1-day visit to the flood-stricken areas of Montana. I visited seven counties with the Director of the Office of Emergency Planning, Edward McDermott. Because of the devastation and damage in these areas it was not possible for us to get to the area west of the divide. This is certainly no attempt to minimize the damage in this area. The Flathead and Clark Fork River areas were hard hit, and are now recovering from this worst disaster in our history.

The flooded area west of the Continental Divide is not as vast an area as in the east because of the natural obstruction created by mountain ranges and the extensive flood control created by Hungry Horse Dam and Reservoir. The communities of Columbia Falls, Hungry Horse, Polebridge, and the Evergreen district of Kalispell were hit the hardest. Whitefish, Missoula, and the towns in the Flathead Valley suffered to a lesser degree.

The western entrance to Glacier National Park was completely cut off by the destruction of major bridge approaches. The eastern entrance to the park is now open, and two of the major hotels are open for business as usual. However, it will be several weeks before bridge replacements, of a temporary nature, will be open for use. I also understand the Logan Pass is now open for limited traffic.

The cooperation between local, State, and Federal agencies and personnel was of the highest caliber in this area as it was on the eastern side.

It will be some time before Montana recovers completely from this natural disaster, but I am confident that if the present cooperation continues, the recovery will be accomplished at a very rapid rate. The people of Montana bounce back in a hurry. It will take time for many of the details to be resolved, but all modes of transportation and communities will be in good working condition in a short while.

Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks a series of newspaper articles and reports giving a more detailed account of the flooding conditions that exist in the area west of the Continental Divide.

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

EXECUTIVE OFFICE
OF THE PRESIDENT,
OFFICE OF EMERGENCY PLANNING,
Washington, D.C., June 15, 1964.

Hon. MIKE MANSFIELD,
The Majority Leader,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: It was very good to be with you during our inspection trip of the flood-ravaged areas of Montana, Sunday, June 14. You are assured of our continuing close attention to these problems and our intention to keep you closely informed of developments.

With further reference to the tent requirements of the evacuated Blackfeet Indians, discussed with us by Walter Wetzel yesterday, I have had a series of conferences with Mr. Graham Holmes, Acting Commissioner of the Bureau of Indian Affairs. I have endeavored to communicate to him the sense of urgency that attaches to this requirement and the desire of the evacuated families to return to or near their original homesites. I am informed late this afternoon that 96 tents (37 from Seattle and 59 from Denver) are being airlifted to Browning tonight and will be available for distribution by the agency tomorrow. There are, of course, other problems of the Indian population to which BIA must address itself, and I am assured that these matters are also receiving attention.

I am expecting more reliable damage data early tomorrow afternoon, on the basis of which an initial allocation of funds will be recommended to the President.

With every good wish, I am,

Sincerely,

EDWARD A. MCDERMOTT,
Director.

HAYING, GRAZING PRIVILEGES OFFERED IN FLATHEAD COUNTY, MONT.

The U.S. Department of Agriculture today offered haying and grazing privileges on diverted croplands in Flathead County, Mont., where recent floods have silted range and pasture lands.

Several USDA program provisions restrict use of land taken out of production and put into conserving uses, except under emergency conditions. Today's action will give the Agricultural Stabilization and Conservation (ASC) county committee authority to permit livestock grazing through July 15 on land diverted from crop production in Flathead County, under the Conservation Reserve, and the feed grain and the wheat diversion programs, without a reduction in diversion payments due farmers.

The ASC county committee is also authorized to permit grazing of livestock or hay harvesting on these lands through August 15, but with a reduction in the diversion payments.

Farmers and ranchers are required to obtain approval from the county ASC committee before grazing or harvesting forage on retired or diverted land.

[From the Kalispell (Mont.) Daily Inter Lake, June 9, 1964]

SWOLLEN WATERS REAP DESTRUCTION—EVERGREEN AREA, UPPER FLATHEAD BADLY HIT

(By Burl Lyons and Noel Johnson)

Northwest Montanans dug in with all the resources at their command this morning to combat rampaging, swollen waters which are leaving a path of destruction throughout parts of the Flathead.

The Evergreen area, east of Kalispell, is badly hit and persons are being evacuated to the homes of friends and others in Kalispell.

John Smithlin, who resides at the corner of Highway 2 and La Salle Road, said "the water rolled into my back door at 6:20 a.m. Everything is floating and there is about 4 feet of water."

Flathead County Sheriff Ross Wilson said the river was still rising in the Evergreen area at noon today. The river level was reported at 24 feet while flood stage is 14. Sheriff Wilson planned an aerial survey of the area early this afternoon. Meanwhile the river reportedy had crested at Columbia Falls and there was a report it had dropped 3 inches.

Complications arose late in the Evergreen area this morning when the Jet Oil tanks on the Strip went out.

An evacuation center has been erected at the Kalispell Chamber of Commerce office. The Red Cross has also set up an office in the chamber and has designated the headquarters as a health and welfare center. "We could also use some additional help at the office," commented Mrs. Kendall Workman.

The Red Cross this morning dispatched a food truck to the La Salle School where 35 people were evacuated.

At noon today the Flathead County sheriff's office broadcast an urgent appeal for evacuation of all residents of the lower valley who might be in danger of being cut off by floodwaters.

The swollen and still-rising river was crisscrossing all lowland farming areas and causing backwaters to rise.

Flathead County Civil Defense Director Col. Ralph Sleator has set up his office in the Kalispell City Police Station. "National Guardsmen are standing by in case they are needed but I don't anticipate calling them out at this time," Sleator said.

Members of the Flathead County sheriff's posse, men from the Kalispell Air Force Station at Lakeside, and other volunteers are engaged in operations in the Evergreen area, Sleator said.

"We have 150 cots in the National Guard Armory in case they are needed. We have had more space volunteered than we have been able to use and I sincerely appreciate the excellent response of all people," Sleator said.

Two helicopters were due here late this morning from Moses Lake, Wash., to survey flood damage. Others were due from Great Falls and Missoula.

The sheriff's office called in all extra deputies and boats were used in checking residents in the Evergreen area to make sure every one is evacuated.

Here was the highway situation throughout northwest Montana late this morning:

U.S. 2 closed at the Kalispell east city limits. Only emergency travel from there to the Bad Rock Canyon area which is under 30 inches of water. The highway is also out 5 miles east of West Glacier.

Montana 40, from Columbia Falls to U.S. 2, closed at the Steel Bridge due to the flood threat.

La Salle Road closed due to water on the highway.

Montana 35, on East Shore Road, 6 inches of water on highway near Polson, but traffic is getting through.

Glacier National Park is isolated as all communications are out. Roads and bridges to and in the park are out.

Senator MIKE MANSFIELD this morning sent this telegram to the Daily Inter Lake regarding the disaster area of northwest Montana:

"In response to acting Governor Manning's request that a number of counties be declared disaster areas, I have contacted the President at the White House; Ed McDermott, Director, Office of Emergency Planning, and Secretary Udall, and requested that he dispatch Commissioner of Reclamation Floyd E. Dominy, Commissioner of Indian Affairs Philleo Nash to Montana because of the damage done to irrigation projects, Blackfeet Indian Reservation, Glacier National Park; also the Corps of Engineers.

"I have just talked to the White House and urged that action be taken as Governor Manning's telegram declaring certain counties disaster areas is received," MANSFIELD said.

Yesterday afternoon, the Inter Lake accompanied County Surveyor Donald Dahl on a tour of bridges, rivers, and creeks in the Flathead.

One pier of Blankenship Bridge was out when we arrived at the scene. One span of the wooden structure rode the crest of the swirling stream through Columbia Falls at 8:30 p.m. The old bridge at West Glacier was also out when we arrived in the area about 5 p.m.

About 30 persons were evacuated from the Nyack Flats area yesterday by planes from the Glacier View Skyways and there were reports that nearly 200 head of cattle were drowned in pastures completely under water. Fourteen persons were assisted at the Red Cross office in the Chamber Building.

Several homes in the "flats area" of Columbia Falls were underwater. Columbia Falls Chief of Police Darvin Lundstrom estimated water in that area was 6 to 8 feet deep. Fire also destroyed the George Keck, Sr., residence last night in Columbia Falls as firemen were unable to reach the blaze.

Chief Lundstrom said some residents had moved in with friends. Churches and many people were offering rooms.

The Montana Power Co. has shut off the gas line in the Evergreen, Columbia Falls areas as a precautionary measure.

"We're operating in pretty good shape here," commented Hal Kanzler of Anaconda Aluminum Co. at Columbia Falls. He noted there was some trouble on the island where the main wells are located but the situation has been remedied. Gas to the plant has also been shut off due to a reported break near Marias Pass.

Walt Newgard of Flathead Electric Cooperative said it was too early to estimate damage but commented that several river crossings are out along with some underground cable. He said damage could amount to $40,000 but said that's only a guess.

Rex Beeman of Pacific Power & Light Co. reported telephone traffic is very heavy and he appealed to the public to keep their calls at a minimum. The Hungry Horse exchange is out and there was an emergency phone operation erected at West Glacier, he said. He also added that several rural lines are underwater.

Following an aerial survey made this morning by Under Sheriff Robert Wills, it was reported that all main bridges in the Flathead drainage area are out with the exception of the bridges at Columbia Falls and Bigfork and the new and old steel bridges.

Wills reported that all rivers are cresting this morning, except the North Fork, which was expected to crest around 1 p.m. today. The cresting was expected to add another 2 feet of water to the already flooding river.

Late this morning, waters on the old Highway 2 had reached Willow Glen Drive and were rising on Conrad Drive nearly to Caroline Road, however homes on Caroline Road appeared to be in no danger.

The Red Cross in the Chamber Building is also handling inquiries from out-of-State residents anxiously concerned about friends or relatives. These appeals are being broadcast over both radio stations, KOFI and KGEZ, and those in the Flathead when they hear the appeal are asked to contact the chamber office. The numbers are 756–3433, 756–4526, or 756–3423.

At least 400 families in the Flathead Valley have been affected by the flood, according to latest estimates made by Mrs. Workman of the Red Cross based on calls coming in to the center.

The State board of health this morning named Dr. Bruce McIntyre, Whitefish, county health physician, as health director for the diaster area. He began at once an evaluation of all problems of sanitation brought on by the flood in regards to pollution of drinking water and sanitary facilities.

Emergency water supplies will be a major factor in the aftereffects, civil defense authorities said.

Red Cross headquarters were informed this morning that a disaster coordinator from San Francisco is on his way here to evaluate and assist with rehabilitation.

The disaster center Grey Ladies worked during the night with various agencies to see where further aid was needed. This included taking hot soup and coffee to the workers on the sites of the affected areas. Jack Pitzer volunteered kitchen facilities and they were being used on an around-the-clock basis by the Red Cross.

Red Cross authorities emphasized that while many of the early emergencies resolved themselves with the coordinated help of all agencies concerned, the big problem will be the aftermath.

The U.S. Weather Bureau here reported that temperatures are expected to have highs in the 70's today and tomorrow and possibly for the next few days. A low-pressure system moving in from the Gulf of Alaska is expected to follow the present high system and bring more rain possibly Thursday or Friday.

Aerial reconnaissance by Meteorologist Ray Hall about noon today indicated that heavy snowpack still remains in the mountains and he said that warm temperatures plus rain at the end of the week could bring more flooding.

Hall reported extensive damage along the entire course of the river as far north as Nyak Flats. He reported one house floating down the river, and several herds of cattle completely marooned in the waters, in some cases with water nearly to their backs. There seemed to be no hope of rescue, he said.

Whitefish City Chief of Police Joe Eason said this morning that the river was flowing peacefully in the Whitefish area, that all bridges were secure and that the culvert under Highway 93 south of the city was running about half full.

He said that Whitefish Lake was rising and quite high. He said constant watch is being kept on a rock in the water at City Beach and that no trouble was anticipated unless the rock became entirely submerged. He said that several inches were still showing.

Eason said that the residents of Whitefish were standing by and offering help and homes to evacuees in the area. He said that a list of Whitefish residents who would take evacuees into their homes was at the city police

office. Those needing such facilities should contact his office for information.

He said that the Whitefish residents extended sympathy to those in the area that had been flooded out and that a number of residents of Whitefish were assisting in the rescue operations through the valley.

Chamber Manager Clark Mason, last night about 1 a.m., broadcast a radio appeal for help with the evacuation center at the chamber office. He commented that within 7 minutes he had 50 people ready to help.

Throughout the night, personnel helped arrange places for Evergreen residents to spend the night. Working at the chamber office were Sharon Neu, Lance Campbell, Peggy Gilbertson, Janice Gilbertson, Eunice Muthman, Hal Sampson, Dick Bryce, Ben Bolton, Bill Personen, Mrs. Betty Hayen, Bill Hillstead, Jr., and many others, Mason said.

Ed McGonigle, manager of the Montana Power Co., this morning asked commercial customers to refrain from using natural gas so as to save the fuel for residential use. He also appealed to residential users to conserve as much of the fuel as possible. The trouble has been located. It is now a question of getting supplies into the location due to transportation difficulties, McGonigle said.

"We regret the inconvenience but we are doing everything we can," McGonigle said.

It was announced that the Veterans of Foreign Wars has opened its hall at 111 Main Street to assist persons in finding lodging.

[From the Kalispell (Mont.) Daily Inter Lake, June 9, 1964]

GREAT FALLS THREATENED

GREAT FALLS.—Montana's streams, fed by a heavy spring runoff and near torrential rains, swept over a wide area Tuesday, leaving an undetermined number of persons dead, missing, or homeless.

Nine persons were known dead and 16 missing in the dam-bursting rampage.

And, Great Falls, the Treasure State's largest city, was threatened with serious flooding.

Three dams collapsed and a fourth, containing a city water supply, was reported in danger of crumbling.

The broken dams were the Swift, northwest of Great Falls, the Two Medicine, and East Glacier, both near famed Glacier National Park.

The Eureka Dam on the Teton River, near Choteau, also northwest of Great Falls, was reported to have split during the night. However, officials reported daylight aerial observation showed the dam was intact.

A request was made to have the seven flood-stricken counties designated as a disaster area. Manning, who occupied the State's chief executive post while Gov. Tim Babcock was attending the national Governors' conference at Cleveland, said he issued the request after consulting with civil defense officials.

"I delayed this purposely until daylight until I saw we really had an emergency," declared Manning. "It became real evident there was."

The stricken counties are Cascade, Pondera, Flathead, Teton, Toole, Glacier, and Chouteau.

[From the Kalispell (Mont.) Daily Inter Lane, June 10, 1964]

RECEDING WATERS BRING HOPE TO MANY RESIDENTS—DAMAGE HEAVY; LIVESTOCK, CROP LOSS SAID EXTENSIVE

Receding floodwaters brought relief and a ray of hope to many weary Flathead area residents today in the aftermath of what oldtimers referred to as the greatest flood in the history of the area.

The Flathead River dropped considerably at Columbia Falls and one observer commented: "It's amazing how far the river has gone down." Many of the estimated 50 persons who had evacuated their homes in the flats area of Columbia Falls and those adjacent to the river, were going back home today.

Floodwaters were also dropping in the Evergreen, Day's Acres, and Lower Valley area of the Flathead and some people were moving back home. Others commented "it might be a week or two, maybe longer, before we can go home." There were reports in the Evergreen area that the water had dropped about 10 inches.

Kalispell's Woodland Park is completely under water.

There are estimates that perhaps 4,000 persons have been left homeless in the Flathead. Fortunately, there have been no reported fatalities.

The Red Cross here was planning an air food drop by helicopter into the Essex area this afternoon.

Massive damage was reported by the Board of Flathead County Commissioners following an aerial survey of the devastated areas.

"The impact is overwhelming, impossible to believe even when you see it," commented Commissioner Clifford Haines.

In reporting on damage to farming areas and crop losses in the Flathead, Haines said at least 20,000 acres of cultivated soil were under water.

Based on this, a conservative estimate can be made that a loss of more than $800,000 to crops alone was suffered. The figure could be twice that amount, he said.

There is a great loss of livestock. Edmiston Land & Cattle Co. lost at least 300 head although Jim Edmiston said the figure might be higher after an inventory is taken.

Haines, accompanied by Commissioner Harley Houston and County Road Foreman Clifford Vinje, made the damage-survey trip.

Only the Wiley Dike in the Lower Valley, constructed at about the turn of the century, is holding the turgid Flathead from coursing over thousands more acres of fertile farmland for miles on both sides, Haines said.

With a call from Haines this morning, Col. Ralph Sleator, civil defense director, inspected the dike and reported that high water is still under a foot from the top and apparently receding. The dike is about 30 feet high on the upland side of the river and is holding firm.

Volunteers were standing guard and reinforcing dikes with sandbags today throughout the Lower Valley. There is flooding in low draws throughout the area, however, it was reported.

The commissioners reported that farmland south of Horseshoe Slough has not suffered damage and will be safe if the dikes hold.

Land from Horseshoe Slough north to nearly Four Corners is flooded, with the road out at Foy's Bend and all land is under water at the Demersville site.

From there north to the valley's beginning, thousands of acres bordering the river are devastated, Haines said.

"It's solid river, 3 to 4 miles wide in many places," Haines said. "Lowland farms east of the river, south of the old steel bridge, are about 50 percent flooded, south to the Hodgson School."

They reported that thousands of cords of standing timber in the Nyack Flats area were washed from the mountainsides into the raging river.

"Many houses in the northern end of the valley are not just under water—they're gone. A motel on the River Bend Ranch near Belton is completely washed away," said Haines.

Meanwhile, health officials are prepared to deal with flood following typhoid. At least 5,000 dosages of serum are expected here which will go to persons who had to be evacuated.

Dr. Bruce McIntyre, county health physician, sounded a warning for all persons to disinfect all suspected water sources by using water sterilization tablets or even commercial household bleach.

A Montana Power Co. official and his pilot walked away from the crash of their helicopter last night in the Nyack Flats area.

Only shaken up in the crash were A. W. (Bud) Anderson, Missoula, who was the line superintendent during construction of the natural gas line through the Flathead, and his pilot, Skip Pixley, Spokane.

Anderson was inspecting breaks in the gasline when the helicopter's motor conked out sometime between 8 and 9 p.m. They were treated as Kalispell General Hospital and released.

E. D. McGonigle, Kalispell, manager of the Montana Power Co., said the leak has been located and crews from Cut Bank will attempt to make the needed repairs.

McGonigle appealed to residential users to cut their use of natural gas to a minimum. He added the gas has been shut off in the Evergreen and Day's Acres areas.

Civil defense headquarters this morning reported National Guardsmen went on duty at 6 p.m. yesterday to suppress any looting attempts and establish a perimeter around the flooded area. Personnel from the Kalispell Air Force Station, Lakeside, also were on the scene and were "extremely helpful," civil defense officials said.

There had been reports of looting Monday night in the Columbia Falls area and also on the strip, east of Kalispell. Guardsmen will be on duty again tonight and possibly for the next 2 or 3 nights.

Flathead County Sheriff Ross Wilson had high praise for the cooperative efforts of all law enforcement agencies and volunteers.

Guard posts were manned not only in Kalispell, but on highways and county roads throughout the entire area. Entry was possible only by a special pass from the sheriff's office. The posts were also being manned through today, but restrictions were lifted to permit persons with legitimate reasons to enter the areas. However records were being kept of cars entering and inspections were being made.

No fires were reported in the Kalispell-Evergreen area during the 2 days and nights of the emergency. Kalispell city firemen were called during the early morning hours Tuesday to evacuate rest homes in the Evergreen area with the city ambulance when it became apparent that flooding was imminent.

They were called again to evacuate patients in a rest home in Day's Acres yesterday afternoon. They said the first trip was uneventful but that water rose so rapidly within a half hour that they were barely able to negotiate the second and final trip.

U.S. Highway 2 is now open through the Bad Rock Canyon area but is closed from West Glacier to the Summit. The highway is also closed at the Kalispell east city limits where approaches to the bridge are washed out.

Montana Highway 40 to U.S. 2 is open only to light traffic but was expected to be open to all traffic later in the day. The LaSalle Road is closed due to water on the highway.

Lieutenant Colonel Dewey, Corps of Engineers, Seattle, arrived in the Flathead at 1:30 a.m. today. He has set up an office in the Highway 93 Armory for conducting his operations.

The Corp of Engineers reported the gates at Kerr Dam, Polson, have been removed and the lake will remain free flow as long as necessary. At present, it appears the lake elevation will not exceed 2,894 feet, 1 foot higher than the normal midsummer elevation.

The corps said that the estimated discharge at Columbia Falls was about 150,000 feet per second and without storage at Hungry Horse Dam it would have been about 200,000 cubic feet per second.

The peak discharge in 1948 was 102,000 cubic feet per second and in 1894, another

year of great flooding, it was an estimated 135,000 cubic feet per second.

The corps reported that outflow from Hungry Horse Dam has been 3,000 cubic feet per second and this has been reduced to 500 cubic feet per second to give the maximum reduction possible at Columbia Falls.

Senator MIKE MANSFIELD and Congressman ARNOLD OLSEN informed the Inter Lake that the Small Business Administration has declared Flathead County, along with Glacier, Pondera, Teton, Cascade, Chouteau, and Toole Counties in Montana as disaster areas to be eligible for loans as a result of the flooding.

Applications should be submitted to the regional office, Small Business Administration, Helena. The SBA is also looking into the possibility of establishing a field disaster office in Montana after the situation clarifies itself in order to expedite requests, MANSFIELD and OLSEN said.

They added that assistance will also be available from the Farmers Home Administration, Federal Housing Administration, and the Veterans' Administration.

OLSEN noted that special surplus food is available from the Department of Agriculture to public agencies and the Red Cross. He also said Federal grants will be available for repairs and replacements of damaged public facilities in addition to assistance from the Bureau of Public Roads.

Sister Mary Adrian, administrator of Kalispell General Hospital, said this morning there have been no casualties or emergency treatments resulting from the flood.

She said that the hospital is taking care of four patients from nursing homes whom it was thought would be safer at the hospital during the emergency.

Sister Mary Adrian said that all they could do was to anticipate the health needs of the people going back into their homes after the flood. She said that should health needs arise they will be given priority in hospital admittance.

She commended the spirit of the community in meeting emergencies caused by the flooding conditions.

Butte Mayor Thomas Powers telephoned the Inter Lake yesterday afternoon extending the sympathy of all Butte people. "We in Butte stand ready to help in any way we can," commented Powers.

[From the Missoulian, June 11, 1964]

BATTERED FLATHEAD WRINGING ITSELF OUT

(By Larry Stem)

KALISPELL.—The battered Flathead area, worn out after 48 hours of pounding from a recordbreaking flood, was wringing itself out Wednesday night.

One glimpse of the costly and staggering task ahead was given by Stanley Halvorson, vice chairman of the Montana Highway Commission, following an aerial survey of the Middle Fork Canyon.

"What you see staggers the imagination," Halvorson said. "You have to see it for yourself from the air to understand it. There's 20 miles of highway gone. Before any reconstruction can be started, the river is going to have to be rechanneled so road work can be started."

One immediate job is the construction of a new bridge approach at the west entrance to Glacier National Park and use of the "Going to the Sun" highway through the park as a temporary U.S. 2.

Halvorson also reported that there are no railroad tracks from Nyack Flats to Belton, a distance of about 10 miles.

The Corps of Engineers has set the flood crest at 26 feet at Columbia Falls, reached at 11:30 a.m., Tuesday. The calculation is 6.3 feet higher than the 60-year-old record, 19.7 flood feet, established in 1894. Engineers estimated the flow out of Bad Rock Canyon was in excess of 150,000 cubic feet per second, another record.

Thousands of residents were streaming back Wednesday to their homes in Columbia Falls, Evergreen, Days' Acres, and east Kalispell to begin cleanup. The Flathead River was almost back within its banks again. The major opponent will be the silt that has settled ankle deep.

FLATHEAD LAKE CONTINUES TO RISE

POLSON.—Flathead Lake's level continued to inch up Wednesday night toward the predicted high elevation of 2,894 feet.

The 10 p.m. reading at Kerr Dam showed the lake level at 2,893.65 feet and an outflow rate of 58,300 cubic feet per second. Comparable readings Tuesday were 2,892.53 and 52,100.

The lake was rising at a rate of from 0.03 to 0.04 of a foot per hour.

Usual full pond level of Flathead Lake is 2,893 feet, the maximum level set by the Federal Power Commission for the Montana Power Co. operation at Kerr Dam.

At 11 p.m., Wednesday the water was lapping at the platforms of several boat docks in the area and was beginning to bring in small pieces of debris from the north. No damage reports had been received, however. Lower Valley residents were battling to hold dikes and keep waters from spreading out over the richest farmland in the valley. There also was a backup problem from Flathead Lake, which reached its full mark at 7 a.m. Wednesday.

At Kerr Dam below Polson, floodgates were open wide as they have been since Monday to empty the water downstream as rapidly as possible.

The Flathead County Health Department already has started typhoid inoculations at Kalispell and Columbia Falls. Doctors went by helicopter to isolated areas north and east of West Glacier to administer the vaccine. Another helicopter airlifted 750 pounds of food, sufficient supply for a week for the 50 persons stranded at Essex.

Authorities estimate there are at least 450 homes which will need repairs. For scores more cleanup will suffice. Twenty-five families will need new homes to replace ones washed downstream by the flood. Scores of small business firms will have to rebuild. Agriculture damage in the Flathead is estimated at well over $1 million and possibly closer to $2 million.

In the Swan Valley, long-time residents are saying that the flood caused more damage and covered more areas than the flood of 1948. The Corps of Engineers estimated Wednesday evening that about 25 to 30 square miles of land is covered by floodwaters in the area.

[From the Libby (Mont.) Western News, June 11, 1964]

DELUGE RAVAGES WIDE AREA OF STATE

Though untouched by the disastrous floods which have devastated most of northwestern Montana, Libby, and the Kootenai Valley is semi-isolated today. Slides and washouts have cut rail and highway connections through the mountains to the east.

Last weekend's torrential rains along the Continental Divide sent huge walls of water cascading down both east and west slopes, and vast areas of Flathead, Cascade, Glacier, Teton, and other counties bore the brunt of one of the worst natural disasters ever to hit Montana.

The sudden floods on the east slope came Monday afternoon and evening with very little warning after a number of dams in the foothills gave way under the heavy pressure of the flood waters.

The death and destruction is still uncounted but the fatalities are expected to exceed 30 and Gov. Tim Babcock has said the property loss will be more than $10 million.

LIBBY SPARED

Ironically, Libby, and Bonners Ferry, Idaho—the communities which the weather bureau predicted were in danger of floods this spring—were spared the soaking.

At 4:30 p.m. Tuesday, the Corps of Engineers measurement of the Kootenai here was 15.9 feet with 16 feet considered as flood stage. Shortly afterward, the river began to drop and at 7 a.m. yesterday the depth measurement was 15.7 feet and most observers feel the possibility of flood here is remote. The river continued to recede yesterday.

Great Northern President John Budd and other railroad officials, as well as top engineers of Morrison-Knudson Co., are at the disaster scene now. Latest word is that the railroad officials expect that the Great Northern line may be closed for as long as 3 weeks.

It is expected that restoration of service will require that long. The flood and slides have closed long stretches of Great Northern trackage.

The only other time that local railroaders can remember the Great Northern main line being closed for a lengthy period was in 1948 when the Kootenai flood cut service for almost 2 weeks.

For the past 3 days, the Great Northern has been moving mail and express by chartered motor trucks. Passengers have been transported by railroad company automobiles, chartered taxis, and buses.

Beginning today rail service will be reestablished between Spokane and Whitefish. An eastbound train running on No. 27's regular schedule will arrive at Libby at 11:13 a.m. Upon reaching Whitefish, the train will turn around and proceed west as No. 27 but about 5 hours later than that train's schedule. The westbound train is expected to arrive at Libby at about 5 p.m.

Connections with eastbound and westbound trains will be made at Sandpoint or Spokane.

Meanwhile, Great Northern's main line traffic will be routed from Spokane to Helena on Northern Pacific tracks. At Helena, the trains will move on the Great Northern branch line to Havre.

CAR SHORTAGE

Great Northern's Agent Ed Boyes said that one of the biggest problems will be obtaining supplies of cars for loading by J. Neils, and by Zonolite. He said that it might be very difficult to obtain enough empty cars to fill the needs of the local lumbering and mining industries.

During the height of the flood Monday and Tuesday people were concerned about relatives and friends, especially in Evergreen east of Kalispell. Although 5,000 people were evacuated from their homes in the Flathead area, at last report there were no known casualties there.

Mr. and Mrs. Gene Van Artsdale and family left Sunday to go to their summer employment at Two Medicine Lakes on the east side of Glacier Park, which was in the center of the flood. They were accompanied by Sheila Peterson, who is to spend the summer as their babysitter. Reports yesterday were that the Van Artsdales had been contacted by helicopter, and that although they were isolated they were in no danger.

[From the Missoulian, June 11, 1964]

NATURE TURNS OUTLAW

Mother Nature, whose temper is normally so even and serene, has turned with savage countenance upon the land this spring.

Montana is now in the throes of what is called its worst disaster in history. As floodwaters mount, the people labor to save property from destruction, their fellow humans from death.

To many, the disaster is an exhausting battle against the floodwaters, which flow their course sometimes frustrated of wreaking destruction but surely unmoved by human work. Natural disaster brings a terror like

the terror of a mob: Destructive, terrifying, unpredictable, inexorable, and heartless.

To many, it is relief at being safe. To other thousands of Montanans, the floodwaters mean stark grief.

When the clouds first came it was impossible to foretell disaster. The spring has been long and wet, but most of the snow had gone and young boys could be seen fishing on the gravelly spits laid bare by the receding Clark Fork River.

A few days of hard rain and now the ditches and rills and creeks and rivers in much of Montana spew out a muddy surfeit of water, an accumulation of menace upstream that explodes in terror below.

Thousands of Montanans today know of the horror Alaskans knew when the earthquake struck: Of fright turning to terror, rage and despair at seeing dear possessions engulfed, and helplessness before familiar elements that have become a monster unchained.

Missoula's damage has been mild compared with that suffered in other places. Our hearts go out to our fellow Montanans who have experienced the brute hand of nature turned outlaw.

[From the Missoulian, June 12, 1964]

NERVOUS PLAINS WATCHES RIVER

(By Robert C. Larsson)

PLAINS.—The Clark Fork River, taking a 4-inch jump in less than 24 hours, raised havoc in rural areas south and west of Plains Thursday.

"What's the river doing?" is the question uppermost in the minds of most citizens in the area, and emergency crews have been doing battle with the swollen, muddy stream since midnight Wednesday.

Evacuation of farm homes lying in low areas across the river south of this community was in process most of Thursday. A culvert washed out of a county road and cut the evacuation line Thursday afternoon. Men were working in swift-flowing water to replace the pipe.

Water from the Flathead River covered a 100-yard section of U.S. Highway 10A 2 miles west of Perma. Traffic late Thursday afternoon was moving through depths of 6 to 8 inches, between markers placed at intervals along the shoulders of the highway.

Rattlesnakes were an added menace to crews working to dike the south banks of the Clark Fork across from Plains. Boys in the area were shooting them with .22s; Gerald Sutton, a county truckdriver, said he had run over three of them, and Thursday afternoon two men stoned to death one of the reptiles that measured 42 inches in length and carried nine rattles.

Almost a half inch of rain fell in the area late Wednesday and early Thursday. The fast-rising river nearly trapped the Dale Blanchard family, which succeeded in moving out one load of its belongings by truck before taking to a boat.

When the Blanchards last saw the inside of their home, water was coursing over the living room floor.

Across the river and to the east of Plains, crews worked to raise to dike-level a road that parallels the river. The race Thursday night between the dike makers and the river was nip and tuck. Water lapped at the top of the barrier. Should the dike not hold, a large acreage of farmland would be inundated and a number of homes threatened.

Two families were evacuated from lowland ranches across the Clark Fork from Paradise.

Official measuring devices lacking, everyone had his own method of figuring the status of the river. Some persons look at trees or other natural markers; other persons have driven stakes bearing inchmarks. By late Thursday, the river had all but covered a 36-inch marking stick placed by Mr. and Mrs. John Nelson at 4 p.m. Monday.

Some residents who survived the great flood of 1948 say they can tell if the river is on the rise or wane just by looking at it, even from a distance. If rising, they say, the river is "crowned" in the center with much debris floating down the middle; if falling, the stream seems higher at the sides carrying little flotsam and that at its edges.

Late Thursday, the debris was in the middle of the river, and there was a lot of it.

[From the Missoulian, June 12, 1964]

CLARK FORK RECEDES HERE; DAMAGE LIGHT

(By Flynn J. Ell)

Missoulians could count themselves among the fortunate in Montana Thursday night.

The threatening Clark Fork River crested at 28,000 cubic feet per second Wednesday evening and began a downward trend Thursday, eliminating the flood threat.

A 5 p.m. reading of the current at the Montana Power Co. dam at Milltown was reportedly 22,700 cubic feet per second and dropping.

Missoula's share of the Montana flood damage will total less than $10,000, County Surveyor Paul L. Vick estimated. Most of the money, to be requested by emergency budget from the county commissioners, will be used to pay for equipment and men who fought the rising river in Orchard Homes Tuesday and Wednesday.

Vick said he felt there was never a time when the dike area was not under control due primarily to much appreciated response of volunteer workers and the equipment made available for hire to the county.

A complete damage estimate is being compiled by two members of the Army Engineers flood team, now in Missoula.

Some confusion arose during the struggle to contain the river when a report issued from a weather station in Portland statistically predicted the Clark Fork River would crest and subside Tuesday, Vick reported.

Wednesday the river continued to rise, causing considerable anxiety. If the water would have rampaged, it would have destroyed the property and threatened the lives of 130 persons in the Orchard Homes area.

Residents of that area said Thursday they intended to discuss the problem with or possibly petition the county commissioners to build a stronger protective barrier in case of future threats.

The county surveyor's office reported three bridges in the Swan district destroyed and one up Grant Creek washed out. Damage to bridges was estimated at $3,000. A section of Big Flat Road was washed away about one-half mile upstream from Harper's Bridge, it was reported. The bridge was closed Wednesday and Thursday when it was threatened by debris which banged against its piers, but was said to have withstood the pounding.

The Scotty Brown Bridge up the Blackfoot River in Powell County was also reported washed out.

Missoula's weather bureau indicated Thursday night that the upper air disturbance which created the heavy rains, had moved east and that only scattered showers and a 70-degree temperature were scheduled for this area Friday.

A late Montana Power Co. dam reading Thursday night showed that the Clark Fork River was running at 21,400 cubic feet per second.

[From the Silver State (Mont.) Post, June 12, 1964]

FLOODING COTTONWOOD CREEK ROCKS CITY FOR 36 HOURS CAUSING HEAVY DAMAGE TO RESIDENCES; BIG BLACKFOOT BRIDGES LOST—CITY HAS THREE BRIDGES SWEPT AWAY BY TORRENT

A surging uncontrollable Cottonwood Creek brought 36 hours of flooding to the northeast residential section of Deer Lodge beginning about 4 a.m. Monday and abating late Tuesday. By Wednesday the creek had returned to its normal course but was roaring and running near the top of the banks.

Triggered by deep snow in the low mountains and a general rain most of Saturday and Sunday, the heavy flow of water down Cottonwood approached the city early Monday.

Mayor Earl Wahl said that it is believed that a cloudburst on Baggs Creek around 3 a.m. Monday morning triggered the devastating flood which by noon Monday had washed out the oil topping on Milwaukee Avenue, filled cellars and covered lawns and other streets, making it impossible for some to leave their homes without wading through knee-deep swirling waters.

TREES CAUSE JAMS

Adding fury to the raging waters were washed-out trees, bridges and other debris, which created jams along their course spilling water into residential basements where water had never been found before.

Volunteer workers including National Guardsmen, Jaycees, Montana Fish and Game officers, Explorer Scouts, highway patrol, State department workers, city and State employees, and local contractors were among those routed out of their beds in the early hours in a combined attempt to halt the rampage through the city streets. Dikes built to give relief to one section of homes would divert water to another section, resulting in one struggle after another until the waters began to recede—they had gone down more than a foot by Tuesday night, said the mayor.

Telephone lines were jammed at the sheriff's office, Montana power, city hall, and homes of city and county officials.

Sacks were filled with sand at Montana State prison and hauled to the flooding area for use in building dikes.

Calls offering assistance were received by Mayor Earl Wahl from the city of Butte and a representative of the Army Engineers was in Deer Lodge Wednesday to make available facilities if the situation demanded additional help.

Bridges at Stark and Center Streets were washed out early Monday making it imperative for the bridges at Larabie and Beaumont to be removed to prevent additional jams.

As the floodwater left the creek channel, extensive inundation occurred in adjacent areas. The Leuty trailer court apartments on the north side of Cottonwood Creek had several inches of water inside and the occupants moved to temporary quarters about 6 a.m. Monday. Archie Leuty said the floor was covered with water three inches deep. Though the building borders Cottonwood Creek, he said this year was his first experience with having water in the building which was built in 1952.

Further down the stream the Jack Hansen and H. D. Fanning residence at Clagget Street were in the course of a heavy flow.

The football field behind Powell County high school Vo-Ag building was completely destroyed, said Harland Seljak. Water is still being pumped out of the sump room in the Vo-Ag building, he said, but the most serious damage to the PCHS buildings was in the kitchen and study hall caused by a plugged up sewer which backed up into the school through floor drains and may have loosened the tile in the study hall, Mr. Seljak said.

Don Mickelson used his power shovel to build a bank around the football field during the night Monday to control water. Many residences in the 200 block of Dixon had been threatened by a possible overflow from the field.

Residents along Fourth, Fifth, and Clark Streets were affected as were others on the creek. Bill Anderson at 214 Fifth said his house which is located on the bank of the creek was loosened from its foundation and the plaster had cracked. Mrs. William

Browne, who lives at 104 Fourth, said their newly planted lawn had been converted into mud. She mentioned that the residents on Fourth Street had expressed appreciation for the assistance rendered by Warden E. C. Ellsworth at Montana State Prison in providing sandbags and helping them in their distress. She was critical of thoughtless sightseers driving along Fourth Street and splashing water on their homemade dikes, causing them to collapse.

Early Monday while Cottonwood was flooding, a semi-irrigation and drain ditch, which comes under the Interstate highway a short distance south and east of Milwaukee and Stark Streets, was overflowing with water, flooding basements of the homes of Louis Warn, Harry Tomlinson, S. L. Bartels, Robert Hayes, and others in the 1000 block, and farther down the street the water crossed the street putting water in the basement of Mrs. D. P. Beighle's home and Mrs. P. L. Kirwan's.

Although in most instances damage was confined to water in basements, some dwellings had water in the living quarters.

[From the Silver State (Mont.) Post, June 12, 1964]

TEMPORARY BRIDGE CONSTRUCTED TO REACH SCOUT CAMP

Three major rivers in Powell County were at a flood stage Tuesday and Wednesday inundating substantial acreages of river bottom land and dealing heavy blows to county bridges.

According to word received on Wednesday by Commissioner Dan Mizner from Commissioner Newman Raymond at Helmville, the Big Blackfoot and North Fork were both flowing considerably out of their banks in many places.

Four county and several private bridges have been swept away by the raging torrents. According to Mr. Raymond the Ryan Bridge on the North Fork near the Wendel Copenhaver ranch is destroyed.

BLACKFOOT BRIDGES GONE

On the Big Blackfoot three other bridges are either entirely washed away or unserviceable. They are the McCormick Bridge on the road to Brown's Lake, the Coughlin steel bridge near the Tice ranch and the Scotty Brown Bridge near the Missoula county line which goes to the Timber Creek dude ranch.

Commissioner Sandy O. Reierson also reported that a county bridge across the Little Blackfoot south of Elliston on the road to the Boy Scout camp was washed out as well as the private bridge belonging to the Elliston Lime Co.

SCOUTS STRANDED

About 70 Scouts were stranded at the camp but a temporary bridge was completed Wednesday afternoon to serve the area.

Mr. Mizner said that it was expected that Powell would be added to the seven others in the State declared as a disaster area. This classification would make available possible assistance in immediately restoring the bridges and repairing roads.

In addition to bridges in the rural areas the county also maintains the city bridges across Cottonwood Creek.

The commissioners estimated that the maximum county bridge levy would not bring in sufficient revenue for 8 years to cover the damages from the current flood.

[From the Silver State (Mont.) Post, June 12, 1964]

FEDERAL FUNDS TO ASSIST RESTORING FLOODED PROPERTY

When Powell County is officially included in the State disaster area, the Small Business Administration will be permitted to make disaster loans to city property owners, D. I. Creel of the Helena office of the SBA told the Silver State Post Thursday.

The Federal money is repayable over a period of not more than 20 years and has a low interest rate of 3 percent. Purpose of the disaster loan is to permit the individual to restore his property to the condition that existed before the flood. Mr. Creel said that measures to prevent future flooding, such as dikes and retaining walls, would also come under provisions of the loan.

Disaster loans for rural areas are made by another Federal Government agency—the Farmers Home Administration.

On Tuesday, Henry J. Hukill, president of the Deer Lodge Bank & Trust Co., contacted the Helena agency in regard to the flood damage to residences in Deer Lodge, and offered the service of his bank in preparing loan applications.

The Small Business Administration is located at 205 Power Block in Helena, Post Office Box 1690.

[From the Great Falls Tribune, June 12, 1964]

TETON RIVER FLOOD VICTIMS SURVEY DAMAGE IN EXCESS OF MILLION DOLLARS

CHOTEAU.—Flood damage along this area of the Teton River will be in excess of $1 million, Choteau Mayor D. P. Fabrick said Thursday.

An aerial survey of the Choteau area revealed heavy damage. A tour by jeep through the stricken area showed even heavier losses.

Most of the city's 2,000 inhabitants remained elsewhere while repair crews worked to restore water and sewer service.

Telephone lines have been repaired.

Many of the refugees are being housed and fed in Red Cross centers just outside of town.

CITY ABANDONED

The residential and business sections, which were flooded by swift waters from the Teton, were abandoned except for a few officials and disaster workers.

The city, for the most part, is accessible only by four-wheeled vehicle. Waters from flooded Spring Creek still course swiftly along the Great Northern railway tracks in the middle of town.

The water hides huge sink holes in the street.

There is a continuing danger that water mains may collapse under the pavement.

"You'll be going along and all of a sudden the road will drop out from under you," said Police Chief Maurice Black.

Where the water has run off, a sea of mud remains.

Many houses still are coated with the sticky mud and littered with debris.

DINNER IN PLACE

Some families left so quickly, the dinner meal they had been eating remained in their places on kitchen tables.

A clothesline ladened with laundry remained in place, although a brown line midway up the pillow cases marked the high water level.

Fabrick estimated it would require at least a year to get the city back onto its feet. "And it will be half a generation before bank accounts are back to normal."

A 10 p.m. curfew was ordered, and gasoline in the area has been rationed to curtail sightseers.

"People haven't had time to think about their personal losses but they're going to be very great," Fabrick said.

He estimated the average loss to each damaged residence would be up to $5,000.

[From the Great Falls Tribune, June 12, 1964]

RADIO AMATEURS HELP SAVE LIVES

Services provided by approximately 80 radio amateurs throughout the State belonging to the American Radio Relay League of Montana, helped save many lives during the first stages of the flood which recently swept parts of Montana, according to Walter R. Marten, manager of the league.

Marten stated the league had four networks set up in the first 2 days of the disaster which relayed messages to all parts of the State, government agencies, and law enforcement agencies.

He said that the only communications in many of the areas hardest hit by the flood were carried out by amateur radio operators.

Some of the areas in which the amateurs worked were Great Falls, West and East Glacier, Browning, Choteau, Conrad, Lincoln, and other outlying areas.

Many messages pertaining to welfare, search and rescue, weather information, river information, and death messages were handled by the operators. All the communications were coordinated with sheriffs' offices, police departments, Red Cross stations, civil defense departments, and Park Service headquarters in the stricken areas, he said.

During the first stages of flooding many persons were warned of the impending flood conditions through the efforts of the radio operators, Marten stated.

Information regarding stranded persons was given to the sheriffs' offices, which forwarded this information to the Air Force.

Approximately 25 of the 80 operators worked in the Great Falls area, using 12 mobile units, he said.

The group had an emergency setup at the police department and another located with the civil defense headquarters in the civic center.

An interesting note, Marten pointed out, was the fact that a statewide amateur radio emergency drill was held only 2 days prior to the flood.

He pointed out that this drill had a great deal to do with the readiness of members of the organization.

[From the Great Falls Tribune, June 12, 1964]

FOREST FACILITY REPAIR NEED URGENT

Regional Forester Neal M. Rahm, Missoula, arrived in Great Falls Thursday evening to represent the Chief of the U.S. Forest Service to participate in meetings here to coordinate work to erase flood damages.

Rahm will also review the damages and reconstruction plans on the Lewis and Clark National Forest.

Supervisor George Roskie, of the Lewis and Clark National Forest, stated that early reports from the district rangers at Augusta and Choteau indicate extensive damage to the resources and improvements of the national forest. The tremendous rehabilitation job in the Rocky Mountain area is even more pressing because of the approaching fire season.

Early reports indicate a huge construction job ahead in the national forest.

An estimated 66 miles of road, including the Bench Mark Road and the north fork of the Teton Road, need replacing or major repair. Sixteen bridges, including that at the 7 Lazy P resort and all of the pack bridges across the Sun River, must be replaced or repaired.

An estimated 400 miles of trail will need reconstruction or repair. This includes the Straight Creek and Moose Creek trails to the Bob Marshall Wilderness Area. The Pretty Prairie landing strip is beyond salvage. Forest Service engineers are checking possible relocation sites.

The Windy Ford and Home Gulch campgrounds are partially destroyed. Many others are isolated by road washouts. Private improvements on national forest lands were also damaged. The French Gulch summer home area was demolished along with others in the Sun River's north fork area.

Specialists here from the regional office at Missoula to assist the Lewis and Clark staff

in damage appraisal and rehabilitation planning include: John Adams, branch chief of hydrology and water development division of engineering; Bob Shelton, division of engineering; Jim Eggelston, watershed management division; Bill Graham, operations division; and Del Jaquish, public information officer.

Dave Terry, former district ranger at Choteau, has returned to assist Virgil Lindsey, Choteau district ranger, with damage appraisal and public assistance. Lorin Hearst is assisting Jake Callantine, district ranger at Augusta.

[From the Great Falls (Mont.) Tribune, June 12, 1964]

NEW RAINS COLLAPSE DAM NEAR SHELBY—EVACUATE NORTH THIRD OF CITY

SHELBY.—Two brimful farm reservoirs and threats of more heavy rain prompted authorities to call for evacuation of the north third of Shelby Thursday night.

All heavy equipment available was sent to strengthen a series of 3 dams, one of which washed out Monday afternoon and flooded a portion of the city of 4,000.

Threatening storm clouds were on three sides of Shelby as the volunteers worked through the night.

Observers believed that if one dam broke, the other would go and Shelby would be in great danger.

CLOUDBURST

A cloudburst that dumped an estimated 1½ inches of water in an hour filled the lower impoundment, Sullivan Reservoir, Monday afternoon and broke out the dam. Floodwaters up to about 2 feet deep covered Shelby north of the Great Northern Railway tracks, which form a high, effective dike to protect the southwestern two-thirds of the city.

Sullivan Reservoir was about 100 yards across and 20 to 30 feet deep. It was located about one-half mile above the edge of Shelby in an unnamed gulch.

The other dams are only about 200 feet long but are high and back up water up to half a mile.

All three were built about 3 years ago and this is the first year any of them has had any water. Shelby is located in Montana's drought area of the past several years.

GUARD ON PATROL

All residents of the north side of Shelby were urged to leave their homes and the area was under patrol by a National Guard unit from Havre. No one was allowed to enter without authorizaion.

Water that flooded the city in the afternoon was draining away Thursday night but still covered the municipal sewage plant at the southeast edge of Shelby.

Up to 100 volunteers worked with bulldozers and graders under floodlights to repair and rebuild the 3 dams.

The afternoon storm was unusually violent. It included lightning strikes that started two minor fires and also dumped some hail.

Ironically Shelby came through the floods that wracked north central Montana earlier in the week, unscathed. And only while other cities were beginning to dig out from the tragic events, was the city added to Montana's massive list of flood victims.

[From the Great Falls Tribune, June 12, 1964]

CURBS INVOKED IN FLOOD AREA

Sun River dropped slowly through Thursday, as hundreds driven from their homes in the Great Falls area waited to return to them and start the long fight to repair flood ravages.

At 8 a.m. at the 14th Street Bridge the water was at 20 feet, still 5 feet above flood stage but far below its peak at the flood's crest.

DOWN TO 18.9 FEET

At 11 a.m. the river was at 19.5 feet, and at 4:45 p.m. it had dropped to 18.9 feet, disgorging its sullen brown torrent into the Missouri River.

Mayor Marian S. Erdmann declared a state of emergency in the flood-affected portion of the West Side because of flooding, broken sewerlines, exposed powerlines, contaminated meats and foodstuffs, and the presence of dead animals.

She closed the area to the general public effective this morning until further notice.

Her order declared strict regulation of persons entering the area will be maintained at the following access points: Frontier Inn, Great Falls Brewery, and 14th Street overpass.

The order stated limited passes will be given at the above points to homeowners desiring to enter the area. The individuals must have reasons to justify their entering, must furnish identification, and be registered in and out.

NIGHT CURFEW

No persons will be allowed in the area after dark and no children will be allowed in the area. Persons in the area beyond the terms of their passes will be removed by security personnel, the mayor's order stated.

Mayor Erdmann said as soon as the area has been inspected, cleared, and declared safe for rehabilitation and habitation by proper authorities, homeowners will be notified and allowed to move back.

Thursday evening water still stood up to the eaves of many homes. Some homes are believed almost a total loss. Others were turned on their foundations. Some trailer homes were washed away.

Furniture and contents of the homes were damaged and much floated about in debris swept in through windows broken by the powerful thrust of the flood.

ELSEWHERE WATER'S SAFE

Del Brick, city water commissioner, notified the public the city's water, excepting in the flooded area, is safe.

He ordered irrigation and sprinkling in Great Falls curtailed until further notice on set water devices but said watering by hand with a hose with a nozzle attached is permitted.

Brick said that because of the heavy silt content in well water in the area, it was necessary for waterplant facilities to work at top capacity to continue serving residents with top-quality pure water.

"Because of the silt content," Brick said, "an additional load is placed on the filtration units and additional chemicals are being used."

The plant is operating at 8 million gallons of water a day. It has been throughout the Sun River flood.

Addressing people in West Great Falls, Brick said waterlines have been kept pressurized and water is good. Where water had not been used and there has been any interruption, the water department wants to check it before use is resumed, Brick said.

The Great Falls Gas Co., Thursday afternoon announced that natural gas service has been restored to all areas south of the Sun River. The gas main crossing the 14th Street Southwest Bridge is now back in service. Affected are the Gore Hill, West Hill and University Addition areas. Gas service men are now in these areas to aid in the restoration of service in individual homes. Restoration of service in the remaining areas of West Great Falls depends on how fast the water recedes.

WARN AGAINST COMPLACENCY

Weather officials warned against complacency. "We do not know whether the curtain has fallen on the final act of this flood or not. There is still heavy snowpack in the mountains. Reports indicate that more than 15,000 cubic feet of water per second is still passing over diversion dam. Warmer temperatures could bring additional water but, at the moment, there is no immediate threat of addditional heavy rain," they said.

Reports from Canyon Ferry Dam, indicate that flow from that dam was cut to 2,630 cubic feet per second while 19,290 feet came into the dam. Several more days and the Bureau of Reclamation officials at the dam will be forced to begin releasing some water, as the dam is filling rapidly.

The 14th Street Southwest Bridge across the Sun River was condemned by County Commissioners Edward Shubat and Chan Ferguson and County Surveyor Jack Richardson Thursday afternoon. All seven bridges across the Sun River in Cascade County are still impassible, they stated.

One of the piers of the 14th Street Southwest Bridge has tilted in the middle but floodwaters make it impossible to determine fully the extent of damage to the bridge, according to Frank Bright, assistant surveyor. At the peak of the flood the rushing waters reached the bridge floor.

All bridges in this county were lost or damaged in the flood, the commissioners and surveyor's staff report. These number 45, exclusive of culverts and road dams. Many bridge abutments were washed out by the high water that hit all sectors of the county.

A tentative estimate of the county's road and bridge damage was being made Thursday afternoon at a meeting of the commissioners with Clifford Thompson, preconstructor for the Montana Highway Commission; A. M. Lewis, area engineer with the Bureau of Public Roads; Bright; Clint Harrington, head of the county's bridge crews; Al Castle, county road supervisor, and Richardson.

REPORT NEXT WEEK

Lewis and Thompson said it would be the first of the week before a full and accurate estimate of the county's road and bridge damage could be made.

County crews are working overtime to repair road and bridge washouts where they can get in.

Telephone service to nine Montana communities isolated by the flood were restored Wednesday by Mountain States Telephone Co. crews. The towns were: Choteau, Brady, St. Mary, Pendroy, Simms, Sun River, Fort Shaw, Augusta, and Fairfield.

A crew dispatched from Missoula Thursday was still working to replace cable facilities torn out when a bridge was washed away at West Glacier. Approximately 22 miles of telephone lines on the southern edge of Glacier Park, along with highway and railroad right-of-ways, were damaged extensively.

Telephone personnel were at work throughout the flood damaged area with emergency supplies and construction materials being rushed in for the job of rebuilding facilities.

In Great Falls the district plant superintendent, F. A. Thibaudeau, said local warehouse supplies were being augmented by thousands of items of telephone equipment and instruments which will be necessary to restore service in local homes inundated by the flood waters.

CLARK FORK BATTLE WON AT MISSOULA

MISSOULA.—Men and machines won a battle with the Clark Fork River early Thursday at Missoula. The river had threatened to reenact the 1948 rampage that took 1 life and damaged the Orchard Homes subdivision containing 6,000 houses.

Dikes protecting the low-lying subdivision were sandbagged and reinforced during a night-long emergency operation by 100 men with bulldozers and other equipment. The river rose to within 2 feet of the top of the barricades before starting to recede.

[From the Great Falls Tribune, June 12, 1964]

FLATHEAD MOPUP STARTS; SWAN VALLEY INUNDATED

KALISPELL.—Mopup operations have started in the flood-stricken areas of the Flathead Valley. Estimates on damage run as high as $50 million.

Area residents know it will be a long and costly operation.

Local insurance men say nearly 100 percent of the flooded homes are not covered by insurance. Most policies, they say, excluded flood coverage.

Meanwhile, a new threat may be building on the Swan River. Twenty-five to thirty sections of land in the Swan Valley are now under water and some summer homes have been hit by the flooding.

Jack Toole, Eastern Congressional District candidate, who has a ranch on Swan Lake, said 250 head of his cattle are marooned. Jim Uhde, of Rollins, said the water was over the docks on many of the summer homes and the docks are covered with logs and debris.

The lake is calm, however, and there has been little damage in this respect.

U.S. 2 STILL CLOSED

All highways in the flooded areas of the Flathead are open to travel except U.S. 2, which is still closed from West Glacier to Summit. Indications are that it will remain closed for some time. County roads and bridges, still standing, are considered dangerous for use. Officials said anyone using the roads will do so at their own risk. Enforcement officers are urging people to stay out of the flooded areas.

A helicopter carried a physician to West Glacier at noon Thursday with typhoid serum and the Flathead County Health Department has started inoculations in Kalispell and Columbia Falls.

Dr. Bruce McIntyre, county health doctor, is urging all persons, who have taken any contaminated water, be immunized.

A physician also is touring isolated areas of the Glacier Park, West Glacier, Essex, and Nyack Flats.

Vic Clarke, agent for the Great Northern Railroad, said the NP has started a "stub" train from Spokane to Whitefish. The main trains of the Great Northern are now using Northern Pacific tracks around distressed areas.

Sheriff Ross Wilson said guards are posted at every entrance road from Bigfork to Bad Rock Canyon, a distance of 25 miles. They will remain as long as necessary.

[From the Great Falls Tribune, June 12, 1964]

DAMAGE EAST OF DIVIDE SET AT $16.5 MILLION

Montana flood damage east of the divide totaling $16.5 million was estimated Thursday by the Army Corps of Engineers.

The engineers, basing their estimate on aerial surveys, said the figure was purposely conservative and would be revised later.

"We are talking about the things that can readily be seen," said Col. Harold J. St. Clair, in charge of the special 36-man team.

Property damage assessment did not include lost crops.

State Agriculture Commissioner C. Lowell Purdy flew over the area Thursday and said it was too early to assess damage but added it "will be tremendous."

Greatest damage found by the Army Engineers was $8.5 million in the Sun River Basin where floodwaters hit Great Falls. Damage in the Teton River Basin was listed at $3.5 million, Marias River $4.5 million.

According to the estimates by the corps, 270 Cascade County rural area farms and homes were damaged with damage to private property estimated at $1,600,000, and to public property at $300,000. An estimated 800 homes within Great Falls were damaged with private property loss estimated at $4 million and public property loss estimated at $1,500,000.

OTHER CASCADE DAMAGE

Elsewhere in Cascade County, according to the report, 20 homes at Vaughn were damaged as were 50 at Sun River and 15 at Simms. Private damages were estimated at $40,000 at Vaughn, $120,000 at Sun River and $40,000 at Simms. Public property losses at those communities, respectively, are $10,000, $20,000 and $10,000.

Augusta area—320 homes; private $700,000; public $160,000.

Town of Choteau—600 homes plus 30 in surrounding Teton County; private $2.2 million; public $800,000.

Chouteau County—30 farms or homes; total public and private property loss $500,000.

Toole County—20 homes; total loss $400,000.

Browning area—110 homes; total loss $460,000.

Two Medicine Creek area—40 homes; total loss $600,000.

Birch Creek—40 homes; total loss $2.8 million.

Dupuyer Creek—70 homes; total loss $300,000.

[From the Columbia Falls (Mont.) Hungry Horse News, June 13, 1964]

RAMPAGING RIVERS DESTROY HOMES, HIGHWAYS, RAILS—GRIM TASK OF MOPPING UP AFTER A FLOOD OF NATIONAL CONSEQUENCE IS UNDERWAY IN THE FLATHEAD

An estimated 2,500 of the Flathead's 34,000 residents had homes damaged. Most are in the Evergreen and Day's Acres on Kalispell's east side.

In Columbia Falls, count of families with damaged or lost homes totals 57 with 250 persons in and near this community of 2,500 affected. There are three known complete losses: Fred Fowler, Helmuth Christman and George Keck, Sr. Other homes were badly damaged, and there is heartache for friends and neighbors.

Total estimate of Flathead flood damage is $50 million. Damage includes about 15 miles of U.S. Highway 2 and great portions of the Great Northern mainline wiped out.

West entrance bridge to Glacier National Park was wrecked and so was the old bridge upstream. Glacier is now isolated from the west. Going-to-the-Sun Road in the park requires extensive repairs as does Lake McDonald Hotel.

Cattle loss on Nyack Flats was about 250 head and in the Flathead Valley there were 325 at the Edmiston Ranch.

DISASTER AREA

Word from Senator MIKE MANSFIELD was that President Johnson had declared this a disaster area along with Glacier, Pondera, Teton, Cascade, Chouteau and Toole Counties.

While the Flathead had the largest property damage, loss of life was heavier on the Rockies' east slope.

Many persons are still missing, and the total has been given as high as 43.

Rampaging waters of the Sun River caused damage topping $5 million in and near Great Falls. The Sun and Flathead's South and Middle Forks originate in the Bob Marshall Wilderness.

Much of Choteau, a city of 2,000, was submerged by a reservoir breaking and the Teton River. Other areas also were inundated.

Cause of the flood was unusually heavy snowfall in early May followed by cool temperatures, and record snow depths in the mountains June 1. Then came from 2 to 5 inches of rain June 6, 7, and 8.

BEFORE RAINS

The Flathead River flowed at the 12-foot level June 4. All was well and this heavy flow of 41,700 cubic feet per second was bank contained. Then came the rains. Monday noon the river was at 14 feet, flood stage, but not damaging. The valley realized that Hungry Horse Dam was holding back a third of the whole Flathead's flow, and felt this was adequate safeguard.

There was word Monday at 7 a.m. that Divide Creek had flooded the community of St. Mary, washed out highway department buildings, pickup truck of State Highway Foreman Ivan Williams was found upside down, and he was missing.

Going-to-the-Sun Road would have opened to through traffic late Monday or Tuesday. Flood changed that outlook.

Roaring McDonald Creek washed out the rustic bridge at the head of the lake. There were reports, but not confirmation, that the Walton (Essex) Bridge was lost.

This was the status Monday noon. There was realization of upstream flooding, but no thought of damage down in the Flathead Valley.

The Middle Fork Monday afternoon became a roaring torrent, backing into Lake McDonald. The Flathead Valley still did not realize what the next hours would bring.

By 8 p.m. the Flathead River at Columbia Falls had risen 4 feet from its 1 p.m. 14-foot level. It was too late for many families to move furniture, and they prayed that the flood had peaked.

Instead it kept rising as much as a foot an hour and topped 20.4—as high as the Columbia Falls Gage would read—by 11 p.m. U.S. 2 in Bad Rock Canyon was under water.

Word meanwhile came of West Glacier Bridge buckling, and the Flathead qualified as a disaster area.

U.S. Corps of Engineers gave the river peak in Columbia Falls as 26 feet at 11:30 a.m. Tuesday. The water level started to drop fast and by Wednesday morning homes that had been eave deep in water were surrounded by ankle-deep silt.

Flow of the Flathead past Columbia Falls Tuesday noon topped 150,000 cubic feet per second, termed an all-time record. Last bad water year 1948, saw the Flathead at 102,000 second feet (a figure of 110,000 is also used). The Flathead has forgotten what damage there was in 1948. The flood of 1964 sets a lasting chapter in local history.

The Hungry Horse News wishes to thank Montana Highway Patrolman Bob Pike, Don Brown, district supervisor of the Montana Fish and Game Department, Ernie Massman who piloted Tom Crum's plane to help us get airviews, and Police Chief Darvin Lundstrom for their courtesies in helping the Hungry Horse News cover the flood story.

We would also like to thank Marion Lacy of Lacy Studio who made most enlargements for this issue and Lindy Glover of Montana Engraving, Kalispell.

KGEZ, KOFI and the Daily Inter Lake are to be commended for fine coverage of the flood.

Lundstrom had praise for the effectiveness of the National Guard and men from the U.S. Air Force Radar Station who helped in Columbia Falls, and also for the sheriff's posse and other officers.

Now there are reports of high water in the Swan and breaking reservoirs near Shelby.

[From the Columbia Falls (Mont.) Hungry Horse News, June 13, 1964]

BRIDGE VITAL TO FLATHEAD, GLACIER PARK

WEST GLACIER.—Vital link for the Flathead's economy and to the Glacier National Park 1964 travel season is to get a usable bridge across the Flathead River's Middle Fork.

There isn't any way at present to enter Glacier National Park from the west by car, and prospects of crossing the Continental Divide by car over U.S. Highway 2 are months away.

The fine bridge that served as Glacier's west entrance is a flood-crumpled, concrete

and steel sunken structure, unsafe and recommended for dismantling. It sank further Thursday.

JUNE 30 HOPE

Hope is that Going-to-the-Sun Road will be open to through traffic by June 30. There was extensive flood damage at several locations in the McDonald Valley, and also near Siyeh Bend and loss of the Roes Creek bridge. Sun Road will take the place of U.S. 2 this summer.

Late Wednesday afternoon the Hungry Horse News editor walked across the damaged West Glacier bridge to park headquarters.

Landing from an Air Force helicopter after inspecting the park were Superintendent Keith Neilson, Assistant Superintendent Jack B. Dodd, and Richard Steeves, landscape architect.

A few minutes later, Don Hummel, president of Glacier Park, Inc., arrived in a chartered small helicopter.

The Hungry Horse News editor sat in for the first portion of the conference.

All concerned viewed a passable bridge at West Glacier as key to Glacier's 1964 travel season.

CONTACTS MANSFIELD

Hummel had been in contact with Senator MIKE MANSFIELD, who with Senator LEE METCALF, was getting action. Prospect is that the U.S. Corps of Engineers will be on the scene to set up a "Bailey" bridge on the remaining concrete arch of the old Belton bridge.

Hummel had also contacted Gov. Tim Babcock, who was concerned and helpful.

Superintendent Neilson stressed that it was important to get Going-to-the-Sun Road open once again for traffic, and to inform visitors that Glacier was in a position to take care of visitors on their summer vacation.

Hummel reported that Secretary of the Interior Stewart L. Udall was coming to the park for the State Jaycees meeting at (East) Glacier Park Lodge. Jaycees had switched to Billings and then back to Glacier when it was found that the hotel was in good operating condition except for a switch in water service.

President of Glacier's visitor facilities company, pointed out how much good the Jaycees coming to the park would be from the publicity standpoint especially at this time.

BANKERS COMING

Another boost will be the Montana Bankers Association convening at Many Glacier Hotel, June 18. Glacier Hotel had its lake-level floor flooded, which loosened tile, but is otherwise OK.

Hummel also said that the Prince of Wales Hotel was not damaged by the flood and was in use for refugees from the townsite below. Waterton had flood damage from Cameron Creek.

From Chief Ranger Lyle McDowell, the Hungry Horse News editor obtained a report on campground conditions. Major campgrounds, with exception of Sprague, appear to be in good shape, and will be ready for this summer's visitors.

Assistant Superintendent Dodd told the conference of Sun Road conditions. It was passable by truck only as far as Lake McDonald Hotel because of washouts that were in process of being repaired. McDonald Creek, which Monday morning had taken out the rustic bridge at the head of the lake, and the trail bridge, had also swept away portions of Sun Road.

GARDEN WALL OK

Garden Wall section appeared to have little damage except a few mud and rock slides. A major fill would be required on the east side near Siyeh Bend, and there was the Roes Creek Bridge. Sun Road is open from St. Mary to Rising Sun.

Road into Many Glacier was temporarily blocked by sliding. A bridge went out on the Blackfoot Highway over Two Medicine Creek requiring a detour. Bridge is out on Two Medicine Lake Road at Trick Falls.

Federal seasonal employees are returning to Glacier and going to work. Official uniform now is hard hat and work clothes.

Glacier Park, Inc., employees are also returning. There are problems such has housing for them at Lake McDonald with the flood making their dormitories not usable at present.

Opening dates for Lake McDonald Hotel or the Village Inn are not yet known.

Once Going-to-the-Sun Road carries visitors again, there is indication that the Great Northern will establish train service from Spokane to West Glacier and from Shelby to East Glacier Park.

Park Engineer Max Edgar landed in another helicopter hurried away and returned to fly back to St. Mary. Report was that he had picked up some dynamite caps and was taking them across the divide to the east side.

[From the Columbia Falls (Mont.) Hungry Horse News, June 13, 1964]

OVER 15 MILES OF U.S. 2 OUT

WEST GLACIER.—A Bureau of Public Roads survey from the air showed approximately 15 miles of U.S. Highway 2 devastated. About 8 miles of new road is gone.

The Hungry Horse News editor talked with two Bureau of Public Roads engineers at West Glacier.

Bridge at Essex was washed out and so is the highway at the Goat Lick. All bridges on Bear Creek are down, including one built last year. Great sections of the highway along Bear Creek are no more.

Much of the new construction from Fielding has been destroyed and so are great sections of the fine road between the two railroad passes east of Nyack. There is serious damage at Paola.

The road between West Glacier and Nyack is being repaired, with the mud and debris slides at Ousel and Moccasin Creeks being cleaned up and was passable Thursday.

Use of the old road will get vehicles to Essex perhaps in 2 or 3 weeks. Travel from East Glacier to the vicinity of Summit is now possible.

If a bridge replacement is made at Essex, it may be possible for light vehicles to cross to East Glacier next fall.

[From the Columbia Falls (Mont.) Hungry Horse News, June 13, 1964]

TRAGIC LOSS SUFFERED BY LOCAL RESIDENTS

(By Mel Ruder)

The great flood of 1964 is a tremendous loss for the whole Flathead.

By itself interruption of highways and rail traffic to the east will reduce the important tourist service business during these critical 3 months.

There was major damage to buildings and furnishings and to livestock and crops. Blessing is that there was not loss of life as took place on the east side of the Continental Divide.

Our hearts are with friends, neighbors, and fellow citizens.

How haggard and worn former Mayor Roy Lindsey looked as the water inched up toward the roof of his new home. With the flood subsided, we saw him go to work moving out the television set, chairs, tables, beds, and noticed framed oldtime pictures that were water soaked.

Coming to work Wednesday at 7 a.m., we saw Leslie Blood. There were tears in his eyes as he looked down the bank at the silt-laden flat toward his waterlogged home.

He remarked: "I've lived down there since March 24, 1934. I waited too long, like the rest. I had no idea the water would come up so high." Then he recalled the high water of 1948 before Hungry Horse Dam and the fact that his home was not damaged then.

Mr. Blood is 66 years old, retirement age.

We haven't found a family in Columbia Falls that carries insurance against floods. None of the homeowner policies have such coverage.

The Hungry Horse News is aware that the Flathead is in the disaster area proclaimed by President Johnson. This obviously will provide for highway replacement. Our concern is how does a man like Leslie Blood, age 66, recoup from floodwater that covers his home?

At water's edge, three blocks below the Hungry Horse News office on Nucleus Avenue we talked to Ralph Robinson, wearing hip boots. He had just come back across ankle-deep silt from his home on the riverbank. He had his water-soaked guns in the back of his car.

He and Sadie had been building their home for 5 years, and he added, "We never thought the water could come that high. Sure, we knew there would be a heavy runoff, but not getting as high as the house."

Bob Adams remarked, "I felt foolish moving my furniture out, when the water was 4 feet below the floor level."

Tuesday at 5:30 a.m. it looked as though the flood was peaking. At the Red Bridge, Mr. and Mrs. Fred Fowler were looking across the swollen river to where their home had been. It was gone. Ramona was crying. No one said anything. What could they say?

[From the Columbia Falls (Mont.) Hungry Horse News, June 13, 1964]

DRAMATIC RIVER RESCUE: LINEMAN PULLED FROM WATER

Dramatic rescue of a Great Northern lineman took place Thursday evening.

Columbia Falls boat of the Flathead Lifesaving and Rescue Association combined with a U.S. Air Force helicopter to bring seriously injured George Brady, 35, lineman from Wenatchee, to Whitefish Memorial Hospital.

About 6:15 p.m., at the eastern edge of Bad Rock Canyon, Brady fell from a pole down about 100 feet into the still flooding Flathead River.

On another pole was lineman Roger Guthrie. He saw Brady fall, scrambled down the steep bank, pulled the injured man from the water, and gave him artificial respiration. There was praise for the heroic act by Guthrie, and he was joined by another GN man.

The Air Force helicopter came from Kalispell city port, and was joined by the Columbia Falls rescue boat. The rescue took place just above the junction of the Flathead with its south fork.

Dr. W. F. Bennett, Columbia Falls, attended the injured man. Sam Ellman and Howard Piper crossed the rough-flowing river and safely brought the boat with Brady back to the helicopter which then went to the hospital.

He suffered head injuries, fractured left shoulder, and lacerations as well as shock. Saturday noon report was "condition unchanged and serious."

On the scene on the Great Northern side were Highway Patrolman Bob Pike and Les Darling, deputy sheriff.

Underway at the location is replacing the Great Northern mainline grade that had been washed into the river Tuesday.

[From the Columbia Falls (Mont.) Hungry Horse News, June 13, 1964]

ESTIMATE COST OF COUNTY ROAD LOSS

Flathead County roads—not State or Forest Service highways—were damaged to the extent of an estimated $262,500, and bridges $508,000.

County Commissioners Bill Knapton and Clifford Haines made a survey Thursday together with Fred Wells, Helena, State secondary roads engineer; and Harold Roatch, county bridge foreman. Wells is former Kalispell district highway maintenance engineer.

Biggest single losses are the Blankenship Bridge and a section of the bridge at Polebridge. There are several bridges out on Spring Creek, and in the Helena Flats and LaSalle areas.

Replacement of county roads and bridges damaged by flood apparently will qualify for Federal grants under the provisions of the disaster area.

Wells came to the Flathead at the request of the U.S. Corps of Engineers. Wells is covering four other disaster counties.

The commissioners took Dr. Johnson from Whitefish to park headquarters to give typhoid shots.

The group traveled by Air Force helicopter covering the Flathead damage area in about 4 hours.

[From the Columbia Falls (Mont.) Hungry Horse News, June 13, 1964]

RIPS BRIDGE

BIG CREEK.—Floodwaters of the North Fork ripped out the bridge just north of the border, tore out the west portion of the bridge at Polebridge, and swept the Blankenship Bridge downstream.

Sections of the North Fork Road near Big Creek were washed out, and a detour through the ranger station is in use.

Additional slides are taking place. Road is open only to light traffic, and motorists should expect periods when the road will be blocked.

There are also reports coming in of closed side roads such as a bridge out on the Coal Creek Road and a 150-foot slide on Whale Creek Road.

[From the Columbia Falls (Mont.) Hungry Horse News, June 13, 1964]

GREAT NORTHERN REPAIRING TRACKS

Repair of the flood-ravaged Great Northern mainline is underway. Morrison-Knudson is moving construction crews in

A crew started bringing in rock ballast to repair a 400-foot-long washout in Bad Rock Canyon Wednesday evening. The washout is over 100 feet deep.

Royal Logging Co. equipment as well as Great Northern machinery is being used, and the work is continuing round the clock. Balance of the track to West Glacier is open for traffic.

Otto Fisher, assistant division superintendent, told the Hungry Horse News that Great Northern surveys of damage were in progress.

President John M. Budd and T. A. Jerrow, vice president in charge of operations, and C. M. Rasmussen, general manager of lines west, are in the area.

Nearly all of the mainline track between West Glacier and Nyack (Red Eagle) was washed out. What track is left looks like a picket fence over the lowered stream.

The Green Co., Inc., that was crushing ballast at Pinnacle, is putting its equipment to work repairing the grade. There are two Great Northern freights at Essex and a helper engine crew.

A Great Northern work train is starting to repair damaged track from the East Glacier end.

Fisher estimated that it will be at least 3 weeks before through trains will be running across the divide.

First washouts were east of Essex Monday morning. They were over 100 feet deep.

[From the Columbia Falls (Mont.) Hungry Horse News, June 13, 1964]

LIST FLOODED FAMILIES

(By Mrs. Gladys Shay)

The neighborly spirit is noted in checking reports of the flood area. Strangers have offered to assist and help in any way they can. Families who have lost everything are thankful neighboring homes are not as badly damaged.

As one man commented, "People have been wonderful. It is something you just do not think about until something like this happens."

The following report of the Red Bridge area was given Wednesday evening.

Mr. and Mrs. Steve Anderson and three children took their trailer to Missoula, but stored furniture in their home near the Red Bridge. Interior damage is not known.

Serious water damage is reported to the following homes: Mr. and Mrs. T. S. Carter, Julius Christman, Mrs. "Grandma" Christman with water almost to the roof.

Mr. and Mrs. Fred Christman and daughter; Mr. and Mrs. Lloyd Dempsey and two children.

Mr. and Mrs. Art Lennick and three children; Albert Olson, Mr. and Mrs. Loren Stapley and son; and the Ernie Vitt home.

The home of Mr. and Mrs. Helmuth Christman and two children was demolished. Mr. and Mrs. Fred Fowler and two children lost their home completely as it floated down the river. The roof was sighted south of the airport. Fred returned to the homesite Wednesday and found one ashtray remained.

The cabin of Lawrence Lodahl near the Fowler home was gone. He had been home from eastern Montana just 20 minutes when the area was evacuated.

Mr. and Mrs. Henry Rahn have extensive damage to their home and lost "a heap of chickens" in the flood.

FREEZER INTACT

Mr. and Mrs. Frank Allen's home has extensive damage with water to the eaves, smashed picture windows, and battered interior and exterior. The Allens had a locked deep freeze in a locked garage. Wednesday they found the chest-type freezer near the Rahn property. The freezer was still locked, meat frozen and food intact.

New homes of Mr. and Mrs. Les Anderson and Mr. and Mrs. Don Loveall were among those not damaged.

The Red Bridge area residents were aware of flood dangers. However, within minutes the water swerved behind homes, rose 18 inches, and community members pushed and drove cars to evacuate the area.

Several families walked away from homes around midnight, Monday. Basements, pumps and garages were damaged. This included Mr. and Mrs. Phil Bertelsen and two children; Mr. and Mrs. Lyve Overton and son; Mr. and Mrs. "Hap" Wright; Mr. and Mrs. Louis Sind and three sons; Mr. and Mrs. Hugh Speer and three children and Mrs. Peterson.

The home of Dr. and Mrs. H. J. Avrutis north of the Silver Bridge was flooded to the eaves.

MOVE TRAILERS

Monday's midnight found all homes east of Columbia Falls along Highway 40 with lights on. Traffic of house trailers being moved from Highway 40 Trailer Court and pickups of furniture and cars of people presented an almost eerie and unbelievable flow of traffic.

There is extensive water and mud damage to the homes of the following: Mr. and Mrs. Orville Alexander, Mr. and Mrs. Ted Aaberg, Mr. and Mrs. John Farley and two daughters; Mr. and Mrs. George Hill and three children.

Mr. and Mrs. Jack Jarrett and daughter; Mr. and Mrs. H. O. Sallee. Mr. and Mrs. James Ellman and four children had a lot of water in the basement of their home but the main floor was undamaged. The Ellman family home in Columbia Falls burned to the ground just 3 years ago and they purchased their new home near the Flathead River.

Mr. and Mrs. A. P. Spencer and two sons evacuated their home at River 40 Trailer Court. Water covered the floor about a foot. Most furniture was in.

House trailers owned by the following were removed: Mr. and Mrs. Bureau; Mr. and Mrs. Don Crosswhite and three children; Mr. and Mrs. Bob Calbick and two children; Mr. and Mrs. Jim Clark; Mr. Eiseman, Mr. and Mrs. Egnash, Mr. and Mrs. Jack Gore, Bill Hagestad, Mrs. Winnie Johnson, Mr. and Mrs. Leonard Landa and two children, Lee Longfield and Arthur Benton.

Mr. and Mrs. Len Pulver and Mr. and Mrs. Yerrian and four children. The trailer home of Mr. and Mrs. H. H. Reiten remained high and dry and was not removed.

Damage was reported by Mr. and Mrs. George Barwise and Mr. and Mrs. R. J. Fernbaugh and son. Their homes are just south of the Silver Bridge.

Residing just north of the Silver Bridge are Mr. and Mrs. Charles Baxter, Mr. and Mrs. John Lortie and Mr. and Mrs. Pete Sprunger and family. They evacuated and wells were damaged.

FULL BASEMENTS

"Full basements" almost to the first floor level were reported at the homes of Mr. and Mrs. Carl Daniels and Mr. and Mrs. Don Doane and family.

Other homes in the Silver Bridge to Columbia Heights area include the residence of Mr. and Mrs. Amos Hellman with about 1½ feet of water in their home. There was water around the residence of Mr. and Mrs. Jack Herzog and family.

Mr. and Mrs. Bud Ellman and sons had water in their basement.

Nucleus Avenue continues south almost to the Flathead River. The flood waters did considerable damage to the homes of Mr. and Mrs. Marvin Lund and family, Mr. and Mrs. Roy Lindsay, Mr. and Mrs. Max Ogle and family, and Mr. and Mrs. Ralph Robinson and son.

Basements for the new homes of Mr. and Mrs. Jack Chapin and family, Mr. and Mrs. Ralph Larson and family, were destroyed.

Not affected were the homes of Dr. and Mrs. John Kurta and children; Mrs. Ethel Lenon, Mr. and Mrs. Bob Marantette and family, and Mr. and Mrs. Bob Smith.

Homes full of water and muddy furniture is report from "the Flat" area in Columbia Falls.

Families affected are as follows: Mr. and Mrs. Wendell Amundson and children; Mr. and Mrs. James Allen; Mr. and Mrs. Leslie Blood; Mr. and Mrs. John Brownback.

Mr. and Mrs. Roy Countryman, Sr.; Mr. and Mrs. Bill Gress, Sr., and family; Mr. and Mrs. Richard Green and children; Mr. and Mrs. Melvin Grigg and children.

Mrs. Celestine Grigg and son; Mr. and Mrs. William Hart and family; Mr. and Mrs. Oscar Hagen; Mr. and Mrs. Jack Hilling and family.

Mrs. Otto Johnson, Mr. and Mrs. Chester Jackson, Mr. and Mrs. Carl Larson, Mr. and Mrs. Art Lyngstad and family; Mr. and Mrs. L. W. McNeil.

Mrs. Cora McNeil, Mrs. Wesseno Morris, Allie Olson, Mr. and Mrs. Robert Pontel, Mr. and Mrs. D. K. Roundy and family; Mr. and Mrs. LeRoy Rabideau and family.

Mrs. Mary Stevens and son, Roy Stevens; Mr. and Mrs. Urval Wyman and family.

Mr. and Mrs. Leo Smith had just moved from the home owned by Frank Allen. The home of Mrs. Byrd Fenholt has been vacant since her death.

Mr. and Mrs. George Keck, Sr., and family lost their flooded home in a fire Monday night.

THREE HOMES LOST

Three families are completely homeless as a result of the flood. The Fred Fowler home was swept down the river; the Helmuth Christman residence demolished; and the George Keck, Sr., home burned.

Of the 57 families whose homes have been evacuated, there are those who are uncertain of future plans. The Henry Rahn home is filled with water and large logs are strewn around the residence. Mrs. Rahn stated

they did find 10 live chickens Wednesday—all that remained of hundreds.

Two future homes were destroyed—the basements of the Jack Chapin and Ralph Larson residences. The Chapins had planned to move from their North Fork home and the Larsons are Martin City residents.

At least 10 families had basements full of water which affected heating systems, hot water tanks, canned food supplies, and the usual extra furniture, and boxes of homemakers. Some of these residents left their homes during the night, Monday, fearing dangers of rising water.

There were 13 trailers moved from Route 40 Trailer Court. As one owner commented, "we still have our home and possessions, although we have to look for a new trailer site."

Mrs. Mary Stevens, resident of "the Flat," had never realized the water would reach her small home where she resides with a son, Roy. She had just finished wallpapering the kitchen and rolls of wallpaper for the other room is a soggy mess. Mrs. Stevens was proud of her new mattress—and learned it was floating in the house. She mentioned sheds that had floated away.

Mr. and Mrs. Marvin Lund and family lived in a trailer while building their new home several blocks from the river. Mrs. Lund has been active in the VFW auxiliary in helping provide lunches for Flathead Rescue and Lifesaving Association members. This flood saw them leave their newly completed home.

Mrs. "Tina" Grigg was going to have her furniture taken from her home on the Flat—but didn't.

Mr. and Mrs. R. J. Fernbaugh's new rug was a "squishy" floor covering when Mrs. Fernbaugh returned to their home in hip boots the next day.

Mr. and Mrs. Fred Fowler and family moved valuables to the upstairs of their home south of the river. They watched the river closely. A neighbor, Mrs. Frank Allen, telephoned and said they had all better leave. The Allens came by way of the Fowlers, and they evacuated with only "the clothes on their back." The river had come in from behind the Fowler home. The home went down the river.

The Hungry Horse News would appreciate any further information. A careful check has been made, but in case of error, please notify.

Our thanks to Police Chief Darvin Lundstrom, who was assisted by Deputy Sheriff Les Darling, in helping compile this list. Also to the others who have helped.

[From the Hungry Horse News, June 13, 1964]

DESCRIBES FLOOD HAVOC IN FLATHEAD

(By Larry Stem)

The battered Flathead area, wrung out after 48 hours of pounding from a record-shattering flood, is wringing itself out and taking rolled-up sleeves into the first step to a normal life.

If the Flathead could have a banner, it would be soppy and mud stained, proclaiming no casualties, no missing persons, no injuries from this major disaster.

What the Flathead faced for that 48 hours is summed up in the evaluation of the Corps of Engineers which set the figures that will likely stand for years to come, a flood crest of 26 feet at Columbia Falls reached at 11:30 a.m. Tuesday

BREAKS 1894 RECORD

The official calculation is 6.3 feet higher than the 60-year-old previous record, 19.7 flood feet, established in 1894. Engineers estimated the flow out of Bad Rock Canyon was definitely in excess of 150,000 cubic feet per second, another flood record.

Stanley Halvorson, vice chairman of the Montana Highway Commission, has come up with the first glimpse of the staggering and costly task that lies ahead of the Flathead in its return to former status.

Following an aerial survey of the Middle Fork "greased chute" Canyon, Halvorson said, "What you see staggers the imagination. You have to see it for yourself, from the air, to understand it. There's 20 miles of highway gone. The Middle Fork River channel and the Highway 2 roadbed have swapped positions. Before any reconstruction work can be started the river is going to have to be rechanneled so roadwork can begin.

"The Walton Bridge will have to be replaced. It's impossible to put any financial figure on the cost except to say millions. The very earliest anything can be open for traffic across the Continental Divide will be 'sometime this summer.' The commission will be making immediate application for disaster funds from the Federal Government to carry out this work.

COVERS BLACK SOIL

Even as Evergreen area residents were returning home, lower valley residents were battling to hold dikes and keep water from spreading out over the richest farmland in the valley. There was also a backup problem from Flathead Lake which reached its full mark at 7 a.m. Wednesday. There were reports of minor flooding over Elm Resort inside Bigfork Bay due to combination of the Swan River and the higher than usual Flathead Lake which Army Engineers estimate will crest at 2,894 feet, a foot higher than the usual summer level.

At Kerr Dam below Polson, floodgates were open wide as they have been since Monday to empty the water downstream as rapidly as possible. Hungry Horse Reservoir crept to within 18 feet of its full storage level which could possibly be reached by this weekend indicating the sense of urgency to prepare for the South Fork runoff.

The Flathead County Health Department has already started typhoid inoculations at clinics in Kalispell and Columbia Falls. Doctors went by helicopter to isolated areas north and east of West Glacier to administer the vaccine. Another helicopter airlifted 750 pounds of food, sufficient supply for a week for the 50 persons stranded at Essex. There was even baby food included.

HELICOPTER WRECKS

Tuesday about 8:30 p.m., a helicopter piloted by Morris "Skip" Pixley crashlanded with its passenger A. W. "Bud" Anderson of Montana Power Co. after the engine conked out. The helicopter was a total loss, and the two men walked away with slight scratches and bruises.

Authorities estimate there are at least 450 homes which will need repairs in one form or another. There are scores more where cleanup will suffice. For some 25 families, they will need new homes to replace ones washed downstream by the flood. Scores of small business firms will have to rebuild. Agriculture damage in the Flathead is estimated at well over $1 million and possibly closer to $2 million.

CATTLE LOST

The Edmiston Land & Cattle Co. reported about 325 out of 400 head in its commercial herd missing, while there were some animals swept downstream from its registered herd.

Other farms are considered as being a total loss, and some may be unfit for agriculture for years to come. Forest Service roads continue to be closed pending clearance of slides.

Typical of many damage scenes was at Jet Oil in the middle of the Evergreen where a jeep parked over underground storage tanks got involved in a "seesaw game" with four tanks of 38,000-gallon capacity. One tank popped up at one end and the jeep slid west. A second tank popped up in Jack Horner fashion. The jeep slid east. The third tank popped up and lodged the jeep against the office building. The big 12,000-gallon tank broke loose, tipped and twisted the building and slid the jeep back west and under one tank.

Spectators in the flood scene reported seeing a small dog on a mattress floating on the floodwater inside one house. A Siamese cat snarled at rising waters in Lake Woodland, originally Woodland Park. A striped black and white cat, polecat that is, left evidence of his presence for hours after it was dispatched at the Woodland Grocery.

Federal and State officials have arrived in the Flathead to confer with local authorities to start the first preliminary planning in the program that leads to the road back. The hectic hours, the gaunt looks on faces, the sick at heart feelings over being driven out by floodwater, seemed to disappear downstream with the flood crest. The wrung-out Flathead is wringing out remaining water in the speedup toward that return to normalcy.

[From the Great Falls Tribune, June 15, 1964]

HUNGRY HORSE HOLDS 96 PERCENT OF FLOW

HUNGRY HORSE.—Tremendous flow of water into the 34-mile-long Hungry Horse Lake took place last week.

The big 564-foot-high concrete dam during Monday peak inflows of 81,000 second-feet kept as much as 96 percent of the South Fork's water from descending on the flood-stricken Flathead Valley.

Inflow that peaked at 81,000, averaged 54,940 second-feet. Discharge at the powerhouse was 3,000 second-feet and was dropped to 500 Tuesday.

Reservoir inflow Thursday was down to 24,475 second-feet.

The big lake is 13 feet from being full. It rose 1.75 feet Sunday, 4.92 feet in 24 hours Monday, 4.97 feet Tuesday, and 2.93 feet Wednesday. Storage totals 3,154,580 acre-feet compared to 3,468,000 when full. It should be full within 10 days.

Mr. SIMPSON subsequently said:

Mr. President, I was very much interested in the statement of the majority leader, the senior Senator from Montana [Mr. MANSFIELD], with respect to the situation in Montana as a result of the great flood in that State. I have had many letters from people in Montana, both friends and relatives, who have been affected by the ravages of the flood. The Governor of the great State of Wyoming has expressed his sympathy to the people of Montana and to their Governor.

RIGHTS BILL WILL INSURE NO INDIVIDUAL FREEDOMS

Mr. HOLLAND. Mr. President, on June 12 there was published in the Florida Times-Union a very fine editorial entitled "Rights Bill Will Insure No Individual Freedoms" written by a highly educated editorial writer. I ask unanimous consent that the editorial be printed at this point in my remarks.

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

RIGHTS BILL WILL INSURE NO INDIVIDUAL FREEDOMS

The celebrations in Virginia today, commemorating the adoption on June 12, 1776, of a Declaration of Rights, give a historical perspective to the now severely curtailed debate on the civil rights issue in Congress.

Many people believe that the Virginia Declaration, drafted by George Mason, was the forerunner of the U.S. Bill of Rights.

Like the Bill of Rights, the Virginia Declaration of Rights was an intellectual and philosophical attempt to insure individual liberty for all men within the framework of law, without imposing undue restrictions on any person, class, or group.

Both early rights efforts aimed at securing intangible benefits through the prohibition to government of certain tangible powers which were reserved to the people. Essentially the bills sought to insure tangible equity before the law and in Government for all individuals without placing any person or class above another.

Contrast the modern civil rights drive with these early historical efforts. Instead of reasoned and intellectual debate and action, the Nation has been treated to anarchy, mob rule, and emotional claptrap which caused a man, twice candidate for U.S. President and an exponent of world law and order, to advocate that young people court prison records through studied disobedience to the law.

This approval of violence has resulted in lawless terror in New York, Chicago, and elsewhere which is made more horrible by its senselessness. The Colonials, at least, sought national self-determination.

Proponents of the civil rights measures have resorted to injunctions rather than legislation in an attempt to regulate individual and collective morals. They have avoided free debate, muzzled the Congress, and shied away from any suggestion of a public referendum at any level, because they know that, unlike the unanimous support for the early bills of rights, the Nation is sharply divided on the issues, tactics, and eventual goals.

President Lyndon Johnson is quoted as saying that once the civil rights bill is adopted, "There will still remain the eradication of prejudice in people's minds and homes." Thus revealed is the new bill's aim: regulation of personal thought, values, and standards, rather than the impersonal assurance of individual intellectual, social, and political freedom.

Mr. HOLLAND. I call attention to two paragraphs in that editorial which read as follows:

Contrast the modern civil rights drive with these early historical efforts. Instead of reasoned and intellectual debate and action, the Nation has been treated to anarchy, mob rule, and emotional claptrap which caused a man, twice candidate for U.S. President and an exponent of world law and order, to advocate that young people court prison records through studied disobedience to the law.

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THE ORGANIZATION OF THE ENVIRONMENTAL SCIENCES IN THE FEDERAL GOVERNMENT — DR. ROBERT M. WHITE, CHIEF OF THE U.S. WEATHER BUREAU

Mr. RIBICOFF. Mr. President, last year President Kennedy appointed Dr. Robert M. White, then president of Travelers Research Center in Hartford, Conn., to be the new Chief of the U.S. Weather Bureau, the first new Chief, I might add, in 25 years. Dr. White is one of the Nation's ablest young scientists and administrators, and it gave me great pleasure to endorse his appointment.

Dr. White was sworn in as Chief of the Weather Bureau on October 1, 1963. Since then he has been concerned with a series of important scientific and technological problems. They have involved such matters as the basic nature of our meteorological services, the organizational structure of the Weather Bureau, and the meteorological satellite. He has also been much concerned with how we have organized the physical environmental sciences in the Federal Government—whether they should continue to be dispersed among a wide variety of Federal departments and agencies, as they now are, or whether there should be greater integration of the Federal activities in these sciences. In a speech delivered in Washington earlier this year before a joint dinner of the American Geophysical Union and the American Meteorological Society, he addressed himself at some length to this important subject. He discussed the need for new organizational forms in the physical environmental sciences that would give us the advantages of both dispersal and integration. His ultimate concern was with how we may improve the planning and management of our scientific and technological programs in these sciences, how we may insure that our immediate scientific and technological problems receive immediate attention and that our long-range problems are clearly identified, and how we may make the best use of the Federal science-technology dollar.

As a member of the Subcommittee on Reorganization of the Committee on Government Operations, I have for some time now been studying how the Federal Government organizes some of its scientific and technological activities in the field of environmental hazards and how better forms of organization may be developed. Dr. White has made a significant contribution to my study. His speech has no quick and easy answers, only difficult questions. But they are important questions, for the problems they raise must be solved if man is ever to understand and master his natural physical environment.

Mr. President, I ask unanimous consent that the full text be printed in the RECORD.

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

THE ORGANIZATION OF THE ENVIRONMENTAL SCIENCES IN THE FEDERAL GOVERNMENT

(Address by Dr. Robert M. White, Chief of the U.S. Weather Bureau, Department of Commerce, prepared for delivery before the Joint American Meteorological Society-American Geophysical Union banquet at Presidential Arms, Washington, D.C., April 23, 1964)

Dr. Berkner, Dr. Malone, Mr. Thompson, guests at the head table, ladies and gentlemen. I have now been Chief or the U.S. Weather Bureau for almost 7 months. They have been very exciting months, at times almost hectic. Nature does not give a new Chief a breathing space, and I have already had to deal with my fair share of her calamities. I have had to learn how the governmental process works—with its channels of review leading ultimately to the White House, its interagency coordinating committees, and its congressional check on executive action.

The process is far more complex than I had thought, and rightly so if we bear in mind the far-reaching effects of governmental spending and governmental decisions. I have had to familiarize myself with our country's vast network of weather facilities. At the same time, I feel as though I have been in training to become an astronaut. The development of the space vehicle, with its ability to observe the atmosphere in any part of the globe, excites us all with its vast potential, and I have had to immerse myself in the problems of meteorological satellites.

All these are significant matters, each in its own way, and they have crowded my days. But ordinary life must also go on, and my concern has also been with our day-to-day weather services. As a matter of fact, such concerns are almost inescapable. One day this past winter, for example, I received a telephone call from a citrus grower in Phoenix, Ariz. Now, it is not unusual for me to receive a call from a citizen, but not at my home, from the opposite end of the continent, and at 3 o'clock in the morning. The caller was irate, to put it mildly, because the telephone line to our local weather office was continually busy and he could not get a temperature forecast. In no uncertain terms, he told me what he thought about a weather service that was established to serve the public and yet maintained only one telephone line into a local weather station. He said he was calling me because he wanted to make an impression on me. He was sure I would never forget his problem if he called me at that unearthly hour. He's right—I haven't forgotten his problem—I don't think I ever will. Nor will my wife.

Natural calamities, decisionmaking on critical scientific and service programs, meteorological satellites, the Weather Bureau's network of services—these are the kinds of problems about which I have been thinking since I became Chief of the Bureau, to see how we may increase our knowledge and improve the Bureau's services.

But another matter has also been occupying my thoughts since I became Chief, and perhaps it underlies all the others. It is the problem of how we have organized our geophysical or environmental scientific, engineering, and service activities in this country, particularly in the Federal Government. Have we organized ourselves so that we can attack the problems of man's natural environment effectively? And will our present organizational forms prove adequate to the tasks of the years that lie ahead? I know that the two societies here tonight—the American Geophysical Union and the American Meteorological Society—are also concerned with this problem, and I should like to take advantage of your presence to talk a bit about it. I do not have answers—but I do have some questions to pose.

It is obvious that the environmental sciences are today big science. They have become fashionable. I do not mean the word pejoratively. It is simply that there are so many academic institutions and Government agencies that are initiating or thinking of initiating programs of some sort in the environmental sciences.

We can see just how big the environmental sciences have become by looking at the present Federal budget. In the current fiscal year the Federal Government will spend approximately $700 million in the area of the environmental sciences, in research, engineering, and the provision of services. And this figure does not include the money that is being spent in the space and geological

sciences. Moreover, the growth of Federal expenditures for environmental scientific activities has been particularly rapid over the past few years. In the 5-year period from 1958 to 1963, for example, the Federal budget for oceanography has grown from $24 to $124 million—a fivefold to sixfold increase.

The growth in Federal expenditures in the environmental sciences attests our national concern with the array of problems that arise out of the endless interactions between the activities of man and his total physical environment. The increasing growth of our population, the increasing urbanization of our country, the increasing industrialization of our economy, and the increasing concentration and complexity of that industrialization have imposed unprecedented demands on our environment. We are becoming concerned with the capacity of our water resources, our earth, and our air to sustain us. And as our demands increase, so also does the rate at which we spoil and use up our enviromental resources. Our air and our rivers are being polluted, and our water is being drained off faster than it is being replaced. We require greater understanding of our environment and an ability to predict the consequences of natural or manmade effects if we are to learn to manage and control these resources.

Man has always had to contend with hurricanes, tornadoes, seismic sea wave, floods, earthquakes, and the like. His scientific, technological, and social advances have now brought him face to face with new environmental hazards. I am thinking of communications blackouts, the effects of atmospheric turbulence on high-speed aircraft, radioactive fallout, and radiation in space. We are also more sensitive to environmental hazards, both old and new. Our cities, our economic organizations, and our governmental agencies have become highly concentrated and very complex organisms. And they are highly interdependent. Under these circumstances, a natural catastrophe can be more than a local event.

The past few years have seen not only a soaring Federal science and technology budget in all the scientific disciplines—but also increasing scrutiny of that budget and of the relative priorities of competing scientific programs, both by Congress and within the executive branch. There is a growing concern that full value be received for every Federal dollar spent on scientific and technological activities. All this comes at a time when we in the environmental sciences have just begun to appreciate the full scope of the challenges ahead of us and of the costs of meeting these challenges. And so it seems to me that now is the proper time to examine our institutions—to take stock of where we are and to set a course for the future that will enable us to achieve our scientific goals, and with them a host of new social and economic benefits.

I think no one here would dispute the scientific unity of the geophysical or environmental sciences, that we may speak of them as a scientifically meaningful collection of disciplines. The American Geophysical Union is in fact built on this view, and the Union's vitality and growth over the years is for me standing evidence that man's environment must be considered as a whole rather than as a collection of separate and distinct fields of interest. To understand oceanic conditions, we must be able to describe and understand the interactions between the oceans and atmosphere. And the problems of stream flow and water supply depend for solution on our ability to describe and understand the atmospheric phases of the hydrologic cycle.

The universities have also recognized the scientific unity of the geophysical sciences. In some instances they have formed new institutes bringing together scientists from the various environmental disciplines—for example, the Center for Earth Sciences at the Massachusetts Institute of Technology, the newly proposed School for Environmental and Planetary Sciences at the University of Miami, and the Department of Geophysics at the University of Chicago. In other instances there is a looser association among scientists of the environmental disciplines. But in each instance there is an awareness that the problems with which these scientists are concerned, while seemingly diverse, are very much interrelated.

The scientific unity of the geophysical sciences has not, of course, been the sole motivation for association within the university community. The formation of interdisciplinary institutes may also be taken as a response to some of the more compelling problems we now face. These problems are so complex that they can only be solved through the cooperation of a number of disciplines. Each contributes its particular insight; together they focus on the totality of man's environment. Take the problems created by the splitting of the atom—such as the selection of a site for an atomic powerplant, the disposal of radioactive waste, or warning of and protection against fallout. Or take the problems of air pollution and water pollution, of organizing our urban and industrial lives so that they are in harmony with our environment rather than its destroyer. Or take the problem of establishing a rapid, accurate, organized warning system for all environmental hazards. They all require a multidisciplinary approach.

When we look at the way in which the Federal Government has organized its work in the environmental sciences, we find none of the linking of disciplines that we find in the scientific and academic worlds. What we find instead is that a number of Federal departments and agencies have an interest in one or another aspect of the geophysical sciences, and each is actively engaged in providing services or undertaking research. There is interagency coordination, but the various disciplines that make up the geophysical sciences have not been brought together except in one or two rare instances.

And yet some governments have brought them together. In Japan, for example, the Meteorological Agency takes meteorological, seismological, volcanic, oceanographic, terrestrial-magnetic observations, and it arranges for the issuance of all data. It is also responsible for national environmental hazard warnings, and it provides Tsunami warnings and information on the tides. In the Netherlands, the Meteorological Institute is active not only in meteorology and climatology, but also in oceanography and geomagnetism, in seismology and the investigation of the ionosphere. The Soviet Union has also organized its research and service activities in the environmental sciences quite differently than we have. They place problems related to hydrology, oceanography, and meteorology in a single organization.

Is this the road that we should follow? I think here we must ask what is to be gained by changing things. Only organizational purity? Or will a substantive scientific or other purpose be served? And we must also ask what we will lose because there can be no doubt that the present organization of our environmental scientific activities in the Federal Government meets certain definite needs.

I said a moment ago that a number of Federal departments and agencies have an interest in one aspect or another of the environmental sciences. Let us look at them. The Department of Defense is concerned with the environment as it affects military operations and the national defense. The Department of Health, Education, and Welfare is concerned with the impact of the environment on the human system and with the health hazards that result from contamination of the environment. The Department of Interior is interested in those aspects of the environment which affect the quantity of our natural resources. The Department of Agriculture is concerned with the effect of the environment on the productivity of the land. The National Aeronautics and Space Administration is interested in outer space and in the exploration of the lower atmosphere and the oceans by space vehicles. The Atomic Energy Commission is interested in the capacity of the earth, the water, the air, and space to contain, absorb, diffuse, and transport radioactive materials. The Federal Aviation Agency is interested in the atmospheric environment as it affects the safety of air traffic, and the efficient management of our airspace. The National Science Foundation is interested, of course, in the support of basic research and education in all the sciences. Finally, there is the Department for which I work—the Department of Commerce. My Department has as one of its primary responsibilities the duty of providing general weather forecasts and warnings of environmental hazards.

Moreover, within many of the Federal departments and agencies I have mentioned, there may be more than one bureau or subagency with a direct interest in one aspect or another of the environment. In the Department of Commerce, for example, the Weather Bureau, the Coast and Geodetic Survey, and the Central Radio Propagation Laboratory of the National Bureau of Standards are all directly involved in the detailed description, analysis, and prediction of aspects of the physical environment. They are active in the fields of seismology, oceanography, meteorology, hydrology, aeronomy, geodesy, geomagnetism, and solar physics.

Now, there is a logic in this dispersal of environmental scientific and technological activities. Each of the departments and agencies, bureaus and subagencies presently involved in one aspect or another of the environmental sciences has particular statutory responsibilities, a particular mission. Each is concerned with very particular and very important problems. Each needs environmental information to perform its missions—whether they be to insure the national defense, to provide weather information to the general public, or to support the quest for basic scientific knowledge and the education of new scientists. And each knows which is the squeaky wheel that needs the grease. I said a moment ago that it is the stimulus of a common problem that often brings different scientific disciplines together. We should not forget that the prodder is often an agency or group concerned with a particular problem.

In a remarkable and famous lecture which he delivered at the University of Buffalo in October 1958, Dr. Berkner had much to say against the dispersal of scientific and technological activities in the Federal Government. He called for extensive integration of these activities and for more thorough policy planning at the White House level. Many of his recommendations have since come into being. The present Federal Council for Science and Technology, which is an advisory committee made up of the science heads of the major Federal departments and agencies under the chairmanship of the President's Special Assistant for Science and Technology, is a notable example. But many of Dr. Berkner's concerns about dispersal are still with us.

He was concerned, for example, that scientific activities would receive attention only if they were crucial to an agency's primary missions. If they were not, they would be submerged. He was also concerned that concentration of the squeaky wheel might blind an agency to what are the truly significant long-range scientific problems. And he was concerned that dispersal would mean haphazard planning and management of the scientific and tech-

nological activities of the Federal Government.

As Federal spending for science and technology has soared, a fresh concern has been created—how we may perform the scientific and technological activities of the Federal Government most economically. The economic factor may well be crucial in how we organize these activities, at least if we are to do all the things that we want to do. And so I would like to dwell for a moment or two on this economic problem.

The environmental sciences are global in concept and in fact. This global aspect poses critical problems for the acquisition of data. In oceanography, our ability to observe the system is at best primitive. In meteorology, our ability to observe is better, but it is restricted to the inhabited areas of the world. Any real progress in the atmospheric and oceanographic sciences will obviously depend on our ability to obtain worldwide observations on proper time and space scales.

We are now developing revolutionary new methods of acquiring global information about our environment. The space satellite, although still in its embryonic state, offers a potential for acquiring environmental information over the entire globe in a manner hitherto unimaginable. However, satellites are extremely costly, and their cost will require that a system be devised for multiple uses. A satellite observational system for environmental purposes will have to serve navigational and geodetic functions, make observations of the weather, probe the oceans, and sound the ionosphere.

Any observational platform should be put to multiple uses if it is expensive to build and operate. I am thinking not only of space satellites, but also of ships and aircraft. We can no longer ignore the necessity of using expensive platforms to collect data for many geophysical purposes. The concept of an oceanographic survey without a simultaneous atmospheric survey must be abandoned by force of economics alone.

The same argument applies if we speak of communications or data processing. The present worldwide communications system required for the rapid collection and dissemination of meteorological data is one of the largest and most complex man has devised. We will not be able to afford several such systems for the communication of environmental data. And the analysis and processing of these data, which frequently involve common procedures, will require greater common use of computers.

There is another critical area in which the environmental sciences must act in common. I am speaking now of the need for a general, unified warning system for natural environmental hazards. Earlier, I mentioned the sensitivity of our highly developed society to the cataclysmic wrenchings of nature. A catastrophe like the Alaskan earthquake provides an ample demonstration. When power is lost, fuel unavailable, water supplies contaminated, and waste disposal systems inactivated, our modern society is prostrate.

Hurricanes, tornadoes, tidal waves, and earthquakes have increasingly become an Achilles' heel of our modern industrial society, and nature's arrows occur with such frequency and are distributed over so wide an area that the need for an extensive warning system is evident. But we cannot afford to develop and operate several such systems.

The concerns I have been talking about—the high cost of science and technology and the problems raised by Dr. Berkner in his 1958 lecture—stem, as I indicated earlier, from the dispersal of the scientific and technological activities of the Federal Government among a number of different departments and agencies. In the geophysical sciences this dispersal is more extensive than many of you may appreciate. Some 25 agencies of the Federal Government are active in water resources research; some 15, in oceanography; and some 13, in the atmospheric sciences. When the Federal Council for Science and Technology was established, it saw that it must bring these agencies closer together, and it established an Interdepartmental Committee for Atmospheric Sciences, an Interagency Committee on Oceanography, and a Committee on Water Resources Research. These committees permit their member agencies to talk to each other, to cooperate, to coordinate their activities, and to eliminate duplicative effort. These committees work very well on the whole, particularly if we bear in mind the number of agencies each embraces. But they are not the only instruments for bringing about agreement among the Federal agencies in the areas which they cover.

And so the Federal Government has begun to develop and experiment with new organizational forms. Last November, for example, in my own field, the Bureau of the Budget—and I would remind you that the Bureau of the Budget is an arm of the Executive Office of the President—issued a circular governing the manner in which all Federal meteorological services and supporting research would be planned and coordinated. The circular provided that a single agency—in this case the Department of Commerce—should develop a comprehensive Federal plan for these activities and be responsible for their coordination. It also provided that the Department of Commerce should furnish all basic meteorological services and supporting research, which are to be available to all agencies that need them, and should furnish specialized services to other agencies where it is economically feasible to do so. Where specialized services are concerned, the user agency would, of course, specify its requirements and would make the necessary funds available. What the circular attempts to do, in a sense, is to establish the Department of Commerce as a sort of meteorological services supermarket for all Federal agencies. The full effect of the circular has yet to be felt, and it is certainly too soon to evaluate its efficacy. But it is my hope—and I have been designated the Federal Meteorological Coordinator under the circular—that it will secure the advantages of greater unity in the providing of meteorological services and supporting research, sounder planning, and management and savings in costs, while retaining the dynamism of user agencies with urgent and practical stakes in meteorology.

The problem of devising organizational forms that will permit both the proper pursuit of knowledge and the efficient provision of services is a real one at any level of government. With the Department of Commerce there are now three large, semiautonomous agencies engaged in the conduct of research and the provision of services related to the environment. We should not engage in organizational exercises for their own sake, but we must find out what are the penalties and rewards of closer integration of the activities of those agencies. And so we are now taking steps to enter into joint programs in certain areas. The Weather Bureau and the Coast and Geodetic Survey are developing a joint laboratory to study air-sea interaction problems, to bring the expertise of both the meteorologist and the oceanographer to bear on the problems of the ocean-atmosphere interface. And the Weather Bureau and the Central Radio Propagation Laboratory are establishing a joint group at Boulder, Colo., to work on problems of space weather forecasting. These are purely intradepartmental ventures. They are hesitant but hopeful steps. However, they are probably insufficient for the resolution of the dilemma that we in the United States face: How may we organize the environmental, scientific, and technological activities of the Federal Government so that we may have the benefits of integration—sound planning and management of programs, the best use of the science and technology dollar, an awareness of significant long-range problems, and an understanding of the relative value of the entire range of environmental scientific and technological activities—without hampering the ability of an agency to perform its primary missions and without sacrificing the ability to concentrate on immediate crucial problems that dispersal gives us?

This is a critical matter, and one which deserves widespread debate and open discussion. The time is now when we must confront and solve this problem if we are to realize the magnificent opportunities that lie ahead to provide mankind with an understanding of his natural physical environment, with the methodology and technology for its conservation and management, and with the comprehensive warning apparatus required to protect him against nature's calamities.

REMARKS BY MAYOR ROBERT F. WAGNER AT "I AM AN AMERICAN DAY" CEREMONIES

Mr. HART. Mr. President, several days ago the mayor of New York, Hon. Robert F. Wagner, spoke at ceremonies to honor newly naturalized citizens and first voters. He noted especially the recent Supreme Court decision which holds "that no distinction can be made between naturalized and native-born American citizens with regard to their right to go abroad, whether they want to reside temporarily or permanently in the country of their birth."

At another point he said:

We hear a great deal about rights these days, civil and otherwise. And we should. One of the major rights of citizenship is the right to participate in the principal decisions of government through the ballot box. That is a precious right. In fact, it is an important responsibility to exercise that right, even when it is personally inconvenient to do so. To vote is a duty to one's country, State, and city.

Hopefully, this is remembered by all of our citizens in this election year.

Mr. President, I ask unanimous consent that the address by Mayor Wagner be made a part of my remarks at this point in the RECORD.

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

REMARKS BY MAYOR ROBERT F. WAGNER AT "I AM AN AMERICAN DAY" CEREMONIES

We are gathered here to celebrate "I Am an American Day," which was initiated 25 years ago by the city of New York in cooperation with the New York Journal-American.

We honor today hundreds of newly naturalized citizens and also first voters, and it is inspiring to see this demonstration of thousands of Americans reaffirming their faith in our country.

The founders of this Republic planned a government of the people, by the people, and for the people * * * built on the solid rock of freedom and justice for all. This plan has never been altered. We can look around us at many other nations where, under totalitarian rule, violent upheaval constantly threatens. With all our problems, ours is the most stable government in the world today.

We proudly welcome all those gathered here who have sought and obtained the privileges of citizenship and full membership in our free and democratic society, with all the rights and responsibilities that go with such citizenship.

We hear a great deal about rights these days, civil and otherwise. And we should. One of the major rights of citizenship is the right to participate in the principal decisions of government through the ballot box. That is a precious right. In fact, it is an important responsibility to exercise that right, even when it is personally inconvenient to do so. To vote is a duty to one's country, State, and city.

Today in some parts of our own country a struggle is necessary in order to secure for all citizens equally the right to vote. Here in New York City our constant effort is to induce each American citizen to exercise his right to vote, and to come to the polls on election day.

Many if not most Americans take their citizenship for granted. I hope that none of you do. Last Monday the Supreme Court of the United States handed down an historic decision, holding that no distinction can be made between naturalized and native born American citizens with regard to their right to go abroad—whether they want to reside temporarily or permanently in the country of their birth. In my judgment, this decision ranks in importance with the historic Supreme Court decision on the segregation of schools.

I have been urging for a long time that the McCarran-Walter Act should be amended to remove this distinction which gave the stigma of second-class citizenship to our naturalized citizens.

Now the Supreme Court has acted and rendered legislative action unnecessary. This was a great decision. We may well include the celebration of this decision on the occasion of "I Am an American Day."

A moment ago I spoke of the responsibility as well as the right to vote. New citizens and first voters assume other responsibilities, too.

Perhaps the most important of all of these is a share in the burden of the national responsibility to help insure peace, freedom and justice throughout the world. Today America is the leader of the free world. Our country is the sword and shield of the cause of freedom everywhere. Each citizen assumes a proportionate share of the responsibility for the cost and consequences of this role.

The decisions made by our country affect the course of events in every country, in every continent, in every corner of the globe. Your vote and your voice provide the basis of these fateful decisions.

You bear a responsibility not only to your country but also to your city, to your community, and to your neighbors. In a city like New York you are responsible to accommodate your neighbors and they, to you. Each of you must be concerned for your neighbors' personal safety, security, and welfare, whoever they are—and vice versa. Each New Yorker must regard himself as his brother's keeper, and his neighbor's keeper.

You must regard each fellow New Yorker as your neighbor, and each neighbor as your brother. These are my most meaningful words to you on this "I Am an American Day."

Now let me congratulate all of you on your new privileges and responsibilities as citizens and new voters. You now have a share in the heritage of the greatest country in the world. So I say to you: Face the future with faith and confidence in yourselves and in this country of yours and mine. Hold your flag aloft with pride; and may God bless you, and may God bless America.

THE AGREEMENT WITH RUMANIA AND U.S. RELATIONS WITH EASTERN EUROPE

Mr. HART. Mr. President, the United States would be remiss in its duties to the goals of better conditions in Eastern Europe, and its eventual liberation, if we did not prudently take advantage of the currently fluid situation in the Communist bloc.

It is the wise judgment of the present administration, just as it was of the Eisenhower and Kennedy administrations, that the best thing we can do for the peoples of Eastern Europe—short of a liberation war no thoughtful person desires—is to help ease the pressures within their societies by encouraging them to maintain their national identities and to develop their economic independence from the Soviet Union. The recent negotiations and agreement with Rumania follows this course. As the Detroit News said in a recent editorial, this was a "sensible cold war move."

Mr. President, I ask unanimous consent that this editorial from the Detroit News of June 3, 1964, be made a part of my remarks at this point in the RECORD.

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

[From the Detroit (Mich.) News, June 3, 1964]

UNITED STATES-RUMANIA TRADE PACT: SENSIBLE COLD WAR MOVE

Another hole has been driven in the Iron Curtain by the Johnson administration's decision to increase trade with Rumania. And despite the predictable opposition from American elements who want to hew to the cold war line of a decade ago, the move is farsighted and sensible.

Rumania now has won permission to buy most commodities from us without need for export licenses for every item—licenses which have constituted an American form of curtain. Licenses also will be granted for purchase of industrial installations, such as equipment for oil refineries, steel mills, and the petrochemical industry.

Rumania's trade with out allies in West Europe currently is running at about half a billion dollars annually or 35 percent of the nation's total trade. We had the choice of sitting on our hands and bemoaning, for political reasons, the trading enterprise of other nations or getting off the fence and cutting ourselves in on a slice of burgeoning market.

Our current exports to Rumania add up to only 1 percent of that market and our purchases from Rumania even less. There's not a lot we want to buy from Rumania, which would help to balance payments, so we'll finance credits through our Export-Import Bank. It's not a bad risk. Rumania has built up one of the strongest foreign currency reserves among the captive nations.

The Rumanians don't want to buy the equipment the Soviet Union offers and, as a species of latter-day Titoists, they're telling Moscow so. The rift between Moscow and Peiping these days prevents Moscow from wielding the "or else" club Stalin used to brandish.

Rumania's leaders are being ideological opportunists. They are also unique among satellite nations in their industrial enterprise and economic growth rates. We can't expect liberalization from them, but independent nationalism, as with Tito, is a worthwhile alternative.

In daring during an election year to go after the political opportunity and the trade benefits, the administration is to be commended.

The trade agreement and the reciprocal elevation of legations to the status of embassies follows our decision to sign a consular pact with the Soviet Union. The end of the cold war is not in sight, but the ice is breaking up.

There has to be one word of caution. The Kennedy and Johnson administrations have been trying to sell Congress on the idea that communism is not a monolithic conspiracy, as obviously it is no longer, and at times the benefits to be gained by speeding the thaw have been overemphasized.

The danger in that is that flexibility can itself be rated as a new and infallible cold war weapon capable of breaking up Stalin's old empire. We'd be wise to stop playing that cute little political trick. The Reds aren't stupid and their leaders are not gullible.

If we trade for trade's sake, political advantages to ourselves and the captive nations may follow. To reverse the process and play politics with trade could have the opposite effect.

WYOMING LIVESTOCK GROWERS AND BEEF IMPORTS

Mr. SIMPSON. Mr. President, the Wyoming Stock Growers Association, meeting in annual convention at Torrington, June 4, was privileged to hear a remarkably salient and cogent address by the group's president, Mr. Joe Watt, of Moorcroft, Wyo.

Seldom have I heard the plight of the livestock man so ably elucidated or the cause of his dilemma so accurately pinpointed. Press treatment of Mr. Watt's address included news and editorial coverage in the June 4 and 5 issues of the Wyoming State Tribune. Editor James Flinchum opened an editorial on the talk with a remark in which I completely concur:

It is our fond, but equally uncertain, hope that every thinking person in the State read the report of the excellent speech made yesterday to the Wyoming Stock Growers Association by its president, Joe Watt * * * what he said had a very important message for every person in the State of Wyoming.

Mr. President, the dilemma of the American livestock producer continues—in the face of political ploys which seem to hold out hope to him in the form of investigations. But, he needs no investigations; he needs relief from imports, as the speech by Mr. Watt makes so clear.

Mr. President, I request unanimous consent that the speech of Mr. Watt and the editorial by James Flinchum be printed in the body of the CONGRESSIONAL RECORD with my remarks.

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

ANNUAL MESSAGE, 1964

(Address of Joe H. Watt, president, Wyoming Stock Growers Association, before annual convention at Torrington, Wyo., June 4, 1964)

I have served as your president for the past year, and it has been a most pleasant experience. I have found wherever I go, stockmen to be interested in our many problems and willing to give their support and money wherever needed. I have called on many individuals and committees for advice and help, and they have driven many miles to be on the job.

I note on the program that my talk is listed as the president's annual address. With your permission, I am going to change it to a report on the problems, and the way we have tried to solve them during the past year.

My first major problem was the selection of a new secretary. Bob Hanesworth, who had been our secretary for the past 13 years, advised me that he would like to continue as editor of Cow Country, but that he wished to retire as active secretary of the association. I appointed Lloyd Van DeBurg as chairman of a committee to select a new secretary. This committee called for applications, and 13 very fine men applied for the job.

Many of these men had their master's degrees from college and would have accepted the position as our secretary at a much lower salary than they were presently receiving. I can't help but be proud of our association when men of this caliber would consider the prestige of working for our association, compensation enough to account for the difference in wages. The Wyoming Stock Growers, after 92 years, still carries much respect by the people of Wyoming and it is our duty to maintain that respect.

As you all know, Dean Prosser was selected secretary. He is the son and grandson of old pioneer families. He has a fine education and he and his sons operate a ranch and feedlot. This qualifies Dean to thoroughly understand all our problems, and he has done an outstanding job as our secretary.

I would like to compliment our office personnel. The three girls are handling our association work, plus all the brand inspection work. Several years back there were four girls handling a much smaller program. To our office staff, a sincere thank you.

We are organizing the work so that it all might be handled through various committees. I have given a great deal of thought in the appointment of committeemen and I have tried to keep them informed of the problems that would come under their committee. It is my hope that at this convention, the committees will continue to be active and will either defend or kill any ideas brought up for their consideration.

I appointed a new committee membership and public relations. This committee has worked hard and has met at different times throughout the year. I am sure you will find in their report some new ideas as to membership dues, selection of committee members, and how we might make our association stronger and more democratic. Our membership for the past 5 years has shown a steady decline, but in the past 6 months, the trend has changed and we have gained 60 new members. I sincerely hope that you will back up the new membership committee's suggestions.

During the past year, Dean or I have tried to attend all local stock growers meetings, bull sales, or any meeting where a group of stockmen might be interested in visiting with us. We have tried to bring their ideas back and incorporate them for the future administration of the association. We feel that we might build our membership by making our organization a little more friendly and democratic, but without changing the overall policies that the Wyoming Stock Growers was built on.

We have organized our brand inspection along the same lines as our other committees. Our seven supervisors in the various areas of the State are the boss of the brand inspectors under them. In most cases they have the right to hire and fire, and to change methods of brand inspection if they see fit. When the supervisors have a problem that they wish advice on, they go to the chief brand inspector, Dean Prosser. If Dean wishes to, he may carry the problem up to the president. We have found very few problems get beyond the supervisors for answers.

This method has given the responsibility to the men in the field, and that is where it belongs.

The brand and theft committee has been kept well posted of all problems concerning brand inspection. They have given good advice, and we have felt our inspection has worked reasonably smooth and efficiently. I will not try to tell you our inspection is perfect. In some areas it is hard to find the proper men, but as a whole, it has been satisfactory. We would like to put a man on in the fall for at least a couple of months to spot check our inspection. We would like to be the first to know how good a grade of inspection we have, and if there are inspectors who should be helped or replaced. Our inspectors are a real fine type of men and are doing a good job. Given a little more time, we will have the best inspection possible.

As you ranchers probably know, the State of Wyoming set up a fund of $100,000 to help start the brand program in 1961. This $100,000 was to be repaid in 5 years time. There was to be a 6-mill levy set up for brand inspection until such time as this money was repaid to the State. After the money has been repaid, we will certify to the State board of equalization the amount of deficit for the previous year as determined by said statement of revenues and expenses. We would like to amend the law by adding just a few words at this point: "And to maintain a reserve balance of approximately $100,000." We desire this amendment so as to provide the brand fund with money to operate on from the time we budget in June until the new taxes are collected. I am pleased to tell you that we have just paid the State the final payment of $50,000, and have a balance left over of $99,000. We are going to ask the legislature to permit us to maintain the reserve we now have.

I wish that I might continue to tell you that everything is rosy, but I'm afraid this is a part of our problems that is very serious.

I think the time has come when you had better punch some new holes in your belt and be prepared to cinch it tight, because conditions are not good, and it is my opinion they may get even rougher.

As of January 1, 1964, we had an inventory of beef cattle of 78,834,000 head. Beef cattle shows an increase of 3¾ million head, or 5 percent over 1962. Dairy cattle have decreased about a million head from 1962. There are 27,654,000 head of dairy cattle. The total of beef and dairy cattle is 106,488,000 head. This is an alltime high number of cattle in the United States. This alltime high cattle number that we have is made up of above average number of cows. In other words, our inventory of cattle is still going to increase. In 1963, as the market began to break, feeders began to hang on to their cattle hoping for a better price, and thereby increasing the tonnage of beef. There is no question that these conditions did create a soft market, but when foreign countries were allowed to export into our country a quantity of beef equal to 11 percent of this alltime high tonnage of beef that we produced, it was bound to break the market severely. Now, many people in our Government and even some of our producers, such as past president of the American National Cattlemen's Association, Jay Taylor, of Texas, say these imports have hurt us but very little. Some say that we need this 11 percent of lean, boned beef, as our markets were not receiving enough of the cow and bull meat to meet this special demand. I maintain that these imports broke our cow and bull market so severely that this type of cattle was held back on the range, and will further increase our inventory of cattle. I do not believe a man has to be an economist to know that 11 percent of any commodity will affect its price. Cattlemen everywhere feel that we are being sold down the river, and have asked that our National Congress set realistic quotas whereby we might have some protection against these excessive imports.

Your secretary has testified in Washington at two hearings on imports.

His testimony showed the importance of the cattle industry to our State, and Nation. He advised the congressional committee that we did not feel the voluntary quotas set by the State Department were fair to our industry, and that we were going to suffer severe losses unless given further protection. He asked that realistic quotas be set on the average of imports of the years 1959–63, and that there be no growth factor until such time as beef shall reach parity price. He also testified while in Washington against any cuts in our present tariff on beef. The American National Cattlemen's Association has had men in Washington on a full-time basis trying to persuade the Government to give our industry some protection. The Hruska amendment to the farm bill which would have given us the needed proctection, was lost by two votes. The two Montana Senators voted against this amendment. Immediately following the killing of this amendment, they came out with bills and statements that the stockmen needed help badly.

Why did they kill this amendment that would have given us protection when they had the opportunity to help us? The fact of the matter is that the powers in Washington could give us this protection at any time they wished to do so. It is my opinion that the majority in Washington are free traders, and that we will get no help.

The Farmers Union has suggested that the Government initiate an incentive payment program of $3 per hundred pounds on sales on cattle at lightweight. This is a scheme to get us to take subsidies. The Government could then step in and set up controls. This is not the kind of help we want, nor will we accept it. The thing we have got to realize is that we are going to have some lean years. We will have to continue our fight for protection against the ruinous high imports; cut our cattle inventory, and voluntarily sell our cattle at lighter weights. By using this method we may maintain our freedom, and in the long run, a much healthier industry.

During the past year, Secretary of Agriculture Orville Freeman endorsed H.R. 7154, which is a bill to permit grazing of the soil bank acres. He made a statement that we would not be able to produce enough feeder cattle by 1970 to feed our population. One cannot help but wonder just what they are thinking. Might it be they would like to see us get into a position whereby we would ask to go on a subsidized program, with the Government controlling our business?

President Johnson sent a group to Europe recently to make a study to see if it was possible to sell more beef there. Last year we exported to Europe one-fifth of 1 percent of the beef and mutton produced in this country. This group reported to President Johnson, upon their return, that there is a shortage of some kinds of beef in Europe, and that U.S. exporters with aggressive salesmenship, had an excellent chance of capturing some of the market. They asked that our Government use whatever resources it has available to help the trade to establish contacts, provide interpreters, dig up better information of the European meat business, pave the way for foreign buyers coming here, etc. The President assured them of full cooperation. The Committee stressed that actual selling is not a job for the Government to do, but should be handled through the U.S. trade channels.

I am sure you have all read about the proposed investigation of chainstores' profit in beef. I have no quarrel with the investigation as such. If there are abuses, they should be exposed and corrected, but I feel that chainstores are doing a good job of promoting and marketing our beef. They handle about 85 percent of our retail sales. Our consumption of beef has gone up from 60

pounds in the 1940's to 95 pounds in 1963. I think this has been accomplished by the chainstores' modern methods of merchandising, and the advertising they do to sell beef. Some have charged the chainstores with controlling the markets by feeding their own cattle or having them fed.

The information I have states that in 1961, all the chainstores together fed around 39,000 head of cattle, which is two-tenths of 1 percent of the commercial slaughter of that year. I think we should establish the facts before we criticize them unduly.

Even though the price of cattle is a most serious problem, I think a more serious problem is the future use of our public lands. We have attended various meetings on the use of our public lands. We have endorsed the Aspinall bill No. 8070 and its companion bills. These bills would appoint a committee composed of an equal number of Senators, Representatives, and users, to make a study of the legislation pertaining to lands and to land use. I think one of our most important jobs is to get a committee appointed that will make a fair study. If this is done, I am sure that it will be to our advantage. We have maintained that no legislation should be passed on public lands until this study has been completed. The Wyoming Stock Growers Association has always stood for multiple use of its public lands.

The American National Cattlemen's Association asked that the affiliated States raise a fund of $50,000 to help bear the expense of fighting the large imports of beef, and other problems of the cattlemen. This $50,000 was broken down into quotas for each State, based on the number of cattle they have. I do not know the exact sum that has been raised in Wyoming, but I know it was most generous, and I want to thank all of you who contributed so generously to this fund.

I hope this convention will come out in favor of three strong resolutions.

1. That we continue to ask for realistic quotas on importation of beef.

2. That there be no cuts made in the tariff on beef.

3. That we do not want a subsidized program of any kind, and that a copy of these resolutions be sent to President Johnson, Secretary of Agriculture Orville Freeman, and our congressional delegation.

It has certainly been a pleasure to work for and with the members of this association in the past year, who have never failed to contribute their time or money when it has been asked for.

The employees and officers have done the best they could to fight for what they thought best for our industry. It is for you to decide if we have succeeded.

Thank you.

[From the Cheyenne (Wyo.) State Tribune, June 5, 1964]

THE SOLUTION IS AVAILABLE

It is our fond, but equally uncertain, hope that every thinking person in this State read the report of the excellent speech made yesterday to the Wyoming Stock Growers Association annual convention by its president, Joe Watt. Mr. Watt's address was billed as the association president's annual report to the membership of the stockgrowers, a 92-year-old organization. But what he said had a very important message for every person in the State of Wyoming, be he rancher, farmer, store clerk, or banker.

The cow, says Russell Thorp, made Wyoming and it is still this State's economic mainstay. Whatever happens to the livestock industry is bound to have a serious, far-reaching impact on the lives of all of our citizens.

As president of the stockgrowers association, the organization in our State that is most concerned with beef cattle, Mr. Watt then can be considered as the prime representative authority on the industry's ills and problems.

That it is sick now, all across the land, is an accepted fact; and what caused that economic plague seems pretty obvious to people like Joe Watt.

"As of January 1," he hold the stockgrowers yesterday, "we had an inventory of beef cattle of 78,834,000 head. Beef cattle show an increase of 3.75 million head or 5 percent over 1962. Dairy cattle have decreased about a million head from 1962. There are 27,654,000 head of dairy cattle. The total of beef and dairy cattle is 106,488,000 head.

"This is," said Mr. Watt, "an alltime high number of cattle in the United States. This alltime high cattle number that we have is made up of above-average number of cows. In other words, our inventory cattle is still going to increase.

"In 1963," he says, "as the market began to break, feeders began to hang onto their cattle hoping for a better price, and thereby increasing the tonnage of beef. There is no question that these conditions did create a soft market, but when foreign countries were allowed to export into our country a quantity of beef equal to 11 percent of this alltime high tonnage of beef that we produced, it was bound to break the market severely."

These two sentences, we believe, present the crux of the plight of the domestic livestock producer in the United States today.

As the market began to sag the stockmen hung onto their inventories hoping for better prices, a natural reaction and one that has occurred time and time again in the past. But the market did not get better; it got worse. Why? Because says Mr. Watt, foreign beef producers were allowed to export to the United States record quantities of beef to compete with record numbers of domestic cattle.

Watt notes that past president Jay Taylor of the American National Cattlemen's Association says imports have hurt domestic stockmen very little; that some persons say this country needed 11 percent of the lean boned beef; that the U.S. markets were not receiving enough of the cow and bull meat to meet this special demand—cow and bull meat that produces lean beef. But Watt throws in this clincher, and as far as we are concerned he has won the argument:

"I maintain that these imports broke our cow and bull market so severely that this type of cattle was held back on the range and will further increase our inventory of cattle. I do not believe a man has to be an economist to know that 11 percent of any commodity will affect its price. Cattlement everywhere feel that we are being sold down the river, and have asked Congress to set realistic quotas whereby we might have some protection against these excessive imports."

For all who might care to see and realize the truth of this situation, here is the problem of the beef industry, set forth in simple, understandable terms.

We do not need a Presidential commission to tell us what has happened to beef prices; it is plain that if the stockmen of this country can be permitted to sell off their cow and bull beef, get rid of it, get it off the ranges, and reduce the production volume somewhat, the Nation's stockmen can claw their own way out of this mess.

Imports compete with this particular kind of beef production thus forcing it to be retained on the ranges in this country and contributing to the present glut of animals.

Essentially the main burden of the problem is a simple one and requires a simple solution: Lop off the imports that directly compete with the cow and bull beef.

It is plain, however, that the Johnson administration does not intend to do this and will not do it. For its own good reasons, it has given the back of its hand to the livestock producers of the United States.

It ought to be voted out of office on that one point alone, if for no other.

FOUNDATION OF NORTH AMERICAN INDIAN CULTURE

Mr. BURDICK. Mr. President, for nearly a year I have marveled at the rapid development of a North Dakota-based organization having far-reaching significance.

The Foundation of North American Indian Culture, with international headquarters in Bismarck, N. Dak., was organized by a group of North Dakota citizens who felt that a nationally coordinated effort was vital to preserve and enhance the past and present Indian culture of the North American Continent.

In its brief history this foundation has had many notable accomplishments. A new spotlight is shining on the talents of Indian people, great promise is held out for new job opportunities for Indian people in marketing of their craft, and the public is beginning to be aware that Indians are people who possess great and proud heritages.

Hundreds of the most talented Indian people of Canada and the United States have been attracted to the foundation cause, and they have been joined by many, many other non-Indians, who, like their Indian friends, have recognized that such an organization was long overdue.

Now the Foundation of North American Indian Culture prepares for its second annual meeting, August 3–11, in Bismarck-Mandan, N. Dak., with a membership in half the States of this country, several Canadian provinces and Europe.

Now the Foundation of North American Indian Culture is preparing for another milestone in its short life—its second annual meeting and first annual North American Indian Exposition, August 3–11, in Bismarck-Mandan, N. Dak. The foundation goes into this period with a solid membership in half the States of this country, several Canadian provinces, and a number of foreign countries.

For its annual meeting the foundation is determined to get its program firmly established among all Indian-oriented groups as swiftly as possible. It has scheduled a set of three 3-day conferences from August 3–11.

The first, August 3–5, is an invitational conference to all United States and Canadian Indian tribes, Indian groups, and publications and other organizations concerned with Indian matters. The foundation is involving most of the top State agencies and private organizations in North Dakota as participating groups to make this conference as successful as possible.

The second meeting, August 6 to 8, is the first Indian youth conference ever held devoted strictly to Indian culture. The National Indian Youth Council, with headquarters in New Mexico, is coordinating plans for this conference.

Finally, the foundation will hold its own business sessions on August 9 to 11, concluding the course of action it will

take in the year ahead to improve the image of the Indian and preserve the culture of our first Americans.

Coinciding with these three important foundation meetings will be a foundation-sponsored North American Indian Exposition. Many States and Provinces have already sent in their advance registration for the 9 busy days of Indian art and crafts exhibits, an Indian Olympics, a Miss North American Indian pageant, parades, and tryouts for a North American Indian Festival Company. Many other features—a rodeo, a horse show, a nightly historical pageant, massed choral and band concerts—also will be featured during this unusual spectator attraction.

We in North Dakota are proud of what this foundation has achieved in such a short time. We are doubly grateful because through its efforts the Foundation of North American Indian Culture has helped to establish an international image for the State of North Dakota as a State providing good will and hospitality to Indian people everywhere, a State which cares enough about a great culture to see that it is publicly recognized throughout the world, a State located in the center of North America and which is itself the Indian culture capital of the North American Continent.

The Honorable William L. Guy, Governor of North Dakota, is one of many North Dakotans who have many times recognized the great value which Indian culture offers to society. Keeping in mind the timely August days of the Foundation of North American Indian Culture, Governor Guy has issued an official proclamation calling for the period, August 3 to 11, to be known as North American Indian Week and August 5 as North American Indian Day.

Mr. President, I ask unanimous consent that Governor Guy's proclamation be printed in the RECORD.

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

PROCLAMATION OF THE STATE OF NORTH DAKOTA

Whereas the native culture of the North American Continent is the culture of the North American Indian; and

Whereas the North American Indian has made notable contributions to the culture of the nations of this continent, in the fields of history, religion, government, music, dance, art, crafts, athletics and other areas which have distinguished the North American way of life; and

Whereas great emphasis is being made by many private groups and public agencies to perpetuate the great culture of our first Americans for the lasting benefit of both the Indian and non-Indian people; and

Whereas the Foundation of North American Indian Culture has established its international headquarters in the State of North Dakota and is holding a 9-day North American Indian Exposition in North Dakota, August 3–11: Now, therefore

I, William L. Guy, Governor of the State of North Dakota, do hereby proclaim the week of August 3–11, 1964, as North American Indian Week and August 5, 1964, as North American Indian Day and urge all citizens to accord appropriate recognition to the many varied accomplishments of the North American Indian during that period; and be it further proclaimed that the North American Indian Week and North American Indian Day shall be officially observed in proper ceremonies in Bismarck-Mandan, N. Dak.; and that the citizens of this State shall encourage friends, relatives, and associates from throughout the North American Continent to visit North Dakota during this period to pay tribute to the many talents and other accomplishments of North American Indians which will be exhibited during the North American Indian Exposition.

Given under my hand and the great seal of the State of North Dakota here in my office in the State Capitol at Bismarck, N. Dak., this 21st day of May 1964.

WILLIAM L. GUY,
Governor.

Attest:

BEN MEUR,
Secretary of State.

WASTE IN OVERSEA PROGRAMS

Mr. MORSE. Mr. President, the Hillsboro Argus, published in Hillsboro, Oreg., recently printed an interview with a local resident who had completed a 4-month medical mission in Ecuador. This man is Dr. W. A. Thierfelder, and he had some pertinent comments to make about American policies and aid efforts in Ecuador.

As do most Americans who travel abroad, Dr. Thierfelder found that this country gets the most results for its money not from foreign aid, but from the Peace Corps. He was also highly critical of the sheltered life lived at taxpayer expense by the large American aid mission in that country.

Mr. President, that example can be multiplied many times. One of the best ways to save hundreds of thousands of dollars of the taxpayers' money would be to cut back on the number of our wasted personnel in country after country in the foreign aid program and turn much of the administration of the program over to the private segment of our economy.

Dr. Thierfelder presents convincing evidence to sustain the position the Senator from Oregon has taken in opposition to the unconscionable waste that characterizes our foreign aid program.

I shall continue that fight when the foreign aid bill reaches the floor of the Senate this year.

I ask unanimous consent to have the article printed at this point in the CONGRESSIONAL RECORD.

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

WASTE, FAILURE FELT ABROAD IN U.S. OVERSEA PROGRAMS

(By Dick McKinney)

"Welcome home, Dr. T."

This was the sign that greeted Dr. W. A. Thierfelder and Pepita at their Fernhill Road residence in Forest Grove May 4 when the doctor returned from a 4-month medical mission in Ecuador.

Thierfelder left the United States early in January to relieve Dr. Waldo Stiles, who was running a native mission in Quito and helping to look after the 600 Americans in the country. Stiles, who currently is undertaking graduate work in California, had been in the country for 8 years. Thierfelder was relieved by E. E. Ripple, of Portland's Good Samaritan Hospital.

Pepita is an Ecuadoran dog given to the doctor by an American Army officer.

Looking tan and fit from his stay in the land of eternal spring, Thierfelder said the predominant feeling among Americans in Ecuador is that U.S. programs of assistance are featured by waste and are not accomplishing their purpose. Most effective program with limited funds is the Peace Corps, he said, in that Americans share the type life lived by the natives. One of the major problems is that Americans live high in Ecuador. Americans have plush quarters and are paid well, causing resentment among Ecuadorans.

"We can't buy friends," he said. Visiting American officials frequently get the wrong idea as to success of U.S. programs, the doctor said, because only token projects are started with U.S. funds. When U.S. officials visit Ecuador, members of the ruling military junta show them only these token projects. Money is not getting to the people and is not being used as it was intended, Thierfelder added.

Best way to help the Ecuadorans is to share knowledge and work with them. He cited highway building as an example where United States could initiate a new type of program. New program would consist of United States giving technological know-how and supervision and letting Ecuadorans participate more. "An unlimited dole" is not the answer, the doctor continued, as a "large percentage of it never gets to the masses."

Governmental instability and rule by military juntas undermines U.S. assistance programs, he said.

The people are so used to constant revolutions and turnovers in government that they actually don't care. With the exception of food, most items are quite expensive for Ecuadorans, and this leads to graft in high places, the doctor added.

Thierfelder pointed out wealthy Ecuadorans are afraid of two things—communism and the United States. The country is ripe for Communist infiltration due to poverty, and the wealthy fear the United States because they feel it might take over as in Hawaii and Puerto Rico.

Witnessing a Latin American demonstration, Thierfelder said they are not "conducted by kids." There is a great deal of shooting and "demonstrations are probably carried on and backed by Red influence." When the underprivileged get "sick and tired of the ruling junta," the subdued Communists come out, he said. These demonstrations usually result in a clash and then turn against the United States, according to the doctor.

The wealthy are being taxed more heavily at the present time, he said, but this is causing problems as benefits are not coming about and the results are not being seen.

There is a great deal of thievery in the country, according to Thierfelder. He said a person who sticks his arm out the window while driving might have his watch taken. "Stealing is just a way of life among the poor," the doctor said.

The poor native frequently has no shoes and they frequently are seen sleeping on the edge of roads. It is a common sight, he said, to see women carrying 200-pound sacks on their backs.

Legal protection as it is known in the United States does not exist in Ecuador, he commented. Terming it a "miserable situation," Thierfelder said officials can throw the book away. If a person murders someone he will be out of jail in at least 13 years, according to Thierfelder.

"Vast economic potential exists," he said, but economic uncertainty and instability caused by frequent overthrows of government hamper this and keep people out. He listed

great banana plantations, good climate, vegetables, fruit, native art, timber, balsa wood, cattle and kapok as evidence of Ecuador's potential. "Land is quite high," he said, and pointed out 1 acre of land in Quito is worth between $10,000 and $20,000 and added land in business sections might be worth $100,000.

Turning to medicine, Thierfelder said the caliber of doctors in the country is low. One of the major roadblocks in the way to medical improvement is devastating customs, which hinder sending medical equipment. It is hard to get things in, even to help their own people, the doctor claimed.

There are about 40 clinics in Quito, which are swamped with people wanting treatment. Another medical problem is that there are a great many polio cases in which there is no treatment. Among those afflicted with the disease, it is common to see grotesque legs, and people scooting on their knees and hands like amphibians.

Rabid dogs are another major problem, and he said "there is a constant turnover of this." Grain-fed dogs are used to keep thieves away, according to the doctor. He said the Ecuadoran health department does not appear interested in rounding up these rabid dogs. Other health problems include parasites, tapeworm, amoebic dysentery, hepatitis, peptic ulcers and gall bladder disease. You have to watch everything you drink, he said, because of lack of maintenance of water system.

Despite the fact that 95 percent of the people are Catholic, Theirfelder termed Ecuadorians irreligious.

Education is on the upswing. In Quito almost all go to elementary schools, and Thierfelder added there are many parochial institutions. An attempt to teach English is being made in the school, but most people do not understand the language, he said. Ninety-nine percent of the people understand and speak only Spanish.

Ecuador is called the land of eternal spring. Visitors have quite an adjustment to make, Thierfelder said, due to the 9,500-foot altitude. He termed it like going from here to Mount Hood. During winter and summer the temperature is 71° despite proximity to the equator. The seasons are identical to Oregon's, the doctor added, with rain coming between November and March.

During his stay, Thierfelder dined with Gary Enschede of Hillsboro, who is with the Peace Corps. He also visited Lima, Peru, calling it the San Francisco of South America. His visit also included a trip on the Amazon River.

THE ILLEGAL WAR IN SOUTHEAST ASIA

Mr. MORSE. Mr. President, I ask unanimous consent to have printed in the RECORD certain letters I have received in support of my opposition to the unconstitutional and illegal war the United States is waging in southeast Asia, resulting in the unjustifiable killing of American boys.

I want to say again to the Secretary of State and Secretary McNamara and the President of the United States that the time has come to stop the illegal war being conducted by the United States. The time has come to place the entire issue before the United Nations, within the framework of international law, and in keeping with our signed treaty obligations. It is only in that way that the United States will return to keeping its treaty pledges made to the world.

I ask unanimous consent that the letters be printed in the RECORD.

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

PHILADELPHIA, PA., *May 31, 1964.*

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR: Hearty thanks for your stand concerning South Vietnam.

The people over there don't want any war. They are the ones who are doing most of the suffering unless, and God help us, we get into a general war.

Please keep on fighting, and power to you. You can go to sleep every night knowing that you have done your best and that the blood of any who suffer is not on your hands.

Respectfully yours,

ARTHUR J. BERTHOLF.

PRINCETON, N.J., *June 1, 1964.*

Senator WAYNE MORSE.

DEAR SIR: I write to give you my wholehearted support on your efforts to repudiate the present Government policy in South Vietnam and to bring to an end American participation in that war. It would be a tragedy if this war were to be expanded or if the United States were to take a more direct part in the war effort.

It is my belief from what I have seen, heard, and read, that the South Vietnamese people don't really care who wins the war, so long as it ends soon.

Perhaps, sir, General de Gaulle's plan to neutralize that entire area would not be such an awful idea. At any rate, I do urge you to use your position and influence to persuade the Johnson administration to get out of this war before it becomes another Korea.

Yours truly,

Mrs. B. F. BAYMAN.

SUNLAND, CALIF.,
May 31, 1964.

Senator WAYNE MORSE,
The Senate of the United States,
Washington, D.C.

DEAR SENATOR MORSE: My wife and I support your courageous position on ending the war in South Vietnam. Except for the handful of voices in the Senate the future from here would look pretty hopeless.

Isn't it possible to position a political solution around the conference table rather than this constant creeping escalation of war?

Sincerely,

GEORGE L. CLARK,
JOYCE C. CLARK,
Registered Voters.

CROTON-ON-HUDSON, N.Y.,
May 31, 1964.

DEAR SENATOR MORSE: I wish to congratulate you on your series of speeches on South Vietnam. They are both brave and true. They serve the highest national interest. They are the best example of patriotism exhibited in the Senate for some time. You are in the unique position, I feel certain, of having even those who disagree with you admire you, however secretly, because they know in their hearts that the facts are as you give them.

Congratulations again.

Sincerely,

RICHARD O. BOYER.

WELLS RIVER, VT., *May 30, 1964.*

Hon. WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: Although I live in the small State of Vermont, across our country from your State, I am writing to tell you how much I appreciated what you said on TV and also later was quoted in the United Paper, our Papermakers' Union magazine. This was in reference to your stand on our policy in South Vietnam.

Last week I said goodby to my son with mixed emotions as he left on the first lap of his trip to South Vietnam. I was, of course, proud that his health and mentality had allowed him to be chosen as an instructor for the people in southeast Asia. I was afraid and anxious, as I lost my 17-year-old brother in Korea on July 6, 1953, just following the so-called armistice. I still feel the chill of that phone call, "We regret to inform you." If we only knew why they are going and they tell them it's very hazardous, yet we are not at war. That is what they told my brother, yet over 50,000 boys lost their lives. Was what we gained worth that, Mr. MORSE?

Please pardon me for taking your time, but I was so pleased to hear you express yourself to the effect we should stay out of Vietnam. I wish to express my thanks as a parent. Will you please try to do anything you can to see that, if they must fight over there, they will be provided with the tools? My son studied communications systems and was told there were none like it where he was going as the ones there are all obsolete.

Thank you for your concern. May God give you the strength and courage to carry out your good work.

I read at one time that a committee of Senators and Representatives would go for a firsthand look at the situation so as to report back to us at home, and now see that the trip has been canceled.

Thank you kindly for your time.

Sincerely,

HENRY L. POWERS.

NEW YORK CITY, *May 31, 1964.*

Senator MORSE,
Washington, D.C.

DEAR SIR: I support your stand on the South Vietnam situation. This is a matter for the United Nations to decide. It can affect the lives of people all over the world.

Thank you for your stand on this grave matter.

DORA JACOBSON.

BOSTON, MASS., *May 31, 1964.*

DEAR SENATOR MORSE: I am very much concerned about the threats of certain administration spokesmen to extend the war in Vietnam. Such a policy would be immoral, aggressive, and probably disastrous.

I know you have been fighting the good fight and I hope you will keep it up.

Congratulations. Millions of Americans are with you.

Sincerely,

JOHN K. JACOBS.

GREAT NECK, N.Y., *June 4, 1964.*

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Thank you for your criticism of our policy—dare I say, our aggression?—in South Vietnam. It is, of course, consistent with the independent leadership which you have shown on many occasions. I am glad, too, that you protested against Secretary Rusk's implication that those who disagree with the administration are quitters or traitors.

This war we are carrying on, and threatening to extend, is so brutal, so unjust, and so fraught with danger to the whole world, that for one who loves America and its great tradition it is hard not to weep, not to sink into helpless despair. Once we inspired lovers of liberty throughout the world; where do we stand today? Fortunately, some, like you, speak up for freedom of speech here and for decency and commonsense in our foreign policy.

I don't know what impressions you formed of college students in your teaching days; but, teaching American history in an eastern university today, I have an uneasy feeling that the young people, in general, have grown up in complacency, apathy, and igno-

rance. And yet, a few seem uneasy; in spite of all the pressures to keep them from thinking and feeling, they question, they wonder whether burning children with napalm in southeast Asia is really the solution to our problems in a complex world. You, and a few other Senators, may help to lead them.

Please continue your efforts toward a more constructive policy in Asia and throughout the world.

Sincerely yours,

JEAN CHRISTIE.

I should greatly appreciate receiving the full texts of some of your speeches on our foreign policy.

YONKERS, N.Y., *June 6, 1964.*

Senator WAYNE MORSE.

DEAR SENATOR: I agree with you in your policy that the United States should follow in southeast Asia. Why should our boys die for a cause that none of us really understand? What is the U.N. really supposed to function for?

We need more Senators like WAYNE MORSE.

LILLIAN SULLIVAN.

NEW YORK, *June 8, 1964.*

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR MORSE: We want you to know that we give our wholehearted support to the position you have taken regarding U.S. policies in Vietnam.

Best wishes to you.

Respectfully,

FLORENCE NAGEL.
ETHEL NAGEL.
CARRIE NAGEL.

MIDLOTHIAN, MD., *June 8, 1964.*

Senator WAYNE MORSE of Oregon,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: I am writing to you to tell you the United States should not send troops, bombers, and napalm to South Vietnam to cinderate those helpless victims. The United States hasn't declared war on those people.

And they are and helping South Vietnam murder their own citizens, the most brutal thing. If those in Washington, D.C., that is advocating that war believed there is a God, and knew God, they would keep out of the affairs of other countries.

Very respectfully and sincerely,

WILLIAM CECIL.

ARLINGTON, VA., *June 8, 1964.*

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I don't type so I can't send you copies of letters that I am writing now about the situation in South Vietnam. So here is a personal one—keep it up. We value you efforts to stop our deadly intervention on a military basis in this dangerous situation.

Sincerely,

THELMA C. DUVINAGE.

NEW YORK UNIVERSITY,
New York, N.Y., June 7, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I wish to inform you of my support for your position that we should cease our support for the undemocratic regime in South Vietnam. We should strive for the involvement of the United Nations in this area, with the goal of freeing this region from the sorrows of being caught in an East-West struggle.

You are fighting a worthy battle, so keep up your all too lonely effort.

Sincerely yours,

MARTIN POPE,
Associate Professor.

HOLLENBERG, KANS., *June 14, 1964.*

Hon. WAYNE MORSE,
Washington, D.C.

DEAR SIR: I have been reading of your speeches in Congress against the war in Vietnam. Congratulations to you, as you seem to be the only Member of our Congress who knows of any wrong in any war waged by the United States.

I hope you will make every effort to avert a third world war and to keep peace in the world.

What is wrong with our country that everyone is so eager to go to war and that one cannot express an honest opinion or thought without risking being called Communist?

You seem to be the only Member of Congress left who is not spending his time and the public tax money trying to brew up more war.

Please stay with your convictions and try to steer the Nation in a path of sanity in these insane times.

Sincerely and respectfully,

ADELAIDE FREEMAN STAPAULES.

AMITYVILLE, N.Y., *June 6, 1964.*

DEAR SENATOR MORSE: Please accept my warmest congratulations on the splendid job you are doing by being one of the very few Members of the Congress to tell the truth about Vietnam. A much longer letter is called for, but I've been putting this off long enough.

Your speeches do not get much publicity, as I'm sure you know. Do something about this. It's so important.

My very best wishes.

Keep it up.

HUGH AITKEN.

HANOVER, N.H.

DEAR SENATOR MORSE: I believe you are the only honest man in our Senate. Congratulations on your appearance recently on TV and your stirring remarks on Vietnam.

Sincerely,

MRS. ANNE S. FREY.

STAMFORD, CONN.

DEAR MR. MORSE: Many thanks for your lucid, commonsense statements concerning the foreign policy of the United States. Of course, you are a voice crying in the wilderness, but felt I had to at least give my hearty endorsement to your views.

PAULINE T. BELLOW.

LANCASTER, CALIF.

Senator MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Your precautions against rash deep end action in southeast Asia (re television and newspaper quotations) may be causing an unpopular rub, but the logic rings up to me. Keep hammering. It's always easier to get into something than to get out, and we had better be sure of what we're about. Looks like a sinkhole.

Our country is strong enough to withstand any prestige reverse—if we set our own course.

GEORGE DUNNING.

BLOOMFIELD, N.J., *June 8, 1964.*

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR MORSE: I saw you last week on the TV program "Face the Nation." You were great. Until that day I did not know that there existed in our Congress any man with sufficient courage of his convictions to stand up and fight against the stupidity which our country calls its foreign policy in Vietnam.

I am pleased that you called Adlai Stevenson on his foolish repetition of State Department dribble. It is indeed unfortunate that this once great statesman has sunken to such a depth that he voices outright lies to the rest of the world and that the world recognizes as lies.

Keep up the fight. My wife suggests that you take good care of yourself so that you will be able to continue fighting and shedding light in these areas that our State Department prefers to keep in darkness.

Yours truly,

JULIAN PODELL.

SILVER SPRING, MD., *June 7, 1964.*

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I am writing to express my support for your efforts to change the Government's dangerous policy in South Vietnam. I admire your courage and insight in pressing this important issue.

It would be much appreciated if you would have sent to me a half a dozen copies of the reprints of one of your Senate statements on this subject.

Sincerely yours,

JACK FRYE.

BURKE, S. DAK., *June 7, 1964.*

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR: I should have written to you sooner, to the effect that I support you in your stand on the war in South Vietnam. Senator, you are absolutely right, as all of South Vietnam is not worth the life of an American. I think you don't go far enough, as I think the war cripples are worse than dead. The dead can be buried and the boy's mother becomes a hero and is called a "Gold Star Mother." But the disabled and crippled come back and become a regular pest (nuisance). They might even come to Washington to petition in boots the Government to pay an obligation assumed. Then you have to drive them out of Washington by the use of the Army. The brave officer in charge of such troops has to be made into a seven-star general, who afterward thinks he is God and above the President who is elected, not only that; when the brave officer dies the Members of Congress talk about the general in the CONGRESSIONAL RECORD more than about God.

I hope you can read my writing, as I have to write it in bed, as I am bedridden and can only write sitting up in bed. But I pray that you will continue to have the courage to keep on fighting for the American people. Keep up the good fight. I read the CONGRESSIONAL RECORD, as I subscribe for it by the month and I read all of your talks. Your talks in the RECORD buoy me up. Keep on with your good work.

I remain,

Yours truly,

EDWARD PROCHAL.

FREEPORT, MAINE, *June 8, 1964.*

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: Again congratulations on your magnificent courage, wisdom, and patriotism in continuing to oppose the war in South Vietnam. In my own small way I am doing the same here in my weekly newspaper column that appears in several Maine newspapers. I would very much like to have copies of your recent speeches on this subject, particularly the long speech outlining our dangerous situation in southeast Asia and your most recent speech, deploring Adlai Stevenson's speech on southeast Asia before the United Nations.

Sincerely,

DAVID L. GRAHAM.

OAKLAND, CALIF., *June 5, 1964.*
Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SIR: I wish to commend you for your position concerning American policy in Vietnam. I request that you send me some of your recent speeches, so that I may forward them to Mr. Pierre Salinger, for his instruction and edification.

Yours truly,

Mrs. JUNE L. BRUMER.

JAMAICA, N.Y., *June 6, 1964.*

DEAR SIR: I was very pleased to read about your most recent statements concerning U.S. (McNamara's) war in southeast Asia. I am very disturbed by the developments there and admire your courage in presenting a not yet popular position.

Would you please send me as soon as possible your statements and other material that your office may have available.

Thank you for making the speech and for any assistance you can give me.

Sincerely yours,

Miss LEE DLUGIN.

DEAR SENATOR WAYNE MORSE: I have heard it said that you have amassed much evidence against our position in Vietnam. I was wondering if I could get the edition of the CONGRESSIONAL RECORD or editions where this evidence is amassed. I'm with you all the way.

Sincerely yours,

RICHARD DENGROVE.

P.S.—My address is 541 North Edgemere Drive, West Allenhurst, N.J.

EAST CALAIS, VT., *June 9, 1954.*
Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I would like to thank you for your statement regarding the senselessness of our position in Vietnam and the necessity for our withdrawing from that area.

It is horrible to contemplate the fact that we are not only sacrificing American lives there, but that we are directly and indirectly responsible for the killing and maiming of innocent civilians whose only crime is that they happen to live in Vietnam.

And worst of all, we face the possibility that if we continue in this morass of guerrilla warfare, political maneuvering, government corruption, etc., we can look forward only to the escalation of this into total warfare, involving the use of nuclear weapons, as advocated by that great humanitarian, the Senator from Arizona.

I trust you will continue to press your efforts for our withdrawal from that part of southeast Asia, and I wish to thank you for your statesmanlike approach to a matter which has been so befogged and misrepresented by our military and State Departments that the public is at a loss to know what is really going on, much less have any idea of what we ought to be doing.

Most sincerely,

HOWARD BLOOM.

SARATOGA, CALIF., *June 10, 1964.*
Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: No one has ever had any doubt about your courage, though many have often doubted your proper combination of wisdom and discretion. In the current Far Eastern situation, I for one believe wholeheartedly that you are combining courage, wisdom, and discretion, and I should like to express my appreciation and encouragement to you.

Cordially yours,

HARRY MARGOLIS.

NEW YORK UNIVERSITY,
New York, N.Y., June 11, 1964.
Hon. JACOB JAVITS,
Senate Office Building,
Washington, D.C.

DEAR SENATOR JAVITS: The recent talk of possibly extending the war in Vietnam has prompted me to write. At best such an extension would mean a localized war and arouse the antagonism and hatred which the newly freed countries feel against foreign interference. At worst, it could mean that the grave risk of escalation into nuclear war would ultimately occur.

It would be a mark of weakness and not of courage for us to persist in supporting the corrupt and inept South Vietnamese regimes. Successive coups have shown them to be extremely unpopular. Our hope lies in having the wisdom to pursue unthinkable thoughts by recognizing the practical necessity of President de Gaulle's call for neutralization. We must also heed the voice of the growing number of American leaders such as Senators GRUENING and MORSE, who have received increasing support for their call for settlement of the Vietnamese war.

I urge that you join these Senators in their attempts to develop an American policy which will restore peace.

Respectfully yours,

EDWIN S. CAMPBELL,
Associated Professor, Chemistry.

DENVILLE, N.J., *June 11, 1964.*
Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR MORSE: This is to express my hearty approval of your campaign against our involvement in Vietnam and Laos.

Aside from the moral aspects of this situation, I am concerned about its effect on the coming election. With the nomination of Mr. GOLDWATER practically a certainty now, it would seem that President Johnson can be put in a bad light by Mr. GOLDWATER in respect to these regrettable involvements.

What can I, as a private person, do to convince our Government that I believe the Vietnam affair is wrong and should be ended? Although I am an active Democrat and have been for many years, I am at a loss as to what can be done. I can only hope that there are many more who feel the way I do.

I have long admired your clear thinking and forthright action. Thank you for expressing the sentiments of a minority.

Sincerely yours,

Mrs. ELIZABETH B. CANNARA.

CLEVELAND, OHIO, *June 12, 1964.*
Hon. WAYNE MORSE,
Senate Office Building,
Washington, D. C.:

Just heard your Vietnam statement on TV. We heartily agree. History will gratefully record that at least one American Senator was sane enough to see the truth and brave enough to speak it.

ARLENE N. and H. J. BARR.

NEW KENSINGTON, PA., *June 12, 1964.*
Senator WAYNE MORSE,
Senate Office Building,
Washington, D. C.:

Keep it up. The President seems to have lost control of the military.

R. D. CAMPBELL.

MADISON, WIS., *April 10, 1964.*
Senator WAYNE MORSE,
Senate Office Building,
Washington, D. C.:

DEAR SENATOR: I am grateful for men like you and our Senator NELSON for speaking out against our dangerous war in Vietnam. You are absolutely right in saying that such a conflict can only be resolved in the United Nations, and this must be done before we invite destruction on the entire world.

It seems to me that President Johnson is right in much of what he says. Racial equality and the elimination of poverty are our very important problems. But if he thinks that we have to fight in Vietnam to convince the Asians that we believe in peace and freedom, he's dead wrong.

Good health and good luck to you.

Yours truly,

HARRY LUDWIG.

DEAR SENATOR: Keep up your good fight on South Vietnam. We need more like you. It's a miracle anyone knows due to the virtual news blackout. Supporting you all the way.

Sincerely,

WM. R. CLARK AND FAMILY.

NEW YORK, N.Y., *June 5, 1964.*
Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR MORSE: I wish to express my appreciation for your courageous position on the U.S. participation in the war in South Vietnam. I hope that your arguments and facts which you bring before the U.S. Senate will lead our Government toward a policy of peace and nonintervention.

Sincerely yours,

JOHN DUFFY.

CHICAGO, ILL.

DEAR SENATOR MORSE: I am glad to see that you are taking an active stance against the useless war in South Vietnam. You have 100 percent of my support. You would make a great president. Please send me the latest CONGRESSIONAL RECORD concerning South Vietnam and other aspects of our foreign policy.

Yours truly,

GARY PODOLNER.

BERKELEY, *June 9, 1964.*
The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Recently I heard a rebroadcast of Senator MORSE's speeches in the Senate which I believe were in response to your request for additional funds to pay for a stepped up or extension of the war in Vietnam. I am in agreement with the Senator. War of any kind is a horrendous crime. No real good can come of war. War hardly ever settles anything and cannot in my estimation settle the Asian troubles. These burnings and killings will gain us a million enemies to one dictator friend. To pour more of our hard earned money into this unjust war and bottomless pit will lead only to disaster, nuclear disaster. It is strategically and tactically not feasible to carry on a successful war on a continent 10,000 miles away over an ocean. The United States will eventually have to get out. I beg you to get out now while all we have to lose is face. The longer you stay in there, the less support you will have and the chances of you and me and the whole of the United States losing everything will grow.

This is offered by a veteran of two world wars and a keen observer, from the sideline, of world happenings. Wishing you every success.

Your respectfully,

T. C. HUGHES.

(Copy to Senator MORSE.)

SANTA MONICA, CALIF., *May 18, 1964.*
Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I wrote you recently applauding your outspoken stand on Vietnam and in favor of neutralization of that unhappy country. In the light of this,

I am appalled at the President's new request for even more funds to fight a hopeless war and one that cannot be justified. The Vietnamese people quite plainly do not want to fight this war and there is in truth no national interest for us at stake. It is at bottom a civil war in which we have no right to interfere.

I hope I therefore do not have to go into further details when I plead with you to oppose as adamantly as you can the granting of any further appropriations to fight this war.

I believe the original Geneva powers should be reconvened to negotiate an end to the war and neutralization of the country and I believe we ourselves should disengage ourselves as quickly as possible and pull our troops and materiel out as rapidly as feasible.

I am confident we can count on your steadfast opposition to any further appropriations.

Sincerely,

MISS IRMGARD LENEL.

NEW YORK, N.Y.,
May 19, 1964.

Senator WAYNE MORSE,
The Senate of the United States,
Washington, D.C.

DEAR SENATOR MORSE: I'm appealing to you as the strong voice in the Senate to continue your fight for the end of the disaster of Vietnam. I'm sure there are many people who agree with you that this fight is senseless and from all that can be gathered hopeless too.

It is becoming increasingly clear that our presence in Vietnam is morally unjustified and practically impossible to win. I do not believe that communism in Asia can be contained by having American soldiers killed and American dollars wasted. Apparently the Vietnamese have little confidence in their own leaders and obviously are only reluctantly prosecuting a war that doesn't seem to make sense to them.

Please continue your good fight. If there is anything I as a simple citizen can do to achieve a change in our policy in this respect I would be very proud to work on what I believe to be the side of the angels.

Respectfully yours,

J. H. LENAUER.

ANDOVER NEWTON THEOLOGICAL SCHOOL,
Newton Centre, Mass., May 20, 1964.

Senator WAYNE MORSE,
U.S. Senate, Washington, D.C.

DEAR SENATOR MORSE: I read again today of your opposition to U.S. involvement in South Vietnam. You are to be congratulated for your acumen and courage in opposing a politically, militarily, and morally untenable effort.

Enclosed is a letter concerning Vietnam which I sent to the President 2 months ago. Events in the last few weeks have only underscored its relevance.

What can be done to move the administration toward a policy of guaranteed neutralization for Vietnam?

Sincerely yours,

NORMAN K. GOTTWALD.

NEWTON CENTRE, MASS.,
March 20, 1964.

President LYNDON B. JOHNSON,
The White House,
Washington, D.C.

DEAR PRESIDENT JOHNSON: In my first letter to you as President I want to stress the many actions you have taken and policies you have advocated with which I agree, such as: Advocacy of the civil rights bill, cutting of uranium production, closing unneeded defense facilities, encouragement of disarmament negotiations, war on poverty.

That positive context should be kept in mind as I now comment critically on our Vietnam policy. I assume that you do not wish to make significant changes in that policy during an election year. That is understandable but, I believe, mistaken and even foolhardy. To be blunt I cannot see that we are offering to the people of South Vietnam any very clearly superior alternative to communism. From what I have read, the South Vietnamese Government policy of forcing people into fortified hamlets, the use of police intimidation, and the burning of fields and killing of civilians have nearly or actually as damaging effects on the populace as life under communism would impose. Our present methods seem calculated only to increase the appeal of communism since status quo injustice always works to the advantage of the revolutionary.

It seems that moral and practical consideration alike argue that a serious effort at guaranteed neutralization is the only way to settle matters in Vietnam. We are more likely to get a satisfactory settlement now than later when our hold has slipped still further. We should use our presence in Vietnam to negotiate a settlement as soon as possible, i.e., while our presence can bear some weight in the terms of settlement. In my judgment that means this year. After November may well be too late.

Although we don't like to admit it publicly, we have much to learn from the French experience in North Vietnam. De Gaulle should be heeded on this point. We do not have to admit anything publicly; we can get to work exploring all options to military conflict, both inside and outside of U.N. channels. It is abundantly clear that no military solution is possible short of involving us and China in a war that will only further harm the Vietnamese people. Once that is evident, it should be your obligation as our leader to work out a neutralization plan which can be sold to this country as an honorable and desirable alternative to more futile bloodshed.

Sincerely yours,

NORMAN K. GOTTWALD.

NEW YORK, N.Y., *May 18, 1964.*

DEAR SENATOR MORSE: This is to encourage you to continue your efforts to convince this administration of the futility of the Vietnamese war. Instead of increasing the scope of the military intervention an all-out international effort should be made for a negotiated settlement with guarantees from all interested nations. It is our duty as a powerful nation to see that this embattled and war-torn region become peaceful, not that it should continue to be ravaged and devastated for many more years.

Yours respectfully,

AGNES BERGER.

BROOKLYN, N.Y., *May 18, 1964.*

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SIR: I wish to express my unqualified support of your stand on the Vietnam crisis. Like you, I fail to see how our current policies in that area can further the cause of world peace or turn back the tide of totalitarianism. Moreover, I find it difficult to conceive of the American people's willingness to become embroiled in that useless conflict.

Respectfully,

GEORGE KASHDAN.

LEVITTOWN, N.Y., *May 14, 1964.*

DEAR SENATOR: May I extend my heartfelt thanks to you for your lucid and courageous stand on Vietnam.

You are performing a most heroic service for this country in these times of hatred and megadeath.

We who built this country, based on the rights of man in a revolution which fired the imagination of the world, have cause for alarm when this glorious land and flag have become hated and despised in differing areas of the world.

We have no moral or legal right to intervene in Southeast Asia. It is a genuine war of liberation, and the poor Vietnamese have suffered much these past 20 years.

Five hundred million a year to support a military dictatorship that wouldn't survive 5 minutes in a free election—yet we have no motivation or funds to aid our homeless, jobless, handicapped, or even the lifeblood of the Nation, our youth and their education.

Let there be all-out aid of our poverty-stricken, a crash program on education, Government sponsored research in health, and in general, a reorientation to wholesome non-cold war thinking.

With everlasting thanks and good wishes.

Dr. S. L. WINTER.

LOS ANGELES, CALIF., *May 14, 1964.*

Senator WAYNE MORSE,
U.S. Senate,
Washington, D.C.

HON. SIR: So many of us are with you in the urgent need to cease aid and intervention in the terrible struggle in South Vietnam.

How brutal can our good Christian country go on, teaching and abetting wholesale murder by napalm bombs (Washington Post, Mar. 29, 1964) on women and children.

Our aid must cease. We must stop now, not go on killing more of our own. Let the North and South Vietnam settle their own differences. Thank you for your stand.

Respectfully yours,

ELLA G. BRUCH.

MOUNT EPHRAIM, N.J., *May 17, 1964.*

DEAR SIR: I been reading in the Courier-Post of Camden that at a banquet you was condemning the United States for sending troops to Vietnam.

Well, I am for it also, for I served 28 years in the Navy and Naval Reserve and love this country. But, I cannot see sending our troops to other countries.

Why is it the United Nations does not send troops?

You say you are against it. You are in Congress for the welfare of the people. Why don't you get up and protest it vigorously and put a bill up that we really are not to go to war unless Congress passes it?

While you are reading this, is you should put a investigations on our Secretary of War McNamara who is doing away with our bombers, Navy, and cut our arm forces down something terrible. I think he is a Communist.

And they better get on the ball and help the Cuban people that is trying to overthrow Castro.

This is where our troops should be fighting, not at Asia, for this is at our back door.

I hope you will protest all you said at the dinner.

Sincerely yours,

EDWARD CROSSON.

NORTHPORT, N.Y., *May 17, 1964.*

Senator WAYNE MORSE,
Washington, D.C.

DEAR MR. MORSE: We heartily endorse your policy of resorting to peaceful procedures of international law in settling our dispute in South Vietnam.

We admire your ability to voice your opinion amidst so many adverse criticisms of your fellow Senators and Congressmen.

We have written to our Senators from New York, and also President Johnson, imploring them to give you their full support.

Hopefully,

VIRGINIA E. SCHATTLE,
ROLAND B. SCHATTLE.

WASHINGTON, D.C., *May 17, 1964.*
Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I am writing to ask your reaction to the current talk of increased U.S. support for a long war in Vietnam.

For myself, I am appalled. Whatever may ultimately be won by the attempt to defeat communism by killing off its adherents (which appears very much in doubt), our own tradition of respect for democratic and humane values is losing. I wish somebody in Congress would ask questions, not about American casualties or the use of obsolete equipment in the war, but about its ultimate purpose. What is the real character of "the entire anti-Communist edifice we have tried to build in southeast Asia" (New York Times, May 17) which we are told is at stake? If it represents the aspirations of the people who live there, why is it under constant threat of "internal revolt" (ibid.)? Why are thousands of Vietnamese, who certainly are not likely to have any great affection for China, willing to die for what our press is generally presenting as a form of Chinese imperialism? And whose interests are served by our present refusal to have any dealings with Communist China?

As a voteless Washingtonian, I cannot ask my Congressman to raise these questions. Your expressed opposition to U.S. military involvement in Vietnam leads me to hope, however, that you may be interested in a searching examination of U.S. aims in Asia, and I would be most interested in having your views, including the texts of any statements you may have made on the subject.

Thank you very much for your attention.

Sincerely yours,

PATRICIA PARKMAN.

LOS ANGELES, CALIF., *May 16, 1964.*

DEAR SENATOR MORSE: Congratulations and thank you for your heroic speeches on our South Vietnam policies. God spare you. Don't lose courage in your patriotic work.

I have asked the President to send you or Senator GRUENING or both to investigate the condition in both Vietnam and Vietcong and report to the people the true situation of these suffering people and our harsh interference in their affairs.

Love,

THEO BARON.

CAMBRIDGE, MASS., *May 16, 1964.*

DEAR SENATOR MORSE: I am so grateful to you for advocating an end to the war in South Vietnam. It seems to me not only touching that American boys should lose their lives in this senseless war, but touching also that American planes should be bombing undefended villages, killing the women and children and burning up the countryside and all for nobody knows what. Taxes are only a side issue when compared with the value of human life, but I do hate to think that any of my money is being spent in this horrible, senseless war. How much we could do in this country to help our own people.

Sincerely yours,

MARY HENDERSON.

NEW YORK CITY, *May 17, 1964.*
Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: The only honorable move in Vietnam is to get out, and now. We have no commitment, we have no right there, we do not belong. Let us be honest and honorable and get out.

Yours truly,

MAURY TUCKERMAN.

NEW YORK, N.Y., *May 17, 1964.*
WAYNE MORSE,
Senator From Oregon.

DEAR SENATOR MORSE: I consider myself a rational and thinking human being. But I have been as disturbed as you have by the dirty Mr. McNamara's private war in South Vietnam. I have literally been nauseated about our use of napalm bombs in the name of democracy on behalf of a military dictatorship. Now President Johnson announces his further pledges of more planes, more money, and more American lives for a fruitless contest where the majority of the people seem to be against the present Government. We'll lose, just as the French did.

Your voice has been the most exciting one for truth about this situation in Vietnam. You are talking about my viewpoint, my wife's and my neighbor's. Bless you and keep speaking for us.

Mr. and Mrs. RANDOLPH.

BROOKLYN, N.Y.,
May 17, 1964.

DEAR SENATOR: I am writing to let you know how deeply I appreciate your courageous speeches on Vietnam, which are doing a great service to the American people by injecting some honesty, straight thinking, and democratic humanity into the situation. The 130 American lives lost there are 130 too many. The millions of dollars we are spending are going into quicksand. As a veteran of the last World War, I am all for our country's defense, but it is not our defense which is at stake there; only the institution of a somewhat disguised colonialism, which all the people would be ashamed of if they knew the truth as you do.

Sincerely yours,

SIDNEY FIEBELSTEIN.

REDDING, CALIF.,
June 12, 1964.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR MORSE: Our whole family have long admired your courageous stands. Now we wish to let you know we think your stand on American policy in Asia is utterly courageous. Our beloved country is indeed acting the part of an outlaw there. Please know that there are those who are behind you.

Mrs. F. W. WENNER.

Senator WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: I listened to your comments on America's actions in Laos and southeast Asia on NBC TV news the other evening.

I could not resist the chance of congratulating you on your great statesmanship and courage.

It was like a golden ray of light on the bleak, dark skies brought about by those warmongers—press, big business, and the political phonies and patriots.

We are sticking our noses into every part of the world, giving modern weapons to savages, who are still using spears for war, causing thousands of innocent men, women, and children to be slaughtered and crippled in the false guise of democracy and freedom.

We are bombing and burning out thousands of people in the countrysides and farms in southeast Asia, so that we will be hated for many years to come.

Although I may be one of the few that write, I am sure you have expressed the feelings of millions of people here and abroad. Our churches, either not caring, or are afraid to speak up against the wholesale slaughter, then I say thank God we have one brave man in America, Senator MORSE, of Oregon.

Congratulations again, Senator.

TOLEDO, OHIO, *June 12, 1964.*
Hon. WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: Your courageous evaluation of the Vietnam situation prompts the writer to commend you in your efforts to acquaint the citizenry of the United States with rational facts.

Yours truly,

M. H. CARTWRIGHT.

PEEKSKILL, N.Y., *June 15, 1964.*
Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.:

We enthusiastically support your stand on cessation of war in South Vietnam.

A GROUP OF MOTHERS.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I hastily approve the fight you are waging against our Vietnam policy. Please continue to oppose the Pentagon brass.

Sincerely,

Mrs. E. SHEINBERG.

CHICAGO, ILL.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I wish to commend you on your stand in opposition to the administration policy on Vietnam. Please keep up the wonderful work.

SYLVIA KERSHNER.

DETROIT, MICH., *June 12, 1964.*
Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I am in complete agreement with your views and the views of Senator GRUENING on the wars in southeast Asia in which we are active partners.

The U.S. Senate is the place to put an end to this cruel, costly, idiotic nonsense.

JOHN A. McLEAN.

LOS ANGELES, *June 11, 1964.*

SENATOR MORSE: This to commend you for your stand on the war in Vietnam.

The claim that it is conducted for the interest of the Vietnam people, and to preserve their freedom, is a pretense to preserve special interest.

More power to you.

Mrs. A. ALLYN.

PASADENA, CALIF., *June 14, 1964.*
Hon. WAYNE MORSE,
Washington, D.C.

DEAR MR. SENATOR: I wish to express profound appreciation for your recent speeches regarding South Vietnam. I agree heartily with you, that our Government should not be involved militarily in that area. I believe we cannot stop communism by war. Instead, we help spread it. I believe with you that there is danger of the conflict escalating into world war III.

I am distressed at the image our napalm bombs, scorched earth performance, and other inhumane performances are creating in southeast Asia regarding the United States.

Yours for world peace.

Mrs. GERTRUDE KLAUSE.

CEDARS SINAI,
Los Angeles, Calif., June 10, 1963.
The Hon. LYNDON B. JOHNSON,
The White House,
Washington, D.C.

MY DEAR MR. PRESIDENT: It is tragically apparent that we are becoming progressively involved in a fruitless military situation in

southeast Asia. I wish to strongly support a ceasefire in South Vietnam as soon as possible and a negotiated political settlement through the United Nations and/or a new Geneva Conference, leading to the total neutralization of North and South Vietnam, Laos, and Cambodia.

We should avoid at all costs the extension of the war to North Vietnam or China, as has been recommended in a most forthright and courageous way by Senator MANSFIELD, Senator HUMPHREY, Senator MORSE, and Senator GRUENING.

With deepest respect.

Sincerely yours,

CHARLES R. KLEEMAN, M.D.,
Director, Division of Medicine.

SAN JOSE, CALIF, *June 11, 1964.*

Senator WAYNE MORSE,
Washington, D.C.

DEAR MR. MORSE: I saw and heard you on television this evening. I appreciate your stand very much on U.S. foreign policy.

I only wish we had a man of your moral caliber running on the slate for President. I know the need is here at this time.

I know that there are a few Senators pulling along with you on these policies in southeast Asia. I hope that in the very near future you will have more help as it is very plain to see that current policy has to be drastically overhauled.

Sincerely,

SHERMAN W. GRAVES.

MOSCOW, IDAHO, *June 12, 1964.*

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I have no words strong enough to express my admiration and appreciation for the courageous public stand you have made within the past several days concerning America's present role in southeast Asia. The freshness and honesty of your statements on this matter stand out the more in contrast with the deafening babble of half-truths, euphemisms and outright lies with which the American people are continually insulted from the press and the administration and members of both political parties. Certainly you are speaking for an enormous number of Americans who share your convictions, are angry at their country's steady abandonment of principle in those theaters, but have had no public spokesman.

It seems, however, that on the rare occasions when a Member of Congress does ask for great changes in foreign policy, that he is inevitably confronted with the enormous power and classified knowledge held by the executive wing. Both Presidents Kennedy and Johnson have dismissed such criticisms as being based on inadequate knowledge of the situation, knowledge which it is claimed the executive branch members have through their monopoly on such sources of information as consular and ambassadorial offices, the CIA and so forth. The executive branch in this way makes itself appear the only branch sufficiently expert to make serious proposals and comments on foreign policy. Because I believe that this is a dangerous situation, I would like to offer a suggestion to improve it: Congress must set up a system of attachés to each consular and ambassadorial office. These congressional attachés should function as gatherers of information responsible directly to Congress, with the same status in regard to the executive branch as the present diplomats now have in regard to Congress. But whether separate offices for such representatives be set up or the attaché system, the important thing is that Congress have continuous and reliable access to complete information in all foreign situations rather than be dependent on executive privilege for obtaining or being denied it.

As matters stand now, the Congress is being systematically reduced to a branch for domestic affairs, while foreign affairs constitute the largest and most critical area of activity of the Government as a whole. The foreign scene cannot become the exclusive realm of the executive branch, whose members are virtually all appointed and not elected. I do not mean of course to underrate the importance of the work of the Foreign Relations Committees; their studies are detailed and extremely valuable. But I would like to see them laboring with fewer handicaps. The Foreign Relations Committees should have legally guaranteed access to all intelligence reports. There should be bipartisan representation at all National Security Council meetings. And there must be an end put to the theft of congressional power which has now resulted in the executive branch's being able to in effect make war without the approval of Congress.

Thank you again for your statesmanship.

Very truly yours,

MARILYN H. TOBEY.
JERRY L. TOBEY.

GARY, IND., *June 10, 1964.*

DEAR SENATOR: I just concluded watching a news show where you made a short speech on southeast Asia.

In everything I've read and heard, your short speech of United States taking this problem to the U.N., made more sense then all pages of nonsense I've read for 2 years.

I do hope, you keep up your fight to maintain some semblence of sanity.

Good luck.

Sincerely,

ROBERT C. POBST.

PATCHOGUE, N.Y., *June 13, 1964.*

Senator WAYNE MORSE,
Senate Building,
Washington, D.C.

DEAR SENATOR MORSE: We have the honor to send you lines of congratulation and encouragement to continue your fight to bring to the administration the unpalatable facts about our southeast Asian undeclared war and the great misery this dirty war is causing people in Vietnam and in the ranks of young men in our own country who may be forced to give up their lives fighting.

We represent—as you know—only a tiny percentage of those silent people who will find it hard to send you words of friendly greeting and gratitude.

Sincerely yours,

SIBYL FREED.
SIMON FREED.

TACOMA, WASH., *June 14, 1964.*

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Your speeches in the Senate about withdrawal of the U.S. forces from South Vietnam are noticed.

You have the courage to challenge the validity and wisdom of our operations there.

I never could understand why we had to take over France's role in the power politics area when she decided to pull out.

Oh, that more Senators, including my own, would challenge the Vietnam war. What in the world are we protecting there besides prestige and the capitalistic investments some of our businessmen have made in that part of the world? The whole caboodle is not worth the price being paid in American lives.

Yours very truly,

WILLARD HEDLUND.

Hon. WAYNE MORSE.

DEAR SIR: I and my family want to commend you on your statement concerning the situation in southeast Asia. The situation is indeed alarming and seems to be rapidly getting worse.

I have just read Senator GRUENING's March 10 speech on the situation in Vietnam and heartily agree with his analysis of the problem.

The extension of the war in this area could lead to a nuclear holocaust. We hope you will continue your efforts in behalf of a peaceful settlement in this area.

Sincerely yours,

TOM SIEGEL AND FAMILY.

PULLMAN, WASH.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SIR: Just a vote of thanks for your much needed statement on American policy in southeast Asia and in Laos in particular.

My wife and I both hope that others will consider your position carefully before our involvement becomes irrevocable.

Sincerely,

J. L. TOBEY.

EUGENE, OREG., *June 17, 1964.*

Senator WAYNE MORSE,
U.S. Senate Office Building,
Washington, D.C.:

Bravo on South Vietnam. Decent rational people applaud you.

MRS. RUTH BUEHLER.

NORTH BEND, OREG., *June 13, 1964.*

DEAR SENATOR MORSE: I want to express my complete support of your position on the savage policy of the U.S. State Department and the Pentagon in Vietnam.

The pretense that the Vietcong is directed and supported from the north, against the wishes and interests of the Vietnamese people, sickens me. Certainly the $1,500,000 a day being dumped down the drain would have more effect if such were the case. By this theory, the Chinese and North Vietnam would have to be more than matching this slush fund to achieve the results credited to them. But at the same time, they are pictured as bankrupt and starving.

Not all of us have been sufficiently brainwashed to support this Nazi policy, and it's good to know that there is at least one U.S. Senator with the guts to stand up and speak the truth.

Yours truly,

MERTON W. SALING.

ONTARIO, CALIF.,
June 13, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SIR: Permit me to congratulate you on the forthright position you have taken on the foreign policy of our Government.

The courage and the intelligence you have displayed in debating the course followed by our Government in South Vietnam deserves the plaudit of every peace-loving citizen of the United States.

My wife and I both feel that the policy our State Department is following in South Vietnam could well lead to an all-out nuclear war. We sincerely hope that you can convince other Senators and Congressmen to join you in this noble crusade to preserve the peace of the world and the dignity of the U.S. Government.

Sincerely yours,

Mr. and Mrs. M. D. ALLEN.

FIRST UNITARIAN CHURCH
OF LOS ANGELES,
Los Angeles, Calif., June 15, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

MY DEAR SENATOR MORSE: I wish to express my profoundest gratitude to you for your eloquent and vigorous efforts to get the United States out of South Vietnam. Please be assured there are hundreds of Unitarians

in my own church in Los Angeles who share your criticisms of the administration's policy in southeast Asia.

We are indeed "becoming an international outlaw" as you have said. It is inconceivable but true that Washington is helping to destroy the Geneva Agreement. The risk of war with mainland China grows apace because of our blindness and our irresponsibility.

Everything you are doing to help alert the Senate and the House, and I hope the White House, to the need for American withdrawal and the neutralization of southeast Asia, has my deepest support.

Very sincerely yours,

STEPHEN H. FRITCHMAN.

SAN FRANCISCO, CALIF.,
June 14, 1964.

Hon. WAYNE MORSE,
U.S. Senate, Washington, D.C.

DEAR SENATOR MORSE: Again I have to write you that I have read your speech before Congress on the Vietnam mistake, and again I had to read in the National Guardian, a leftwing paper. For some reason our local papers don't seem to want the populace to know that there are people that disagree with the administration on their policy in Vietnam.

Seems a perfect mystery to me that the newcoming administration should take over the policy of the old outgoing administration. While all Democrats are allout for President Johnson and his election for another term, still we cannot agree with him on this Vietnam affair. Let us hope after election, he will not be afraid to change his tactics.

Again I think you should be congratulated for your courage in standing up and expressing your views when there are so many who will not, either from fear, or lack of interest in the people of the United States, and their welfare. How much we could do with the money we are foolishly wasting there in east Asia.

Cordially,

JESSIE SKELSIE.

CALIFORNIA FEDERATION OF
YOUNG DEMOCRATS,
San Francisco, Calif., June 11, 1964.

The Honorable WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR MR. MORSE: Recently the State convention of the California Federation of Young Democrats passed a resolution commending you for your efforts to inject truth and reason into the foreign policy debate. A copy of the resolution is enclosed.

On behalf of the California Federation of Young Democrats, may I again express our support of your efforts.

Very truly yours,

BETTS MOSELEY, *Secretary.*

DEBATE ON FOREIGN POLICY—RESOLUTION ADOPTED MAY 10, 1964, BY CALIFORNIA FEDERATION OF YOUNG DEMOCRATS

Whereas Presidents Kennedy and Johnson have stated many times the need for debate and discussion of diverse and controversial foreign policy issues; and

Whereas the chairman of the Senate Foreign Relations Committee, Senator J. WILLIAM FULBRIGHT, has, in his March 25 Senate speech, challenged many of the cliches and myths which govern our foreign policy, particularly with reference to our unrealistic policies regarding China, Cuba, and Panama; and

Whereas Senators MORSE and GRUENING have made similar contributions: Therefore be it

Resolved, That the California Federation of Young Democrats supports Senators FULBRIGHT, MORSE, and GRUENING in their courageous injection of truth and reason into the foreign policy debate and their significant contributions to stimulating a meaningful national dialog on controversial issues.

NEW ORLEANS, LA., *June 8, 1964.*

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: Please continue your fight against the dirty war in Vietnam.

Your effort is not in vain. It will keep United States from becoming a Hitler state.

Respectfully,

WORLD WAR I VETERANS.

TACOMA, WASH., *June 4, 1964.*

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: What kind of reputation would we have as a nation, if we did not have voices like yours crying in the wilderness against the military madness that would get us deeper and deeper into the quicksand of southeast Asia? Events in South Korea today are a manifestation of what happens when we back dictators and the landlord class. The outcome, even if we won a war, would be no better in southeast Asia.

Keep up your plea for sanity. More and more people are listening.

Sincerely,

HAROLD BASS.

SOUTH PASADENA, CALIF., *May 25, 1964.*

Hon. WAYNE L. MORSE,
Senate Office Building,
Washington, D.C.:

I saw you on TV yesterday, Sunday. You were at your best. I am not a Democrat, but I admired what you said.

I agree 100 percent with you and most do. You should be a Republican. You are needed. The press absolutely is partial and it's a shame, because where else can the people get the truth. They do not give it to us.

The U.N. is a complete spy headquarters, and you know it. Let's either change it or get out. It's a joke now.

The United States is being slapped around all over the world and you as a good Democrat must get on TV and fight for America and I mean America.

Regards.

V. J. LE PORE.

FRONT ROYAL, VA., *May 26, 1964.*

Hon. Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR MORSE: I have just learned that you advocate bringing our boys home from Vietnam. I heartily agree with you, and sincerely hope you can stir the Senate into bringing our boys home.

Let McNamara fight his own war. I don't like him, and hope they get rid of him (McNamara).

We did not agree on the civil wrongs bill, but I am still hoping you join in the effort to kill this bill.

When a Federal law is passed to force white people to serve Negroes, and cut their hair, we no longer have a democracy, but a dictatorship.

If President Johnson forces this bill through, it will defeat him for the Presidency. The vote for Wallace proves this.

Sincerely,

Mrs. C. T. OWEN.

ESSEX FELLS, N.J., *May 26, 1964.*

Senator WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: May I please ask you as a vital Member of the Senate to push for an investigation of the current situation in Vietnam concerning planes and equipment now being supplied and used by our boys. Mr. McNamara apparently feels that our pilots are expendable, that any old equipment will do. The article, "They Fight and Die—But No One Cares," Life, May 8, 1964, page 34B, certainly points up this sorry situation. Perhaps an investigation of Mr. McNamara would be timely.

Any man who would blatantly state that resurrected, junked planes over 20 years old, are good fighting equipment—who brags of these 100 planes being shipped as stepped-up fighter power certainly is very naive, hardly a fit man in whose hands to entrust the lives of our gallant young pilots.

These dedicated young men are eager to serve their country—but their country is doing them a disservice.

We are horrified and appalled at the attitude and lack of interest concerning the true situation in Vietnam by those in high Government office.

My wife and I urge you to take action on our behalf.

Respectfully,

HARRY J. LAPE.

BOISE, IDAHO, *May 25, 1964.*

Hon. WAYNE MORSE,
Washington, D.C.

DEAR SENATOR: I agree with your views on McNamara's war in Vietnam.

Let's turn Chiang Kai-shek loose by getting the 7th Fleet out of his way, so he can invade and recapture China. And let's help him. Chiang might solve the entire southeast Asia problem for the free world at little cost to us.

Sincerely,

RALPH ERMATINGER.

TUCKER, GA., *May 26, 1964.*

Hon. WAYNE MORSE,
U.S. Senate, Washington, D.C.

DEAR SIR: Re your statements on "Face the Nation" program on May 24, 1964. I agree with your views on foreign policy.

I can't say that about your views on civil rights, for as you stated about foreign policy, there is only a very small portion of the U.S. citizens who know the contents of the bill as it is now or was passed by the House. One cannot depend on the news media for there are so many views given that one cannot tell which is right. Therefore I will have to take the same stand that the Georgia Senators are taking as they do know the contents of this bill.

I want to refer you to the U.S. News & World Report issue of June 1, 1964, on what the editors say of the Wallace vote in Maryland.

I think the Negro (as you said in your statement) should be able to vote—but the man in business should have the right to pick or hire his own choice instead of being dictated to by any governmental agency or official of the Government.

I also think the boards of education should be given the authority to say whether or not anyone should be permitted to leave his or her school district to go into another (white, black, or any color). In other words, I think the present civil rights bill is leading into Government dictatorial powers—taking all individual rights away from the masses of the people.

Yours very truly,

S. E. WHELCHEL.

COOK COUNTY DEPARTMENT
OF PUBLIC AID,
Chicago, Ill,. May 27, 1964.

Hon. PAUL H. DOUGLAS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DOUGLAS: I heard Senator WAYNE MORSE on the television program "Face the Nation" last Sunday, May 24, and if you are not familiar with his views about Vietnam, I would recommend strongly that you talk with him.

There is no doubt that we are in a very bad position on that score and that it prob-

ably will get worse. For a nation that urged the formation of the United Nations and at the same time "wage war as an instrument of national policy," we are not in an unassailable position. The United Nations Charter proscribes this.

Of course, legally we are not at war in Vietnam and will not be at war, even if we go further and carry our action into adjoining nations. But only Congress can declare war.

What we are doing instead is to follow the precedent that Japan started in Manchuria in 1922, when she called that invasion not war but only a police action. This of course was followed by Italy with police action in Ethiopia, and then by Hitler before World War II.

Secretary Henry L. Stimson properly characterized such action: "If this is not war, then we will never have peace." I think the same can be said for our action in Vietnam.

This is particularly the case, since it is more than doubtful whether the governments we support have any overwhelming popular support, as evidenced by the several revolutions in the last few months.

Senator MORSE missed one important answer to the question of "whether it is not true that the President alone is vested with "power to conduct foreign policy"? Actually, no treaty can be consummated without approval of the Senate and, as referred to previously, only Congress has the power to declare war. It is quibbling to argue that the Senate and Congress are only rubberstamps.

Strictly speaking, in international law, there is no legal definition of war. I have always felt personally that unless there is an overall definition of war, we cannot hope for—much less maintain peace. But at least we should be honest enough, if we want war, to have Congress declare war, in the manner prescribed by the Constitution. Anything less comes under Secretary Stimson's prediction that we will never have peace.

Sincerely,

ROBERT ROSENBLUTH,
Assistant Director.

MAY 26, 1964.

Hon. WAYNE MORSE,
Senator From Oregon,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: Congratulations. Your superb discourse Sunday on "Face the Nation" was magnificent. What a pity we do not have more scholars and wise men in the Senate like you. I was viewing the program last Sunday with two old women, Goldwater supporters, and, believe it or not, they were very much impressed with your rational and knowledgeable reasoning. I wonder what they thought of GOLDWATER an hour later when he suggested going into Vietnam and bomb it. I follow your discussions in the Senate every chance I get. Keep up the wonderful work.

Respectfully yours,

GERTRUDE HUMPHRIES.

VENICE, CALIF., *May 22, 1964.*

The Honorable WAYNE MORSE,
Senator From Oregon,
Senate Office Building,
Washington, D.C.

HONORABLE SIR: There are just a few people in Congress who seem gifted with intelligence, and you are one of them.

We object to attacking foreign lands with soldiers, sailors, and Air Force. Many believe that international law forbids such actions. Why can't we as a Nation be lawabiding, even if we're highly criminal as a people?

Suppose foreign soldiers were quartered on our land, always killing, destroying, attacking, mutilating humans, would we revere them and always be true and loyal to such wicked and treacherous foreigners? Would we think their economic and political conceptions justified them killing our children and loved ones and friends and neighbors? That theory is a ridiculous one, and does not appeal to reason.

Please help counteract these wicked and destructive actions and desires. You are a wonderful man, the very best in our Government, and I know how again and again you have stood for the right, and sometimes almost alone in Congress. Most of the people in our land admire you and believe in you, however.

Please let our people quit harassing Cuba, even if we don't like their officials. Just liking someone isn't the true spirit of lawabiding. We don't always understand others anyway. Killing, spraying, attacking in Vietnam isn't going to make us the leader of the world. It disgraces democracy.

Yours very respectfully,

Mrs. GEORGIA H. SCHNEIDER AND FAMILY.

TARENTUM, PA.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR MORSE: Last evening I heard your remarks on the 11 o'clock news broadcast, KDKA in Pittsburgh, concerning the situation in South Vietnam. You question whether it is constitutional to send our men to fight in a country where war has not been declared.

This matter is of great personal concern to me. I am mailing a letter to Chief Justice Warren asking for an answer if he can give it to me.

I would like to urge you to follow through on this as I am sure he will be able to answer you. Our confused, costly, and dangerous policy is asking too much of our young pilots and servicemen and then having asked it give them antiquated equipment to work with. Their lives are very dear to their families and friends.

If it is unconstitutional please stop it.

Sincerely,

GERTRUDE MOUNTSIER
Mrs. Charles Mountsier, Sr.

MARIETTA, OHIO, *May 25, 1964.*

The Honorable WAYNE MORSE,
Senate Foreign Relations Committee,
Washington, D.C.

DEAR SENATOR MORSE: I was able to hear part of the interview you gave on television yesterday, on a news program. I had been thinking about two letters written to the editor of the Pittsburgh Press on the same subject—the southeast Asia problem.

I am bound to say that I agree with the two letters on this subject, which I have enclosed, than with your views. Both quote Americans who have faced millions of Chinese, Japs, Germans, or you name it, and didn't turn tail. What has happened to our statesmen that they won't stand up for what is right, and then fight for it? The use of our fighting men in dribs and drabs will wear us away. If we are committed to this struggle, let us go in to win. Better still, when there is a fight, let the professional soldiers have a say. Our politicians can save themselves for the winning of the peace.

Yours truly,

W. M. MORRIS.

[From the Pittsburgh Press, May 24, 1964]

LIMITED WAR ROLE OPPOSED—GI's VIEWED PAWNS FOR POWER POLITICS

EDITOR, PITTSBURGH PRESS: The late General MacArthur in an article entitled "Reflections on Peace and War," wrote of the American fighting man:

"No armed attack should ever be permitted against him without allowing him a full war potential to hit back. He must not by force of controllable circumstances be led into the false belief that war is merely an extension of diplomacy, which might use him as a pawn expendable in gambits, labeled 'limited war,' dictated by national fears and international power politics."

Now, at the request of President Johnson, the House has approved an increase of $125 million for Vietnam, $70 million of which is for economic aid.

The President's request was advised by Defense Secretary McNamara, who has also suggested that American parents should expect to have their sons in a limited war for possibly the next 10 years.

There seems to be a mighty big difference between the wisdom of General MacArthur through a lifetime of service to the United States and the suggestions and actions these days of the power politic.

This coming Memorial Day I will be wondering if all the past MacArthurs are resting easy.

GERALD L. MORGAN.

T. ROOSEVELT CITED: SHUN IGNOBLE PEACE

EDITOR, PITTSBURGH PRESS: Perhaps this quote should be read to all the people of South Vietnam. Sixty-one years ago, Theodore Roosevelt said:

"Our country calls not for the life of ease but for the life of strenuous endeavor. If we stand idly by, if we seek merely swollen, slouthful ease and ignoble peace, if we shrink from the hard contests where men must win at hazard of their lives, and at the risk of all they hold dear, then the bolder and stronger peoples will pass us by and will win for themselves the domination of the world."

Still true today.

GEORGE OAKES, Jr.

MAY 24, 1964.

DEAR SENATOR MORSE: We heard you on the radio today and agree wholeheartedly.

There are some people who would like to see the U.N. abandoned and if it isn't going to do a job and be used for what it was intended then these people have a point.

I think the U.N. is our only hope to solve the world's problems. I think it is too bad that we haven't recognized the Chinese Communist Government and maybe it would have been a little easier to come to an agreement in the U.N.

Please let the President know how we, the people, feel about southeast Asia.

My husband fought in the last war and I don't want my two sons in an Asian war. No mother does. I don't care which country she is from.

I wish President Kennedy were with us. I feel sure he would know what to do.

I hope that you will do all you can to get the United States to take this to the U.N. where it belongs.

Thank you very much.

Mrs. J. CONRAD.

MAY 24, 1964.

Senator WAYNE MORSE,
Washington, D.C.:

Congratulations on "Face the Nation" in regard to our policy in Asia.

We need more Senators like you.

Beware of rashness, but with energy and sleepless vigilance give us respect and victories.

Yours truly,

GENEVIEVE V. ROSENBERG.

WAUKEGAN, ILL., *May 23, 1964.*

DEAR SENATOR MORSE: I heard you on TV today.

I have been wondering what was best in this war in Asia—you set me right. You are right on every count. I would vote for you for President thinking you are the best man we have for that great office.

I shall be obliged to vote for President Johnson. I should think he would see your position and accept it.

Sincerely,

GEO. D. CARRINGTON.

UPPERCO, MD., *May 25, 1964.*

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR: My compliments on the enlightened and forthright presentation of your foreign policy views on the program "Face the Nation." I strongly support your view that peace everywhere should be preserved through United Nations action and not by United States unilateral action.

I am also heartened by President Johnson's declaration favoring a betterment in our Eastern European relations. It's about time. It has always seemed idiotic to me that whereas the new Khrushchev brand of communism is willing to coexist with capitalism, so many of our people develop a mental block at the mere word "communism" and when asked to work out an accommodation with governmental regimes of countries which do not recognize the private ownership of property.

Our greatest need is to develop supercompromisers—Henry Clays—in our international relations, to preserve this planet and the populations on it. So long as the world knows we have the power to destroy it, our restraint from the use of force will be a mark of national courage and high intellects.

I also feel strongly that a radical change needs to be made in our immigration law, originally passed over the veto of Woodrow Wilson. It is a needlessly insulting law against Italians and others. A sane immigration law based on our national needs would take into account the qualifications of the immigrant-applicant, so that we would accept only immigrants whose professional or craft skills are in short supply in our country and kinsfolk of people already here.

Yours truly,

D. PAUL TROISI.

HARTFORD, CONN., *May 24, 1964.*

Senator WAYNE MORSE.

DEAR SIR: I liked what you said on radio, "Face the Nation," today.

In 1953 Eisenhower said: "What is the sense of spending most of our hard-earned tax money on defending the country on the outside, when there is not enough tax money left to keep the country from collapsing from within?"

It's about time we paid more attention to the increasing unemployment and poverty, and all the poor and needy who try to make money hooking prostitutes. It's disgusting. There are so many prostitute hookers it's a wonder they don't bite each other.

Why worry about Vietnam and East Germany, etc., when poverty and corruption are destroying the people inside this country?

The Communists are wasting our money both outside and inside this country. Their motto is "Divide and conquer."

Our dollars buy five times as much in every other country, than they do here. The fruit, vegetables, and meat are so dear, a poor man can't buy them. The radio keeps roaring at us, give to every charity under the sun, while the graft in government all over is brazen and disgusting. How much longer can we pretend that we can afford to be generous to all nations but our own?

Have you read "An End to Make Believe" and "The Nightmare of American Foreign Policy," by Mowrer? Also, "A Nation of Sheep" (Lederer)? the Reader's Digest of May on how we are fighting poverty?

Communism is the language of poverty, and charity begins at home.

Before we spend all our money on moon trips and foreign aid, let's improve life and living conditions inside this country.

Wake up America. Our freedoms are vanishing.

We need dedicated patriots, not complacent, apathetic citizens.

In 1919, I read a book abroad, title of which was "The Third World War—Between the Black and the White Races." Where are the brilliant brains and statesmen who can prevent the third world war?

Mrs. VIOLET PIKLER.

TEMPE, ARIZ., *May 24, 1964.*

DEAR SENATOR MORSE; I just had the pleasure of watching you on the CBS–TV program "Face the Nation."

Being an immigrant from Iran, I would like to tell you that I agree with you wholeheartedly on the subjects of U.S. role in southeast Asia and the civil rights bill now pending before the Senate.

Since I am still not a U.S. citizen, I cannot vote or belong to any political party. However seeing such great Democrats as yourself and our late beloved President John F. Kennedy in action, has left no doubt in my mind as to which party I will belong once I have the opportunity.

I now have spent more than 7 years in this country.

I have tried to keep up with the news and have participated in many a hot discussion in college and outside. Internal and foreign policies advocated by some Americans worry me very much. Yet distinguished and intelligent people like you in responsible positions put my mind at ease.

Please Senator, keep up the good work.

Truly yours,

MANONCHELN SHAARI.

GLASSBORO, N.J., *May 24, 1964.*

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

SIR: Hurrah for you. If only all of our Senators and Congressmen were of your opinion.

You should have 2 hours. The present civil rights bill will cause more harm than good. The Negroes should have more rights, but certainly not as the bill stands now. Civil rights will centralize too much power.

Mrs. M. SULLIVAN.

RIVER EDGE, *N.J., May 24, 1964.*

Senator WAYNE MORSE,
Washington.

DEAR SIR: I listened very attentively to you on "Face the Nation" today, and may I tell you that I agree with your premise on our boys being sent to south Asia.

Stevenson, in my estimation was never a statesman, I have yet to hear him say one thing with any correction, just leaves me cold, whether he is espousing his own views or someone else's. Just has no fire, as far as I am concerned anyway. I'll concede I could be wrong; however, I'm no expert, but on the other hand, I'm no moron either, so if we are at war, why not say so and be done with it. I detest procrastination in any form, its defeat by piecemeal.

May I add the President's program for poverty stricken areas, and all the hullabaloo attending it seems to be a destraction for our benefit (the people).

How about the truth for a change of pace?

Thank you Senator for your courtesy.

Truly yours,

Mrs. M. E. DISTASIO.

ORLANDO, FLA., *May 24, 1964.*

Senator WAYNE MORSE.

SIR: I heard you over television telling those troublemakers your views on our soldiers and this country in Vietnam. Wish we had more Americans in Washington like you than we have. Our old President, General Washington, told what would happen in his farewell address. The Roman Catholic Church politics, the Communists, and others have never liked our form of government or our public schools because we had the open Bible in it, the public school. Like I written Justice Warren, he is 1 year older than I am. When I went to school, the teacher read two or three verses in the Bible, and we all repeated the Lord's Prayer before school started which didn't hurt anyone, and that it would of been good if we all had to learn the 10 Commandments like we had the multiplication tables. They use to say the public schools were to give every child a common education, reading, writing, and arithmetic. But things are changing damn fast, and for the Negro. My parents came to Florida in 1885 from Iowa and Illinois. I was born in Orange City in 1892. I've worked with Negroes, and worked them; shoveled dirt all day with them $1.25 a day; worked pipefitting, learned them how to do the labor. Also auto mechanic, and an old Negro worked at brick plant all week then opened barbershop for whites on Saturday night. Never thought a thing about this damn stuff going around today. They always wanted to stay with the Negroes, and whites with themselves. But the one Christian Church, Jesus Christ's (all peoples) are supposed to go and belong too. Like I told an old Negro, when I die, I hope to see all my old darky friends there.

Yours,

BILL GLASGOW.

LOS ANGELES, CALIF., *May 24, 1964.*

MY DEAR SENATOR MORSE: I wish to commend you for your most wonderful appearance on TV today. Oh, it is refreshing and simply beyond describing, the thrill Americans felt in knowing we do still have a Senator who holds up for the right in America. Our dear old America, beloved Nation, is tottering and when I see how the Communists are gaining daily, then I shudder.

To think of all the college and university campuses are opened for Communist speakers in California, then I feel the American people should take a firm stand. I went last May 20 to hear Dorothy Healey, the most avowed Communist in California, speak before 19,000 students out at the East California State College. Oh, how she told what is going on, too. She mentioned how Senator FULBRIGHT is bringing to the public just what the Reds want us to know.

Senator MORSE, I do thank you from the depths of my heart for speaking firmly and letting the American public know true facts. We are all so very interested and you are the first man in Washington who has had the courage to speak out. Praises be for you, Senator MORSE.

Oh, if we only had more patriots like you, Senator MORSE. I weep sometimes when I sit and listen to these wishy-washy men talk like Rusk and McNamara and even our President—not one of them ever talk firm like you. Truly you do not know how you reached down into American hearts and I tell you I rejoice. My telephone started ringing immediately after you ended and, oh, how we rejoice. I am a nurse and am in big hospitals hearing the opinions daily.

Cordially yours,

Miss DAPHNE A. OGLESBY.

ST. PETERSBURG, FLA., *May 25, 1964.*

To Rt. Hon. Senator WAYNE MORSE.

SIR: I listened to you on the Sunday television show, "Face the Nation," Sunday, May 24, and I want to congratulate you on your forthrightness, in your answers regarding this farce in the (war) in Vietnam. Where, or where, is all this unilateral mess going to end? Secretary McNamara makes trips out there, at first, our troops were coming out in 1965. Now, we have his statement that it may be a 5- or 10-year struggle. We evidently have not bothered to look at the record in Dienbienphu. I was

in World War I, in the trenches outside Antwerp, Belgium, in 1914, with Sir Winston Churchill's Royal Naval Division. We surely got clobbered there, so I have an idea what war is like. Now at 71 years of age, and incapacitated, with my right leg amputated 6 inches above the knee, and confined, practically to a wheelchair, about all I can do now, is raise my voice in protest, against what I think is our foolish foreign policy, as outlined by Dean Rusk and Secretary McNamara. As you stated, sir, this Far East mess is a matter for the United Nations, and Mr. Adlai Stevenson did not enhance his reputation by his latest speech in the U.N. Next we are calling on our (allies) to participate to a greater extent, in this undeclared war, to me, sir, it seems we are pouring our reserves down a rat hole and I am glad we have at least one Senator who has the courage to come out and state his convictions before the public. In the Middle East, we have lost out, with the arrogant dictator Nasser, thanks mostly to the stupid policy of the late John Foster Dulles, and his promises regarding the Aswan Dam. I have been in Egypt several times when the Suez Canal was controlled and all the pilots on the canal were American, French, and British. Now, the nations sit supinley by and let the nation of Israel be debarred from the canal. The whole thing is preposterous. Senator, please tell me, can we continue to police the whole world? I am not, sir, for "peace at any price," but I do think we are overextending our umbrella. Where is the answer? One word in closing, I think this civil rights bill, or "evil rights bill," is another gigantic boondoggle, and I hope and pray, it gets filibustered to death in the Senate, "Integration by intimidation," that's out. Eventually integration would result in intermarriage, which to my mind is too horrible to contemplete. If that bill passes, and I hope it don't, it never could be enforced, just like the Volstead Act, prohibition, that was a farce. I, or we, pay a Negro $10 for 8 hours work, on our lawns and shrubbery, plus his meal, if that bill passes, we will hire a hungry white man, and there are plenty of them here, thanks to the influx of 250,000 Cuban (refugees) into South Florida. That is all Senator, and thanks for reading this.

Sincerely yours,

MALCOLM B. "MAC" THOMSON.

MAY 25, 1964.

DEAR SENATOR: After listening to your views and answers on "Face the World" program, last Sunday, I simply must write and congratulate you on your sensible views.

I don't know whether you are Republican or Democrat, but, even though I'm Republican, if and when you run, I certainly will vote for you.

Undoubtedly we have no business butting into every country who are in arms against each other. It is none of our business, unless the big businessmen or our country has some secret profitable gain out of it.

It's easy for the leaders whom the citizens put in office to butt in in other countries' troubles, send a handful of our men over there to oppose toughened guerrilla fighters, with not enough buddies to back them up—and be slowly killed, from week to week, and for what? As you said, we have not declared war on anyone. What, then, is a single boy of ours doing over there? Why isn't a vote taken by the people on a separate ballot whether we should or should not send our boys over there? It's a disgrace to the United States and I don't think we receive any thanks from other nations. The men in the White House do what they want on the matter. We parents have nothing to say, though we spend many sleepless nights and much worry, trying to keep them alive when they were children.

When Mr. Eisenhower was President, we didn't have any of this trouble all over the world. Now it's a Communist boiling pot, even here, by the Supreme Court ruling no prayer in public schools. What harm can 3 minutes do to pray a little to Him who taught peace to one another? For many, many years it was used, with no objection. Now, because a few complain, the multitude must go along. If they keep up, it will be as Khrushchev said, "The Red flag will be raised in America, without firing a shot." For without God, it's only a small step to communism.

Why aren't all difficult matters put up to be voted upon? If the voters are good enough to go out and vote for candidates, when they don't know what they will do when in office, why aren't they allowed a say in such serious matters as sending our boys to troubled areas in groups so small, and why aren't some men from the U.N. sent there? Why always the United States? I'm with G. Washington who said, "Stay out of foreign affairs."

Sincerely,

Mrs. C. DEFRANCISCO.

SAN JOSE, CALIF.,
May 24, 1964.

The Honorable Senator MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I was listening to you on "Face the Nation" program just a few minutes ago and I just had to write to you.

I am far from a statesman or stateswoman and I don't know if your suggestion on the Asian situation would work. What roused me was that you say, "If the American people were told the facts they would support the President in whatever course he took if it was a right and just one."

I felt like crying out to you, "What people, who would do what?"

I have been out ringing doorbells to get people to at least go out to vote and I am sick at heart at how little interest is being shown on the part of the people I've contacted. Not only do they not know the issues they don't even know who is running in many cases and that in spite of the wonderful educational TV channel we have here in northern California (KQED) who have had the candidates discussing issues both day and evening.

Everyone seems to have his own little ax to grind. The teacher, baker and candlestick maker, yes; now the senior citizen who goodness knows does need housing and medical care but all of them want someone else to stick their neck out for them while they won't even read what little is told to them in their newspapers and God knows it's not much.

I just wonder how many people listened to you on "Face the Nation" while the Ed Sullivan show was on?

Pardon me for writing such a long letter; I know you are a very busy man but I just had to.

Yours sincerely,

Mrs. LEAH O. LEPPERT.

DEAR SENATOR: I agree with you about the situation in South Vietnam. I believe that world government is the ultimate solution for peace.

Please continue your fight for a peaceful settlement in South Vietnam through the United Nations.

Yours truly,

WILLIAM DEAN, Jr.

NORTH HOLLYWOOD, CALIF.,
May 24, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Thank you so much for your forthright expressions of opposition to the administration's activities in South Vietnam. I and thousands like me, in addition to many of my friends, who might not take time out to write, do feel like you do regarding this serious situation. It is quite confusing to me to really understand what we as Americans really have at stake there. My understanding of the situation leads me to a very hopeless attitude and a waste of human beings and resources.

The recent events in South Vietnam should reveal the stark realities of the situation there. The French lost there—the American puppet leader Diem lost, and from what I have read by authoritative writers we will eventually lose too. So why pursue a "war" if even the South Vienamese people don't seem able or really willing to fight it. If they were really opposed to the North Vienamese regime, it seems to me they might have already defeated them. I realize that I am no military expert. I base my assumptions merely on past history. In spite of our support to Chiang Kai-shek, he lost against the Chinese Communists and had to leave the country. In Korea we bolstered the Rhee regime which, according to all reports, was also corrupt, and then the people themselves turned him out. I am sure we Americans have very little understanding, or can hardly identify with the needs and asperations of the Asian people. How can we who live under an economy of plenty, understand what these people want and need. My feeling is that this should be immediately stopped—our forces returned and then let both sides negotiate and decide how they wish to resolve their differences and future.

Mr. Stevenson's statements really fell far short of a realistic approach to the situation. I have read the letters of the young airman who died in South Vietnam. Did this young man really die for his country? I would say he wasted his life—but who knows perhaps his life may save other American boys—as his death has no doubt aroused the wrath of many people here in America. Mr. Stevenson's statement bore a peculiar ring—it didn't sound as if he was really convinced of his own words.

Please Senator MORSE try to do all you can to change this horrible situation. In our great desire to defeat communism all over the world—we seem to be encouraging it instead and at the expense of our young men and our resources. What else can I do, and others like me, who feel it is useless?

Most respectfully,

Mrs. R. BAIN.

BERKELEY, CALIF., *May 20, 1964.*

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR MORSE: I have just read excerpts of your speech of March 4 on our involvement in the war in Vietnam. I want to congratulate you for your forthrightness in speaking out on this issue. The more I hear about this war and how and why it is being fought, the more strongly I am convinced that we cannot cease this foolishness (or better said dangerous stupidity) soon enough.

I for one am rather tired of seeing the United States rally to the support of every "democratic" dictatorship in the world simply because it is supposed to be the only (easy) anti-Communist alternative. I do not think it even is an alternative, as it can only alienate the people and be a black mark on the United States.

I would very much appreciate a copy of your speech.

Sincerely,

LIN JENSEN.

CHICAGO, ILL., *May 25, 1964.*

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: We wish to express our admiration and gratitude for your courageous stand in telling the truth on the

Vietnam war. If only more Members of the Senate had your courage.

It is of tremendous importance to tell the people that we must put an end to this terrible ordeal.

Since our local papers have given this no coverage I would appreciate any copies of your speeches that are available.

We fervently hope that you keep up this important work.

Sincerely yours,

Mr. and Mrs. S. L. STRINEL.

MINNEAPOLIS, MINN., *May 25, 1964.*

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SIR: I was greatly encouraged by your recent address to your colleagues concerning the wisdom of our policy in southeast Asia. I have only read excerpts and would appreciate a copy of the entire speech so that I will be better informed on this most urgent and dangerous international problem.

It is my hope that more men in your position will take a sensible position and lead America to a more humane foreign policy.

Sincerely yours,

RICHARD SCOTT.

WASHINGTON STATE UNIVERSITY,
Pullman, Wash., May 21, 1964.

Senator WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: Since first hearing you speak some years ago at Eastern Oregon College when I was an undergraduate and you were a prospective candidate for the Democratic nomination for President, I have considered myself a "MORSE supporter" and have especially admired the way you have taken an open stand on important issues and have answered questions and presented arguments using facts and reason in place of glowing slogans and misleading generalities.

Because of this I am greatly disturbed when I cannot find your facts, figures, and reasons concerning issues of national importance. And this is the position I find myself in concerning the war in Vietnam.

There is, of course, much public news data regarding the war; especially since the questions about obsolete equipment, and the duties our soldiers perform there, have been raised. But there is one question that seems to be continually skipped over; the question of whether or not our soldiers and our aid ought to be in Vietnam.

According to the news magazines, you have taken the stand that we should not be in Vietnam in any capacity. Yet I cannot find anywhere your reasons for this position. On the basis of what I have read about Vietnam and your position concerning the situation, I must express these feelings.

I am beginning to feel that the purposes of American aid and soldiers in Vietnam as seen by the top military and Government leaders are different than the purposes they express to the public. I very definitely have the feeling that Secretary McNamara either does not know, as he should, or does not care to tell the real story of Vietnam. I have the feeling that a number of people in high positions wish you would shut up and are trying to divert attention from your statements. I would like to know why. I have confidence that you have something important to say and I for one would like to hear it.

Sincerely,

JOHN WILLMARTH.

BERWYN, PA.,
BERWYN, PA., *May 27, 1964.*

DEAR SENATOR MUNDT: Your speech on TV Sunday, May 24, on "Face the Nation" so inspired me that I am writing to ask if it were possible that I could have a copy of it—a duplicate to send to President Johnson. You are so right and that speech was so enlightening but how many people will not have heard it. If it only could be broadcast nationwide.

Gratefully,

ETHEL LUCAS.

MAY 28, 1964.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: We heard a rebroadcast of your speeches in the Senate last night regarding Vietnam. We were impressed with the information, and due to your past record in the Senate we believe you and appreciate your exposé.

We thank you and applaud your brave stand and want to add our voice to yours.

Sincerely yours,

ARDIS J. BARTHELSON.
HAROLD C. BARTHELSON.

WEEHAWKEN, N.J.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR: Wrote letter to President Johnson about our wishes to undeclared war in Laos and Vietnam. We are against all Asian wars or aid.

Letter we got back from Washington had a booklet about AID.

Our sentiments are the same as this letter to editor enclosed.

We are with you, Senator. Go after the warmakers.

FRED J. CAMPACCI.
FRANCES CAMPACCI.
MARY M. GIBBONS.

ON U.S. INVOLVEMENT

NORTH BERGEN, *May 17.*

EDITOR, HUDSON DISPATCH:

Peasants given guns and pitted against each other. American increase in involvement forcing additional Chinese strength. After all, no new conflicts may tempt a budget-cutting-minded Congress to look toward the military. We could call that GI automation creating reduction in parasites and glory seekers.

How about ambassadors given enough foreign aid to discourage presidential campaigns at home? It's a dirty, losing battle anyway Tex, and what better way to keep him occupied and put the Republicans and Goldwater's military back another few elections. Even if he succeeds it was a Democratic Congress bursting with altruism, being whipped by you know who, that had the foresight to pay the way. I wonder how many financial experts it takes to give a man just enough money to cut his own throat?

Truthfully, Lodge, Rusk and McNamara can always hide behind the cloak of "Gee, I was only a poor, misdirected, patriotic, nationalistic do-gooder." That will take them off the hook. In fact, everybody politically has a way out and as a last resort, they can always join forces and one hand wash the other—sort of like the Baker case. All we need is a scapegoat. Of course—the same guy since time eternal. He's easy to recognize because he keeps looking for peace and promoting it, but he always forgets to put on his military uniform and bears only a shovel for a weapon. Quick, get him out in the field. So what if he's Vietnamese, Cuban exile or an African native, we've got a uniform and rifle for him and we'll never have a peace-loving humane society until we show him what a good war is.

The military peace corps in Vietnam won't have any trouble recognizing the end of hostilities; it will be loudly and warmly announced by the commencement of World III.

PERPLEXED.

WAR EXPANSION SEEN

UNION CITY, *May 18.*

EDITOR, HUDSON DISPATCH:

The war now raging in South Vietnam is about to be expanded into North Vietnam, which would almost certainly involve the Chinese and precipitate world war III. Our Government is supporting an unpopular dictatorship, 7,000 miles from our shores. It is costing us more than a million dollars a day to preserve a system of government that the people there despise and are struggling to rid themselves of.

Recently, 63 local residents signed a petition to Senators WILLIAMS and CASE urging them to support Senator MORSE's, Democrat, of Oregon, and Senator GRUENING's, Democrat, of Alaska, outspoken appeals in Congress for a reversal of our country's disastrous foreign policy in South Vietnam.

Senator MORSE has recently said about Vietnam, "We should have never gone in. We should never have stayed in. We should get out."

This is the time for all Americans to exercise their prerogative. There is nothing unpatriotic about questioning an administration's policy. To quote Senator MORSE again—"You have the right to ask your Government now: Do you have plans for sending American boys to their deaths by the tens of thousands in escalating South Vietnam war above South Vietnam? I say to the American people, get the answer from your Government now. You have a right to it."

Write your Senators and President Johnson now. We must get out of South Vietnam before it is too late.

ALVIN MEYER.

BOSTON UNIVERSITY,
COLLEGE OF LIBERAL ARTS,
Boston, Mass, May 31, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Please accept my thanks and congratulations for your sustained effort to end the fiasco of United States intervention in Vietnam. I am certain that you speak for the majority in this country, although many have not clearly formulated their opposition to our involvement, and few are aware of your good work.

One of the most disheartening aspects of the present situation is the widespread apathy, and the often-expressed opinion that, since our Government has staked its prestige on the military defeat of the Vietcong, we, the citizens, have no choice but to follow along. Here is clear proof that the American people are losing control of their own Government.

Keep up the good work, and above all, don't let them extend the fighting to North Vietnam.

Sincerely yours,

FRANK S. GUSE.

SAN DIEGO, CALIF.,
June 7, 1964.

Senator WAYNE MORSE,
U.S. Senate Office Building,
Washington, D.C.

DEAR SENATOR: I accidentally stumbled onto your speech to the President on Vietnam and Cuba in a minority newspaper. Was I surprised. I didn't know we had a Senator left in the United States who could still think and had a sense of fairness.

I take my hat off in respect to you. You really hit the nail on the head. Would that there were more men like you in public life. Keep up the good work.

Looks like the American Government, Republican and Democrat alike, have taken over where the Heinies left off. No wonder we are despised throughout the world.

I sure wish I could vote for a man like you.

Respectfully yours,

WAINO SAARINEN.

TARZANA, CALIF., *June 6, 1964.*

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: My family and friends and I commend you on your perceptive and rational appraisal of U.S. involvement in southeast Asia. For the well-being of the world, views like yours must prevail—and soon.

Respectfully,

LILLIAN K. BUSCH.

SCARSDALE, N.Y., *June 8, 1964.*

DEAR SENATOR MORSE: You are so brilliantly right about Vietnam; it is heartbreaking to observe how few of your fellow Senators speak up with you. Thank God you are in the Senate.

Don't you think it would be important to make sure that the American public as well as people in Government are made aware of (for example) the 20-mile strip along the Cambodian border that was last week divested of all plant and animal life? Several people heard it two or three times on the hourly news, but on Saturday it was barely mentioned in the New York Times.

One wonders how many times the United States has engaged in this sort of scorched-earth depredation in Vietnam that the public never heard about at all?

Many many people are behind you and are grateful for your sane and logical reasoning.

Sincerely,

CAROL BERNSTEIN.

RIVER FALLS, WIS., *June 7, 1964.*

Hon. Senator WAYNE MORSE,
U.S. Senate,
Washington, D.C.:

Approve of your speech in Senate June 2, page 12398, CONGRESSIONAL RECORD. Sorry we didn't have a letter to you too, voicing approval. I get so tired of hearing this "freedom" bit in the news. Personally I wonder whose economic interests are being threatened in South Vietnam.

Mrs. CARL PEMBLE.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SIR: There is a very good article in the magazine "The Minority of One," about Vietnam.

Thank you for trying your best.

You have terrific odds against you with the controlled news.

The people are with you on your view regarding Vietnam.

Very truly yours,

Z. KORN.

SAN FRANCISCO, CALIF., *June 14, 1964.*

Senator MORSE,
Senate Office Building,
Washington, D.C.

MY DEAR SENATOR MORSE: I want to thank you and commend you on your courageous speeches in the Senate, your outspoken condemnation of U.S. involvement and intervention in South Vietnam war. It is a cruel and useless war against those long suffering people, and also the increasing toll of American boys' lives. It may surely—if continued—bring the entire world to nuclear destruction. Keep up your great work. You are a true patriot, and I know the world holds you in great esteem. I have written President Johnson.

Sincerely,

R. LEE LOY.

MINNEAPOLIS, MINN., *June 8, 1964.*

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I read with interest your address to the Senate on May 20, and your second address on the following day, regarding the proposed extension of the war into North Vietnam.

I was beginning to think there were no more voices of reason left in public office. You have represented the views of many of us in Minneapolis, and we thank you for it.

Yours sincerely,

Mrs. SUSAN STANICH ABRAMS.

BROOKLINE, MASS., *June 6, 1964.*

Senator J. WILLIAM FULBRIGHT,
Senate Office Building,
Washington, D.C.

DEAR SENATOR FULBRIGHT: Sometime ago you suggested that the position of the United States in South Vietnam be raised for political discussion. This was truly an excellent idea. To date, however, the only voice in the Senate which I have heard question our policies in that part of the world is the one of Senator WAYNE MORSE.

I urge you to repeat your stand again and again.

During the last decade it has become increasingly difficult for people to feel free to question, let alone oppose, accepted Government policies. This is not only dangerous for our country but anathema for any democracy.

It is, now, during this pre-election period that the American people and their representatives in the body politic must ask:

1. How is it possible for democracy to become synonomous with "defoliation"?

2. Why is it necessary for the governments we aid to employ U.S. Armed Forces or military dictatorships in order to exist (witness the present state in South Korea and the numerous governments we support in South America)?

3. Why, as Walter Lippmann asked in his recent article on South Vietnam, do we still consider southeast Asia an "American outpost"?

4. And lastly, do the American people truly wish to become a colonial power—in this, the "century of the common man"?

The integrity of our Nation and our people are at stake. Conferences in Honolulu are not the answer. The time for a search for the truth and a rediscovery of the correct path is now. The most patriotic act any man can pursue is to question U.S. foreign policy at this moment.

Sincerely,

Mrs. EDITH STEIN.

OAKLAND, CALIF., *June 7, 1964.*

DEAR SENATOR MORSE: I appreciate you greatly for your outspoken attack on our position and presence in Vietnam. We should get out as quietly as possible before more of these Vietnamese people are killed. We have made a mistake there, we should admit it and quietly leave.

Sincerely yours,

FLORALE MCGUIRE.

OAKLAND, CALIF., *June 5, 1964.*

DEAR SENATOR MORSE: We are writing to express our support for your stand on Vietnam. We earnestly request that you continue your gallant fight to reverse our present policy. Thank you again.

Sincerely,

Mr. and Mrs. WAYNE LORETZ.

BERKELEY, CALIF., *June 5, 1964.*

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Every day I offer silent gratitude for your honest, informed, principled, practical stand on Vietnam, and it is time I told you so.

Citizens in the San Francisco Bay area are at last beginning to speak out, to tear aside the official myths about Vietnam, to express their anger and shame at having been silent so long.

I am convinced nothing on your splendid record of upright independence will shine more gloriously in history than your almost singlehanded opposition to our Vietnam policy.

Sincerely,

FRANCES W. HERRING.

OAKLAND, CALIF., *June 5, 1964.*

DEAR SENATOR MORSE: I would like to thank you for your brave stand on the situation in Vietnam and encourage you to continue to fight against our intervention in the affairs of that country.

Yours truly,

Mrs. ELAINE DROPKIN.

SANTA MONICA, CALIF.

DEAR SENATOR MORSE: I wish to express appreciation on the stand you have taken on South Vietnam, and other important issues. Thank God for men like you. Best wishes for a long and fruitful life.

Sincerely,

ROSE RUBIN.

JUNE 4, 1964.

DEAR SENATOR MORSE: We admire you very much for your courage in speaking out against the war in Vietnam. We want you to know that you express our sentiments. We wish that we could have an opportunity to vote for you. Keep up the good work.

Sincerely,

Mrs. JOHN SPRUELL.
JOHN M. SPRUELL (15 years).
CAROLYN SPRUELL (16 years).
LAURA SPRUELL (10 years).
JOHN T. SPRUELL.

JUNE 3, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I applaud all you have been saying about southeast Asia. Please continue to do all you can to get us out of South Vietnam and to stay out of North Vietnam.

Respectfully yours,

R. MOORE.

COLOGNE, N.J., *June 7, 1964.*

DEAR SENATOR MORSE: I want to commend you most highly on your sane and sensible attitude toward Vietnam, and on having the courage to speak out about it.

I understand that a number of other Congressmen are with you on this, and I do hope you will all keep working, as a closer approach to sanity and reality in our foreign policy is certainly most needful.

If you have any spare time you might work on a sane and sensible attitude toward Cuba.

Sincerely,

PEACE PILGRIM.

INTRODUCING PEACE PILGRIM

You may see her walking through your town or along the highway—a silver-haired woman dressed in navy blue slacks and shirt, and a short tunic with pockets all around the bottom in which she carries her only worldy possessions. It says, "Peace Pilgrim," in white letters on the front of the tunic and "Walking 25,00 Miles for World Peace" on the back. She has almost finished walking those miles. Her vow is: "I shall remain a wanderer until mankind has learned the way of peace, walking until I am given shelter and fasting until I am given food." She walks without a penny in her pockets, and she is not affiliated with any

organization. She walks as a prayer and as a chance to inspire others to pray and work with her for peace. She speaks to individuals along the way, to groups in cities, through the medium of the news services. She points out that this is a crisis period in human history, and that we who live in the world today must choose between a nuclear war of annihilation and a golden age of peace.

PEACE PILGRIM'S MAGIC FORMULA

There is a magic formula for resolving conflicts. It is this: Have as your objective the resolving of the conflict—not the gaining of advantage.

There is a magic formula for avoiding conflicts. It is this: Be concerned that you do not offend—not that you are not offended.

PEACE PILGRIM'S MESSAGE

My friends, the world situation is grave. Humanity, with fearful, faltering steps, walks a knife edge between complete chaos and a golden age, while strong forces push toward chaos. Unless we, the people of the world, awakes from our lethargy and push firmly and quickly away from chaos, all that we cherish will be destroyed in the holocaust which will descend.

This is the way of peace. Overcome evil with good, and falsehood with truth, and hatred with love. The Golden Rule would do as well. Please don't say lightly that these are just religious concepts and not practical. These are laws governing human conduct, which apply as rigidly as the law of gravity. When we disregard these laws in any walk of life, chaos results. Through obedience to these laws this frightened, war-weary world of ours could enter into a period of peace and richness of life beyond our fondest dreams.

For free literature and information write to: Peace Pilgrim, Cologne, N.J.

PHILADELPHIA, PA., *June 6, 1964.*

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I would like to thank you for your courage and persistance in re Vietnam. I would also like to ask you to do everything in your power to have our men there supplied with adequate and up-to-date equipment upon which their lives depend.

It is diabolical that we, the richest Nation in the world, the most generous where other peoples are concerned, should be so parsimonious and unfeeling with our own.

Yours very truly,

DOROTHY S. CONN.

SANTA CRUZ, CALIF., *June 6, 1964.*

DEAR SENATOR MORSE: Our family is in full accord with your viewpoint regarding our foreign policy and in respect to southeast Asia in particular.

If you were running for President, I am sure many of us would vote for you without thinking twice. Especially if they were aware and informed of your dedicated proposal in helping to save the human race from utter annihilation.

Every best wish for your success.

Many of our acquaintances are behind you.

Sincerely,

HENRY E. FISCHER.

P.S.—Would very much like to receive your last speech to Congress about Vietnam.

BERKELEY, CALIF., *June 4, 1964.*

DEAR SENATOR MORSE: We fully support your efforts in opposing our involvement in southeast Asia.

Please send any of your congressional speeches on this subject.

Yours truly,

JAMES WOOD.

BERKELEY, CALIF., *May 27, 1964.*

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: I want to congratulate you on your courageous (for our times) stand on our Government's policies in Vietnam (as covered in the CONGRESSIONAL RECORD of March 4, 1964).

I would like all of our club members to read your speech. I would appreciate it if you would send me as many copies up to 52 of your speech in the Senate, so that I could give it to our members. I realize that this is quite a few copies, so please send as many as you can up to 52.

Yours very truly,

AL HERMES,
Publicity Chairman.

WEST HAVEN, CONN., *May 28, 1964.*

DEAR SENATOR MORSE: Congratulations on the fine stand you have taken on Vietnam. Could you send me a copy of the CONGRESSIONAL RECORD with your speech in it.

Is this a correct quotation of March 20, 1964?

"If we are not an aggressor Nation now in South Vietnam, we are not far from it * * * there are no Chinese in South Vietnam. There are no Russian soldiers in South Vietnam. The only foreign soldiers in South Vietnam are U.S. soldiers. What are they doing there?"

Thank you for all you are doing and do let me hear from you.

Sincerely,

JEROME DAVIS, D.D., LL.D., Litt.D.

BROOKLYN, N.Y.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SIR: We want you to know that we applaud your speech against invasion of North Vietnam and Laos.

We hope your message will get across to other Senators and that something constructive will be accomplished.

Sincerely,

Mrs. DOROTHY LIEDEL.

HASTINGS ON HUDSON, N.Y.,
May 30, 1964.

DEAR SENATOR MORSE: I wish to thank you and express our deep gratitude to you for carrying on and leading the fight against our position in Vietnam. I hope you will not falter in continuing this important task.

It is regrettable, as you so well put it, that Adlai Stevenson abdicated his position of leadership. It is most urgent, therefore, that you influence and use your position to put a stop to this threat to peace. I hope we can achieve the withdrawal of our troops and put an end to this wretched mistake.

I have written to President Johnson supporting your position.

Sincerely yours,

Mrs. ANNE MEEROPH.

LOS ANGELES, CALIF., *May 29, 1964.*

Hon. Senator WAYNE MORSE,
Washington, D.C.

DEAR SIR: We heard you last Sunday on "Face the Nation." We are very happy with your stand on peace and your method of reaching it.

We feel, Senator, that you are a heaven in the darkness.

May we get many like you in our great country.

Thank God for your presence in these days in the Senate.

With hope,

Mr. and Mrs. JACK SIEGEL.

WANAQUE, N.J., *May 30, 1964.*

DEAR SIR: I would like to express my admiration for your speeches against the "dirty war" in Vietnam.

Please keep on fighting. You are expressing the feelings of many of us.

I only regret not living in your State and not being able to vote for you.

Sincerely yours,

ROBERT EHRLICH.

NEW YORK, N.Y., *June 2, 1964.*

Senator WAYNE MORSE,
Senate Chambers,
Washington, D.C.

DEAR SENATOR MORSE: I applaud most vigorously your courageous opposition to escalating the war into North Vietnam.

I have written to the President and to the Senators of my State opposing such a move. I have also urged Ambassador Stevenson to bring the matter into the U.N.

Please continue the good work. Many are the people of good will who support you.

Very sincerely yours,

FRIEDA WEISBERG.

SCARSDALE, N.Y., *June 2, 1964.*

DEAR SIR: I wish to register my strong and unequivocal support for Senator WAYNE MORSE, and to endorse his recent statement summing up so effectively and succinctly, the true issue in Vietnam.

No moral right—Bring back the boys that had nothing to say about going to South Vietnam to die in a war that we should not be fighting. Mr. President, you have no moral or legal right to kill them. Let us be brutally frank about this. You will have to assume responsibility for their killing because you, Mr. President, are ordering them to their death.

This "dirty war" must end. Can't we learn a lesson from France? Their people discovered the hard way, after a loss of 240,000 young men, fighting a fruitless struggle, only to go down in defeat.

We have no right to interfere in this internal civil struggle.

The American people look to your leadership which should militantly pursue all ends to achieve a meaningful and immediate peace.

Hopefully,

Mrs. ELSIE HELLER.

JACKSON, MICH., *June 1, 1964.*

Senator WAYNE MORSE,
Washington, D.C.

MY DEAR SENATOR: I saw you on TV and I agree with you regarding Laos. I was in World War II, 32d Division and in the army of occupation in Germany so I know something of war.

I feel that the English set up World War I and we accomplished nothing but to set up World War II. We killed off Hitler and his gang and set up Russia, China and worldwide communism. The Korean war didn't settle much and now we are itching to get into this one. Please, for God's sake, keep us out of this one and get all of our troops out of Asia.

Incidentally, about the only friends we have in this world are Germany and Japan and I wonder if they really are. Our former allies certainly are not—they only want our money and then do business with Cuba, Russia, and China. Thanking you, I am,

Yours truly,

R. M. COOLEY.

NEW YORK, N.Y., *June 13, 1964.*

Senator WAYNE MORSE,
The U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: Vietnam, Laos, and Cambodia are essentially one nation and comprised French Indochina before partition of that nation after the French capitulation. The present struggle within Indochina is an internal one and the United States is interfering with the self-determination of this nation.

The United States hasn't any more right in Indochina than it has in the rest of Asia. What are we trying to prove there? We supported the repressive government of Diem and now a military dictatorship in South Vietnam. We supported the autocratic Rhee and now a military dictatorship in South Korea. We supported the feudal warlord Chiang Kai-Shek before his ignominious defeat by Mao Tse-tung and now we hypocritically claim that his unpopular government on Taiwan is the "real" Government of China.

American foreign policy as it is presently conceived in Asia is detrimental to the American people. We are in an area of the world where we don't belong, have everything to lose and nothing to gain. Unless we get out of Asia soon, we will find ourselves at war with China.

Sincerely yours,

STANLEY SINGER.

LOMBARD, ILL., *June 1, 1964.*

President LYNDON JOHNSON,
White House,
Washington, D.C.

DEAR SIR: I am in complete agreement with Senator MORSE's criticism of our South Vietnam, Laos, Cambodia, and Cuba policies—which are leading this country and the world to nuclear holocaust. If I may use an apt phrase of my own coining, our country—it seems to me—suffers tragically from the national pestilence of "pentagonorrea."

Keep up the good work, thank you.

Yours,

MRS. EVELYN CARNES.

CAMBRIDGE, MASS., *June 2, 1964.*

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I have only recently had the opportunity to read portions of your comments on South Vietnam in the Senate on May 20 and 21. I want you to know that I, as an Oregonian, am proud to tell my friends about the one truly courageous Member of the Congress—WAYNE MORSE. I urge you to continue your fearless exposure of illegal U.S. military action in southeast Asia. Give them hell—it may be our only hope.

DAVID H. DE WEESE.

PUEBLO, COLO., *June 2, 1964.*

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Thank you for your May 20 speech. America is very fortunate to have such leaders as you and Senators GRUENING and FULBRIGHT—leaders who are not afraid to speak up for a sane, traditional, American foreign policy.

Sincerely,

PAUL STEWART.

BALTIMORE, MD., *June 3, 1964.*

President LYNDON B. JOHNSON,
White House,
Washington, D.C.

DEAR PRESIDENT JOHNSON: The situation in southeast Asia is of great concern to me and to my family.

I am unalterably opposed to any extension of the fighting or any unilateral U.S. action in this area, and urge that the Geneva Conference be convened again to deal with this powder keg. Even better, is it not possible to let the United Nations attempt a solution for all Indochina? Prince Sihanouk, Chief of State of Cambodia, has complained to the Security Council. Can we not make this the starting point for complete United Nations jurisdiction?

Too many American soldiers have died already in a vain war. The French experience in Indochina, with far greater forces, should be a grim lesson to us. I understand we are throwing over a million dollars a day down the South Vietnamese rathole, and I share the uneasiness of the New York Times and the Wall Street Journal about our position. The next coup d'etat might be by neutralists.

Please curb the Republican warhawk, Secretary of Defense McNamara, and let us have the same responsible, peaceseeking U.S. foreign policy in Asia that we are striving for in Europe. We must have peace conferences or United Nations action in this region, not further military adventures.

Respectfully yours,

CHARLES ANDERSON.

VENTNOR, N.J.

THANKS, SENATOR: It is a wonderful feeling when we can say at least one man represents the people of the United States. Good luck, I am sure the people are back of you.

Respectfully,

J. J. HEGARTY.

CARMEL, CALIF., *June 2, 1964.*

The Honorable WAYNE L. MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Thank you for your efforts in the Senate to have the administration adopt a rational policy in southeast Asia. Certainly now our policy is only bringing tremendous suffering to the peoples there, and any further military extension would not bring freedom to anyone but probably world war III and death to most of the peoples of the world.

Please keep up your efforts for negotiation.

Sincerely,

TOM GOODMAN.
MAIZIE GOODMAN.

BOONE, N.C., *June 2, 1964.*

DEAR SENATOR MORSE: Do we have to get into a fullscale Korean war, or worse still, a third world war, in southeast Asia, just to save face?

The United States was one of the organizers of the United Nations which is supposed to settle world problems jointly. But, the United States continues to ignore the United Nations. Why?

Please use your influence to settle the southeast Asia crisis in the U.N.

Sincerely,

W. P. FAELIGH.

SAN FRANCISCO, CALIF., *June 2, 1964.*

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: We wish to congratulate you on your courageous stand regarding the southeast Asia war. We know that it requires integrity of the highest order to speak out for an end to a futile involvement which almost all other Congressmen support.

Keep up the good fight. Most Americans will support your stand when the issue is brought out into the open.

Yours truly,

MELVIN and BARBARA KRANTZLER.

EVANSTON, ILL.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: We wish to congratulate you on the fine fight you are waging, together with Senators AIKEN, GRUENING, and MANSFIELD, to prevent the fires of war in southeast Asia from raging more violently than they do already.

It is our belief that the only satisfactory solution that can be found for the troubles of this area of the world is for all foreign influence to be withdrawn in order that the people of the area may truly have the opportunity to work out their own destiny in their own way.

Sincerely yours,

ARNOLD F. BECCHETTI.
MARILYN B. BECCHETTI.

ROCKPORT, W. VA., *June 3, 1964.*

Senator WAYNE MORSE

DEAR SIR: In your recent "Meet the Nation" talk over radio, I was glad to hear that you were not giving vent to a lot of war threats, directed at the helpless people of southeast Asia. I personally think the world has had too much war and warmongering.

EARL KIRBY.

NEW YORK, N.Y.,
June 3, 1964.

Senator WAYNE MORSE,
Senate Office Building, Washington, D.C.

DEAR SENATOR MORSE: I want you to know that I am in full agreement with your analysis of the situation in South Vietnam and the possible solutions you advanced. I sent the following telegram last evening to President Johnson.

"Deplore any expansion our war in South Vietnam. Support completely views of Senator MORSE."

It is gratifying to know that you had the courage to express the feelings of so many Americans who feel they have no voice in determining foreign policy.

Sincerely yours,

MRS. VICTOR ANDOGA.

SAN FRANCISCO, CALIF.,
June 3, 1964.

Hon. WAYNE MORSE,
U.S. Senate, Washington, D.C.

DEAR SENATOR MORSE: I want you to know that the brave stand you have taken toward the immoral and illegal war in Vietnam is not, in my opinion, as unpopular among the American public as it seems to be among most of your colleagues in Congress. It is heartening to know that in these days, when the Congress seems so out of touch with the people, there is still a handful of men in public life who put principal above expediency.

Now that the establishment seems bent on turning Vietnam into world war III, I urge you not only to keep up the good work, but, if possible, even to increase your efforts.

It would be an honor to vote for you.

Sincerely,

PHILIP FANNING.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: May I thank you for the courageous stand you have taken regarding South Vietnam. In my opinion your position is correct and I admire the few Senators who dare to speak out for the welfare of our country.

The other evening I had the good fortune to tune in a radio program on KPFA on Vietnam. Many quotes from speeches of yours in the CONGRESSIONAL RECORD were given. They were eloquent, sincere and truthful. I was deeply grateful that you are in Washington D.C. It is only to be regretted that such a program as this was not carried on every major network in America. In reply to my letter to President Johnson I received a sheaf of mimeographed pages about Vietnam and our purpose there. I found little I could agree with and my letter to them was ignored. The news given to the American people in our local papers is so limited on vital questions of our times and the behavior of some governmental agencies so high-handed that to me it is truly frightening. My sincere good wishes to you.

Sincerely,

PAULINE SCOTT.

LAWRENCE, KANS., *June 2, 1964.*

President LYNDON B. JOHNSON,
The White House,
Washington, D.C.

DEAR PRESIDENT JOHNSON: I am against our continued military presence in South Vietnam, and am absolutely opposed to carrying

that morally, politically, historically unjustifiable policy into North Vietnam.

Senator WAYNE MORSE of Oregon seems to be one of the very few brave, intelligent voices (also Senator FULBRIGHT) in that sea of blindness called U.S. foreign policy; I fully support the Senator's views regarding U.S. policy in South Vietnam. The people of Oregon are most fortunate to have such a man represent them.

It is difficult to understand how an administration with, at long last, a more enlightened domestic policy can continue, practically alone, to carry on such a backward, 19th-century foreign policy.

Those of us who voted the Kennedy administration into office, with hopes for a new, intelligent, open-minded approach to world affairs, and above all, with hopes for peace, are still hoping; please do not disappoint us. We are tired of platitudes and doubletalk; tired of hearing our so-called spokesmen advocating peace in one breath, and in the next advocating extending an unjustifiable war into North Vietnam, and wherever else the world will not follow their dictates.

Most sincerely,

Mrs. GLORIA B. SADLER.

NOTE.—Senator WAYNE MORSE: We have sent a copy of the foregoing to Congressman HAROLD JOHNSON and this one to you.

PARADISE, CALIF., *May 25, 1964.*

Senator THOMAS KUCHEL,
Senator Office Building,
Washington, D.C.

DEAR SENATOR KUCHEL: We are fully in accord with Senators MORSE, GRUENING, and MANSFIELD in regards to Vietnam. We further think that we are there for business reasons and therefore we have no business staying there under the hypocritical guise of saving the people of that unhappy land from this or that or the other thing. Continuance of our policy, and particularly to the probability of its extension, is not only a flagrant threat to peace, but the survival of life on this planet. We hope, sir, that you are working on, or will soon so incline your efforts in this direction.

We wish to congratulate you on your sympathetic stand in regards to medicare; your opposition to the attempt to suppress Pacifica Radio; and for the many other good things you have worked and voted for.

Sincerely yours,

HAROLD C. BARTHELSON.
Mrs. ARDIS J. BARTHELSON.

MIAMI BEACH, FLA.

Senator WAYNE MORSE,
Senate Building,
Washington, D.C.

DEAR SIR: Congratulations on your wonderful fight to keep us out of another Korea or an atom bomb war. You finally broke the iron curtain of newspaper silence with your and other Senators fight against an extension of war in South Vietnam. You made the front pages here. Keep up the good work.

EWEN FOSTER.

MINNEAPOLIS, MINN.,
June 1, 1964.

DEAR SENATOR MORSE: Thank you very much for the many copies of your excellent statement on Vietnam which I requested and which your office sent so promptly. We distributed them at the meeting for which I enclose a notice. At this time we passed a resolution asking our Government to withdraw and turn the problem back to the Conference of Geneva as was provided in 1954. The papers give us no hope that the Goverment is changing its stand to a more rational one in line with its agreements at that Conference. It is most disillusioning to be part of such a foolish policy as the United States has, and one feels impossibly frustrated except that people like you are speaking out and stating what we think.

Thank you again. If you can think of anything more useful that we can do besides write letters and try to spread the facts as you and we see them, we would be glad to try.

Sincerely,

Mrs. ELEANOR OTTERNESS.

FORT COLLINS, COLO.,
May 31, 1964.

The Honorable WAYNE MORSE,
The Senate Office Building,
Washington, D.C.

MY DEAR SENATOR MORSE: As the father of a 17-year-old son, but more especially as a citizen, I wish to thank you for your efforts drawing the attention of the American people to the situation in Vietnam. Not only does the war there seem a hopeless one—it seems to me an effort which throws shame upon this Nation. I can see nothing democratic about the existing regime there, and analysis suggests that the resistance to us must have much popular support to be as effective as it is without airpower. Suggestions that the war be extended are especially horrifying, with the threat of nuclear war and absolutely no justification in international law. Although your efforts to expose this situation must at times make you feel that yours is a voice in the wilderness, I am convinced that you and your colleagues who raise this issue are the true spokesmen of the American people.

Please send me any copies of your speeches on this subject that may be available. Thank you again for fighting this good fight.

Sincerely yours,

PAUL A. BATES,
Associate Professor.

PAWTUCKET, R.I., *June 3, 1964.*

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: This is just a note to express my approval of your outspokenly critical attitude toward U.S. southeast Asia policy.

I can't tell you how really heartening it was to hear such a penetrating indictment of our morally bankrupt foreign policy and particularly emanating from a U.S. Senator who holds such a responsible position on the Foreign Relations Committee. Increasingly, I was convinced that the Congress had atrophied to such a condition that it was incapable of critically assessing our foreign policy and was on the verge of becoming a parliamentary entity so ineffectual as to be comparable to the appendages of a totalitarian regime. Your forthright and resolute statements on the genocidal war in Vietnam and your unswerving commitment to conscience are indeed gratifying.

Undoubtedly, you will be assailed by the cold warriors as an appeaser, a capitulator, but be assured that there are many people who are appreciative of your reflective and conscientious stand.

Appreciatively,

RAYMOND L. RICCIO.

WASHINGTON, D.C., *June 4, 1964.*

President LYNDON B. JOHNSON,
The White House,
Washington, D.C.

DEAR PRESIDENT JOHNSON: I am urging that you use your great prestige and influence to expedite an end to the evil war in Vietnam.

Our great Nation would surely gain in stature if a major portion of the half billion dollars being spent each year in a destructive Vietnam venture were to be diverted to the U.N. to help settle the conflict.

The United States, the beleaguered Vietnam, and the entire world would greatly benefit by such a step. And the United States could be acclaimed as a truly great and peace-loving nation.

Very truly yours,

Mrs. JANET N. NEUMAN.

NEW YORK, N.Y., *June 3, 1964.*

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

HONORABLE SIR: I wish to lend my support to your position on the war in Vietnam and Laos. To let this develop into a full-scale war can be disastrous for the world. A better solution must be found.

Very respectfully,

SOLOMON COBETT.

BROOKLYN, N.Y., *June 2, 1964.*

DEAR SENATOR MORSE: I have been meaning to write and tell you how much I agree with you on the withdrawing of our boys from Vietnam and your forthright criticism of Gov. Adlai Stevenson. It is rare that one hears any dissent in Government, so that you and Senator FULBRIGHT stand out as knights in shining armor. Thank God for people like you.

Very sincerely yours,

Mrs. SYMA KAUFMAN.

JUNE 3, 1964.

Senator WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: Thank you for your just and unequivocal opposition to the war in South Vietnam and its projected escalation. It is quite clear to anyone who takes the trouble to read and think that the Khank regime in South Vietnam is a thoroughly unpopular dictatorship maintained, in the face of overwhelming Vietnamese opposition, by the armed intervention of U.S. forces and a huge U.S. subsidy which is now at least $500 million per year and scheduled to rise by $125 million. I hope you continue your opposition, publicly and vociferously, to our dirty war in Asia.

Sincerely yours,

WM. R. ROTHMAN.

LOS ANGELES, CALIF., *June 1, 1964.*

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I agree with your stand on our withdrawal from the war in South Vietnam. I support Senator FULBRIGHT's recent speech to rethink our overall foreign policy in Cuba and South Vietnam.

Your efforts for a stronger U.S. stand for world peace are appreciated.

Very truly yours,

HERBERT MARTH.

ST. LOUIS, MO., *June 2, 1964.*

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

Congratulations on your intelligent courageous stand on Vietnam. Keep it up. Glad somebody in Washington thinks.

ISADORE SHANK.

HYATTSVILLE, MD., *June 2, 1964.*

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

SIR: We commend you for the great job you are doing in course of peace. Although you are in the minority at present history will note your great service to our country and the world. If you can save even one American life you will have fulfilled your duty as a Senator. More power to you.

Sincerely yours,

Mr. and Mrs. I. PEITELBAUM.

LOS ANGELES, CALIF., *June 3, 1964.*
Senator WAYNE MORRIS,
Senate Building,
Washington, D.C.

DEAR SENATOR: We are inspired by the passion and unassailable logic of your argument against intervention in southeast Asia. Please accept our heartfelt gratitude for your courageous defense of world peace and all humanity. Let us know in what way we may help.

Sincerely yours,
PAUL PERLIN and FAMILY.

SNOHOMISH, WASH., *May 31, 1964.*
Senator W. MORSE,
Capitol Building, Washington, D.C.

Senator MORSE: We are not from your State but my husband depended upon your opinions and leadership at our Capital. This is a democracy but I wonder if this will reach your attention.

For 2 years the hopelessness of the fighting in Vietnam has been of heart's concern. Every American death there has certainly been a murder and a useless one. Natives are reported to be unconcerned and using the presence of our men for personal gain. We are not sending Von Steubens and Pulaskis—as Secretary McNamara said in his "pep talk." The boys in southeast Asia are fighting against a condition and party which is allowed in Cuba, is financed in Yugoslavia and against which our money interests will not cut trade. There is much more to say and you have more information. Then the dollar is more protected than young men's lives—some who have not yet had an opportunity to use their American right of representation and vote their lives away in this place.

Is it not for such world conditions that the United Nations was organized? Why was the Secretary of Defense (the opinion of one businessman) in charge of the situation until it reached a crisis? Now it seems we must be in the fight to protect his political reputation. Why are such important matters left in the hands of two or three? Should not Congress make the decision which puts us into war action any place?

With Red China so opposed to America—what more could she ask than the United States be baited to come all the way across the Pacific—to fight at her borders with her kind of weapons, and in her manner of fighting. Should such a nation have diplomatic victory over our educated leaders? And the price of diplomatic blunder is so easily offered and takes the lives of better citizens. (Is it not so that those men who steal cars and the like have counted their military time in detention?)

We pay taxes to help peoples maintain freedom. That seems right. But stopping communism is surely a problem of united effort. If the United States takes over why should others offer to come? Cannot the situation create a demand by Congress for it to become a United Nations cause?

The above has been my feeling for some time. Now it has become an opinion with a heartache. I have only two relatives in this world since my husband passed away—two sons. Jere is 21, 1A. John S. is 23 and at Fort Eustis, Va.—leaving for Koret, Thailand June 17. He was working for his master's degree and hoped to teach in college. His chief interest was to encourage the freshmen dropouts. At heart, he is a pacifist. He was troubled as to how to state it without seeming disloyal. (He didn't go fishing because he didn't want to cause anything to die.)

I thank you for your time if you have read this. Things seem so difficult—I believe that Jack would have thought it well to write to you.

Very sincerely,
MARGARET MURPHY.

BROOKLYN, N.Y., *June 3, 1964.*
Senator MORSE,
Senate Office Building,
Washington, D.C.

DEAR SIR: I have read of your position on the aggression in South Vietnam and on the warmongering of fellow Americans. It is deeply gratifying to learn that there are men on Capitol Hill, like yourself, who have resolved not to be part of this warmongering madness.

All that I can say to you is that it is imperative that you and those on Capitol Hill who agree with you keep up the struggle to put an end to this mass warmongering insanity and to restore peace to, and insure peace in, our world.

Yours truly,
RICHARD BORNSTEIN.

SPRINGVILLE, CALIF., *May 25, 1964.*
Senator WAYNE MORSE.

HONORABLE SIR: (Only you and Senators DOUGLAS and CLARK and members of "the willful little band" do I consider deserving of the title "Honorable Sir.")

Your words on last night's release of "Face the Nation" were superbly courageous. Their undeniable logic and obvious honesty may, I fervently hope, have helped to counteract the propaganda dispensed daily by the far-right industrialists. (Apparently the military-industrial complex has "deprived us of our liberties.")

Your speeches in my daily issues of the CONGRESSIONAL RECORD prompted me to type highlights from them for the local newspapers. All efforts to beat the coalition seem futile, but at least you throw a hard, bright light into the dirtiest corners.

I, too, am keenly disappointed in Adlai, for whom I voted, but in whom my faith was shaken after his reversal on Telstar, or H.R. 11041.

This letter is meant as a vote of confidence for your suggestion that we let the U.N. handle the Vietnam crisis, and abandon our lawless ways. I hope you receive thousands like it.

Most respectfully,
ELIZABETH TALBOT.

NEW YORK, N.Y., *May 31,1964.*
Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

HONORABLE SIR: Please accept my humble and deeply felt gratitude for the courageous and powerful stand you are taking in behalf of peace and a decent America. As long as men like yourself exist, there is hope for the future. Otherwise, we would all be left to total despair.

Very respectfully yours,
Mrs. RUTH FREINKEL.

LONG BEACH, CALIF., *May 30, 1964.*
Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: May I extend to you my admiration and support for your honest and courageous leadership in bringing the American people to understand the Vietnam situation. I am in full accord with your views there, and feel that it is urgent that we as a nation realize the mistake we are making. I believe lack of accurate information here at home is our only excuse.

The worst misunderstanding, being fostered daily by most of our press and some political figures, is the belief that men and material are pouring into the Vietcong from North Vietnam, from China, or from other sources. Only rarely is the truth printed, and then it seems to go unnoticed. (I refer to General Harkins quoted at length in the March 6, 1963, Los Angeles Times, and to articles by Ted Sell and Bill Henry in November 20, 1963, and May 17, 1964). The truth is that we are the only ones intervening in Vietnam, and we are killing indigenous natives, destroying their families, homes, and crops.

Then, what can be said about those Americans who continue to state that our soldiers in Vietnam are still playing only advisory, noncombatant roles? This is contempt for truth, and for the intelligence of the public.

I hope you continue to try to elicit open, honest debate in Congress and in our press on the Vietnam scandal. I will do all I can to help you. If you have any reprints of your speeches on this topic, I would appreciate receiving one.

Sincerely,
GEORGE R. AUGUST.

SEATTLE, WASH., *May 31, 1964.*
Senator WAYNE MORSE.

DEAR SENATOR: It is hard for us to understand how the machinery of the Pentagon operates. For example, how it can keep the war in Vietnam going so flagrantly against the wishes or interests of the people of this country.

I think you are doing a courageous job in attempting to expose their tactics and get the rotten mess stopped.

Respectfully,
RALPH C. LEMON.

LOS ANGELES, CALIF.,
Memorial Day, 1964.
Senator WAYNE MORSE,
The Senate Building,
Washington, D.C.

DEAR SENATOR: On this Memorial Day, I want to congratulate you on your great effort for peace, the best memorial to our war dead.

I have just written to our President asking him to stop the war in South Vietnam.

My family and I greatly appreciate your efforts in behalf of all the people of the United States.

Sincerely yours,
Mrs. ELLE L. MILLER.

NEW YORK, N.Y., *June 2, 1964.*
Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Let me take this opportunity to express my heartfelt approval of your stand against the continuation of the Vietnam war. I am glad someone is standing up and speaking out against a war so unjustified, so inhuman, so wasteful, and so destructive of our position in the world as a friend of national independence and opponent of colonialism.

I hope you will keep the good work up until every American serviceman is brought home from Vietnam. I do not say that we should get out of the war there because things are not going so well for us now. I have felt for a long time we should get out because we are doing the wrong thing in trying to force upon a people a government that they do not want. I believe that the Vietnamese people feel that they are fighting for their homes and for their own freedom from outside oppression. They are thus fighting for human rights that any people would be justified in fighting for.

A few infiltrators from North Vietnam could not have influenced them if they had not already been completely discouraged about the conditions under which they had been living and the oligarchy which caused them.

This is a war in which there is no future except to be dragged deeper and deeper into a campaign of attrition against a whole people with a consequent expenditure of more and more American lives and a gradual extension of the area of battle, which will make it ever harder to reach a settlement.

Good luck to you in your campaign against it.

Sincerely,
Miss EILEEN BRADLEY.

RUTHERFORD, N.J., *June 2, 1964.*
The Honorable WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: We would like to commend you on your forthright statements on the southeast Asia situation. Your courage in speaking out against further U.S. involvement is heartening. Please know that there are many fellow Americans who share your concern and shame over present U.S. policies in the Vietnam region.

Sincerely,

ROLAND A. FINSTON.
GLORIA W. FINSTON.

BLUE RIDGE FARM,
Schodack Landing, N.Y., May 30, 1964.
Senator WAYNE MORSE,
The Senate,
Washington, D.C.

DEAR MR. SENATOR: I have just written to President Johnson and to Adlai Stevenson expressing my agreement with your views and comments on our involvement in Vietnam and on Mr. Stevenson's speech to the United Nations (your speech of May 20 to Senate)—also my agreement with Walter Lippmann's column on the same subject.

It is gratifying to know that a few people, even in the Senate, have the wisdom and integrity to state their views frankly even though they differ with our State Department.

I sincerely hope that you and others such as Senator GRUENING will continue to speak out and that we can avoid further involvement in any war. We must have peace.

Yours truly,

BETTY E. LAWS.

SAN FRANCISCO, CALIF.,
May 30, 1964.

U.S. Senator WAYNE MORSE.

DEAR SENATOR: I am in full agreement on your most courageous stand on southeast Asia.

I am thankful that you are one of the few who will make himself heard in this time of peril.

We are interfering in the internal affairs of too many other countries.

There are too many, in high places of this country, who want war.

Respectfully yours,

E. O. BIBLE.

WILMINGTON COLLEGE,
Wilmington, Ohio, June 1, 1964.
Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: This is to express my appreciation for your perceptive speeches on American foreign policy, particularly in relation to the fighting in South Vietnam.

It seems to me that you and the other handful of Senators who have been exposing the tragedy of the fighting in South Vietnam and have been stressing the need for constructive American policy deserve our deepest gratitude.

Sincerely yours,

WARREN GRIFFITHS,
Professor of History and Government.

WESTFIELD, N.J.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SIR: I am writing to tell you how much I approve of your efforts to force a change in our South Vietnam policy, and the whole dreadful mire we find ourselves in. Who is running the country, Pentagon and CIA? Seems so.

What are our boys being asked to die for, the discredited regimes of Diem or Khanh? American mothers have had enough of war. We want peace and now. The world yearns for it, and we here in United States are dragging our feet, holding up progress—world opinion is 10 years ahead of American public opinion—who is molding it?

Please continue your efforts to challenge our present policy and to work for a settlement of the Indochina peninsula—I admire your candor and honesty—the House and Senate, unfortunately, don't have enough like you.

Yours very truly,

JEANNE W. THOMSON.

LYNN, MASS., *June 1, 1964.*
Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR MORSE: May I congratulate you on your speech about stepping up the war in South Vietnam of May 21 in the Senate.

I was particularly interested in your report that Pentagon personnel admit that there are no troops from other countries fighting with the Vietcong, and that the war is, in fact, a civil war, and we have no business being there.

I wish there were more Congressmen and Senators with your ideas and courage. I am wondering how I can vote for either Republicans or Democrats who really have no differences on this subject.

More power to you.

Respectfully yours,

Mrs. MILDRED GOODWIN.

LAKEPORT, CALIF., *June 5, 1964.*
Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I want to congratulate you on the forthright stand you have taken on the question of our foreign policy, more particularly in regard to our involvement in Vietnam. It is clear that such a policy can't possibly result in any solutions but on the contrary can escalate into the destruction of our civilization.

The aspect of the situation that really bothers me is the evident corruption and ignorance of our electorate, as evidenced by the primary elections in this State.

As an individual, more or less isolated because of the mantle of fear that blankets our Nation, I can only thank God that there are a few men like you with courage and a dedication to truth and real patriotism. May your tribe multiply.

CARL SULLIVAN.

LOS ANGELES, CALIF., *May 3, 1964.*
Senator WAYNE MORSE,
Washington.

DEAR SENATOR MORSE: I send you three cheers and a heartfelt message of appreciation of your almost lone stand on our wicked work in South Vietnam. Your strong words are needed.

Thank you, and keep it up.

Sincerely,

D. G. PIKE.

"The end justifies the means" is now our country's motto, and nothing else.

PHILADELPHIA, PA., *June 5, 1964.*
Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: You and Senator GRUENING are performing a most significant service to our Nation in your repeated statements on the South Vietnam situation. Unfortunately your forthright position opposed to our intervention militarily in southeast Asia has too few supporters in Congress but you are supplying leadership to an ever-growing body of citizens who reject our Nation in the role of seeking to force a dictatorial government on a people.

If you have not already done so, I would suggest for your reading Edgar Snow's "The Other Side of the River," with special attention to the final chapters in which he addresses himself to war and peace in Vietnam and then his proposals for changed attitudes in our Nation.

Sincerely yours,

A. EGNAL.

CHICAGO, ILL., *June 6, 1964.*
Senator WAYNE MORSE,
Senate Office Building, Washington, D.C.

DEAR SENATOR MORSE: Keep up the good work in trying to pull us out of southeast Asia. You are right, 100 percent. The intervention there is illegal and is not worth the death of one American. Can't we find anyone but bloody little dictators as our friends? In the U.N., can't we quit voting with the colonial powers? Even the colonial powers don't support us on Vietnam. It is clear that we have been caught way out in right field. I saw Hiroshima 3 months after the bomb was dropped and I don't want that to happen here. I watched the radioactivity in the bomb victims eat up the good blood almost as fast as we pumped it into them. The skin color would return for a little while, then they would turn gray-white and die. Those were people that were far from the blast. So, please, please don't give up. Keep trying.

Yours very truly,

CARL HOECKNER.

MILL VALLEY, CALIF., *June 4, 1964.*

DEAR SENATOR: I wish to particularly thank you for the copies of your speeches you sent me. They are exceptionally good, firm, pointed speeches. I have learned so much from them and I shall certainly spread them to all who will read. (If only more would.) As a first result of my reading of them, I have been inspired to write a poem, a copy of which I enclose. Of course, I am mailing it to each of the principals involved. Do keep on with your excellent work and know that we are many who applaud your courage and try to emulate it.

Sincerely,

Mrs. MARGUERITE EDISES.

YOU ARE CALLED TO ACCOUNT

Prelude

Calling McNamara, calling Rusk, calling Johnson, calling McCone, calling Taylor, to be an honor guard.

I

At the shore you meet,
Each youth to greet.
His last trek done.
Your trial just begun.

II

Each lies there dead,
The dropped flag at his head,
Wanting to hear what you said.

III

When he asked you, "Why,
The whole world to defy,
You sent him to die?"

IV

"Is it not for shame?"
"We have no legal claim."
"Quite clear
We interfere."
"Stop."
"Let the rest arrive
Greet them alive."

V

But you were not there.
His words rent the air.
But you did not care—
Or, did you not dare?

VI

When will you say, "The Conference, instead."
Better, words and then more words than all those dead.

VII

Gentleman:
The hour is late
So also our fate
'Tis honorable to abdicate.

—MARGUERITE EDISES.

SILVER SPRING, MD.,
June 6, 1964.

President LYNDON B. JOHNSON,
White House,
Washington, D.C.

DEAR MR. PRESIDENT: After listening to and reading what many of the Senators who are interested in Vietnam say and write, I have come to the conclusion that we are being inflexible in that area.

As Senator WAYNE MORSE has said, "The people of South Vietnam have the right to choose the kind of government they want. We should get out now."

As a peace-loving man I'm sure you, too, can see the folly of pursuing the policy we have had all this time. All that comes of it is more deaths for Americans as well as Vietnamese people, and the future may even bring the further spread of war. It is certainly no weakness to negotiate and to save lives.

Please help to change our policy there.

Sincerely,

MRS. MIRIAM W. DRIMMER.

LA CRESCENTA, CALIF., *June 4.*

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR: Thank you. I am glad that you have not been stampeded into acceptance of the idea of extending the war in southeast Asia. I would hate to see another bloody carnage, Korea style.

I notice that the President again uses the old cliche about "defending South Vietnam." Actually, isn't it more accurately a matter of defending a government that isn't wanted by a majority of its own people? (Surely it would have won out long ago if it had even half the people on its side.)

I am glad, too, that you are not alone in taking a more reasonable attitude on the Vietnamese situation; I have also written Senators GRUENING and FULBRIGHT commending them.

With best wishes.

ROBERT SHILLAKER.

[From the Los Angeles Times, June 4, 1964]

CEASE-FIRE IN VIETNAM UNDER U.N. PROPOSED

WASHINGTON.—The southeast Asia crisis stirred critical comment in Congress Wednesday.

Senator ERNEST GRUENING, Democrat, of Alaska proposed in a Senate speech that the United States seek an immediate United Nations sponsored ceasefire in South Vietnam.

"We should take every step possible to stop the bloody, senseless killing in Vietnam not only of U.S. fighting men but of the Vietnamese as well," he said.

MORSE TAKES ISSUE

Senator WAYNE MORSE (Democrat, of Oregon), again took issue with U.S. policy in the Senate. He said President Johnson's statement at a press conference Tuesday that the United States intends to stand by its commitments to help defend South Vietnam is "in reality a sad admission that the 10-year-old policy of unilateral American intervention in Indochina has been a failure."

He added: "If the President thinks the future of southeast Asia is at stake, then he has no alternative but to confer with the governments of southeast Asia, not only with South Vietnam, but with North Vietnam, Cambodia, Burma, Laos, Thailand and the neighbors who also have a more direct interest then does the United States—India and China.

"For President Johnson to create the impression that the United States intends to determine the future for millions of people 7,000 miles away is not even a thinly-disguised kind of imperialism," MORSE said.

LOS ANGELES, CALIF., *June 2, 1964.*

Senator WAYNE MORSE,
U.S. Senate, Washington, D.C.

DEAR SENATOR: Why not turn over our problem of Vietnam to the United Nations and thereby save the lives of our boys as well as those of Vietnam?

Thank you.

Cordially yours,

SARA OSHUIO.

LANCASTER, CALIF., *June 1, 1694.*

SENATOR WAYNE MORSE: All of us are deeply indebted to you for continuing your efforts against the United States war in Vietnam. Your strong opposition to sending more money and American boys to carry on the war is a great contribution toward preventing that war to be enlarged as it surely will be if not stopped very soon.

It is extremely sensible of you to mention that Vietnamese lives, as well as American lives, should be considered as they are human beings also. This is seldom considered by the brainwashed administration leaders or people in general.

And it is true that the blood of these murdered people is on the hands of all from the President on down who do not speak out against this terrible war by which thousands are brutally tortured as well as the thousands killed.

I note David Holden of the Manchester Guardian states, "Saigon is a city of glittering, cynical, sybaritic unreality, vice and artificial prosperity. There is maintained a black market where American aid cartons are openly sold by street peddlers, and panic money is leeched out steadily to Hong Kong and Singapore and Zurich."

Good wishes to you.

PEARL R. GOODING.

MOUNT VERNON, MO., *June 3, 1964.*

Senator WAYNE MORSE,
U.S. Senate, Washington, D.C.

DEAR SENATOR MORSE: Thank you for the wonderful speeches you made in the Senate on May 21 and 24. I have read only an excerpt, but you are speaking for the people of this country and what you have said should open our eyes. It takes courage to do things like that. I am writing Senator LONG again and sincerely hope he will give you support. That we are endangering the peace of the people of the whole world is crystal clear. No wonder we stand alone in this shameful thing. What little approval we have from Britain is forced intimidation. I do hope people are writing you—and I think those who are informed should. Keep up the good work. Lack of information and misinformation are our greatest obstacles, as Senator GRUENING has pointed out. The whole world should thank the small handful of brave men in our Senate for trying to present the truth.

Sincerely,

Mr. and Mrs. STEPHEN B. CRUMPLEY.

BROOKLYN, N.Y.,
June 3, 1964.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I want to thank you for your courageous stand against our southeast Asian policy, particularly in South Vietnam. How many people in the area are we convincing that the threat is communism—that the Vietcong is out to destroy them? It seems to me that by this insane drive to world war we are alienating more people everywhere.

Please continue the fight to reverse this unrealistic attempt to settle world problems by sectional wars. Let us get out and try to solve the problems closer to home.

Very respectfully yours,

ANNE R. COLFORD.

LOS ANGELES, CALIF.,
June 3, 1964.

Senator WAYNE MORSE,
The Senate,
Washington, D.C.

DEAR SIR: Just a short letter to give you encouragement in your courageous stand on the Vietnamese issue.

Yours truly,

M. DEDINA.

KALAMAZOO, MICH., *June 3, 1964.*

DEAR SENATOR MORSE: I saw and heard the very short speech you made about our war lords.

Thank God we hear a few, very few voices in the wilderness, crying out against needless wars. Money, but more important, the lives of our young men lost for saving face of 2 men in our Government. McNamara and Rusk, who go about smiling, now they have some recommendations to offer to President Johnson sure, they know, they are running the country.

What about Congress. I don't like the expression "do nothing" Congress, but what are they doing to keep this country out of wars—other peoples' wars? Do we have to fight all wars for everyone?

The people in South Vietnam don't want the war to end, they are having a good time spending our money, glad to have our men fight and die for them.

Raise your voice a little louder and longer for the United States and us.

Our boys would prefer to bathe and swim too, instead of fighting waist deep in the swamps for what, prestige?

Mrs. M. C. SCHILLING.

PLAINFIELD, IND., *June 3, 1964.*

SENATOR WAYNE MORSE: I just want you to know that people outside of your home State appreciate you. However, I'm afraid that too few of them let you know. I've been wishing, for some years, that we had a majority in the Senate and House, too, who believe as you do.

I was formerly a Republican, more recently a Democrat, but I'm pretty sure now that the establishment runs both parties.

What the country needs is an awakening which would make people think and communications media tell the truth.

We are now just carrying on the old British striped pants diplomacy by imposing our strength in areas where it is not wanted and needed. We give people freedom all over the world where, I'm afraid, they find themselves much less free than previously.

You are the only Senator I can write this to. If there are more, will you let me know. I'd like to encourage them.

L. D. HOUSTON.

NEW YORK, *N.Y., May 8, 1964.*

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Congratulations on the magnificent speeches you have made on the subject of Vietnam and the need for the United States to become militarily disengaged there.

I am enclosing a pamphlet which I have just written on the subject of Vietnam, and I hope that it will be helpful in getting people to see the necessity for a change in American policy. I am also hoping that you will consider that it has sufficient interest and merit to have it inserted in the CONGRESSIONAL RECORD.

Sincerly yours,

HELEN B. LAMB.

DETROIT, MICH., *May 9, 1964.*
Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: God bless you for your stand against the South Vietnam war.

Yours must be a lonely lot fighting for sanity, justice, and trying to get our foreign policy back on the track of international law and decency.

I often wonder how it is that our Government can be led around by the nose by a few private monopolies; whereas our own citizenry is ignored and left to shift for itself.

Seems like the monopolies that call upon the public to rescue their holdings in Cuba, Congo, Brazil, or southeast Asia are the very ones who object so strongly to medicare, civil rights, aid to education, and adquate pensions.

Therefore I too salute you and wish you success and fortitude in your splendid endeavors.

Keep up the good work.

Sincerely,

JOHN Z. GELSAVAGE.

CAMBRIDGE, MASS., *May 9, 1964.*

DEAR SENATOR MORSE: This is the first time I have written to any person in Congress. I am now completing studies at the Massachusetts Institute of Technology. Since I first became politically conscious I have been impressed by your devotion to truth and principle, something that seems to be lacking in most of Congress and the administration.

I am writing to express complete support of your position on Vietnam. Many of my friends are very concerned at the apparent suppression in the press of a public opinion which I am sure is more and more in agreement with your feelings. I do not know if you have made any statements concerning Cuba, but in the past year I have become convinced that the communism in Cuba is largely a myth. I am embarrassed to remember that at one time I supported the Bay of Pigs invasion. If it hadn't been for the military and economic policies of our Government to Cuba, Castro would never have had to make trade agreements with the Soviet Union. My thoughts could go on indefinitely, but I'll stop here with an affirmation of my feeling that the war in Vietnam makes a mockery of our own Declaration of Independence and Constitution. Good luck and don't give in to pressure.

Would you be available in the future for speaking engagements (say next fall)? My friends at MIT and Harvard would help set up and publicize such meetings. I realize you are quite busy, so don't feel obligated to answer.

Respectfully,

LESLIE M. EVENCHICK.

WASHINGTON, D.C.

DEAR SENATOR MORSE: Your recent newsletter on Vietnam was lucid and forthright. Why can't this information be publicly hammered home again and again until this senseless slaughter is stopped.

I enjoy all the "Oregon" touches and think your picture with the President excellent. I never throw the newsletters away—always send it on to some one in need of correct information on issues both domestic and foreign—cutting across political lines, too.

More power to you.

Sincerely,

(MRS. H.) ROSE BAKALAR BERMAN.

REVERE, MASS., *May 7, 1964.*
Senator WAYNE B. MORSE,
Washington, D.C.

DEAR SENATOR: Congratulations to you on your courageous stand against "McNamara's war."

The sooner we pull out of Vietnam the better it will be for the Vietnamese and the U.S. soldiers who did not choose to go there and who were never sent there in accordance with the laws of our country which require our troops to engage in wars only when declared by Congress.

Let's get out of Vietnam before they celebrate another anniversary each year out there—this time an American—not a French Dienbienphu.

Sincerely,

FRANK SIEGEL.

NEW YORK, N.Y., *May 9, 1964.*
Senator WAYNE MORSE,
The Senate, Washington, D.C.

DEAR SENATOR MORSE: Congratulations and my heartfelt support for your courageous stand on our senseless policy in South Vietnam. If only there were more like you to speak out and stand up and be counted.

I have written to Senator GRUENING with my appreciation and advised my own Senators JAVITS and KEATING that I have written to you. I have also written to President Johnson.

I wish you to know that you do have support—and history shows that we are a placid people but when we are pushed too far, we do become rebellious. This has been the progress in American history.

Keep up the good fight.

Sincerely,

PEGGY W. LESSER.

BRONX, N.Y., *May 4, 1964.*
Senator WAYNE MORSE,
Senate Office Building, Washington, D.C.

DEAR SIR: Congratulations on your opposing our inhuman and vicious dictatorship-supporting war in South Vietnam. It is a disgrace to this country that so few of your congressional colleagues have had the courage, integrity, decency, and/or intelligence to speak out against this war. The day may yet come in this country when the persons responsible for the napalm bombing and killing and maiming of thousands of innocent South Vietnamese citizens will be regarded as the murderers and mentally imbalanced persons that they are. The day may yet come when the murder and maiming of hundreds of thousands of people merely to satisfy the money and power lust of war-oriented "defense" and armament company executives and the neurotic lust for power and prestige of brutal and conscienceless military brass will get the attention from the psychiatric profession that it deserves.

The people of this country are overwhelmingly opposed to this kind of murder for power and profit. Let us end this madness in South Vietnam or we will find ourselves following in the footsteps of the German people when they let Hitler lead them down the bloody path that led to dictatorship, genocide, and world war. Only from such a world war as we would find ourselves in this country and Western civilization would never rise again.

It is about time the so-called leaders of this Nation stopped using the mask of anti-communism to hide every vicious, greedy, brutal, stupid, and neurotic motivation and ambition of our big businessmen and military higher ups. It is about time they stopped their lying to the American people about this war's being necessary to stop communism. This war is being fought by us simply because the big business executives, the millionaries, and their military henchmen and bought politicians in this country demand that the people of South Vietnam have a government, not of their own choosing, but one which meets with the approval of these big businessmen and their cohorts. And one which meets with their approval means simply one which they can exploit industrially and financially and dominate politically, as they do with their various pet South American dictatorships such as Paraguay, Haiti, Guatemala, Honduras, Nicaragua, El Salvador, Ecuador, Dominican Republic, and now Brazil. Their greed for profits and power is why they are supporting the present military dictatorship in South Vietnam against the people of South Vietnam, and why they supported the Diem dictatorship which preceded it, and why they have supported and befriended the dictatorships in Spain, Portugal, and South Africa, and why they are fanatically opposed to the present Cuban Government. There isn't and hasn't been a rotten, corrupt dictatorship anywhere in the world since the end of World War II that those big businessmen and their military sidekicks haven't approved of, and through their domination of the U.S. Government, haven't forced the U.S. Government to support.

It is high time the U.S. Congress realized that the interests and desires of the American people as a whole are not the same as, and are even usually diametrically opposed to, the interests and desires of the reactionary and greedy military-industrial complex of this country.

If mankind is to have a history, that history will single you out as one of the few in the U.S. Government who spoke out for reason, truth and human decency when greed, ignorance, fear, apathy, and mental illness were pushing the world toward nuclear destruction.

Yours truly,

ROBERT GROSSMAN.

NORTH WHITE PLAINS, N.Y.,
May 7, 1964.
Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I wish to let you know that I support your efforts to find a peaceful solution to the costly and unjust war in Vietnam. I urge you to continue to use your influence to set up procedure for negotiations to enable the termination of U.S. military involvement.

Respectfully yours,

EVELYN MALKIN.

FORT WORTH, TEX.
Senator WAYNE MORSE,
Washington, D.C.

DEAR SIR: Thank you for being persistent in your criticism of South Vietnam. Only this morning I fired a telegram to President Johnson demanding that something be done about our boys in this Vietnam struggle. Either support them or bring them home. I'm sick of "Pussyfoot" McNamara and think it's about time to rehire our Joint Chiefs of Staff.

I've heard wolf cries about Cuba until I'm fed up. First the Russians pull out, next only part of the Russians leave, next only the larger missiles were removed, now only little missiles were left in Cuba. Washington can't tell the truth and I wouldn't believe any of them on a stack of Bibles, including Lyndon Johnson. Thank God for GOLDWATER, a man with guts, and I'll be working but hard in November for him.

Respectfully yours,

Mrs. DON DENNIS.

SENATOR MORSE ASKS WAR DECLARATION

WASHINGTON.—Senator WAYNE L. MORSE, Democrat, of Oregon, told the Senate this week President Johnson should ask Congress for a declaration of war in South Vietnam if Americans are going to continue to die there.

"No President can declare war by executive decree," MORSE said. "The American people are waiting for a declaration of war from the President."

MORSE, a persistent critic of U.S. military involvement in the South Vietnamese fighting, also said he was "convinced that undercover plans are underway to escalate that

war" with "great potential danger" of a worldwide conflict.

MORSE renewed his attack on what he calls McNamara's war by declaring that "the parents of American boys unjustifiably killed in South Vietnam are not going to bury them without protest" against continued U.S. military presence there. "The protest is going to mount," he said, "and it should."

SANTA CLARA, CALIF., *May 5, 1964.*
Senator WAYNE MORSE,
Congress of the United States,
Washington, D.C.

DEAR SENATOR MORSE: The enclosed copy of my letter to Senator THOMAS KUCHEL expresses my feeling as well as yours.

I hope you press this issue until we leave South Vietnam to themselves.

Very truly yours,

GERALD A. PETERSEN.

SANTA CLARA, CALIF., *May 4, 1964.*
Senator THOMAS KUCHEL,
Congress of the United States,
Washington, D.C.

DEAR SENATOR KUCHEL: It seems to me that too few voices are speaking up against this awful situation that is going on in South Vietnam, but I notice that Senator WAYNE MORSE and also Senator GRUENING from Alaska have done a first-rate job in that connection, and I certainly would like to see more activity along these lines.

Our activity in South Vietnam is, insofar as I am able to see, exactly the same as if we were carrying it on in Mexico or Canada. I do hope that you will become as stirred up over this issue as I am and take an active part against it.

Sincerely,

GERALD A. PETERSEN.

NEW YORK, N.Y., *May 8, 1964.*
The Honorable SENATOR MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: I wish to congratulate you for your magnificient speech made at the Senate on March 4, 1964.

Your analysis of the world situation is very true and realistic.

I prefectly agree with your views on foreign aid and especially with your stand on South Vietnam. I gladly support your opposition to U.S. military participation and favor the withdrawal of American troops from South Vietnam.

I agree with you that American involvement in any Asian conflict is going to be an nuclear involvement.

With my best wishes for your continuous successful efforts for world peace, I am,

Very respectfully yours,

IREYNE JONNARD.

FALLS VILLAGE, CONN., *April 27, 1964.*

DEAR SENATOR MORSE: You are quite right in questioning the validity of United States presence in Vietnam. I hope you will continue to prod the administration on this point.

Why is our aid to the South Vietnamese more internationally legal than military aid to Cuba by the U.S.S.R.?

We have signed the United Nations Charter, supposedly in good faith, to bring any world problem to that body for adjudication. Or are we just another member of the old just-a-scrap-of-paper club?

Sincerely,

MARION FERGUSON.

MAY 8, 1964.

DEAR SENATOR MORSE: This is not a routine thank you, but a sincere appreciation on my part for the leadership you are providing in regard to our policy in South Vietnam.

Your seeds of wisdom seem like the only sane voice coming out of a madhouse.

For the sake of all America, please continue your crusade.

Thank you.

Sincerely,

JOHN DAVIDSON.

PITTSBURGH, PA., *April 26, 1964.*

DEAR SENATOR MORSE: I am writing to tell you that I agree with the statements you have been making concerning Vietnam. I, too, believe that it is a situation to be handled by the United Nations, not the United States. Peace, not war, should be the objective. Thank you for stating your opinions so clearly. It is important that your attitude be made public. Perhaps it will cause people to reconsider the reasons for our being in Vietnam. Thank you again.

Sincerely yours,

SUSAN BARRIS.

PASADENA, CALIF., *April 30, 1964.*
The Honorable WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: I fully agree with you about the nature of the U.S. involvement in South Vietnam.

Since the U.S. press (including the New York Times) has been grossly unfair in presenting your views on this subject, I would appreciate any transcripts of your speeches on South Vietnam that you might send me.

Sincerely yours,

BEN STACKLER.

LOS ANGELES, CALIF., *April 27, 1964.*
Hon. WAYNE MORSE
U.S. Senate, Washington, D.C.

DEAR MR. MORSE: Rather belatedly, but most cordially, I greet you on your forthright and courageous position; re our undeclared war against South Vietnam.

You certainly hit the nail on its head when you named it "McNamara's war," but it is very unfortunate indeed that Secretary McNamara is fighting from his swivel chair or while touring—in safety—the battlefield in South Vietnam while our boys return home in coffins.

Go ahead, Mr. MORSE, in unison with Senator FULBRIGHT and other courageous representatives of the real interests of our people. Continue this fight for life and security, real security of our country and the world.

Most sincerely yours,

SAM BROOKS.

P.S.—Peace abroad and equality and civil rights for all Americans. Go hand in hand; time for Emancipation.

NEW ROCHELLE, N.Y.
Senator WAYNE MORSE.

DEAR SIR: There must be something that you can do to bring our men back to the United States and to put a stop to their being exploited in South Vietnam.

I have read your views in the news and hope that you suceed in your endeavor to have a stop put to our U.S. military being put in a position where they are losing their lives over there.

J. MIMNAUGH.

WESTMINSTER, CALIF., *April 30, 1964.*
The Honorable WAYNE MORSE,
Senate Office Building, Washington, D.C.

MY DEAR SENATOR MORSE: Yesterday, in Paris, U.N. Secretary General U Thant supported President de Gaulle's claim that our military effort in Vietnam is doomed to fail. You have strongly voiced similar thoughts in the past.

It seems to me that a logical move by the United States would be to try to achieve neutralization of Vietnam—thus sparing the lives of many Americans and innocent Vietnamese. If the funds and manpower used for supporting the Vietnamese war were turned over toward President Johnson's war on poverty, our Nation would be strengthened and our world leadership would be made more secure.

Sincerely,

Mrs. PAUL S. ULLMAN.

MAY 1, 1964.
Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR MORSE: Is there anything that can be done toward the program of stopping the war in South Vietnam? If there is any group that is working on this, I should like to know about it.

Yours very truly,

DAVID MANDEL.

PHILADELPHIA, PA.
WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: Yours is the only voice worth listening to regarding this frightful Vietnam business.

I am weary of hearing and reading about officials and others making surveys of the situation. Some go only for a few days or weeks. It is not only ridiculous but expensive and tragic for lives are being lost over it. Why are not men like you considered for the presidency?

Sincerely yours,

HELEN F. SEAN.

BROOKLYN, N.Y., *April 25, 1964.*
President LYNDON B. JOHNSON,
White House, Washington, D.C.

DEAR PRESIDENT: We urge you to use every effort to negotiate a peaceful settlement and neutralization of the dangerous situation in South Vietnam. We realize this will be very difficult indeed, to attain, but it is possible to accomplish if great effort is applied. This is very definitely a civil war situation and must be handled accordingly.

We heartily agree with Senators MORSE, MANSFIELD, HUMPHREY, GRUENING, BARTLETT, CHURCH, and ELLENDER that we must review our foreign policy, especially in southeast Asia, and start thinking in terms of permitting these nations to obtain peaceful reforms long past due. We also feel strongly that they be permitted to decide on their own concepts of democracy and choose their own type of government without interference from outside.

We also agree with Senator FULBRIGHT that we "face the facts of life" and reexamine our foreign policy in South America and Europe and begin to plan the ending of the cold war as a way of life.

We are strongly opposed to the sacrifice of our wealth and the lives of our men in order to coerce foreign nations to accept our concepts of democracy. We must not take any risks of spreading nuclear war in southeast Asia or anywhere else.

Very sincerely,

Mr. and Mrs. J. MALMOND.

BERKELEY, CALIF.,
April 29, 1964.
Senator WAYNE MORSE,
The Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I wish to thank you for your stand opposing the warring of the United States in Vietnam. I have said the same in a letter to the President, to Senator KUCHEL, and to the Secretaries of State and Defense. The possibility of so many good things being accomplished in and by this country (though I know this is unrelated), a real attack on poverty, a relationship with Cuba, initiation of the trusteeship, or neutralization in Vietnam—as you have mentioned—more demilitarization moves, improved education, et cetera, make the hysterical devotion to war in Vietnam a real tragedy. I hope you have many supporters in your stand on the Vietnam matter, and

that they show their faces soon, and sound their voices. I. F. Stone's Weekly has been a fascinating and exciting reading experience for me for a year and I find my feelings running high and wide with each issue. He is a fine reporter and I hope you are as pleased to have his coverage as I am to hear through him of your views.

Most sincerely,

SUZANNE RIESS.

SAN ANSELMO, CALIF., *April 30, 1964.*

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I heartly applaud your statements opposing the policy of U.S. Government in Vietnam. Keep up the good fight.

Appreciatively,

CLARE MCKEAGE.

P.S.—Your recent statement that the guilt for the blood of American boys killed in Vietnam lies on the hands of the U.S. Government was well said. So too is the guilt for all killed on both sides and the great suffering, primarily because those leading the United States now insist on containing China, an impossibility for long.

BROOKLYN, N.Y., *April 30, 1964.*

Senator WAYNE MORSE,
U.S. Senate Building
Washington, D.C.

SENATOR MORSE: We wish to inform you that we wholeheartedly support your stand on the war in Vietnam, and we urge you to continue calling for the withdrawal of our troops from that country. We regret exceedingly the fact that so much money and so many American lives have been spent in this "war," which is so unnecessary.

Thank you very much for the fight. Have courage.

Yours truly,

Mr. and Mrs. ROBERT KIRSCHNER.

LOS ANGELES, CALIF., *April 30, 1964.*

Senator MORSE,
Washington, D.C.

DEAR SENATOR MORSE: Your recent statement that the fighting in Vietnam is a "matter for the U.N., not for the U.S. Air Force or the American Secretary of Defense to handle as they see fit" is of the greatest importance.

In recent years the Government and its agencies have acted more and more as if they, not the people of the United States, are the ones who should determine all important matters in connection with our foreign policy. To advance their aims they have not hesitated to use the news as a weapon, as stated by Arthur Sylvester, Jr., thus keeping the American people in ignorance of the true facts concerning matters of the greatest importance.

I hope you will be successful in your efforts to wake up the people of this country as to what is going on in South Vietnam and that you can have the matter referred to the U.N. where it belongs.

With best wishes,

THOMAS AMNEUS.

EAGLE RIVER, ALASKA,
May 1, 1964.

DEAR SENATOR MORSE: We wish to express our appreciation of your support of Senator GRUENING's efforts to bring home our boys from South Vietnam.

Senator GRUENING's report in the CONGRESSIONAL RECORD is very much respected and we are thankful he plans to continue assiduously.

We prayerfully hope more Senators will reflect on this issue.

Better teamwork will bring it to a consolable conclusion.

Yours truly,

Mrs. LAVAY L. PARKS.

PITTSBURGH, PA., *April 30, 1964.*

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I wish to express my admiration of and support for your stand taken in the Senate that American involvement in the Vietnam fighting is an illegal and unconstitutional operation.

As you say, the Senate should force President Johnson to submit to it a declaration of war as the present action of the Government is a totally unwarranted invasion of the legislative branch by the executive.

I have a stepson with the Special Forces in Okinawa who tells me he will be sent to Vietnam before he returns to this country. I have been tempted to write the Secretary of Defense and tell him that I intend to hold him personally responsible if anything happens to that boy. I suppose if I did so I would be subject to immediate investigation by the Internal Revenue Service, FBI, etc.

I am not a pacifist, having served approximately 4 years in the U.S. Navy during World War II.

I am sending a copy of this letter to Senators SCOTT and CLARK, who are supposed to represent me as a citizen of Pennsylvania, with the hope that they will give you some support in this matter. I suppose you are fully aware that the American boys who are sent to die in Vietnam are labeled as "instructors" and are not allowed to shoot back at the enemy or defend themselves in any way even if they themselves are being shot at. The whole situation is so outrageous and ridiculous as to try one's sanity.

I hope you will receive many more letters in support of your stand; but I am afraid, as in the case of the sale of wheat to Russia, too many Americans are concerned with making the easy dollar and living the soft life.

With kindest personal regards.

Sincerely,

MARTIN L. MOORE, Jr.

MONTAUK, L.I., N.Y., *April 30, 1964.*

Hon. WAYNE L. MORSE,
Washington, D.C.

DEAR SIR: I think you are right on two issues. One, the foolish action in South Vietnam. In this respect, if the administration has to pursue this losing war, why not give the suggestion of the New York News some thought? In fact, why not let them go further and harass Red China? Who knows, it might be the key to success.

I think you are right in opposing the foreign aid program. You probably have many good and sufficient reasons. I could give you several more. I have recently returned from a tour in Jamaica for the Agency for International Development, which was devastating for me financially, mentally, and physically. Such a waste of money, incompetence, and unpreparedness. Thought you would like to know.

Paradoxically, I am a conservative Republican. Serves me right.

Sincerely,

CARLETON P. TEECE.

P.S.—I also am a loyal American World War I veteran, retired, and a grandfather, among other things.

OGDENSBURG, N.Y., *May 1, 1964.*

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR MORSE: While I have always been a Republican, I wish you to know how much I agree with your views on Vietnam.

Every day nearly I am hearing the expression "Dumping money and the lives of our men down the drain in Vietnam."

I am legislative chairman of the Veterans of World War I Auxiliary and my heart bleeds for some of the old veterans that cannot help themselves and how much happiness and dignity a very small amount of the money that is wasted in Washington could do these men that really knew the hell of war.

Every day committees are being formed that we could do without. When is this waste to stop? At any time you can give us a peg up, you will have the thanks of 230 million oldsters and I think the feeling of helping a worthy cause. We would like enough signers to the discharge petition of World War I veterans' pension measure to bring it to the floor.

Sincerely yours,

BERTHA BENZONI.

FOXBORO, MASS., *May 1, 1964.*

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Reading the CONGRESSIONAL RECORD today, I came across your remarks and letters sent to you concerning the fiasco in Vietnam. I am 22 and a college student, and I am frankly quite worried about the situation in southeast Asia. Not only has the United States gotten a black eye, but it appears the present administration is going to compound it. "Mr. McNamara's war," as you have stated, is indeed, folly.

May I also commend you for your Tel-Star battle. I do regret that I'm not of your constituency, so that this would be of real value to you.

Sincerely,

JOHN G. AYLWARD.

ABERDEEN, S. DAK., *April 21, 1964.*

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SIR: We heartily approve of your Vietnam views.

We have waited for 2 years to hear a strong voice raised against this infamy.

Very truly yours,

Mr. and Mrs. GEORGE DRESSELHUYS.

MILL VALLEY, CALIF., *April 30, 1964.*

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: We wish to commend you for having raised your voice in opposition to the continuance of the war in Vietnam.

A citizen almost despairs in finding an effective way to indicate to our Government the absolute folly and cruelty of continuing such a war.

Thanking you, we are,

Sincerely,

Mr. and Mrs. BRUCE B. JONES.

BURBANK, CALIF., *April 28, 1964.*

DEAR SENATOR MORSE: Just a note of gratitude to you for your "voice crying in the wilderness," re U.S. foreign policy—especially re our status quo obsession with reference to South Vietnam, Cuba, China—i.e., a realistic reappraisal—you are so right—do keep at it.

What is the matter with your colleagues, excepting a few like the Senators from Arkansas, from Alaska, and the majority leader?

It amazes me that McNamara, the President, and the Congress do not realize that the public is resentful, cynical, and frustrated to the point of utter apathy—an awful state.

Gratefully yours,

Mrs. HARRY BLACK.

ABERDEEN, S. DAK., *April 21, 1964.*

Senator GEORGE MCGOVERN,
Senate Office Building,
Washington, D.C.

DEAR SIR: As a veteran of the China-Burma India theater I am deeply interested in the welfare of the people of the Far East.

My wife and I know that the people of North Vietnam are slowly but surely building a viable nation, and are laboriously ascending the economic ladder.

If my country destroys this embryo, it will destroy my patriotism with the same blow.

Thank you.

GEORGE DRESSELHUYS.

SANTA BARBARA, CALIF., *April 29, 1964.*

Senator WAYNE MORSE,
U.S. Capitol,
Washington, D.C.

DEAR SENATOR: What can I do to stop the foreign military aid to Vietnam?

How can we get Congress to help the Americans?

Enclosed please find and read the Santa Barbara Chamber of Commerce official publication.

Thanking you for your kind interest, I am,

Yours truly,

Mrs. CATHERINE SEGGIE.

NEW YORK, N.Y., *May 2, 1964.*

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SIR: As American casualties grow in Vietnam, it becomes more important that you continue to point up the war there for what it is, and continue to urge the withdrawal of all of our troops.

There are many Americans who support your views, and I, as one of them, wish you to know of the support of our family.

Very sincerely yours,

HERBERT SCHUTZ.

ATLANTA, GA., *May 2, 1964.*

Senator WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: I just want to let you know that the stand that you are now taking against U.S. intervention in South Vietnam is a sound one. I only wish the U.S. press would pay more attention to your remarks so that the American people could get a chance to have intelligent discussion on the subject. I am convinced that yours is the correct position and will, in time, prevail. I urge you to continue.

Sincerely,

WALTER TILLOW.

APRIL 29, 1964.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SIR: We have heard radio reports on your recent speech and share your deep concern over U.S. presence in South Vietnam. We are appalled by talk of "widening the war," and the prospect of the use of nuclear weapons. We fail to see how burning peasants and their land will educate them to the ideal of democracy.

We hope you will continue to speak out on this issue.

Sincerely,

VICTOR and ELLEN PIERCE.

APRIL 27, 1964.

The Honorable WAYNE MORSE,
The Capitol,
Washington, D.C.

DEAR SENATOR MORSE: Thank you for your honest and vigorous expression of opinion on the Vietnam situation. You said so well what so many of us feel and I hope more people will begin to face the situation realistically and express themselves.

Sincerely,

CLARISSA B. INGLE.

ARLINGTON, VA., *April 30, 1964.*

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SIR: I want to congratulate you on the courageous effort you are making to warn the people of America of the grave peril that confronts our country and the world, because of the self-defeating and dangerous policies the administration is pursuing in South Vietnam.

You have rendered a great service to your fellow Americans in bringing into the open the issues of foreign policy for public debate, at a time when meaningful debate among us has suffered an unprecedented decline. There is a crying need, therefore, for voices like yours to sound the call for the revival of free and stirring debate, which is the very lifeblood of a free society.

You may be interested to know that, since my retirement as a professor of political science, I have tried, in a quiet manner, to help reduce the areas of political illiteracy that are within my reach. Your speeches and other public statements have been most helpful to this educational campaign.

With the thought that they might be of some interest to you, I am enclosing copies of the letters I sent to the New York Times and the Washington Post. Their rejection of the letters is a true measure of the sad status of meaningful dialog in our Nation today.

Please keep up the good work. You have, sir, more supporters than you perhaps realize. Just remember, very few of them write letters.

Sincerely yours,

JOHN T. FIND.

APRIL 17, 1964.

The EDITOR,
The New York Times,
Times Square, New York, N.Y.

DEAR SIR: Senator FULBRIGHT, in his statesman-like speech on foreign policy, might well have added to his list of myths the following: That the Vietnamese are only too willing to destroy one another to protect U.S. security interests in southeast Asia.

The sad truth is, however, that the people of South Vietnam are crying to us, if we would but listen to their plaintive voices, "Please stop killing us, leave us in peace, for we have suffered long enough." They have, indeed. They were conquered, then ruled and exploited by the French for nearly 80 years. During World War II, the Japanese occupied their country, and exploited them and their rich resources for the prosecution of Japan's military campaigns. Following V–J Day, the British, using Japanese troops and American equipment, assisted the French in regaining control of their Indochina colony. The war of reconquest dragged out for eight long and bitter years, resulting in the killing of hundreds of thousands of Indochinese and the loss of a very large part of the French Army, including the flower of its officers corps. It placed a back-breaking drain on the French treasury, in spite of the $2 billion of aid which France was receiving from the American taxpayers. Then came the Americans, and instead of peace, freedom, and democracy, there were dictatorship, oppression, and more war. Yes, these long-suffering and war-wearied people have, in truth, suffered long enough.

The war in Vietnam, which our leaders have repeatedly told us "we must win," has already, in the past 7 years, taken a yearly toll of the lives of many thousands of Vietnamese, including women and children, and the lives of almost 200 American young men.

How much longer are the American people going to permit their Government to continue playing the tragic role of active participant in the cruel war in South Vietnam?

Sincerely yours,

JOHN T. FIND.

BROOKLYN, N.Y., *May 11, 1964.*

Senator WAYNE MORSE,
The Senate, Washington, D.C.

DEAR SENATOR MORSE: Thank you for speaking out against our present policy in South Vietnam. It is senseless to support—at the expense of American lives—a government established by coup d'etat, which does not have the support of its own people.

Do continue to speak out. Press reports about plans to extend the war to North Vietnam are most alarming.

Sincerely yours,

CELIA ZITRON.

APRIL 28, 1964.

The EDITOR,
The New York Times,
Times Square, New York, N.Y.

DEAR SIR: It was out of compassion for the Vietnamese people and deep concern for our country's good name and moral position that I was prompted to write you.

My views on our Government's policy toward South Vietnam are based, not on vagrant impulses, but on a fairly extensive knowledge of the Asian area, in which I spent a decade and a half in teaching, study, and travel, and to which I have devoted more than 40 years of serious study.

Your decision not to publish my letter, I feel, has denied your readers an opportunity to confront the great human tragedy, resulting from our involvement in the cruel war in the unhappy land of Vietnam.

Despite your refusal to use my letter, I dare to hope that the New York Times has not made it its settled policy of regarding dissenting opinions on foreign policy issues as unfit for publication in its columns.

Cordially yours,

JOHN T. FIND.

TO PRESIDENT JOHNSON: AN APPEAL FOR A NEUTRALIZED VIETNAM

Vietnamese and Americans are being killed in a losing battle in South Vietnam. Several alternatives immediately face the American people:

1. The withdrawal of American troops and probable collapse of the existing Government of South Vietnam.

2. A continuance or increase in military assistance to the South Vietnamese Government, without any assurance of victory.

3. Carrying the conflict to North Vietnam through South Vietnamese military strikes directed by the United States. The extension of the war into North Vietnam would very likely bring about a major Korean-type war between the United States and China, and possibly involve the Soviet Union.

There is a fourth alternative: neutralization of both North and South Vietnam, guaranteed by the major powers and policed by an international or U.N. peacekeeping force. This could be the solution to a rapidly deteriorating situation. It would also end the continuing loss of American and Vietnamese lives, and would bring to an end the terror and suffering which stalk this war-ravaged land. Political stability and economic progress can only develop in South Vietnam when the military conflict ends.

We, therefore, appeal to you, Mr. President, not to enlarge the scope of the war, but instead, to work for the establishment of a neutralized North and South Vietnam, as separate, federated, or reunified states, protected against interference from the Communist world and the West by international guarantees and peacekeeping forces. Toward this end we give you our wholehearted support.

The North Vietnamese may welcome this opportunity to be independent of powerful neighbors.

The South Vietnamese would welcome an end to the terror and killing.

We Americans would welcome the removal of our military forces under honorable conditions.

The world would welcome a viable settlement in southeast Asia and an end to the latest threat of nuclear confrontation.

Stringfellow Barr, Professor of Humanities, Rutgers University; Allan M. Butler, M.D., Professor of Pediatrics Emeritus, Harvard University; Dr. William Davidon, Haverford College; Eugene Exman, Publisher; Norman K. Gottwald, Andover Newton Theological School; Rev. Donald S. Harrington, Minister, the Community Church of New York; H. Stuart Hughes, Professor of History, Harvard University; John Wesley Lord, Bishop, Methodist Church; Lonore Marshall, Poet and Novelist; Dr. Rollo May, New York University; Donald W. McKinney, Minister, First Unitarian Church, Brooklyn; Stewart Meacham, American Friends Service Committee; Seymour Melman, Professor of Industrial Management, Columbia University; Fred Warner Neal, Professor of International Relations and Government, Claremont Graduate School; John P. Roche, National Chairman, Americans for Democratic Action; Paul A. Schilpp, Professor of Philosophy, Northwestern University; Harry B. Scholefield, First Unitarian Church, San Francisco; Howard Schomer, Theologian; Calvin O. Schrag, Purdue University; William F. Schreiber, Massachusetts Institute of Technology; Benjamin Spock, M.D.; Dr. Harold Taylor, Educator; Norman Thomas; Louis Untermeyer, Author; Gordon C. Zahn, Professor of Sociology, Loyola University, Chicago; Dr. David Riesman, Harvard University; Rev. John Haynes Holmes; Rabbi Isidor Hoffman; Rabbi Edward E. Klein; Dr. Orlie Pell, and Prof. Harlow Shapley.

PITTSBURGH, PA., *May 4, 1964.*

Senator WAYNE MORSE,
Washington, D.C.

DEAR SIR: I must congratulate you on your comments to the television reporters concerning South Vietnam. They were truly the most sensible and refreshing ones to come out of Washington in quite some time. You and Senator FULBRIGHT are to be highly commended for your efforts in trying to formulate a peaceful and intelligent foreign policy. It would certainly be wonderful if there were more men in government work who are as conscientious and humane as you. Thank you.

Sincerely yours,

GRACE BARRIS.

EVANSTON, ILL., *May 12, 1964.*

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR MR. SENATOR: Your intelligent and courageous statements on Vietnam need more publicity. If copies of your recent speeches in the Senate are available, I would like to have several.

I agree 100 percent that we have no business in Vietnam and should never have gone in there in the first place. To withdraw our troops now will be a blow to our prestige, but there are times when discretion is the better part of valor.

Several years ago, the Pentagon made a study of the use of American troops in jungle guerrilla warfare. I do not have the details of it, but one fact sticks in my memory: Without the united support of the people in the country we are attempting to defend, we stand to lose the war. I think you will agree that in this situation we do not have such support.

Sincerely yours,

CARL KEITH, Jr.

CHICAGO, *May 10, 1964.*

Hon. WAYNE MORSE,
Oregon U.S. Senator,
Washington, D.C.

DEAR SENATOR MORSE: When I see frequently your name in the news, opposing the U.S. intervention in South Vietnam, and your campaigning for U.S. withdrawal from South Vietnam, I shall take my hat off to you on your stand concerning the Vietnam situation. You seem to be the only one that is making any sense on the issue. And I believe that you have the support of millions of Americans in your crusade to stop Americans fighting and dying in South Vietnam.

With all good wishes, I remain,

Sincerely yours,

JOS. PAVELKA.

LA QUINTA, CALIF., *May 8, 1964.*

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: This letter is to affirm the gratification of the undersigned and a number of friends that you (and Senator FULBRIGHT) have been outspoken about the appalling foreign policy myths and mistakes of the present and previous administrations.

You may recall that I sent you my gifts to aid in the promotion of a campaign to put you in the White House.

If ever the United States and the world needed intelligent, fearless leadership, it is this hour.

I pray you may continue to speak out; and, that the gigantic engines of mass communication will give the public the benefit of your expressed convictions and your leadership. (However, I have little hope of the media turning from their prostitution of their social mission to private profit and prejudice.)

With esteem and the best of good wishes,

Very sincerely yours,

GROSS W. ALEXANDER.

P.S.—I enjoy your newsletter and the occasional enclosures with copies of your speeches.

MAY 12, 1964.

DEAR SENATOR MORSE: How do you suppose the people in Washington who are responsible for the Vietnam situation going on and on—and with the possibility of a third war starting—sleep at night?

Why should American boys die before they have had a chance to live? Why are the children and woman and other human beings put through so much agony and possible death?

Can't something be done? Please try even harder to help them.

PEGGY KLEMPNER.

MOUNTAIN VIEW, CALIF., *May 14, 1964.*

The Honorable Senator WAYNE MORSE,
Senate Office Building, Washington, D.C.

DEAR SENATOR MORSE: My friends and I read your reports from Washington regularly and with great interest. Your last report, from May 6, essentially deals with South Vietnam and "McNamara's war." I fully agree with your opinion which you expressed so clearly and (at least to us) so convincingly.

Realizing that at the moment your opinion is still "unpopular" (because it can be interpreted as softness toward communism) I admire your courage and perseverance in urging again and again to take the problem of Vietnam to the United Nations—where it belongs.

Keep on. The future will justify your ideas, sooner or later, some way or other.

Sincerely,

HELMUT SCHNEIDER.

CENTRAL VALLEY, CALIF., *May 15, 1964.*

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR: It does my old heart good to see a few liberal Congressmen take a stand against our interference in a civil war in South Vietnam. Your recent speech in the Senate could possibly generate a little courage among other supposedly liberal Senators.

Senator, I hope some day, we will have the opportunity to vote for you for President of these United States.

Sincerely and respectfully,

ARNO A. PETERSEN.

LOS ANGELES, CALIF.,
May 10, 1964.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR MORSE: Your forthright statements on Vietnam have given heart and strength to the many of us here who are working in various peace organizations for U.S. withdrawal from Vietnam.

Thank you and bless you for your courage and your ethic. Continue. We need you.

Gratefully,

Mrs. PAULINE G. SCHINDLER.

MILL VALLEY, CALIF., *May 16, 1964.*

DEAR SENATOR MORSE: The war we are waging in Vietnam is a crime against the people of that country, against the people of this country, and against the peace of the world and therefore against the people of the whole world. I urge you to do all in your power to stop this war, this crime.

Sincerely,

HAROLD HELLER.

MAY 24, 1964.

Senator MORSE: I heard you on "Face the Nation" today and am sure if you would get it over to the people of all States, our policy in Vietnam would be changed and our President would gain votes, even from the so-called Republicans. No one wants a nuclear war, especially the American people, and our boys should not be made to fight in that war. Our foreign policy must be changed. It better be now while we have a President who is OK and has what it takes to change from wrong to right. We are losing too many young boys who should have a chance to live. Don't know if this will even help a wee bit, but keep on enlightening the people. Am sure it will pay off. If the President does the right thing, am sure he will win.

Respectfully,

JOE A. VATER.

SANTA CLARA, CALIF., *May 11, 1964.*

Senator WAYNE MORSE,
Congress of the United States,
Washington, D.C.

DEAR SENATOR MORSE: Before leaving on a business trip to Europe that will keep me there until October, I want to write you again and urge that you continue and more vigorously pursue your campaign to get us out of this insane war in South Vietnam.

It is surprising how few rational people we seem to have in high political offices but it is good to see we have at least a few.

Very truly yours,

GERALD A. PETERSEN.

WESTERN SPRINGS, ILL., *May 25, 1964.*

The Honorable WAYNE MORSE,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR MORSE: I was greatly stirred by your appearance on "Face the Nation."

There is no Senator who surpasses you in speaking with clarity and fearlessness and in getting at the heart of a subject. I hope you shook millions of misinformed and apathetic citizens.

I shall write "Face the Nation" complimenting them on your appearance and asking for more such vital programs.

With gratitude to you for your strong efforts in trying to move our country in a peaceful direction.

Sincerely yours,

AMY C. MERZ.

CHICAGO, ILL., *May 30, 1964.*
Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR: We want you to know that we agree with your evaluation of the southeast Asia situation and the involvement of the United States in it. Over there as well in Latin America it is a struggle to change the status quo which has become unbearable for the majority of the people. The United States unfortunately is fighting to maintain it. Why is it so difficult for our politicians to see this problem from a historical point of view? The maxim "old ideas die hard" is poor comfort in an age of A- and H-bombs which, when used, mean the end of humanity.

We very much hope and wish that you and your colleagues in the Senate and among our people continue your courageous fight.

Thank you.

Respectfully yours,
Mr. and Mrs. WALTER WILDENBERG.

SOUTH NORWALK, CONN.,
June 4, 1964.

DEAR SENATOR MORSE: This is a fan letter to you to encourage you in your patriotic and courageous questioning of the southeast Asia policy and adventure.

Sincerely,
JOSEPH LASKER.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SIR: Just a note to let you know I agree and support completely your position on our involvement in South Vietnam.

Yours truly,
JAMES STELWEDT.

CHICAGO, ILL., *June 4, 1964.*
Senator WAYNE MORSE,
Washington, D.C.

MY DEAR SENATOR MORSE: I am writing to commend you for your strong opposition to the present policy of our Government in South Vietnam. You are one of the few men in public life who is now calling for the withdrawal of our forces from this divided country.

I realize that the consequences of withdrawal from South Vietnam are unpalatable. But what choice have we? If we continue the present holding action we will be invited to get out, sooner or later. If we get in deeper we may find ourselves in a never-ending war—and it could escalate into a world war that would destroy us as well as our enemy. Now is the time to act while we have at least an iota of choice.

I strongly favor the reconvening of the 14-nation Geneva Conference that dealt with the Laos situation 2 years ago. The trouble in South Vietnam is a world problem, and we should seek a world solution.

I hope you will continue your opposition to the present warlike policy.

Very truly yours,
FLOYD MULKEY.

ESSEX, CONN., *June 5, 1964.*
Senator WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: I feel strongly that the current war in Vietnam is the wrong war at the wrong time in the worst possible place for the United States. I heartily commend your fight against this war, and urge you to insist on a peace settlement that will enable the United States to withdraw our forces before we get so involved we are unable to do so.

Faithfully yours,
JOHN R. TUNIS.

BRONX, N.Y., *June 3, 1964.*

DEAR SENATOR MORSE: I think you are the most courageous, outspoken public figure in this country. I do not always agree with what you say, but I respect your unequivocal courage to state your opinions. There are, unfortunately, too many who do not; who wait only to jump on the bandwagon when it is "safe"—if ever.

Your position on Vietnam is the only logical one that anyone in his right mind can take. But unfortunately there appears to be too many in leadership that aren't.

I believe you have the courage, wisdom, and foresight that would make a superior President of the United States.

Respectfully yours,
HARRY RESPLER.

CULVER CITY, CALIF., *May 21, 1964.*
Senator MORSE.

DEAR SIR: I agree with your stand that the southeast Asia situation should be handled by the United Nations, and not by the United States.

In my opinion, we should pull out of the Vietnam situation, and use that $2 million a day to help our own people.

In closing, I'd like to say you are one of our favorite Senators.

Sincerely,
Mrs. MARJORIE HARTLEY.

PATERSON, N.J., *June 4, 1964.*
Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I would like to congratulate you for your courageous stand regarding "McNamara's war in South Vietnam." It is because we have men like yourself and Senators MCCARTHY, FULBRIGHT, and GRUENING that the upper House of Congress has not become a tool of the Department of Defense—which has still not overcome being the War Department.

It is queer indeed that a consistent right-winger like President de Gaulle is fighting for the liberal principle of peace through negotiations rather than force against what is called a liberal administration in Washington. Perhaps, though, the President will permit, with the grace of the Senate, the proposed agreement with Communist China to allow the United States and that country to exchange journalists. It is only through direct communication that either side of the Iron Curtain will be able to think what are now "unthinkable thoughts."

I am an admirer of yours in many issues. I salute you on your part in the attempt to prevent the robbing of the American public of the funds it would have received had not Telstar been given away to a private company that hardly needed its profits to survive. I also am glad that you are among the Senate leaders who are fighting the constantly bulging military budget in the foreign aid programs. I hope to see you coming out against the proposed Becker amendment which, as you must realize, is the greatest threat to our civil liberties that the average citizen has faced since the Sedition Act of World War I. Also, I am sure that a large group of Americans would welcome your support of a remodeled foreign aid program which would shelve military aid in favor of a few billion dollars yearly for truly humanitarian aid to the peoples of the developing countries of the world—to any countries that would feel that it could benefit by a program in which there would not be room for spoils or waste.

Although I cannot vote for you (because of my age as well as my State—I shall just be entering my first year at Brandeis University in the fall), I would like to express my gratitude that humanity has a man it can depend on.

Sincerely yours,
ERIC USLANER.

CULVER CITY, CALIF., *May 20, 1964.*
Senator WAYNE MORSE.

DEAR SENATOR: I want to thank you for your stand taken on southeast Asia. Our country has no right to murder these people, destroy their farms, and put them in concentration camps.

I think all top officials should be tried as war criminals.

Sincerely,
MARVIN REID HARTLEY.

BURBANK, CALIF., *May 14, 1964.*
Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR MORSE: I wish to commend you on your difficult but realistic stand regarding Vietnam. I sincerely hope that your ideas will help form the basis for a revision in the administration's policies toward Vietnam.

Keep up the good work.

Sincerely,
E. M. LARSEN.

BROOKLYN, N.Y., *May 23, 1964.*
Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I am writing belatedly to commend you for your stand on the war in South Vietnam.

The turn events have taken there in the last 2 days is frightening because of the apparent disregard for international and domestic law we have shown. It is difficult to believe that the coincidence of Kennedy's unexplained assassination and the turn our foreign policy has taken in Latin America and Asia since then is fortuitous.

What, if anything, can be done to preserve constitutionality in our country now?

Sincerely,
KAREN REICHARD.

EVANSVILLE, IND., *May 24, 1964.*

Hon. SENATOR WAYNE MORSE: Sure glad to read in our Courier Press your firm opposition to our involvement in the silly Vietnam war. Millions of dollars dumped in a rathole and loss of American lives. I have talked to hundreds of people and all are of the same opinion as we are. How is it that we are always the goat to throw millions away and no other country gets involved? Our President and Defense Secretary better wake up and find out how our people view this terrible throwing away of our millions. Why not use this money to help our thousands of poor people to buy food and proper housing for their families. Hope you continue to use all your power to stop this terrible waste.

Thanks, Senator.

STEVE ENSNER.

MAY 21, 1964.

Mr. WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: I thoroughly agree with you in your statements concerning our position in Vietnam. It's an outrageous situation and I thank you for voicing the opinion of some of us who are not in accord with the policy being carried out there.

Sincerely,
DOROTHY B. SPRECKELS.

P.S.—I've not always agreed with you. I am originally a stanch Republican from Oregon.

NEW ORLEANS, LA.,
May 23, 1964.

DEAR SENATOR MORSE: You are doing a wonderful job, opposing the "Dirty War," in Vietnam.

American lives, and countless millions of dollars going to ruin and waste, could be better used to help the unemployed, and widespread hunger and poverty which is USA's No. 1 problem. Also enforce the U.S. Constitution in the South.

Sincerely,
W. ROGERS.

NEW YORK CITY, *May 4, 1964.*

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR MORSE: I want you to know how pleased I was to hear you speak out against the filthy war in Vietnam and see it for what it really is.

I, also, would like to see complete U.S. withdrawal from Vietnam. I have written to my Senators expressing my views, only to receive in return some hypocritical nonsense about how the United States is defending freedom, where a military dictatorship exists—no less.

Sincerely yours,

ELIZABETH HORN.

DEAR SENATOR MORSE: Before I go to church this Sunday morning I want you to know that you are so right about our involvement in southeast Asia—Vietnam, and Laos. All around the world we are supporting and even helping to create governments that the peoples will not tolerate and then are involved in a civil war. The whole thing is like a dreadful nightmare—but though our people seem numb, we need a voice like yours ringing out to awaken public consciousness. We need to think the "unthinkable" and have an opportunity to enunciate them—and there are so many—and begin to work out positive solutions. Bless you. With you we may regain first personal, and then start back to national honor.

Sincerely yours,

DOROTHY KUNKLE.

P.S.—I am writing to Senator SCOTT and Senator CLARK and the President.

MAY 21, 1964.

Hon. ADLAI STEVENSON,
U.S. Ambassador to the United Nations,
New York City, N.Y.:

We are horrified by news accounts of women being murdered in our country while bystanders looked on without even a word of protest. At the same time we stand on the sidelines in our country without any significant protest while American boys, our agents, in obedience to military orders, kill and burn with bombs men, women, and children in their own country thousands of miles from our shores. All of this is done by our representatives in the name of freedom. To make all of this somewhat palatable, our boys were falsely referred to, and continue to be referred to, by those in authority, as "advisers."

There is no question but what these people are all Vietnamese. Many doubtless recall the cruel tyranny of France for generations and the loss of tens of thousands of their people until the French were finally defeated 10 years ago at Dienbienphu. Some Vietnamese probably believe that communism could not be worse than French capitalism. Who are we to dictate their decision? In any event, I declare with all of the vehemence of my being that if women and children are to be killed in that unhappy country, they should be left to their fate with their own people, and that every American boy should be ordered home before our prestige sinks any lower in the minds of people everywhere.

REX S. ROUDEBUSH,
Tacoma, Wash.

ANN ARBOR, MICH., *May 23, 1964.*

Senator MORSE,
Washington, D.C.

DEAR SENATOR MORSE: In support of your stand on Vietnam I am enclosing a letter I sent to Senator HART of Michigan. A similar letter also went to President Johnson.

We urge you to continue your efforts to oppose the war in South Vietnam.

Respectfully,

HELLE COSBY.

LONG BEACH, CALIF., *May 20, 1964.*

Senator WAYNE MORSE,
U.S. Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I wish to commend you for your one-man stand reported in yesterday's Los Angeles Times against President Johnson's request for additional millions (or is it billions?) to continue the war in Vietnam.

I cannot understand this senseless waste of our manpower and money to bolster up such a criminal government, which was first installed by the Vatican during the Eisenhower regime 10 years ago. The explanation in the May 6 reports of the Vietnamese situation is very clear and I do thank you for it.

I am enclosing two clippings from the April 30, 1964, Christian Science Monitor about keeping the first amendment of the Constitution as our forefathers planned, and one from the Washington Post in the same paper, which I thought you might not have seen. Yesterday's Los Angeles Times also has come out editorially to keep the Bill of Rights intact. I feel the Becker amendment should be soundly defeated.

Thank you for the good battle you are keeping up to preserve our freedoms.

Sincerely,

Miss RUTH HARTMAN.

HAMILTON, OHIO, *May 23, 1964.*

Senator WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: Please accept my congratulations on your opposition to the ever-increasing subsidies for war in South Vietnam.

I am not, and never have been, a Communist. I do not think, however, that it is realistic to think that we can impose our ideas on every country which disagrees with us—and the Vietnamese obviously disagree, or the war would have been ended years ago. If they (and others in southeast Asia) do not regard communism as a very great menace, perhaps it is because we have not really offered a very attractive alternative: Our military dictators have been, on the whole, a sorry lot. The fact that our present favorite is being praised in the same glowing terms that were once used to praise Diem is not, somehow, very convincing.

What is more important, I am glad that you are resisting the tendency to let the Senate's power and responsibility to decide whether we shall be at war or at peace lapse by default. When we are urged to support the war, it is well to have someone ask just when war was declared—and against whom. I am a great admirer of President Johnson, but I do not think that he and the State Department and the CIA should get into the habit of casually involving us in any armed conflict which can be glorified as anticommunism.

Sincerely,

WM. PALMER TAYLOR.

ANN ARBOR, MICH., *May 12, 1964.*

Hon. WAYNE B. MORSE,

DEAR SIR: Read an inspiring article in this morning's Detroit Free Press in which you are waging a heroic, and fervently hope, not a futile fight on this great Nation's waste of precious manpower, money, and prestige, on an already proven concept that you can't buy friends with the almighty dollar, nor can you wage a successful war with "paid mercenaries."

Let's get McNamara and "his war" out of Vietnam and allow them to fight their own battle before this again becomes everybody's fight.

Sincerely yours,

GEORGE UXA.

P.S.—Please use this letter any way you may see fit to further our cause.

SANTA BARBARA, CALIF., *May 12, 1964.*

DEAR SENATOR MORSE: We have just moved down here from Medford, Oreg., and are still living among boxes, so this letter will not be polished at all, but I've been so thrilled to read your stand on South Vietnam that I felt I must write urging you to keep up the good fight and to try to make other Senators and Congressmen see the truth and justice of your stand.

Why is it that the United Nations can send peacekeeping forces to Cypress, Palestine, Kashmir, Indonesia, Korea, Trieste, Suez, etc., but not to South Vietman?

Our State Department must be made up of immature and willful men to continue a war which can only bring disaster. To maintain this costly war is a crime against all our international purposes. We should leave Asia to the Asians once and for all.

I hope our Congressmen will try to teach us Americans and the State Department that we must learn to live in a world that doesn't follow our wishes.

Aiding anyone who wishes to solve a problem with arms, in these times, is wrong and should be against our national principles. The United Nations is there to mediate all problems, even ours.

Nor should we continue to humiliate Cuba with any more reconnaissance flights. Have we forgotten that we brought about this trouble with Cuba by permitting the Bay of Pigs invasion, and that after that humiliating turn of events, newspaper articles suggesting that we plan a real invasion? Some kind of cooperation and trust should be worked out so we wouldn't have to violate her sovereignty.

One more item that I wish to mention is taxation. I have just read the inspiring and tremendous book, "Progress and Poverty" by Henry George, and wonder why his ideas have not been followed. This book should get more attention from economists and should be read by every high school senior. You are probably familiar with his single tax philosophy, so I won't go into it, but it does seem so fair and just to me to tax landowners rather than those who make the improvements, and the very ugly business of land speculation would come to an end.

My best wishes to you and all your efforts.

Respectfully yours,

Mrs. WALLACE ROBINSON.

PALO ALTO, CALIF., *May 13, 1964.*

Senator WAYNE MORSE,
417 Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I wish to express my appreciation for your opposition to U.S. participation in the South Vietnam war. It is incredible that a nation that pretends to world leadership should be pursuing a path which is so unprincipled.

Your suggestion that this is a matter for the United Nations is a good one, and I hope that you will be able to sway your colleagues in this direction.

Thank you also for continuing to send us your reports.

I am sending a copy of this letter to Joe Capsin in Honolulu, since he is one of your admirers and a good friend of ours.

Sincerely yours,

THEODORE LICHTGARN.

LEMON GROVE, CALIF.,
May 11, 1964.

DEAR SENATOR MORSE: I feel that we had better get out of Vietnam and let the local people (North and South) settle their own affairs. It is expensive and very disappointing, this business of playing "god" all over the world.

Would you please send me copies of your Senate talks on our position in South Vietnam? I understand that one was dated April 24.

Thanks for your good work in the Senate.

Sincerely yours,

SETH J. CARPENTER.

TARRYTOWN, N.Y.

DEAR SENATOR MORSE: Thank you for your great and moving speech on Vietnam. Would you now please send me any speeches on your stand against the MLF (multilateral Nuclear Fleet).

Thank you and keep up your courageous stand on these issues. So few with courage and wisdom to speak out.

Sincerely,

MRS. J. URBAN.

CHICAGO, ILL., *May 11, 1964.*

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: If I may use the plain language you use: I applaud your "guts" in criticizing our war in South Vietnam.

I read with horror of the indiscriminate bombing which kills thousands of women and children. I worry that more American lives will be lost there—needlessly.

Your position is, I believe, in the best American tradition and I hope your speeches will help create a groundswell of public opinion against further intervention in Vietnam—and the achievement of peace and neutrality.

With sincere admiration,

Mrs. LOIS ROMERO.

COLUMBUS, OHIO, *May 14, 1964.*

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I wish to commend you very highly on the stand you are taking on Vietnam. I agree with you 100 percent. Now McNamara says it is going to take from 5 to 10 years to win this war. I certainly agree with you that it will never be won. How long are the American people going to stand for our boys being killed and money poured into Vietnam. It is time for the Americans to awaken to what the Defense Department is doing and I only wish that all the other Senators would join with you in your fight to end this.

I see where President Sukarno of Indonesia made a speech recently practically telling the United States "to go to hell" with foreign aid. That is the guy that we wined, dined in Washington and already we have given him $81 million for foreign aid and still the State Department doesn't wake up in continuing foreign aid. How can we get the State Department cleaned up? Our Representative, SAMUEL DEVINE, has introduced a bill to clean up the State Department. I do hope and pray that it will receive the support of all the Members of the House and that you will use your influence to see that it gets action in the Senate.

Senator, I do not agree with the stand you are taking on the Du Pont interest in Florida. Du Pont interests have been the making of Florida and its foundation are doing very worthy work so investigate carefully and read thoroughly the recent editorial in Barron's on the Florida east coast which gives the facts on the strike.

Thank you again, Senator, for your persistent effort on Vietnam. We have a far greater menace in communistic Cuba, just 90 miles from our shores.

With kindest regards,

Sincerely yours,

E. F. WILDERMUTH.

P.S.—No doubt you have read the article in U.S. News and Life on Captain Shouk. This should awaken all of us.

TACOMA, WASH., *May 12, 1964.*

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR MORSE: Heartiest congratulations to you on the stand you have taken on the Vietnam crisis. More power to you and Senators GRUENING, FULBRIGHT, and others who are beginning to think what a catastrophe is developing.

Yours very sincerely,

MARY R. HOPKINSON, D.O.

FORT DODGE, IOWA,
May 13, 1964.

Senator MORSE.

DEAR SIR: I couldn't agree with you more in regard to pulling out of Vietnam. My belief is that we went in there at the instigation of England as Malaysia was about to be formed.

If anyone thinks that the so-called Commonwealth is not an empire they have not investigated or traveled. As you undoubtedly know every Commonwealth country has a governor general who can veto any act of parliament.

Sincerely yours,

BEN H. BLACK.

GREELEY, COLO., *May 10, 1964.*

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Good luck and congratulations on your efforts to obtain an end to the war in South Vietnam and prevent the miserable affair from escalating into a war against North Vietnam.

What about the possibility of a U.N. mandate form of government coupled with ironclad guarantees by North Vietnam and possibly Red China?

What right does Secretary McNamara have to assume the role of Secretary Rusk?

Why don't you demand that the Pentagon say what general percentage of Vietcong arms are being obtained from American sources and what percentage from the North? I realize a precise figure would be impossible to obtain but surely, the general picture is known to the Pentagon. The argument that most of the arms are coming from the North is being used to justify escalation of the war. Perhaps if the Pentagon could be forced to reveal that most of the arms are coming from American sources, it would undercut the war escalation hysteria.

As far as I'm concerned, you are my Senator on most issues even though I live in another State. There's you, FULBRIGHT, MCGOVERN, CLARK, GRUENING, CHURCH perhaps, and that's about all whom I can identify as showing any true comprehension of what's going on in the world and acting on that view.

Yours respectfully,

FORD W. CLEERE.

MAY 10, 1964.

DEAR SENATOR MORSE: I want to congratulate you for your stand and perseverance on the U.S. position in Vietnam. I read a recent speech of yours in the Post-Dispatch (St. Louis) and was pleased to see clarification of specific treaties and U.N. Charter concerning South Vietnam and civil war. Also it was good to see an attack on the hackneyed "We were invited in." I have read that McNamara wants to enlist NATO's help in Vietnam. Hasn't Mr. McNamara been made aware of an established international peacekeeping organization, the United Nations. His proposal is irresponsible and threatens to bring us to a "brink" from which there may be no return. Please continue your work and daily speeches.

Sincerely,

Mrs. JANE FIEDLER.

ST. LOUIS, MO.

CHICAGO, ILL., *May 11, 1964.*

The Honorable Senator WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SIR: I want to commend you most highly for your important speeches in the Senate and to the newspapers regarding South Vietnam. You are not only unquestionably right but also courageous in expressing an unpopular viewpoint.

It is amazing and discouraging to see how the press has repeatedly ignored the data about this part of the world and how for years the facts of our commitment, the casualties, and the nature of the opposition has been kept from the public.

One and one-half years ago I completed a 2-year service program as a psychiatrist in the capacity of LCDR in the U.S. Navy and I regret to say that if I had known more about the details of this war, I would have been ashamed to serve.

It is difficult for me to understand how we can carry on such a war from a moral point of view. Our scorched earth policies are alone evidence of how badly we are losing. Our lack of honesty and absence of human values is typified in a story I read recently in the papers about a march of women and children to try to protest the seizure of a number of their brothers, sons, and husbands as suspects by our South Vietnamese allies. This was portrayed as a Communist conspiracy. The use of insecticides, and napalm jelly is below contempt and just incredible for a civilized nation.

I fear this country will never survive the stigma of this shameful illegal action.

Please continue to work toward its early termination, and against the unrealistic fanatical attempts to enlarge the war.

Sincerely and with profound thanks for your efforts,

PETER BARGLOW, M.D.

SUN VALLEY, CALIF., *May 24, 1964.*

Senator WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SIR: Your interview on channel 2 at 12:30 p.m., May 24, 1964, has just ended and I want to say here that your views are simply superb all the way—you look like a real American with the intelligence to carry on the duties of your office and the will to stand alone for what you think is right. In you Oregon has sent to Congress one of our most able Senators we have and I do hope that they retain you there as long as it is possible for you to serve.

Yours truly,

WILLIAM O. NOBLE.

OAKLAND, CALIF., *May 26, 1964.*

DEAR SENATOR MORSE: I want to thank you for your courageous stand against our shocking war in Vietnam. I am enclosing a poem from the current issue of Poetry magazine, which perhaps you have not seen and which, I feel, will be of interest to you.

Sincerely,

DOROTHY SCHMIDT.

RIVERTON, WYO., *May 23, 1964.*

DEAR SENATOR MORSE: I was very happy, indeed, yesterday, May 22, to hear you over the radio express your opposition to the useless killing going on in Vietnam and that region.

Since it started I have felt that it was very wrong. I do hope there will be a speedy end to such commitments.

May God help you.

Sincererly,

EVA L. DAVIES.

URBANA, *May 25, 1964.*

DEAR SENATOR MORSE: I should like to commend you for your intelligent and decent

stand on our south Asian policy. Your "Face the Nation" interview was a brilliant marshalling of the facts.

My friends and I view you as a great American—one with convictions and with courage. You will, I am sure, be remembered and respected when the little phrase-twisting puppets have been recognized as nonentities without real principles.

DAVID BOURGIN.

SHERMAN OAKS, CALIF., *May 25, 1964.*

Senator WAYNE B. MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Your statements re Vietnam Sunday last on CBS were a hopeful note in a symphony of despair. I have followed with interest and chagrin the lack of meaningful discussion of our southeast Asia policy. At last, you, Senator GRUENING and the few other courageous lawmakers who have spoken out and questioned McNamara's band are being heard.

Please be assured there are many concerned citizens who welcome this break in the silence barrier and hold you in esteem for your persistent efforts in this regard.

As a former northwesterner, like yourself, I am proud of the tradition of frontier perseverance and cussedness that makes some of us express democratic convictions no matter how unpopular.

Please send me copies of your speeches on Vietnam and keep up the good work.

Admiringly,

KATHLEEN HARDMAN.

STURGIS, MICH., *May 24, 1964.*

DEAR SENATOR MORSE: You are absolutely right. The American people do want to hear the truth and welcome people like you who have the courage to disagree with existing policies and dare to propose the only way it (Vietnam) should be handled.

We are writing our Congressman asking that he support your ideas about Vietnam. Don't ever stop your courageous public crusading for America's only honorable way in its foreign policy.

Sincerely,

CORINNE and PAUL FAIR.

CLINTON, IND., *May 21, 1964.*

Hon. WAYNE MORSE.

MY DEAR SENATOR: I am writing to let you know that many of us now have our hopes in you, believing that you, at least, will speak out against our further involvement in South Vietnam and Laos. The enclosed clippings may be useful.

Sincerely,

RUTH C. FRANCE.

LOS ANGELES, CALIF.

DEAR SENATOR MORSE: I heard you on "Face the Nation" and all I can say is I wish there were more millions like you.

Our press is geared to make people think what we want them to think instead of letting them weigh the facts.

I hope your appearing on the program will get people to thinking for themselves.

Sincerely,

EASIE HOLSTON.

OAK RIDGE, TENN., *May 25, 1964.*

Senator WAYNE MORSE,
Washington, D.C.:

Please continue your crusade for sane southeast Asia policy.

Sincerely,

AILENE H. KIBBEY.

BRONX, N.Y., *May 24, 1964.*

Senator WAYNE MORSE,
Washington, D.C.:

DEAR SENATOR: You are the greatest.

We salute the most courageous man in the Congress of the United States. Now or ever.

Please try to get to the public more closely because they don't read the CONGRESSIONAL RECORD—and the press isn't so dependable. More television, lots more.

Here's hoping you keep punching for many, many, many more years.

The best to you and yours.

Sincerely,

PERRY B. WEISS.

SAN JOSE, CALIF., *May 19, 1964.*

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I wrote the attached letter to the President but I wanted you to know about it also. I don't have carbon paper at this moment so I couldn't get a copy. Would you read this letter and pass it along to the President? I sometimes, as I do now, wonder who his advisers are that prevent him getting the picture as I see it? Or am I misinformed?

Thank you.

CARLOS RAMIREZ.

MAY 19, 1964.

THE PRESIDENT OF THE UNITED STATES,
The White House, Washington, D.C.

DEAR MR. PRESIDENT: I am dismayed by your message calling for $125 million more for South Vietnam.

I have been given the impression that the Vietcong is a revolutionary front representing, as well as Communists, professionals, students, religious groups, the peasants, and members of outlawed democratic parties.

On the other hand, that the United States is supporting a man, Kanh, who was a traitor to his people when he fought with the French is now again a traitor with the siding of the United States.

Please clarify your position to me on why the United States is committed to supporting a popular war for independence. I understand that the Vietcong is not receiving any help from the north simply because American reconnaissance planes would destroy any equipment sent along the supply lines.

So the United States is getting a reputation as the most hated nation in the world for its commitment to unpopular governments.

To bring this matter to perspective, the thought of a napalm-jelly-burned child screaming like a fire siren until the death makes me weep and bow down my head in revulsion. And I support this with my tax money.

That's all I have to say. Thank you.

CARLOS RAMIREZ.

NEW YORK, N.Y., *May 21, 1964.*

Senator WAYNE MORSE.

DEAR SIR: I most heartily endorse your position as stated in your recent speeches demanding a sober review of our foreign policy.

More power to you.

Many of our friends, my wife and family also support your position.

Respectfully yours,

MANUEL GELLES.

GOLDEN'S BRIDGE, N.Y., *May 24, 1964.*

President LYNDON B. JOHNSON,
The White House, Washington, D.C.

DEAR PRESIDENT JOHNSON: The undersigned residents of New York State express our deep concern over the increasing involvement of our forces in southeast Asia.

We are shocked at the loss of good American lives and the waste of hundreds of millions of American dollars.

We believe that the United States should not act unilaterally in matters of international importance but should call upon the United Nations to act.

We support the position of Senator WAYNE MORSE and Senator ERNEST GRUENING that in South Vietnam we have backed and still back dictatorial governments that have lost the support of their people.

We strongly urge you to withdraw troops from southeast Asia.

Respectfully yours,

MURRAY MELVIN.
EDWARD L. HERBST.
MARY ROLFE.
BELLA MELVIN.
ANDREW TAYLOR.

NEW YORK, N.Y., *May 23, 1964.*

DEAR SENATOR MORSE: I want to express my heartfelt support for your courageous and intelligent stand on the war in Vietnam. The situation there is deplorable and our disinvolvement would surely be a most important step toward the furtherance of world peace.

You and your few responsible colleagues must not be silenced.

Sincerely yours,

ERIC SCHUTZ.

SAN DIEGO, CALIF., *May 23, 1964.*

Hon. WAYNE MORSE,
U.S. Senator from Oregon.

SIR: My hat's off to you, Senator. It's indeed heartening to hear a representative of the people speak in forthright terms instead of the usual vague doubletalk that we get through the mass media. It's rather regrettable that we do not hear from more of the Congressmen on these issues. It's quite possible that many feel as you do, but are not given a chance to air their views. I noticed that the interviewers on the TV program this morning seemed quite annoyed with you when you failed to give the answers that they have come to expect on these issues of war and peace.

I am in complete agreement with you, Senator, as to the folly of our course in southeast Asia. The responsibility lies, I believe, with the military-industrial "establishment" that President Eisenhower spoke of when he retired from office. (It's too bad he didn't do anything about this while he was in office.) This "establishment" (as it has been called) is too busy trying to keep our military budget in the astronomically high figures it has been for the past 10 years, when events tell us that programs geared to other than military spending are increasingly called for.

Again, bravo to you for speaking those unspeakable thoughts. How embarrassing it must be for the press and other mass media to have cantankerous "old fools" like you around.

EUGENE M. BISCHOFF.

PATERSON, N.J., *May 24, 1964.*

Senator WAYNE MORSE,
U.S. Senate, Washington, D.C.

DEAR MR. MORSE: I have just finished listening to the television program "Face the Nation" in which you appeared. I must say that I fully agree with all you said concerning the policy of the U.S. Government in South Vietnam and southeast Asia in general. It does seem incredulous that the U.S. Government should openly be fostering war. The only constructive solution to the problems in that sector of the world or for that matter any part of the world, revolve around the ability of the United Nations to seek ways and means to peacefully or if need be promote war. But the armed actions should be fostered by the auspices of the United Nations. To be sure, the United States would support the actions, but they would be sanctioned through international agreement. The power of international approval would alleviate much of the dissatisfaction that is being openly voiced in many sections of this country.

The United States does not have the right to force its power upon parts of the world that appear to turn Communist. Your statements concerning the Geneva accords was

interesting. I was not aware that we were supporting an agreement that we have not even signed.

I think the statements of General de Gaulle of late are more in line with understanding the problem and possibilities of solutions. We seem to feel that anybody who opposes our actions is in disagreement with ultimate goals. General de Gaulle is one of the great men in the world today. He knows what he wants, that being French growth and development. He feels the greatness of his position as perhaps Napoleon did his. Statements of policy should be screened and not the personal intrigues or aims of the person, although they may be alined.

In conclusion, let me say that I approve of your assertions concerning the methods of solving the problems in southeast Asia. Perhaps you should make it a policy to appear on more television programs, as well as other Senators and suggest and inform the public. It is your responsibility to inform the public in order that they may reflect and inform you concerning their feelings on the topics of prime importance in the world today.

Sincerely yours,

HOWARD CHARLES LIPSITZ.

GLENDALE, N.Y., *May 24, 1964.*

Hon. WAYNE MORSE,
U.S. Senator.

DEAR SENATOR: After listening to you on TV Sunday you are a man after my own heart when it comes to the U.S. foreign policy. Being a Navy veteran of the First World War. Traveling through southeast Asia you sure know the score when you say the American people are not being told the truth about that part of the world.

My wish is, that the Supreme Being keeps you healthy and strong in health so you can keep up the good work you are doing in the Committee on Foreign Affairs. Also in bringing the truth to the American people.

Here's for success in all your endeavors.

Sincerely yours,

BEN SMITH.

BROOKLYN, N.Y.

Hon. WAYNE MORSE,
Washington, D.C.

MY DEAR SIR: You certainly make good sense.

Your confidence in the people and democracy is heartening.

What can an interested and anxious citizen do about our policy in Vietnam? We feel with you of the danger here.

Respectfully,

ESTELLE SHACK.

REDWOOD CITY, CALIF., *May 24, 1964.*

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: You are absolutely right, (1) that we are acting against our Constitution in the war in southeast Asia, and (2) that we should, ought, to take the problems of South Vietnam and Laos to the United Nations, and (3) that we shall be involved in a nuclear war if we go in deeper in this war.

I feel to blame whenever I hear about casualties in southeast Asia, on whatever side, and about the crimes against the people of that war-torn country. Peace cannot be restored by waging "our" war there. I appreciate your statement of the facts. Many other people I know feel as I do.

Sincerely,

LEONE E. SCHMIDT.

CHINESE OVERSEAS CHRISTIAN MISSION,
May 21, 1964.

Senator WAYNE MORSE,
The Capitol, Washington, D.C.

DEAR SENATOR MORSE: I have unbounded admiration for your stand on the Vietnam war. After a lifetime spent in China, where my wife and I were born, we are convinced of the suicidal folly of waging an unpopular war with the bodies of our boys.

Our colossal expenditure of American dollars is getting us only dislike everywhere in Asia. Is it not a corrupting influence in Vietnam itself, as it was in mainland China? It is even more criminal to send American young men to their death in such a confused struggle.

Turn it over to the U.N.

Sincerely,

FREDERICK M. PYKE.

ALBUQUERQUE, N. MEX., *May 20, 1964.*

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: My husband and I wish to commend you on your stand regarding the United States role in Vietnam. I'm sure there are more of our honorable lawmakers who feel as you do—if only their voices would also be heard.

Senator MORSE, we also beg you to vote in favor of the civil rights bill now being debated.

Most sincerely,

H. E. KOESTER.

SAN FRANCISCO, CALIF., *June 6, 1964.*

Senator WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: We, the human race, are grateful for the battle which you are waging in the U.S. Senate in our behalf. In these dark days, when the leadership of our Nation is bent on a course which can only lead to total destruction, you, Senator MORSE, have emerged as the seer showing the way to salvation.

A prophet's task is not an easy one, especially in today's world, but without one, we will surely perish. You, Senator MORSE, are the chosen one. There is no one else in a position of leadership in America today who possesses your insight into the dangers of our present involvement in South Vietnam as you do.

Your courage and fortitude in the face of overwhelming opposition, which through the years has become your symbol, must never waver, but must be continually strengthened by the inner conviction that you are on the side of right.

As you know, you are working, not alone for the survival of America, but for the survival of the entire world. We, the unseen, unheard citizens of the world, rely desperately on your will and your words. You have our fullest support. May God grant you the health and wisdom to carry on your Promethean task of bringing light to our blind leaders.

Sincerely,

MARVIN A. PERELMAN.

BROOKLYN, N.Y.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SIR: Your recent pronouncements on American involvement in South Vietnam have been most welcome. Yours has been one of the few honest and realistic appraisals of the situation there. One can only hope that it will receive the attention it deserves.

Very truly yours,

Mrs. JUDITH WERMAN.

LEETONIA, OHIO, *June 3, 1964.*

The Honorable WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: While I am not one of your constituents, I feel that you are working for us all when you question the aggressiveness of our Government in its foreign dealings.

Day before yesterday I saw a snatch of your speech about "McNamara's war." This was a brief view on TV and I have heard nothing more of it. It seems that there should have been more notice of it. I have good reason to believe that you are as near the facts as they are. It reminds me of the resistance offered by George W. Norris to U.S. entrance into World War I and Jeannette Rankin's stand against World War II. This takes courage and real statesmanship. Will you continue to raise your voice against the forces of disaster?

It is good to know that we have a leader who will challenge the mighty. Do you think we can restrain the military influence in our Government?

Congratulations and thank you. May the people of Oregon continue to support you.

Yours truly,

EMERSON W. HALVERSTADT.

EL CERRITO, CALIF., *June 1, 1964.*

Senator WAYNE MORSE,
Washington, D.C.

DEAR SIR: May I take the liberty of congratulating you on the magnificent opposition that you and a few of your colleagues are conducting against this country's involvement in the slaughter in South Vietnam. I feel so terribly ashamed of what my country is causing those poor people to suffer and the rotten, military dictatorships that we prop up there as well as in Taiwan, South Korea, Spain, Brazil and probably elsewhere. But then I read of your latest blast against the warmakers and take heart and know that there is still hope in these United States while we have men like yourself with the courage of their convictions and a dedication to humanity and peace amongst the nations.

So a long life with health to continue the good fight and the sincere wish that you may see the day when a grateful nation, in more rational times, will acknowledge its debt to you.

Cordially yours,

FRANCES WILSON.

P.S.—I am sending a copy of this letter to President Johnson.—F.W.

HOBBS, N. MEX.

DEAR SENATOR MORSE: I am in favor of your stand on Vietnam and Cambodia, the Far East "war." It looks like they were trying hard to make a war over there. It might be going on over there now. You are right, more power to you.

Sincerely,

ROY G. BARTON.

JUNE 2, 1964.

Senator WAYNE MORSE

DEAR SIR: On Sunday, May 24 I had the privilege of listening to your program on television. It certainly woke me up to the situation on Vietnam. I do hope everyone in the United States heard you. I wish everyone would write you a letter and say, "we are with you 100 percent, you are absolutely right. I believe most people would like to see all nations live in peace. I cut this article out of the paper to send you; but I really wish I was sending it to every mother in the United States so that they would wake up like I did when I heard you.

Everything you told the people is true. I pray that there are more good men like you in our Senate. May God bless you and give you strength. I'll remember you in my prayers.

Sincerely,

HELEN M. KOVACS.

JUNE 4, 1964.

DEAR SENATOR: Thanks for speaking the truth about Vietnam. Continue to do so.

Thanks,

STEVE ARNOLD.

BRONX, N.Y., *June 1, 1964.*

Hon. WAYNE MORSE,
Senator, Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: You have my profound thanks for your forthright denunciation of the Government's policy in South Vietnam and against Cuba, a policy which is fraught with the great danger of bringing about the third world war, thereby reducing all the world to ashes.

What a dirty war it is in South Vietnam.

Kindly send me a copy of your May 20, 1964, speech. Also, please place my name on your mailing list.

And again, many thanks for your valiant efforts to bring sanity to Government circles.

Yours respectfully,

HELEN HARRIS.

SAFETY HARBOR, FLA., *May 26, 1964.*

DEAR SENATOR MORSE: I want to tell you how we admired your courage and good sense on your appearance with Face the Nation (CBS) last Sunday. We were of course prepared for it by your previous fine speeches in the Senate attacking the senseless murder in South Vietnam.

But the manner in which you took hold of the program and, to the astonishment of one or two of the young reporters on the panel, addressed the American people, was really something long to be remembered. Especially important was your insistence that American foreign policy is the business of the American people, with whose voice the President should speak.

Your splendid statement of policy was not mentioned in our paper, the St. Petersburg Times which did find space on page one for Senator GOLDWATER'S ghoulish proposal to dress down the Laotian border with atomic material. So I hope you will not mind if I send a copy of this letter to the Times' excellent correspondence column.

Meanwhile, may we ask if copies are available of your speeches against Secretary McNamara's war, especially that given April 15? We would very much like to read your complete text.

With our heartiest congratulations,

BERNARD RAYMUND.

PHILADELPHIA, PA., *May 24, 1964.*

The Honorable WAYNE MORSE,
The U.S. Senate,
Washington, D.C.

SIR: I am writing to request the privilege of being put on your mailing list so that I may receive reprints of your public statements.

The reason for this interest concerns your opposition to the policies of the Government in South Vietnam. There is reference to your criticism in the press but little explanation. I would, therefore, be grateful for the opportunity of reading your statements in their entirety.

Very truly yours,

MARK FLOMENHOPT.

ST. LOUIS, MO., *May 25, 1964.*

DEAR SENATOR MORSE: Much concerned as I am about our involvement and role in the southeast Asian situation and the threatening statement by Secretary of State Rusk, I feel it my duty to at least voice my support of your efforts to introduce sanity in our approach.

According to Dudman in the St. Louis Post-Dispatch of May 24 we engineered the rightist coup in Laos and obviously inspired the Pathet Lao counteraction. I would appreciate your sending me some copies of your statements on South Vietnam.

Sincerely yours,

SOL LONDE.

DALY CITY, CALIF., *May 18, 1964.*

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SIR: I strongly support your opposition to our intervention in civil war in South Vietnam.

Enclosed you will find two interesting letters which have just appeared in the May 15 issue of the Golden Gater which is published by the Associated Students of San Francisco State College.

Keep up the good work and I hope that you can convince other Senators of the logic of your position.

Respectfully yours,

ELLIS COLTON.

P.S.—I would be grateful for any copies of speeches you make on the above subject.

[From the Golden Gater, May 15, 1964]

LETTERS TO THE EDITOR

DEAR MR. LEWIS: Remember your little admonition, "Ignorance is the root of all evil"? Keep it in mind; it's a good maxim. Point 1. Did you ascertain before you began your tirade why certain groups of people are protesting U.S. intervention in Vietnam? Are you familiar with the facts and evidence they based their stand on?

2. How familiar are you with the South Vietnam situation? You say that you believe in the freedom guaranteed by constitution and democracy as well. As such a stalwart of justice and freedom, perhaps you would like to know that there have never been free elections in Vietnam, despite the provisions of the 1954 Geneva agreement, which President Eisenhower approved. In addition, freedom of speech and the press is a myth. Do you remember one of the first actions of this latest junta was to close newspapers that were dispersing dangerous propaganda—neutralism * * *?

3. Do you realize that the war in South Vietnam is a civil war, and the United States is intervening in it without moral or legal grounds. In fact the presence of U.S. troops violates the Geneva agreement. You won't find any Chinese Communist or Russian soldiers there.

4. Finally, since when is the Government sacrosanct and omniscient? That statement of yours was not only ignorant but also incredibly naive. It is well known that the CIA informed the late President that Cuba was ready to overthrow Castro, and what happened?

We cannot give you an adequate education in this short space, but here's some advice, "Ignorance is the root of all evil."

EDWARD NARITOMI, 1949,
DAVID STRAUSS, 7440,
PETER VALDEZ, 7518,
CONN HALLINAN, 3183,
EDA GODEL, 17009,
JANET GOLDFARB, 4772.

EDITOR: The letter in today's Gater (May 8) says in essence that people who march in protest of U.S. troops in Vietnam should keep their mouths shut because they have no idea of what's going on. Besides inferring that Americans should be complacent with respect to American foreign policy (as the Germans were complacent with respect to the rise of nazism), Mr. Lewis is saying that for your own good, you should not aline yourselves with controversial or leftwing organizations because your affiliation may come back to haunt you in the future. Is this the "democratic" way, Mr. Lewis?

Mr. Lewis, have you ever been to Vietnam? Do you have any idea of what's going on? Do you know what the Vietnamese people think of Americans? Let me fill you in.

From March 1961, to July 1962, I was part of the Marine Corps ready division in the Far East. I had the dubious opportunity of participating in the initiation of the present American policy in South Vietnam. I'll never forget the day when Lieutenant General Krulack (head of the special Presidential Committee on Guerrilla Warfare) gave us a secret introduction and explanation of the strategic hamlet program which was just beginning in Vietnam. I had just finished a comprehensive study of guerrilla warfare. Mr. Lewis, the basic principle of carrying out a guerrilla war to a successful conclusion is to win the support of the people. This is stated quite clearly in the books on guerrilla warfare by Maj. Che Quevara and Mao Tse Tung (which, ironically, the U.S. military uses as basic texts for its guerrilla warfare schools), if you have ever read them. To the question, "How can you win the support of the people by forcing them to live inside walls and barbed wire?" General Krulack answered, "It worked in Malaya for the British, and it'll work for us in Vietnam." It hasn't. And the attitude of American officers who sing, "Hark the herald angels shout, 6 more days and I'll be out," is one of dissatisfaction with American policy, and the realization that now it's too late to win the support of the people.

In order to retain what's left of our international dignity, our country should first recognize China, then negotiate for peace in Vietnam, as Charles de Gaulle has suggested. If this is not done soon, it will be too late to even retain a shred of our international dignity. This is why real patriots and real Americans are marching in protest of U.S. policy in Vietnam, Mr. Lewis. If you really are concerned about our Federal system, perhaps you should join them.

NOTE.—I am withholding my name because as a Marine officer in the "free" country of ours, I cannot publicly state my views without being subjected to a letter of reprimand or censure.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Thank you for your repeated efforts toward the settlement of the South Vietnam situation through the United Nations or through reconvening the Geneva Conference.

The neutrality of Laos is now being jeopardized and I believe that some policymakers in Washington would like to see this coalition in Laos destroyed and some agents of the United States may be undoing this coalition or helping to aggravate the situation. There is no substantiation or proof I can offer for this conclusion except the coincidence of this unsettling strife in Laos occurring shortly after you and others in and out of Government started calling for peaceful settlement in South Vietnam. The example of Laos presents complications for those who wish to enlarge the conflict and believe that socioeconomic problems can be solved by force.

Sincerely yours,

DOROTHEA SHERLOCK.

CORAL GABLES, FLA., *June 12, 1964.*

The Honorable WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I heartily endorse the stand you have taken concerning our U.S. foreign policy in Asia, especially your opposition to our continuing war in Vietnam. I admire your courage in this unpopular endeavor.

Will you please send me 25 copies of the speech you made in the Senate March 4, 1964? It is volume 110, No. 39. Will you please send 25 copies also to my friend, Mrs.

Monroe Smith, R.R. 2, Buckner Branch, Bryson City, N.C.?

Thank you.

Most sincerely,

PEARL C. EWALD.

P.S.—Will you please send also to both of us 25 copies of the speech you made April 14, 1964, CONGRESSIONAL RECORD, pages 7925–7931.

JUNE 10, 1964.

DEAR SENATOR MORSE: Keep up your good work you have done in regard to Vietnam. I am in complete harmony with your stand you've taken on that issue.

Sincerely,

DORA CALLISTEIN.

JUNE 10, 1964.

DEAR SENATOR MORSE: I applaud your stand on Vietnam. Many lives will be saved when our boys are recalled from Vietnam. Keep up your good work.

Sincerely,

Mrs. S. MATZ.

DEAR SENATOR MORSE: Your fight against our policy in South Vietnam is beneficial to all of our people.

Congratulations and may God bless you.

Respectfully,

Mr. E. WOLFYORK.

JUNE 10, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Thank you for your fine speech on Vietnam and the Asia situation. You are so right. We have no business in there—never did have. We should get our forces and tax money out of there. The peoples in Asia already hate us for past dirty wars like Korea. It is shameful.

Keep up the good work.

Sincerely yours,

HAZEL and RUSSELL L. LINTON.

DEAR MR. MORSE: Do all you can to see that our boy's soldiers come back home.

I'm with you and you can count on my support.

Respectfully,

E. WOF.

Senator WAYNE MORSE,
Washington, D.C.:

Congratulations on your stand on "McNamara's War." Keep up the good work.

A. S. OLIN.

BERKELEY, CALIF.

DEAR SENATOR: Your speech or speeches on Vietnam have been proclaimed as excellent by an authority, Robert Sheer, on the subject. We strongly back your courage in presenting sound conclusions from evidence presented. Your honest, intelligent approach to international relations seems to have a rare touch of human understanding. Thank you for this and please send me a copy of your speech.

H. L. ROHLFING.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.:

I appreciate your opinion on the Vietnam situation.

Yours truly,

FRED E. SHETTER.

NEW YORK, N.Y., *May 18, 1964.*

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR MORSE: I wholeheartedly agree with your position about Vietnam. I am writing to the President and my Senators tonight also. I would like to know what a citizen can do to show her concern for this terrible war.

It seems to be evident from every news source that the people of Vietnam are not interested in our position there—that we have no right to be there—that they can choose a government that they see fit without us. What right have we to say—"Choose any government as long as it isn't Communist"—or any other leftwing type?

It is appalling that we sit comfortably back here in America and let our Government aid in spreading so much misery, death, agony in a country where we don't represent progress to them at all.

Sincerely yours,

VICTORIA REISS.

EAST ORANGE, N.J., *May 19, 1964.*

The Honorable L. B. JOHNSON,
President of the United States,
Washington, D.C.

DEAR MR. PRESIDENT: The tenor of this note is an appeal to the moral principle of our foreign policymakers, this in face of the empirical approach in the formation of our foreign policy.

I am 74 years of age and I still retain a fairly good memory. I recall the year 1917, during World War I, and President Woodrow Wilson's 14 points. Among these were the principles of nonintervention in the internal affairs of any nation and the right of self-determination. These principles were not hedged by any overwhelming, all-embracing national security limitations. In my simplicity I was taken in by President Wilson's noble sentiments and I took it that these were enduring principles of our Nation.

To my consternation I find that our policymakers discarded the above sacred principles and adopted an all-embracing policy of so-called national security, and extending this principle to practically the entire globe. The 10,000-mile distant South Vietnam and southeast Asia is allegedly an area of our national security. So is the Middle East, Asia, Burma, Malaya, India, and, of course, Latin America. What about the national security of the above nations? What about the clash of this principle with the basic principle of morality? It is quite clear that the United States is pursuing a policy of might makes right. Is ours a God-given right to intervene in South Vietnam, in Laos, in Cambodia, in Taiwan under the flimsy cover of pseudo treaty invitations to dictate to those nations what form of social-economic system they are to adopt?

This policy is not only immoral but also undemocratic and impractical. Under true democracy it is the people themselves who are to determine their form of government. It is immoral for any foreign nation to impose its way of life on another nation. It is impractical in the light of the military events in South Vietnam at the present time and in Indochina since the end of World War II in 1945. France tried to reimpose its colonial rule there up to 1954 and suffered more than 172,000 casualties and lost. We have taken over and are doing our utmost these last 10 years, and victory is elusive.

I urge you, for the honor of our country, to order the withdrawal of our military from South Vietnam at the earliest.

In any event you are to initiate a national referendum and let all of our American people decide if we are to continue the war in South Vietnam.

Respectfully yours,

H. DRUCKER.

EAST ORANGE, N.J., *May 19, 1964.*

The Honorable U.S. Senator WAYNE MORSE.

DEAR SENATOR: I am entirely in agreement with your position with regards to our military presence in South Vietnam. We have no God-given right to dictate to other nations as to what form of government they are to live under. Using our superior might is contrary to the basic principle of democracy.

The enclosed is a copy of a letter to this effect I mailed yesterday to President Johnson.

I do hope that you and the other like-minded Senators will succeed in calling off the undeclared war in South Vietnam.

Respectfully yours,

H. DRUCKER.

LOS ANGELES, CALIF., *May 18, 1964.*

DEAR SENATOR MORSE: Please accept my heartfelt thanks for your position vis-a-vis our insidious governmental policy in Vietnam. Our troops should be withdrawn forthwith, and we should keep our hands off the Vietnamese people and their country, literally speaking.

Would there were more men like you in the Senate, Mr. MORSE, instead of the sorry excuses for Senators most States have as their elected ones.

Sincerely,

ANNE PAPKOFF.

JUNE 12, 1964.

SENATOR: Congratulations, I agree with your opinion about southeast Asia, U.S. foreign policy, and Stevenson. Thank God we still have men like you in this country who are not afraid to speak up and out with force and conviction. You have my full support. By the way, can you send me some information about your State and its people, cities, et cetera?

I am a high school teacher and am thinking of relocating.

Would appreciate it.

Thank you,

JACK G. BLIESENER.

JUNE 8, 1964.

DEAR SENATOR MORSE: I wish to express my deep appreciation for your great speech in the Senate of May 20 regarding South Vietnam.

I hope the remainder of the Senate and House of Representatives will look into this matter at once and stop this unnecessary bloodshed.

We must put a stop at slaughtering innocent natives just because we think we are right and their policy is wrong.

Perhaps what is right for us may be wrong for them and vice versa.

Please keep up this wonderful job you are doing. There are many individuals in support of this vital issue which you so nobly represent. Also, the Cuban situation.

Thank you.

Wishing you good health and success, I remain,

Most faithfully,

Mrs. MILDRED FALK.

P.S.—Would you kindly send out the speech you made to the above address?

Thank you.

JUNE 1964.

DEAR SIR: I am a member of the International Ladies Garment Workers Union, Local 22. In my own behalf and in the behalf of many mothers—members of our union—I wish to thank you and bless you for the stand you take to save the honor of our country and the lives of our boys. May you be well and healthy to carry on.

ESTHER CARROLL.

HOLLYWOOD, CALIF., *June 9, 1964.*

Mr. WAYNE MORSE,
U.S. Senator, Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Please accept my congratulations and support for your position on South Vietnam. I, too, believe that

our involvement in South Vietnam and all of southeast Asia is an interference with the sovereignty of the nations involved, and we should remove our forces from the area.

We are risking the danger of war and uselessly expending American lives against the will of the majority of people in those countries.

May I request a copy of your speech to the Senate of May 20, 1964. If it is not available from your office, please let me know from which office I may obtain a copy or several copies.

Very truly yours,

HARRIETT BUHAI.

ROWAYTON, CONN., *June 5, 1964.*

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: May I congratulate you on your statement on Vietnam? It was deeply reassuring to hear you express yourself with such force and intelligence on this alarming situation.

Unfortunately, I turned on my TV set about half way through the program and so missed quite a lot of it. If you could send me a copy or copies of any recent statements or speeches you may have made on the subject I would appreciate it very much—and would share them with my friends and neighbors.

Sincerely yours,

AGNES GOODMAN.

SAN FRANCISCO, CALIF., *June 3, 1964.*

The Honorable WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I am unable to obtain a transcript of the "Face the Nation" TV program on which you appeared several Sundays ago. CBS–TV replied to my inquiry by explaining that its supply was exhausted.

Is it possible that you have some copies (mimeographed) and could make one available to me? I would be most appreciative.

I would also be very pleased to receive copies of any addresses you may have for circulation to your constituents. As I noted in a recent letter, I am most grateful for the courageous role you are playing in our Senate in challenging our foreign policy in southeast Asia and wherever else we are relying on force instead of negotiation and bilateral or unilateral action instead of working through the U.N.

Sincerely yours,

AL WILLIAMS.

LOS ANGELES, CALIF.

Senator MORSE,
Capitol, Washington, D.C.:

I want to applaud your stand regarding our action in South Vietnam.

I agree with your proposal for an American withdrawal and De Gaulle's proposal for neutralization of the area.

It takes courage on your part to say so, but you have never lacked political courage. I also support Senator GRUENING in his stand on South Vietnam.

K. FISHOFF.

OAKLAND, CALIF., *June 5, 1964.*

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Keep up the fight to disengage the United States of America in South Vietnam. The American mass media and political situation being what they are, we had begun to feel disenfranchised. No elected officials seemed to make sense when it came to foreign policy. You and the small band of Senators who share your views are one of our main hopes for the future.

You might also begin a frontal assault, to borrow the military's jargon, on American colonial policies in Latin America.

Very truly yours,

Mr. and Mrs. GEORGE BATZLI.

ARVERNE, N.Y., *June 8, 1964.*

Senator WAYNE MORSE.

DEAR MR. SENATOR: It was gratifying to read of your remarks regarding our "sad" situation in the Far East.

Events of the last few days require initiative by our leaders to extricate the United States from this morass.

May we add our blessings and encouragement to your concern and effort for the peace and well-being of the American people.

Sincerely yours,

Mr. and Mrs. M. L. ALPERT.

MORONGO VALLEY, CALIF.,
June 9, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: May I ask you to raise your powerful voice still more loudly and frequently against the monstrous things the administration is doing and evidently planning to do in southeast Asia? It seems to me that the United States is heading straight for war and complete disaster and I know of no other reasonable or sane voice in Washington to whom to appeal other than you. Rusk, McNamara, Johnson, and the generals—all of them appear to be powermad and insane.

WARWICK M. TOMPKINS.

REGO PARK, N.Y.

Senator WAYNE MORSE,
Senate Office Building, Washington, D.C.

DEAR SENATOR: Thank you for speaking out on the Vietnam situation as you did a short time ago. The clamp of silence that sits upon our country and its people is terrifying. But you, bless you, refuse to be silent.

And, sir, I heard Mr. Stevenson's speech at the United Nations; I cried.

Thank you again.

Sincerely yours,

MILDRED BANK.

JUNE 8, 1964.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR MORSE: Am in full support of the position you have taken against U.S. intervention in South Vietnam.

Respectfully,

HARRY J. GLASSCOCK.

UNIVERSITY OF MICHIGAN UNION,
Ann Arbor, Mich., May 10, 1964.

DEAR SENATOR MORSE: On our way to Ann Arbor to attend a national conference of biological editors, we read excerpts from recent speeches of yours about Vietnam in the Senate, reprinted in the St. Louis Post-Dispatch.

It seems inadequate merely to express thanks to you for speaking so clearly and unequivocally on a matter that should long ago have been aired and debated, not only in the Senate but wherever minds meet—but we do express thanks. We agree wholeheartedly with the two speeches we have read. We hope you will continue to cry out until you are heard and heeded. We have shared the two Post-Dispatch reprints with several friends.

Are your speeches available? If so, we should greatly appreciate having copies.

You have our wholehearted backing.

Gratefully,

REBECCA CAUDILL AYARS.
JAMES S. AYARS.

NEW YORK, N.Y., *May 12, 1964.*

DEAR SENATOR MORSE: I have read in the New York Times quotations from speeches that you have made in the Senate in opposition to what the French have referred to as the dirty war in South Vietnam. I'm in full accord with your thoughts on this unfortunate and disgraceful situation.

I will appreciate receiving copies of the CONGRESSIONAL RECORD which contain your speeches. I want to know more about what is going on over there. I have a boy of draft age and I do not want him to die for an unworthy cause. I am of the belief that before we call upon our youth to jeopardize their lives and, if need be, make the supreme sacrifice, we must make certain that it is for a worthy cause.

Very sincerely yours,

CHARLES RIVERS.

CAMBRIDGE, MASS.,
May 13, 1964.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I have been following in the CONGRESSIONAL RECORD your speeches on Vietnam. A considerable time ago I wrote to express my appreciation for the stand you had taken; now I cannot resist again thanking you for the magnificent job you are doing for our country. If we are saved from the utter madness and horror of another and far more hideous Korea it will be largely due to your leadership in the Senate opposition, and the outstanding courage and persistence with which you are fighting for a peaceful and rational settlement.

I am engaged in a campaign to educate and mobilize public opinion in this State. Is there any possibility of my obtaining a copy of the CONGRESSIONAL RECORD of April 24? Your speech on that date would be of great help to us in our efforts to enlist a large group of eminent citizens as signers of an advertisement in a leading Boston newspaper.

With profound gratitude,

FLORENCE H. LUSCOMB.

MAY 5, 1964.

DEAR SENATOR MORSE: We applaud your intelligent and informative speech on "McNamara's war." We hope you will reiterate your stand again and again with a view toward terminating "little" wars.

Sincerely,

Mr. and Mrs. A. KAUFMAN.

NEW YORK, N.Y., *May 4, 1964.*

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR MORSE: With a heart full of gratitude I thank you and the Senator from Alaska for speaking out against our position in South Vietnam. Perhaps all of us who have been sick about our postwar policy in general and situations like South Vietnam in particular should have had the courage to speak out without having to wait for you to start it. Well, it's difficult and not even knowing to whom to speak immobilizes one.

But I am grateful to you, as I hear so many of my friends are too. Please keep on fighting for what we believe is right.

Sincerely yours,

LILETTE HINDIN.

OAKLAND, CALIF.,
May 2, 1964.

Hon. SENATOR MORSE: Please continue your speaking out in the Senate for U.S. withdrawal of troops from Vietnam.

I support you on this issue and wish you would run for President—maybe in 1968.

Yours truly,

GERALD A. GERASH, O.D.

NEW SMYRNA BEACH, FLA.,
May 2, 1964.

Senator WAYNE MORSE,
U.S. Senate,
Washington D.C.

DEAR SENATOR MORSE: I write to thank you for the intelligent and heroic stand you have taken relative to the tragic situation in Vietnam. I don't know of anything that pains me more than the loss of life in this stupid action going on in that faraway country. The seeming indifference to the killing of our American men all but infuriates me. When Mr. McNamara in what seemed to me a smirking way referred to your calling it his war I noticed that it caused laughing among those who were listening to his profound wisdom in reply. Even death seems to be a laughing matter particularly among those who have no sons and husbands to die so far from home.

The publishing of the letters of the young Indianian who was recently killed, as I have read them in this week's U.S. News & World Report, surely will open the eyes of millions who have not known the real situation facing our country. I wonder how those who are supporting this farce can sleep at night. We are so worked up in our country about other matters that very little attention has been given to Vietnam. Also I want to congratulate you for standing up and opposing the giving away of billions to everybody throughout the world.

With all best wishes, and more power to you, I am,

Sincerely,

W. C. STEWART.

UNION CITY, N.J.,
May 4, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: We thought you would be glad to know we obtained 64 signatures for a letter to Senator HARRISON WILLIAMS urging him to second your demand that the United States end all involvement in South Vietnam. We enclosed a carbon copy of the letter.

We wish to both commend you on your addresses to the Senate concerning this matter and ask you for copies of these speeches since the press has been delinquent in its duty to the American people by its poor coverage of your courageous stand on South Vietnam.

Sincerely,

ALVIN MEYER,
H. D. MULLER IV.

LOS ANGELES, CALIF.,
May 2, 1964.

Senator WAYNE MORSE,
Senate Building,
Washington, D.C.

HONORABLE SENATOR: I admire your tremendous courage in challenging the "official" U.S. governmental position on South Vietnam.

It is quite unfortunate that more accurate information on the situation is not available.

I seem to feel the extremes of violence that the Vietnamese people have felt from external forces, first the French and now the U.S. Army.

Please continue your fight to withdraw U.S. troops from South Vietnam and establish a neutral united Vietnam.

Sincerely yours,

JOHN M. PALMER.

GEN. NATHANAEL GREENE AND GEN. WALLACE M. GREENE, JR.

Mr. COTTON. Mr. President, last month, the Portsmouth, N.H., Naval Shipyard launched the 131st submarine to be constructed at that historic Government yard. This latest addition to our nuclear-powered Polaris submarine fleet, the *Nathanael Greene,* was named for a distinguished New England patriot, Gen. Nathanael Greene, sometimes known as the strategist of the American Revolution. Principal speaker at the launching ceremonies was Gen. Wallace M. Greene, Jr., Commandant of the Marine Corps, and native son of our neighboring State of Vermont. Like his namesake, Wallace Greene has established an enviable record of service to his country, characterized by brilliance, valor, and dedication to those principles for which Americans have fought and died since the days of the Revolution. He represents the type of leadership of which the Marine Corps and, indeed, the entire Nation may well be proud.

I ask unanimous consent that two biographical articles contained in the Portsmouth Periscope, published at the Portsmouth Naval Shipyard, May 15, 1964, entitled "Gen. Nathanael Greene, Famous Revolutionary War Hero" and "Gen. Wallace M. Greene, Jr., Commandant of Marine Corps" be printed in the RECORD.

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

[From the Portsmouth (N.H.) Periscope, May 15, 1964]

GEN. NATHANAEL GREENE: FAMOUS REVOLUTIONARY WAR HERO

Nathanael Greene is lauded as a man of great organizational ability whose talents as military strategist were vitally instrumental in the defeat of the British during the middle Atlantic and southern campaigns of the Revolutionary War.

Nathanael Greene was born at the ancestral homestead, Potowomut, Warwick, R.I., July 27, 1742, the son of Nathanael and his second wife, Mary (Mott) Greene. As a youth he worked as an iron founder with his father.

He was able to acquire such books as would enable him to secure a liberal education. An avid reader and intense student, he became proficient in mathematics, logic, natural philosophy, law, the classics, history, and English literature. Later, works on military subjects found a place on his bookshelves. It was in recognition of his mental abilities that Brown University, then known as Rhode Island College, conferred the honorary degree of master of arts on him in 1776, an honor that he was to receive subsequently from Princeton.

Nathanael Greene was a member of the State legislature at the outset of his military career. His advancement in rank was rapid. His first training was in the Kentish Guards of East Greenwich. Appointed brigadier general in the Army of Observation by the Rhode Island Legislature, the discipline of his troops and the personality of their commander attracted favorable attention. He became a major general in the Continental Army in 1776, and emerged from the war with a reputation second only to that of Washington.

Given command of a detachment of militia at the seige of Boston, he was charged with the city's protection following the withdrawal of the English. He helped plan the defense of New York, and served with Washington at Trenton, Brandywine, Germantown, and Valley Forge. As quartermaster general in 1778 he reorganized the department, found supplies for the Army, and rendered outstanding service in this capacity. He fought at Monmouth and in the Rhode Island campaign, and presided over the court-martial board for Maj. John André.

Appointed Commander of the Southern Forces in 1780, he carried out a reorganization and refitting, divided the forces under Cornwallis, won the battles of Cowpens and Eutaw Springs and compelled the enemy to fall back on Charleston. His generalship contributed greatly to the triumph of patriot forces in the South.

Gen. Nathanael Greene died in June 1786 at his Mulberry Grove plantation near Savannah, Ga.

[From the Portsmouth (N.H.) Periscope, May 15, 1964]

GEN. WALLACE M. GREENE, JR., COMMANDANT OF MARINE CORPS

Gen. Wallace M. Greene, Jr., USMC, is Commandant of the Marine Corps.

A native of Waterbury, Vt., he was born in 1910. He attended the University of Vermont for 1 year before entering Annapolis.

He was graduated from the Naval Academy in 1930, commissioned a second lieutenant and served the following year at the Marine Barracks at the Portsmouth Naval Shipyard.

During World War II he served as Assistant Chief of Staff, G–3, 3d Marine Brigade that sailed for Upolu, Western Samoa, in 1942. In 1943 he joined the 5th Amphibious Corps in Hawaii as Assistant Chief of Staff, G–3, Tactical Group 1. For outstanding service in this capacity during the planning and execution of the Marshall Islands invasion, he was awarded his first Legion of Merit with Combat V.

Following disbanding of the group in 1944, General Greene joined the 2d Marine Division as G–3, earning a second Legion of Merit for outstanding service in this capacity on Saipan and Tinian. He remained with the 2d Division until his return to the States in September.

In October 1944, he was appointed officer in charge, G–3, Operations, Division of Plans and Policies, Headquarters, Marine Corps, Washington, D.C.

There followed a number of assignments, including duty at Pearl Harbor, before he was assigned to the National War College in Washington. He was graduated in 1953 and was appointed staff special assistant to the Joint Chiefs of Staff for National Security Council Affairs.

In September 1955 he was promoted to brigadier general and became Assistant Commander, 2d Marine Division, Camp Lejeune. His next assignment was Commanding General, Recruit Training Command, Marine Corps Recruit Depot, Parris Island, S.C. Later he became Commanding General of the Recruit Depot.

General Greene was appointed Commanding General of the Marine Corps Base at Camp Lejeune in July 1957. Ordered to Headquarters, Marine Corps, Washington, in January 1958, he served 1 year as Assistant Chief of Staff, G–3.

He was promoted to major general in August 1958 and in March 1959 was named Deputy Chief of Staff (Plans), and served in this capacity through December 1959.

January 1, 1960, he was promoted to lieutenant general on assuming the assignment as Chief of Staff, Headquarters, Marine Corps, Washington.

September 24, 1963, the late President John F. Kennedy nominated General Greene to succeed Gen. David M. Shoup as Commandant of the Marine Corps. He assumed this command December 31, 1963.

General Greene is married to the former Vaughan Emory of Fairacres, Annapolis, Md. They have a daughter, Vaughan E., and a son, Marine Corps Capt. Wallace M. Greene III.

"WHAT MY COUNTRY MEANS TO ME"—ESSAY BY ROBERT S. PERKINS

Mr. COTTON. Mr. President, a youthful constituent of mine, Robert S. Perkins, of East Wakefield, N.H., enjoys the distinction of winning a statewide essay contest, conducted earlier in the year by the New Hampshire Federated Republican Women's Clubs, on the subject "What My Country Means to Me."

I had the pleasure of sitting with Robert at the annual May luncheon of the Federated Republican Women's Clubs, at the Hotel Wentworth by the Sea, Newcastle, N.H., and hearing him read his thoughtful statement of American principle. His mature grasp of the complexities and contradictions which make the fabric of our society is amazing in one so young, and I ask unanimous consent that his brief but excellent essay be printed in the RECORD.

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

WHAT MY COUNTRY MEANS TO ME

What does my country mean to me? It means a land in which "all men are created equal." It means a land in which a group can scream they are tread upon, and have a higher standard of living than in any other nation upon earth. It is a nation in which everybody complains about everything; and yet would not trade it for anything in the world.

It is a dream brought into being and sustained by thousands and millions who gave their lives for it; and it is a place in which millions don't even exercise their right to vote. It is a land where people have spent their lifeblood earning the freedom of worship; and where nearly half fail to exercise it.

It is a land in which a dying man can stand in vast Yankee Stadium and say with tears in his eyes, "I am the luckiest man on earth"; and in which a 23-year-old giant can look upon his fallen foe and scream, "I am the greatest."

It is a land in which a railsplitter from Illinois is elevated to the highest office in the land, and martyred by a frenzied assassin; and it is a land where 100 years later, he is joined by a millionaire's son. It is a land formed by the lifelong toil of countless millions; that can be destroyed by the finger of one man.

It is Charles Lindbergh, and Billy Sol Estes; it is Benedict Arnold, and Alvin York; Boss Tweed, and Governor Altgeld; Bobby Baker and John Glenn.

In short, it is an enigma, a paradox, and yet formed from a simple idea; it is beautiful and ugly, black and white and various shades of gray. It is an experiment in utopia standing on the edge of an abyss.

It is the personification of the greatest ideals of man, tempered with the imperfections of reality. It is my country. I love it.

BOB PERKINS.

ANNIVERSARY OF THE EAST BERLIN UPRISING

Mr. DODD. Mr. President, 11 years ago today the workers of East Germany rose up against their Communist rulers and the military might of the Soviet Red army.

What started out as a protest against new work norms by 5,000 East Berlin workers turned into a massive, spontaneous protest and demand for free elections by over 200,000 workers throughout East Germany.

We all knew that the East German workers could not prevail against the mighty Red army.

But even in defeat the revolt of June 17 was a signal victory for the cause of freedom, since it destroyed the myth prevalent at that time that Communist dictatorships are inherently stable and that uprisings against them are impossible.

It is now generally accepted as an established fact that the Communist world is not a big, happy, monolithic family. And the historic process which will someday bring the entire structure of Soviet colonialism tumbling down was set off by the June 17 revolt.

I rank June 17, 1953, among the significant dates in history because it represents a turning point just as July 4, 1774, and the issuance of the Declaration of Independence is a date of tremendous and universal significance to man's struggle to enjoy freedom, equality, and a peaceful world.

Last year on this date I spoke in New York City at a meeting commemorating the East German uprising. I believe the policy I outlined to take advantage of the discontent and cleavage within the Communist world is still appropriate and valid and I ask unanimous consent that my remarks be printed in the RECORD.

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

COMMEMORATION OF THE EAST GERMAN UPRISING

(Remarks by Senator THOMAS J. DODD, Democrat, of Connecticut, at a meeting convened under the joint auspices of the American Council on Germany and the Consulate General of the Federal Republic of Germany, Waldorf-Astoria Hotel, New York City, June 17, 1963)

The course of human history is uneven, and the events of tomorrow have in every generation been unpredictable. Since mankind first began to record its story, there have been periods of progress, periods of stagnation and periods of disastrous retrogression. But there is, in this varied history, a central moral pattern which makes it possible to foresee the general outline of the future, even though the details may remain obscure.

Despite the periods of stagnation and retrogression, the broad tendency of history points ever upward to the goals of human equality, of brotherhood between the peoples of the world, of peace between the nations, and of free societies whose laws stem from belief in the dignity of the individual.

In this long, upward struggle there are several dates that have enduring and universal significance because they represent historic turning points.

Such a date was June 19, 1215, on which the Magna Carta was signed in ancient England.

Such a date was July 4, 1776, when the American colonies issued their Declaration of Independence from British rule, invoking the belief that all men are created equal, that they are all entitled to life, liberty and the pursuit of happiness and that it is the function and purpose of government to protect these rights.

Such a date, too, was June 17, 1953, when the workers of East Germany, ignoring the pundits who said that revolt against Communist dictatorship was impossible, rose up against their Communist rulers and against the military might of the Soviet Red Army.

I think it important to recall certain facts about the uprising of June 17 because these facts constitute the best answer to those pessimists who believe that Communist power is permanent and unassailable and that Western policy must therefore seek to devise an accommodation with Soviet rule in central Europe.

The uprising of June 17 began simply enough with a march of some 5,000 East Berlin workers, protesting against the new work norms.

Within hours, what began as a demand for the abolition of the work norms, turned into a demand for free elections.

Within a day, over 200,000 workers throughout East Germany had joined the revolt.

In Magdeburg, Goerlitz, Brandenburg, and other cities, the workers stormed government offices and freed prisoners from Communist jails. They tore down and burned the hated Red flag of communism, which they regarded as the symbol of their oppression. And when the Red army sent its tanks in to crush the revolt, they fought against the tanks with rocks and with bare hands.

At this juncture in history it was a foregone conclusion that the workers of East Germany could not prevail against the massed might of the Red army. Their revolt was doomed to defeat; and it was also inevitable that they would have to pay a dreadful price for their temerity. In the fighting itself, several hundred East German workers died and thousands were wounded. In the repressions that followed, 50,000 East Germans were reported arrested. Almost 200 were executed, and 7,000, it is estimated, disappeared.

But even in defeat, the revolt of June 17 represented a signal victory for the cause of freedom.

At one stroke it destroyed the myth that Communist dictatorships are inherently stable and that uprisings against them are impossible. It demonstrated how utterly without support these dictatorships are. It demonstrated the total failure of 7 years effort to indoctrinate the youth of East Germany in Marxist dogma. It set a precedent for the Poznan uprising in Poland and the mighty Hungarian Revolution of October 1956, which shook the satellite empire to its very foundations.

The revolt of June 17 set off a historic process which will someday bring the entire structure of Soviet colonialism tumbling down. For freedom and not communism is the wave of the future. This is the central lesson of history. And it is the central lesson of the East German revolt.

As it was in 1953, the city of Berlin remains today the fulcrum of the struggle between the forces of freedom and the forces of slavery in the continent of Europe.

There are some who became discouraged, especially after the erection of the Berlin wall, by an apparent weakening in the Allied position and by voices of compromise in this country and in Great Britain. I am, myself, unhappy over some of the concessions we have made, or offered to make, on the question of Berlin and over our failure to react more energetically to the erection of the Berlin wall. But I am as certain as I am of anything that the West will never abandon Berlin.

Our commitment to defend Berlin has been stated and restated by three successive Presidents and by five Secretaries of State. It has been confirmed by congressional resolutions. It has been supported by the American people in successive Gallup polls, by the incredible majority of 8 to 1.

It was reconfirmed to the people of Berlin by Vice President Lyndon B. Johnson, acting as special emissary for President Kennedy in August 1961. His words on that occasion are worth quoting, because I firmly believe that they represent the policy of our Government: "I have come to Berlin by direction of President Kennedy. He wants you to know—and I want you to know—that the pledge he has given to the freedom of West Berlin and to the rights of Western access to Berlin is firm. To the survival and to the creative future of this city we Americans have pledged, in effect, what our ancestors pledged in forming the United States: 'our lives, our fortunes, and our sacred honor.'"

Finally, our continuing commitment to Berlin was made clear beyond the possibility of doubt by the fact that President Kennedy assigned Gen. Lucius D. Clay as his special representative in Berlin. General Clay's name has rightly become a symbol of Western determination to defend the freedom of Berlin and of its refusal to yield to threats and blackmail. The meaning of General Clay's appointment was, I am certain, not lost on the Soviets. It may very well be the reason why the Soviets are blustering far less this year than they were a year ago at this time.

There are those who say that the West was not even able to prevent the erection of the Berlin wall. "How, then," they ask, "can the West possibly hope to persuade the Soviets to agree to the reunification of Germany, short of a war which no one wants?"

I believe that there are many actions that we could have taken, short of war, to prevent the completion of the Berlin wall; and I believe that there are courses of action open to us which would make the democratic reunification of Germany a realistic objective, achievable by peaceful means.

First of all, I believe that the conventional forces under NATO's command in Europe must be dramatically increased. There has been far too great a tendency to rely on the shield of American nuclear retaliation; and, because of this tendency, our European allies have limited themselves to military efforts that are proportionately far below the American level.

To be sure, the free world must have the ability to respond to thermonuclear attack with thermonuclear missiles of its own. But thermonuclear missiles can have little impact on the internal political situation in satellite Europe and can exercise little restraint on the Red army if it should come to another East Berlin or Poznan or Budapest.

The mere existence of conventional forces, in the adjoining free territories, on the other hand, does exercise a political influence, and this influence varies in direct proportion to their size and power. If NATO had achieved the Lisbon Conference goal of 50 divisions at the time of the Hungarian crisis, there is strong reason to believe that the Red army might not have intervened again in Hungary after its withdrawal in late October 1956.

The second area in which we must concert our policies and increase our efforts is trade with the Soviet bloc.

I believe that the free world must use its tremendous economic power, as the Soviets used their power, to bolster their diplomacy.

It is not merely that we have at our disposal vast annual agricultural surpluses, while the Communist bloc suffers chronically from agricultural shortages. The Herter-Clayton report of November 1961 pointed out that the West, possessing 18 percent of the world's population, commands two-thirds of its industrial capacity. "The way in which this preponderant power is used," said the report, "will be a major factor in determining the issues and outcome of the cold war."

Despite a few highly publicized technological successes the industry of the Soviet bloc is incredibly weak in many areas. The Soviet machine tool industry suffers, in particular, from a chronic inability to produce high-precision equipment. To overcome their weaknesses, the Soviets have been desperately shopping for precision machine tools and chemical processing equipment and entire industrial plants of various kinds.

Although the NATO allies have imposed some restrictions on shipments to the Soviet bloc, these restrictions have been very unevenly applied, and the Soviets have been able to obtain an increasing amount of equipment which adds significantly to their industrial-military potential.

There is nothing that the Soviets desire more than increased imports of industrial equipment from the West and credit to finance these imports. Conversely, there is nothing that would hurt the Soviets more than the drastic curtailment by the free world of the present shipments of industrial equipment to the Communist bloc. Such a curtailment would play havoc with the Soviet economy because of the rigidity of its planning. It would make it more difficult for the Soviets to meet its economic commitments to the satellites, and thus increase the stresses within the bloc.

Our great industrial and agricultural superiority gives us leverage which we can exercise in a positive or a negative direction. The starting point should be a general tightening up on trade with the Soviet bloc. Beyond this point, we should meet aggression or threats of aggression by carefully calculated sanctions starting first, perhaps, with a ban on certain categories of industrial equipment; then extending this, if necessary, to cover all machine tools and chemical-processing equipment; and finally, if the Soviets persist in their attitudes, cutting off all trade with the Soviet bloc.

Conversely, if the Soviets ever show themselves disposed to seriously bargain for a relaxation of the situation in Europe, we are in a position to offer meaningful concessions on trade and credit in return for political concessions from the Soviet side. It is not inconceivable that against a background of recurring discontent within the satellites and internecine strife within the Kremlin, the Soviets might some day be willing to exchange free elections in Germany for substantial credits and shipments of equipment from the West. For my own part, I believe this would be a legitimate quid pro quo.

I do not underestimate the difficulties in the way of implementing such a policy. It will involve the voluntary abandonment of profitable sales by Western industry, and a far greater degree of cooperation than today exists between the NATO nations. But if we are not prepared to forgo a small percentage of our profits in the interest of freedom, then the future of freedom is, indeed, uncertain. And if we are not prepared to use our great economic leverage as an instrument of deterrence against Soviet aggression, then the future of peace is equally uncertain.

It is not enough that we should come together every year at this time to pay homage to the heroism of the East German uprising of June 17, 1953. We owe it to the martyrs of the East German uprising and of the Polish and Hungarian uprisings which succeeded it, to pursue the goal for which they gave their lives by making it the prime objective of our diplomacy.

I am confident that this goal is achievable. I am confident that it can be achieved by peaceful means. But it will require all the persistence, all the resourcefulness, and all the dedication of which we are capable.

If we so dedicate ourselves to the task before us, then the heroes of the June 17 uprising will not have sacrificed their lives in vain.

LAW ENFORCEMENT

Mr. DODD. Mr. President, recently the noted columnist, David Lawrence, made the commencement address at the graduation exercises of the FBI National Academy.

It was a thoughtful and significant statement pointing up the need for greater public concern over the problems faced by our police officials.

I ask unanimous consent that this address be printed in the RECORD.

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

ADDRESS BY DAVID LAWRENCE AT GRADUATION EXERCISES, FBI NATIONAL ACADEMY, JUNE 3, 1964

I have in the last 30 years made less than a dozen public speeches, and only on occasions when something personal was involved, such as the acceptance of an award or an honorary degree or, as in this case, where I am asked to participate in a function set up by my Government.

When I was invited to make this address, I started to think back about my early contacts with law enforcement.

I have in my time covered some interesting murder trials—as, for instance, the trial in 1911 of the McNamara brothers, leaders of a big labor union who had been charged with the dynamiting of the Los Angeles Times building. This had caused the loss of 21 lives.

I remember another brutal crime—in southern Virginia—in 1912 when during a court trial, a gang of outlaws in the audience shot and killed the judge on the bench, the prosecuting attorney and five members of the jury, as they were endeavoring to pass judgment on a member of the gang. The county authorities hired a private detective agency, and I rode with a posse several days and nights afterward in the search for the criminals. When the head of the gang was caught, he was put in jail overnight and taken the next morning by railroad train to go back to a courtroom many miles away. I had lost much sleep and had been on the move constantly, so I looked haggard. We had no safety razors then, and I was unshaven. On the train, I sat with detectives just behind the murderer and another detective. Most people kept staring at me instead of the murderer, who had had his shave. It was an uncomfortable experience.

During the last 54 years, however, I have been in Washington covering the problems of the National Government. I remember how tiny and relatively unnoticed the Department of Justice was when I first came here in 1910. It occupied a 3-story building on K Street, which had been a private mansion. There was room enough in it for the entire Department and its different divisions and bureaus.

I remember the early days of the FBI, and the approving response of the public to its creation, because the States alone could not deal with the traffic in crime across State lines. Harlan Stone, who was destined to become Chief Justice of the United States, was appointed Attorney General and, in 1924, picked J. Edgar Hoover to head up the FBI. The combination of these two fine men inspired confidence after an era of scandal in the preceding administration. These two men gave the FBI its opportunity to develop in a nonpolitical way, which has been an important factor in its success in the years since. I have watched Mr. Hoover maintain that fine tradition effectively through the years.

We are today in the midst of a war against crime. In some respects, it is analogous to a military war.

The press always has an important function to perform when a nation is at war. We of the press impose self-restraint in order to assist in winning the victory. The same obligation, I feel, holds true for us when the police are in pursuit of those who have imperiled human life in our society.

This also involves cooperation by the police authorities themselves with the press. I remember that, as an Associated Press reporter, I once spent all night pacing the corridors of a Federal building in Indianapolis. It happened to be Christmas eve and the next day was my birthday. We of the press were waiting for an important witness to be brought from Los Angeles to testify before the grand jury on the case I have just mentioned. After having spent many, many hours in that lonesome building during the night, we discovered that the Federal authorities had smuggled the witness in through a cellar door during the night and left the reporters to continue the vigil for no useful purpose. They might at least have let us know about it.

The press, of course, can be of great help, if there is a cooperative police department, in a city.

While we are discussing cooperation, I might also mention the need for cooperation between members of the bar and the authorities who are responsible for law enforcement. For many years, I have been puzzled by the attitude of some lawyers toward the defense of criminals. There is too much of a feeling nowadays that if he can get a smart lawyer, a criminal can escape punishment. There are, of course, many technicalities in the law but, somehow or another, we have permitted the impression to develop that a technicality invoked at the right time will permit a criminal to escape punishment.

I shall never forget a conversation I had with Clarence Darrow, a nationally known member of the bar, who was defending the union leaders accused of dynamiting the Los Angeles Times Building. This was the autumn of 1911, and I was sent from Washington to help cover the case for the Associated Press. I spent many hours with Clarence Darrow. I like him personally. One day, I asked him off the record how far he thought a lawyer should go in defending a criminal. There were rumors at the time that jury fixing had been attempted. All this came out later, and Darrow himself was indicted and disbarred from practice in Los Angeles. But his answer to my question was significant. I asked: "What is your attitude toward the man you are defending? Assuming that you know he is guilty, how can you face the court and make believe that he isn't?"

Darrow answered: "My client deserves every help he can get from me. In effect, I am his alter ego. I myself would do anything that he would do to save his life and to mitigate his punishment."

Many people surely will question the merit of this philosophy. But some lawyers, unfortunately, still share it. The criminal with a big slush fund feels he can employ the most successful lawyers to fix the jury or take advantage of a technicality to save himself from punishment.

We have witnessed the growth of gangs in our time. We read today of many crimes of youth. I would like to tell you of a first-hand experience more than 40 years ago which illustrates dramatically the problem of juvenile delinquency, for it is not a new problem.

We had offices on the fourth floor in a big building. On the back of the entrance door we had a large box in which mail was deposited each night through a slot in the door. When our office staff arrived one morning, we discovered that the box had been broken and that some of the mail had evidently been taken away. Some of it was strewn on the floor, opened. We could not know, of course, what letters were missing. It took us several days to find out, and only when some of the recipients of our monthly bills began to respond to letters we wrote asking for payment. Some of the newspapers replied that they had already paid us. We telephoned some of them to find out the name endorsed on the back of the check which, we felt sure, they had by this time gotten back from the bank. The first newspaper we called gave us a name which we promptly recognized as that of one of our office boys. His first name was Charles.

We turned the matter over to the police here, who asked the boy to come to headquarters. The next day they told us that, after being questioned, Charles had confessed and had related in detail how he had climbed up the outside of the door at night, gone through the transom and into the office so that he could get the checks out of the mailbox.

Charles was in his early teens. His father was a respectable person, an employee of the District of Columbia government, and he was brokenhearted over what had happened. It was decided to parole the boy in the custody of his father for the time being.

We thought no more of the episode until about 2 weeks later, when one of the local banks telephoned us that someone had appeared at the teller's window and tried to cash some of our checks. The teller seemed to detect suspicious behavior on the part of the young man, who suddenly fled. But in his haste he left behind the identification card which he had used. I went to the bank myself to examine it, and found a card printed with all the appearance of an authorized credential signed by me. It had been carefully printed with the name of our company in large black type. The individual whose picture—it looked like a passport picture—was on the card, however, wasn't Charles, though his full name was signed to it.

We telephoned and found that Charles was at home. His father said he had not been out of the house at all that day. We asked Charles to come to the office and take a look at the card and the picture. When he saw the photograph, he said, "Oh, that's Roy." Roy was another office boy who had worked for us for a short time some weeks earlier.

Upon looking further into the case, the police found that Roy was a juvenile delinquent who had been in trouble with the police two or three times before. He was a good student and had excellent grades in high school. His mother was a civil service employee. There was no evidence of any tendency to violence or disorderly conduct. Unfortunately, he had a mania for money, and when asked what he did with the checks which he stole and forged, he said he used the money to ride around in a taxicab all day long.

Here was a plain case of a disordered mind. He was returned to a training school and not long afterward released. Three years later, however, we read that the same boy had been killed in the midst of a gang war in New York City.

Many questions were impressed on my mind as a result of that affair. Why did Charles, the first boy, confess to something which he had not done? Was he under the duress of the other boy? Did he actually know about the robbery of our mail box? It was not considered important, presumably, to investigate his part in the case further because the real culprit had been discovered.

Again and again, we find psychological disturbances, pyschiatric difficulties, as the underlying causes of criminal action. I wonder when we will begin to realize that crime and insanity are closely related, and that there are many people who are not actually insane in the accepted sense of the word but who have disturbed minds and a passion for wrongdoing. They need treatment, and society must find ways to protect itself against their possible crimes.

It seems incredible that today an aura of controversy should surround the whole subject of "law enforcement." Everybody, of course, wants to see the law enforced properly and effectively. But lately there has developed a tendency to put the rights of the individual above the rights of the people as a whole, particularly in the area of law enforcement. The Constitution guarantees to all citizens the right of trial by jury and other rights under "due process of law." But there is nothing in the Constitution nor in the historic principles of common law which says that the community cannot take steps to prevent crime or to restrict the opportunity of an individual to perpetrate a crime.

Yet the sad truth is that the methods used to detect persons suspected of or accused of crime are being interfered with arbitrarily when these methods do not suit the whims of different judges on the bench. The latter have expressed varying concepts of what constitutes, for instance, the proper length of time during which a suspected person may be interrogated by the police before being formally arraigned. We have thus brushed aside something far more important than what is called the rights of the individual. The key word really is "protection"—the right of society to take measures to protect itself. In this war within our gates—the war against crime—the casualties are mounting each year, and police officers themselves are often among the unfortunate victims.

Every now and then, it is argued that circumstances have changed, and hence laws must be differently interpreted. It is insisted, in effect, again and again from the bench that "the end justifies the means," and that to put one innocent person in jail does more harm to society than to give law enforcement agencies the right to interrogate effectively persons implicated in serious crimes. But fundamental principles can be cited to contradict such a theory. Thus, for example, we draft our young men into military service in time of peace as well as war, because we believe that the protection of our society is paramount. No other consideration supersedes this duty to society. Innocent persons are often hurt or their private lives interfered with by war or preparations for war, but we insist that the protection and safety of the entire community is our primary obligation.

Today, we are in the midst of a crimewave of unprecedented proportions. Methods of protection have improved. But they can hardly cope as yet with the ingenuity used by the criminals to avoid detection. We are debating, for instance, at the moment, whether telephone lines should be tapped and conversations recorded. Theoretically, this is an intrusion upon privacy. But if evidence is needed to convict persons suspected with good reason of having committed a crime involving human life, would not most people say that in this type of case certainly such a method of obtaining evidence would be justified?

How long can society endure the conditions of terror which are imposed upon it—when people fear to venture out on the streets at night, even in the Nation's own Capital? Population, of course, has increased each year in America, and so also has the number of criminals grown correspondingly—if not at an even greater rate. But the impact of crime cannot be measured alone by the mere number of instances of lawbreaking. Our society cannot afford to ignore the threat that the crimewave has on the lives of inno-

cent citizens at home, in the streets, and even inside our schools.

We rely on the law-enforcement agencies of the Federal, State, and local governments to take care of the whole job of crime detection. Even in a street fight when the police are outnumbered, the bystanders nowadays often hurry by with shameful indifference. The general tendency is to pass the buck to the police. If they fail to detect crime, or even to prevent it, we blame the police. When President Kennedy was assassinated, we heard over the air and read in the press widespread criticism of both the Secret Service and the FBI, as if they alone could have detected in advance that a crazed man would commit such a crime.

Must we not look further, in the prevention of crime, to the other failures in our society today—the neglect, for instance, of psychiatric treatment of the young and the failure of society to instill the basic tenets of good behavior? If, for instance, we condone dishonesty and pooh-pooh the place of religion in our society, we help to build up the apathy and indifference which deprives us of a strong weapon against wrong behavior—the power of example.

We may say all this is the duty of the parents. We may say it is not the duty of our schools and educational systems. But it is by no means, on the other hand, the obligation of a few individuals or institutions in our community. It is the obligation of the American people as a whole. Basically, the fault lies today in the attitude of indifference and apathy toward crime itself. In the confusion and controversy, the main culprit has too often been treated with a polite tolerance based on overemphasis on "the rights of the individual," as contrasted with the obligation of society to all its members.

The paramount duty of government is to protect the people of this country against attack from without and from within. Individuals who impair the safety of the home and the neighborhood are just as much enemies of our society as any foreign foe. This means that drastic measures have to be taken, and that law enforcement agencies must be authorized to use more, instead of fewer, devices to detect criminals and to collect the evidence necessary for conviction.

But what shall we say of the attitude of the general public itself about law and order—in particular, some of our civic or group leaders? We read in the newspapers almost daily of riots and street demonstrations. Some of the leaders of such movements profess no intention to incite to violence. In fact, some of them publicly call themselves nonviolent. But other spokesmen say frankly they risk arrest purposely as a form of protest, and that anyone has a right at any time to violate a law which he thinks is morally unjust, or which he believes interferes with his expression of a protest. Even churchmen of prominence have become leaders in such demonstrations.

This puts a burden on the police who, when they attempt to stop the violence of such mobs, are accused of brutality and inhumanity—as if it is the function of the police to weigh the merits of the cause itself which the demonstrators proclaim and not to interfere with the demonstrators, even as the police see tension mounting in the community, and street disturbances drawing large crowds while passions rise. Many persons have been injured and some deaths have occurred in these demonstrations. What has become of the American method of orderly gatherings and mass meetings in halls, where everybody can speak out his protest on a subject of any kind? Certainly our many facilities for communicating ideas have not been suddenly impaired or rendered obsolete.

To cure these recent outbursts of lawbreaking, we must depend on an enlightened public opinion. The more thoughtful and law-abiding men of the clergy must begin to influence their misguided brother preachers. The newspapers in every part of the country must speak out even more forthrightly than they have been doing.

For the tendency to take the law into one's own hands is not new. The mobs used to cry out, "He's guilty, why wait for the courts—lynch him." It took many years of an appeal to reason before this kind of lawlessness was eradicated and passion of this sort was subdued. Public opinion must be mobilized again to teach respect for the orderly processes of the law.

To a group like this, which has dedicated itself to the task of law enforcement, it seems superfluous to say that the highest duty that can be performed today is to protect our society. Police officers are human and they make mistakes. But they are not mistaken in their objectives—to secure an adherence to law and to protect innocent persons from criminal attack or injury or from the damage that comes when the laws specified in the written codes of our governmental system are violated.

Looking back over the years, I could say to you, of course, as many other persons have said in retrospect before, that times have changed—that the rules of another day no longer can be applied but must be changed. I don't accept that version. I believe that, while faces change and the scene changes, the fundamental principles that govern human society have not changed. We still revere and respect the Ten Commandments as the basic law for human conduct. Within our own country, we have been striving to carry out the principles which our forefathers laid down for us. Unfortunately, there is today a tendency to brush aside basic principles and to adopt the sophisticated attitude, which is that no other generation ever was confronted by the same problems and that opportunistic expediency—the belief that the end justifies the means—is better than adherence to the method of amending the Constitution prescribed in that document itself.

It would be easy to say that the people of yesteryear did not understand the evolution of legal doctrines as we do today. I recall how ardently my own generation, in its day, embraced what we called progressive doctrine, and brushed aside as "old-fashioned" those who didn't agree with us. We, too, were carried away by a belief that what was past was mere history. Circumstances, we always said, were different. But it takes just a few decades of life to make men realize the fallacy of that alluring doctrine of expediency which is so often imprinted on our minds. It takes the lessons of experience—the hard, simple rules of life itself—to make us discover that right is right, and wrong is wrong, no matter how young or how old we are.

You who graduate here today are dedicated to a great cause—the protection of human society. You are soldiers in every sense of the word, and the challenge to duty before you is just as great today as that which confronted the soldiers who preceded you in the different wars of our Nation's history.

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

The Chair lays before the Senate the unfinished business.

CIVIL RIGHTS ACT OF 1963

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

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

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

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

[No. 405 Leg.]

Aiken	Gore	Monroney
Allott	Gruening	Morse
Anderson	Hart	Morton
Bartlett	Hartke	Moss
Bayh	Hickenlooper	Mundt
Beall	Hill	Muskie
Bennett	Holland	Nelson
Bible	Hruska	Neuberger
Boggs	Humphrey	Pastore
Brewster	Inouye	Pearson
Burdick	Jackson	Pell
Byrd, Va.	Javits	Prouty
Byrd, W. Va.	Johnston	Proxmire
Cannon	Jordan, N.C.	Randolph
Carlson	Jordan, Idaho	Ribicoff
Case	Keating	Robertson
Church	Kennedy	Russell
Clark	Kuchel	Saltonstall
Cooper	Lausche	Scott
Cotton	Long, Mo.	Simpson
Curtis	Long, La.	Smathers
Dirksen	Magnuson	Smith
Dodd	Mansfield	Sparkman
Dominick	McCarthy	Stennis
Douglas	McClellan	Symington
Eastland	McGee	Talmadge
Edmondson	McGovern	Thurmond
Ellender	McIntyre	Tower
Ervin	McNamara	Walters
Fong	Mechem	Williams, Del.
Fulbright	Metcalf	Yarborough
Goldwater	Miller	Young, N. Dak.

Mr. HUMPHREY. I announce that the Senator from Arizona [Mr. HAYDEN], and the Senator from Ohio [Mr. YOUNG] are absent on official business.

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

The ACTING PRESIDENT pro tempore. A quorum is present.

The substitute amendment is open to further amendment.

Mr. THURMOND. Mr. President, I call up my amendment 847 and ask that it be stated.

The ACTING PRESIDENT pro tempore. The amendment will be stated for the information of the Senate.

The Senator will suspend until there is order in the Chamber. The clerk will not read until there is order in the Chamber. The Senate is not in order. Senators desiring to converse will please retire to the cloakrooms. The clerk and the Chair did not hear the number of the amendment. Will the Senator from South Carolina kindly repeat the number?

Mr. THURMOND. The number is 847.

The CHIEF CLERK. On page 46, beginning on line 14, delete all down through line 9 on page 67, as follows:

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SEC. 705. (a) There is hereby created a Commission to be known as the Equal Employment Opportunity Commission, which shall be composed of five members, not more than three of whom shall be members of the same political party, who shall be appointed

by the President by and with the advice and consent of the Senate. One of the original members shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, and one for a term of five years, beginning from the date of enactment of this title, but their successors shall be appointed for terms of five years each, except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate one member to serve as Chairman of the Commission, and one member to serve as Vice Chairman. The Chairman shall be responsible on behalf of the Commission for the administrative operations of the Commission, and shall appoint, in accordance with the civil service laws, such officers, agents, attorneys, and employees as it deems necessary to assist it in the performance of its functions and to fix their compensation in accordance with the Classification Act of 1949, as amended. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman or in the event of a vacancy in that office.

(b) A vacancy in the Commission shall not impair the right of the remaining members to exercise all the powers of the Commission and three members thereof shall constitute a quorum.

(c) The Commission shall have an official seal which shall be judicially noticed.

(d) The Commission shall at the close of each fiscal year report to the Congress and to the President concerning the action it has taken; the names, salaries, and duties of all individuals in its employ and the moneys it has disbursed; and shall make such further reports on the cause of and means of eliminating discrimination and such recommendations for further legislation as may appear desirable.

(e) The Federal Executive Pay Act of 1956, as amended (5 U.S.C. 2201–2209), is further amended—

(1) by adding to section 105 thereof (5 U.S.C. 2204) the following claims:

"(32) Chairman, Equal Employment Opportunity Commission"; and

(2) by adding to clause (45) of section 106(a) thereof (5 U.S.C. 2205(a)) the following: "Equal Employment Opportunity Commission (4)."

(f) The principal office of the Commission shall be in or near the District of Columbia, but it may meet or exercise any or all its powers at any other place. The Commission may establish such regional or State offices as it deems necessary to accomplish the purpose of this title.

(g) The Commission shall have power—

(1) to cooperate with and, with their consent, utilize regional, State, local, and other agencies, both public and private, and individuals;

(2) to pay to witnesses whose depositions are taken or who are summoned before the Commission or any of its agents the same witness and mileage fees as are paid to witnesses in the courts of the United States;

(3) to furnish to persons subject to this title such technical assistance as they may request to further their compliance with this title or an order issued thereunder;

(4) upon the request of (i) any employer, whose employees or some of them, or (ii) any labor organization, whose members or some of them, refuse or threaten to refuse to cooperate in effectuating the provisions of this title, to assist in such effectuation by conciliation or such other remedial action as is provided by this title;

(5) to make such technical studies as are appropriate to effectuate the purposes and policies of this title and to make the results of such studies available to the public;

(6) to refer matters to the Attorney General with recommendations for intervention in a civil action brought by an aggrieved party under section 706, or for the institution of a civil action by the Attorney General under section 707, and to advise, consult, and assist the Attorney General on such matters.

(h) Attorneys appointed under this section may, at the direction of the Commission, appear for and represent the Commission in any case in court.

(i) The Commission shall, in any of its educational or promotional activities, cooperate with other departments and agencies in the performance of such educational and promotional activities.

PREVENTION OF UNLAWFUL EMPLOYMENT PRACTICES

SEC. 706. (a) Whenever it is charged in writing under oath by a person claiming to be aggrieved, or a written charge has been filed by a member of the Commission where he has reasonable cause to believe a violation of this title has occurred (and such charge sets forth the facts upon which it is based) that an employer, employment agency, or labor organization has engaged in an unlawful employment practice, the Commission shall furnish such employer, employment agency, or labor organization (hereinafter referred to as the "respondent") with a copy of such charge and shall make an investigation of such charge, provided that such charge shall not be made public by the Commission. If the Commission shall determine, after such investigation, that there is reasonable cause to believe that the charge is true, the Commission shall endeavor to eliminate any such alleged unlawful employment practice by informal methods of conference, conciliation, and persuasion. Nothing said or done during and as a part of such endeavors may be made public by the Commission without the written consent of the parties, or used as evidence in a subsequent proceeding. Any officer or employee of the Commission, who shall make public in any manner whatever any information in violation of this subsection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than $1,000 or imprisoned not more than one year.

(b) In the case of an alleged unlawful employment practice occurring in a State, or political subdivision of a State, which has a State or local law prohibiting the unlawful employment practice alleged and establishing or authorizing a State or local authority to grant or seek relief from such practice or to institute criminal proceedings with respect thereto upon receiving notice thereof, no charge may be filed under subsection (a) by the person aggrieved before the expiration of sixty days after proceedings have been commenced under the State or local law, unless such proceedings have been earlier terminated, provided that such sixty-day period shall be extended to one hundred and twenty days during the first year after the effective date of such State or local law. If any requirement for the commencement of such proceedings is imposed by a State or local authority other than a requirement of the filing of a written and signed statement of the facts upon which the proceeding is based, the proceeding shall be deemed to have been commenced for the purposes of this subsection at the time such statement is sent by registered mail to the appropriate State or local authority.

(c) In the case of any charge filed by a member of the Commission alleging an unlawful employment practice occurring in a State or political subdivision of a State, which has a State or local law prohibiting the practice alleged and establishing or authorizing a State or local authority to grant or seek relief from such practice or to institute criminal proceedings with respect thereto upon receiving notice thereof, the Commission shall, before taking any action with respect to such charge, notify the appropriate State or local officials and, upon request, afford them a reasonable time, but not less than sixty days (provided that such sixty-day period shall be extended to one hundred and twenty days during the first year after the effective day of such State or local law), unless a shorter period is requested, to act under such State or local law to remedy the practice alleged.

(d) A charge under subsection (a) shall be filed within ninety days after the alleged unlawful employment practice occurred, except that in the case of an unlawful employment practice with respect to which the person aggrieved has followed the procedure set out in subsection (b), such charge shall be filed by the person aggrieved within two hundred and ten days after the alleged unlawful employment practice occurred, or within thirty days after receiving notice that the State or local agency has terminated the proceedings under the State or local law, whichever is earlier, and a copy of such charge shall be filed by the Commission with the State or local agency.

(e) If within thirty days after a charge is filed with the Commission or within thirty days after expiration of any period of reference under subsection (c) (except that in either case such period may be extended to not more than sixty days upon a determination by the Commission that further efforts to secure voluntary compliance are warranted), the Commission has been unable to obtain voluntary compliance with this title, the Commission shall so notify the person aggrieved and a civil action may, within thirty days thereafter, be brought against the respondent named in the charge (1) by the person claiming to be aggrieved, or (2) if such charge was filed by a member of the Commission, by any person whom the charge alleges was aggrieved by the alleged unlawful employment practice. Upon application by the complainant and in such circumstances as the court may deem just, the court may appoint an attorney for such complainant and may authorize the commencement of the action without the payment of fees, costs, or security. Upon timely application, the court may, in its discretion, permit the Attorney General to intervene in such civil action. Upon request, the court may, in its discretion, stay further proceedings for not more than sixty days pending the termination of State or local proceedings described in subsection (b) or the efforts of the Commission to obtain voluntary compliance.

(f) Each United States district court and each United States court of a place subject to the jurisdiction of the United States shall have jurisdiction of actions brought under this title. Such an action may be brought in any judicial district in the State in which the unlawful employment practice is alleged to have been committed, in the judicial district in which the employment records relevant to such practice are maintained and administered, or in the judicial district in which the plaintiff would have worked but for the alleged unlawful employment practice, but if the respondent is not found within any such district, such an action may be brought within the judicial district in which the respondent has his principal office. For purposes of sections 1404 and 1406 of title 28 of the United States Code, the judicial district in which the respondent has his principal office shall in all cases be considered a district in which the action might have been brought.

(g) If the court finds that the respondent has intentionally engaged in or is intentionally engaging in an unlawful employment practice charged in the complaint, the court may enjoin the respondent from engaging in such unlawful employment practice, and order such affirmative action as may be appropriate, which may include reinstatement or hiring of employees, with or without backpay (payable by the employer, employ-

ment agency, or labor organization, as the case may be, responsible for the unlawful employment practice). Interim earnings or amounts earnable with reasonable diligence by the person or persons discriminated against shall operate to reduce the backpay otherwise allowable. No order of the court shall require the admission or reinstatement of an individual as a member of a union or the hiring, reinstatement, or promotion of an individual as an employee, or the payment to him of any backpay, if such individual was refused admission, suspended, or expelled or was refused employment or advancement or was suspended or discharged for any reason other than discrimination on account of race, color, religion, sex or national origin or in violation of section 704(a).

(h) The provisions of the Act entitled "An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes," approved March 23, 1932 (29 U.S.C. 101–115), shall not apply with respect to civil actions brought under this section.

(i) In any case in which an employer, employment agency, or labor organization fails to comply with an order of a court issued in a civil action brought under subsection (e), the Commission may commence proceedings to compel compliance with such order.

(j) Any civil action brought under subsection (e) and any proceedings brought under subsection (i) shall be subject to appeal as provided in sections 1291 and 1292, title 28, United States Code.

(k) In any action or proceeding under this title the court, in its discretion, may allow the prevailing party, other than the Commission or the United States, a reasonable attorney's fee as part of the costs, and the Commission and the United States shall be liable for costs the same as a private person.

SEC. 707. (a) Whenever the Attorney General has reasonable cause to believe that any person or group of persons is engaged in a pattern or practice of resistance to the full enjoyment of any of the rights secured by this title, and that the pattern or practice is of such a nature and is intended to deny the full exercise of the rights herein described, the Attorney General may bring a civil action in the appropriate district court of the United States by filing with it a complaint (1) signed by him (or in his absence the Acting Attorney General), (2) setting forth facts pertaining to such pattern or practice, and (3) requesting such relief, including an application for a permanent or temporary injunction, restraining order or other order against the person or persons responsible for such pattern or practice, as he deems necessary to insure the full enjoyment of the rights herein described.

(b) The district courts of the United States shall have and shall exercise jurisdiction of proceedings instituted pursuant to this section, and in any such proceeding the Attorney General may file with the clerk of such court a request that a court of three judges be convened to hear and determine the case. Such request by the Attorney General shall be accompanied by a certificate that, in his opinion, the case is of general public importance. A copy of the certificate and request for a three-judge court shall be immediately furnished by such clerk to the chief judge of the circuit (or in his absence, the presiding circuit judge of the circuit) in which the case is pending. Upon receipt of such request it shall be the duty of the chief judge of the circuit or the presiding circuit judge, as the case may be, to designate immediately three judges in such circuit, of whom at least one shall be a circuit judge and another of whom shall be a district judge of the court in which the proceeding was instituted, to hear and determine such case, and it shall be the duty of the judges so designated to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited. An appeal from the final judgment of such court will lie to the Supreme Court.

In the event the Attorney General fails to file such a request in any such proceeding, it shall be the duty of the chief judge of the district (or in his absence, the acting chief judge) in which the case is pending immediately to designate a judge in such district to hear and determine the case. In the event that no judge in the district is available to hear and determine the case, the chief judge of the district, or the acting chief judge, as the case may be, shall certify this fact to the chief judge of the circuit (or in his absence, the acting chief judge) who shall then designate a district or circuit judge of the circuit to hear and determine the case.

It shall be the duty of the judge designated pursuant to this section to assign the case for hearing at the earliest practicable date and to cause the case to be in every way expedited.

EFFECT ON STATE LAWS

SEC. 708. Nothing in this title shall be deemed to exempt or relieve any person from any liability, duty, penalty, or punishment provided by any present or future law of any State or political subdivision of a State, other than any such law which purports to require or permit the doing of any act which would be an unlawful employment practice under this title.

INVESTIGATIONS, INSPECTIONS, RECORDS, STATE AGENCIES

SEC. 709. (a) In connection with any investigation of a charge filed under section 706, the Commission or its designated representative shall at all reasonable times have access to, for the purposes of examination, and the right to copy any evidence of any person being investigated or proceeded against that relates to unlawful employment practices covered by this title and is relevant to the charge under investigation.

(b) The Commission may cooperate with State and local agencies charged with the administration of State fair employment practices laws and, with the consent of such agencies, may for the purpose of carrying out its functions and duties under this title and within the limitation of funds appropriated specifically for such purpose, utilize the services of such agencies and their employees and, notwithstanding any other provision of law, may reimburse such agencies and their employees for services rendered to assist the Commission in carrying out this title. In furtherance of such cooperative efforts, the Commission may enter into written agreements with such State or local agencies and such agreements may include provisions under which the Commission shall refrain from processing a charge in any cases or class of cases specified in such agreements and under which no person may bring a civil action under section 706 in any cases or class of cases so specified, or under which the Commission shall relieve any person or class of persons in such State or locality from requirements imposed under this section. The Commission shall rescind any such agreement whenever it determines that the agreement no longer serves the interest of effective enforcement of this title.

(c) Except as provided in subsection (d), every employer, employment agency, and labor organization subject to this title shall (1) make and keep such records relevant to the determinations of whether unlawful employment practices have been or are being committed, (2) preserve such records for such periods, and (3) make such reports therefrom, as the Commission shall prescribe by regulation or order, after public hearing, as reasonable, necessary, or appropriate for the enforcement of this title or the regulations or orders thereunder. The Commission shall, by regulation, require each employer, labor organization, and joint labor-management committee subject to this title which controls an apprenticeship or other training program to maintain such records as are reasonably necessary to carry out the purpose of this title, including, but not limited to, a list of applicants who wish to participate in such program, including the chronological order in which such applications were received, and shall furnish to the Commission, upon request, a detailed description of the manner in which persons are selected to participate in the apprenticeship or other training program. Any employer, employment agency, labor organization, or joint labor-management committee which believes that the application to it of any regulation or order issued under this section would result in undue hardship may (1) apply to the Commission for an exemption from the application of such regulation or order, or (2) bring a civil action in the United States district court for the district where such records are kept. If the Commission or the court, as the case may be, finds that the application of the regulation or order to the employer, employment agency, or labor organization in question would impose an undue hardship, the Commission or the court, as the case may be, may grant appropriate relief.

(d) The provisions of subsection (c) shall not apply to any employer, employment agency, labor organization, or joint labor-management committee with respect to matters occurring in any State or political subdivision thereof which has a fair employment practice law during any period in which such employer, employment agency, labor organization, or joint labor-management committee is subject to such law, except that the Commission may require such notations on records which such employer, employment agency, labor organization, or joint labor-management committee keeps or is required to keep as are necessary because of differences in coverage or methods of enforcement between the State or local law and the provisions of this title. Where an employer is required by Executive Order 10925, issued March 6, 1961, or by any other Executive order prescribing fair employment practices for Government contractors and subcontractors, or by rules or regulations issued thereunder, to file reports relating to his employment practices with any Federal agency or committee, and he is substantially in compliance with such requirements, the Commission shall not require him to file additional reports pursuant to subsection (c) of this section.

(e) It shall be unlawful for any officer or employee of the Commission to make public in any manner whatever any information obtained by the Commission pursuant to its authority under this section prior to the institution of any proceeding under this title involving such information. Any officer or employee of the Commission who shall make public in any manner whatever any information in violation of this subsection shall be guilty of a misdemeanor and upon conviction thereof, shall be fined not more than $1,000, or imprisoned not more than one year.

INVESTIGATORY POWERS

SEC. 710. (a) For the purposes of any investigation of a charge filed under the authority contained in section 706, the Commission shall have authority to examine witnesses under oath and to require the production of documentary evidence relevant or material to the charge under investigation.

(b) If the respondent named in a charge filed under section 706 fails or refuses to comply with a demand of the Commission for permission to examine or to copy evidence in conformity with the provisions of section 709(a), or if any person required to comply with the provisions of section 709

(c) or (d) fails or refuses to do so, or if any person fails or refuses to comply with a demand by the Commission to give testimony under oath, the United States district court for the district in which such person is found, resides, or transacts business, shall, upon application of the Commission, have jurisdiction to issue to such person an order requiring him to comply with the provisions of sections 709 (c) or (d) or to comply with the demand of the Commission, but the attendance of a witness may not be required outside the State where he is found, resides, or transacts business and the production of evidence may not be required outside the State where such evidence is kept.

(c) Within twenty days after the service upon any person charged under section 706 of a demand by the Commission for the production of documentary evidence or for permission to examine or to copy evidence in conformity with the provisions of section 709(a), such person may file in the district court of the United States for the judicial district in which he resides, is found, or transacts business, and serve upon the Commission a petition for an order of such court modifying or setting aside such demand. The time allowed for compliance with the demand in whole or in part as deemed proper and ordered by the court shall not run during the pendency of such petition in the court. Such petition shall specify each ground upon which the petitioner relies in seeking such relief, and may be based upon any failure of such demand to comply with the provisions of this title or with the limitations generally applicable to compulsory process or upon any constitutional or other legal right or privilege of such person. No objection which is not raised by such a petition may be urged in the defense to a proceeding initiated by the Commission under subsection (b) for enforcement of such a demand unless such proceeding is commenced by the Commission prior to the expiration of the twenty-day period, or unless the court determines that the defendant could not reasonably have been aware of the availability of such ground of objection.

(d) In any proceeding brought by the Commission under subsection (b), except as provided in subsection (c) of this section, the defendant may petition the court for an order modifying or setting aside the demand of the Commission.

NOTICES TO BE POSTED

SEC. 711. (a) Every employer, employment agency, and labor organization, as the case may be, shall post and keep posted in conspicuous places upon its premises where notices to employees, applicants for employment, and members are customarily posted a notice to be prepared or approved by the Commission setting forth excerpts from or, summaries of, the pertinent provisions of this title and information pertinent to the filing of a complaint.

(b) A willful violation of this section shall be punishable by a fine of not more than $100 for each separate offense.

VETERANS' PREFERENCE

SEC. 712. Nothing contained in this title shall be construed to repeal or modify any Federal, State, territorial, or local law creating special rights or preference for veterans.

RULES AND REGULATIONS

SEC. 713. (a) The Commission shall have authority from time to time to issue, amend, or rescind suitable procedural regulations to carry out the provisions of this title. Regulations issued under this section shall be in conformity with the standards and limitations of the Administrative Procedure Act.

(b) In any action or proceeding based on any alleged unlawful employment practice, no person shall be subject to any liability or punishment for or on account of (1) the commission by such person of an unlawful employment practice if he pleads and proves that the act or omission complained of was in good faith, in conformity with, and in reliance on any written interpretation or opinion of the Commission, or (2) the failure of such person to publish and file any information required by any provision of this title if he pleads and proves that he failed to publish and file such information in good faith, in conformity with the instructions of the Commission issued under this title regarding the filing of such information. Such a defense, if established, shall be a bar to the action or proceeding, notwithstanding that (A) after such act or omission, such interpretation or opinion is modified or rescinded or is determined by judicial authority to be invalid or of no legal effect, or (B) after publishing or filing the description and annual reports, such publication or filing is determined by judicial authority not to be in conformity with the requirements of this title.

FORCIBLY RESISTING THE COMMISSION OR ITS REPRESENTATIVES

SEC. 714. The provisions of section 111, title 18, United States Code, shall apply to officers, agents, and employees of the Commission in the performance of their official duties.

On lines 11 and 22 of page 67, it is proposed to change designation of sections 714 and 715 to 705 and 706, respectively.

Between lines 19 and 20 on page 68, it is proposed to insert the following:

SEC. 707. Any violation of this title shall be punished by fine or imprisonment, or both: *Provided, however,* That the fine to be paid shall not exceed $1,000, nor shall imprisonment exceed the term of six months.

Mr. THURMOND. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. THURMOND. Mr. President, I yield myself 45 seconds.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina is recognized for 45 seconds.

Mr. THURMOND. Mr. President, title VII of the substitute would prohibit certain activities in the field of employment and make them unlawful. Punishment for violation of this section is provided through the injunctive process rather than through normal criminal procedures. This amendment substitutes criminal procedures for injunctive procedures in title VII of the substitute and sets maximum punishment at fines of $1,000 and imprisonment of 6 months. It would provide, in addition to a petit jury trial incorporated under the Morton amendment, a guarantee of indictment by grand jury presentment and proof beyond a reasonable doubt in order to sustain conviction.

Mr. President, I have previously offered a similar amendment to title II, and this is now offered to title VII.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from South Carolina [Mr. THURMOND]. On this question the yeas and nays have been ordered; and the clerk will call the roll.

The Chief Clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from Arizona [Mr. HAYDEN], the Senator from Arkansas [Mr. MCCLELLAN], and the Senator from Ohio [Mr. YOUNG] are absent on official business.

I also 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."

On this vote, the Senator from Arkansas [Mr. MCCLELLAN] is paired with the Senator from Ohio [Mr. YOUNG].

If present and voting, the Senator from Arkansas would vote "yea" and the Senator from Ohio would vote "nay."

The result was announced—yeas 24, nays 72, as follows:

[No. 406 Leg.]

YEAS—24

Byrd, Va.	Holland	Smathers
Eastland	Johnston	Sparkman
Ellender	Jordan, N.C.	Stennis
Ervin	Long, La.	Talmadge
Fulbright	Mechem	Thurmond
Goldwater	Robertson	Tower
Gore	Russell	Walters
Hill	Simpson	Williams, Del.

NAYS—72

Aiken	Edmondson	Metcalf
Allott	Fong	Miller
Anderson	Gruening	Monroney
Bartlett	Hart	Morse
Bayh	Hartke	Morton
Beall	Hickenlooper	Moss
Bennett	Hruska	Mundt
Bible	Humphrey	Muskie
Boggs	Inouye	Nelson
Brewster	Jackson	Neuberger
Burdick	Javits	Pastore
Byrd, W. Va.	Jordan, Idaho	Pearson
Cannon	Keating	Pell
Carlson	Kennedy	Prouty
Case	Kuchel	Proxmire
Church	Lausche	Randolph
Clark	Long, Mo.	Ribicoff
Cooper	Magnuson	Saltonstall
Cotton	Mansfield	Scott
Curtis	McCarthy	Smith
Dirksen	McGee	Symington
Dodd	McGovern	Williams, N.J.
Dominick	McIntyre	Yarborough
Douglas	McNamara	Young, N. Dak.

NOT VOTING—4

Engle	McClellan	Young, Ohio
Hayden		

So Mr. THURMOND'S amendment was rejected.

Mr. HUMPHREY. Mr. President, I move that the Senate reconsider the vote by which the amendment was rejected.

Mr. PASTORE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HUMPHREY. Mr. President, may I have the attention of the Senate for a moment? I yield myself whatever time is necessary.

The PRESIDING OFFICER (Mr. RIBICOFF in the chair). The Senator will suspend while the Chair attempts to restore order in the Chamber. The Senate will be in order while the Senator from Minnesota addresses the Senate.

The Senator from Minnesota may proceed.

Mr. HUMPHREY. Mr. President, if Senators will remain in the Chamber today, the consideration of amendments can be expedited. If a group sufficient to indicate the presence of a quorum is not in the Chamber, Senators may expect quorum calls. But when a Senator looks around the Chamber and sees that enough Senators to constitute a quorum

are present, I am sure he will not ask for a quorum call. Therefore, I respectfully ask that Senators remain in the Chamber so that the Senate can expedite its work, and so that Senators who are presenting amendments will be able to present them to a listening audience, which they are entitled to have.

I hope Senators may all accommodate themselves to expediting rollcalls and satisfy every requirement.

Mr. THURMOND. Mr. President, I call up my amendment No. 1021 and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 49, beginning on line 14, it is proposed to delete down through line 19, as follows:

(6) to refer matters to the Attorney General with recommendations for intervention in a civil action brought by an aggrieved party under section 706, or for the institution of a civil action by the Attorney General under section 707, and to advise, consult, and assist the Attorney General on such matters.

Mr. HOLLAND. Mr. President, noting that only 41 Senators are in the Chamber, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 407 Leg.]

Aiken	Gruening	Morton
Allott	Hart	Moss
Anderson	Hartke	Mundt
Bartlett	Hickenlooper	Muskie
Bayh	Hill	Nelson
Beall	Holland	Neuberger
Bennett	Hruska	Pastore
Bible	Humphrey	Pearson
Boggs	Inouye	Pell
Brewster	Jackson	Prouty
Burdick	Javits	Proxmire
Byrd, Va.	Johnston	Randolph
Byrd, W. Va.	Jordan, N.C.	Ribicoff
Cannon	Jordan, Idaho	Robertson
Carlson	Keating	Russell
Case	Kennedy	Saltonstall
Church	Kuchel	Scott
Clark	Lausche	Simpson
Cooper	Long, Mo.	Smathers
Cotton	Long, La.	Smith
Curtis	Magnuson	Sparkman
Dirksen	Mansfield	Stennis
Dodd	McCarthy	Symington
Dominick	McClellan	Talmadge
Douglas	McGee	Thurmond
Eastland	McGovern	Tower
Edmondson	McIntyre	Walters
Ellender	McNamara	Williams, N.J.
Ervin	Mechem	Williams, Del.
Fong	Metcalf	Yarborough
Fulbright	Miller	Young, N. Dak.
Goldwater	Monroney	
Gore	Morse	

The PRESIDING OFFICER. A quorum is present.

Mr. THURMOND. Mr. President, I yield myself 45 seconds.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 45 seconds.

Mr. THURMOND. Mr. President, the language of section 705(g)(6) of title VII of the substitute is so broad that it would actually make the Equal Employment Opportunities Commission an arm of the Department of Justice. There is no justification for so increasing the already excessive power of the Attorney General. This amendment would, therefore, delete the proposed authority of the Equal Employment Opportunities Commission to recommend to the Attorney General intervention in employment suits and the authority of the Commission to advise, consult, and assist the Attorney General in such matters.

Mr. PASTORE. Mr. President, on the question of agreeing to this amendment, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MAGNUSON. Mr. President, I yield myself 2 minutes.

Yesterday, during a discussion on the floor of the Senate concerning the constitutionality of the public accommodations title, I stated that I would insert in the RECORD today a statement discussing the judicial decisions and constitutional interpretation in support of the constitutionality of that title.

It is argued by those opposed to the public accommodations title that it is inconsistent with the 1883 Civil Rights cases which struck down similar legislation based upon the 14th amendment, and that title II is an illegal extension of the commerce clause in view of the decision in *Williams* v. *Howard Johnson's Restaurant*, 268 F. 2d 845 (C.A. 4, 1959).

Both contentions are unsound. Title II is entirely consistent with the 1883 decision. Only two subsections of title II are based upon the power granted Congress through the 14th amendment. The first of these two subsections, section 201(d), is applicable only when discrimination by an included establishment on account of race, color, religion, or national origin is supported by State action. The other subsection utilizing the 14th amendment powers is subsection 202. This subsection is applicable only when discrimination is required or purports to be required by any law, statute, ordinance, regulation, rule, or order of a State or any agency or political subdivision of the State. These are the only two instances in which the 14th amendment is utilized under title II of H.R. 7152.

As both instances require State action, the reliance upon the 14th amendment in title II is entirely consistent with the decision in the Civil Rights Cases of 1883. It is the commerce clause power of Congress that serves as a basis for the prohibitions against discrimination in title II of H.R. 7152 other than the prohibitions contained in subsections 201(d) and 202.

The decision in *Williams* v. *Howard Johnson's Restaurant*, 268 F. 2d 845 (C. A. 4, 1959), does not deter Congress from the use of the commerce power as to restaurants or similar establishments. In that case a Negro who was refused service by a Howard Johnson restaurant in Virginia sued for an injunction on the grounds, among others, that his exclusion on racial grounds amounted to discrimination against a person moving in interstate commerce and interference with the free flow of commerce in violation of the Constitution. His position in this regard was based on the argument that the commerce clause was self-executing and thus could be invoked even without Federal public accommodations legislation. The court ruled against the plaintiff.

The decision is undoubtedly correct insofar as the commerce clause is concerned because the plaintiff's argument that the clause was self-executing in his favor is unsound. In other words, the absence of a Federal statute like title II was fatal to his position. In its opinion, the court expressed the view that a restaurant is not engaged in interstate commerce merely "because in the course of its business of furnishing accommodations to the general public it serves persons who are traveling from State to State." Even assuming that the circuit court was correct in this statement, that would still not foreclose the validity of basing the provisions of title II of H.R. 7152 on Congress commerce clause powers, for, as I have stated previously, and as all students of the Constitution are well aware, Congress powers to regulate under the commerce clause is not limited to merely regulating the activities of businesses engaged in interstate commerce but extends as well to regulating purely local matters affecting interstate commerce.

The decision in Williams against Howard Johnson's Restaurant merely states that in the absence of Federal legislation prohibiting discrimination in public accommodations affecting interstate commerce, there is no Federal right to be free from such discriminatory practices. I believe the only importance to Williams against Howard Johnson's Restaurant is that it well illustrates the necessity for enacting the very type of legislation proposed by title II of H.R. 7152.

These matters are discussed fully in a memorandum in which I conclude that the only question involved is one of policy rather than one of legal authority.

I ask unanimous consent that the memorandum be printed in the RECORD, for the edification of Members of the Senate. The memorandum includes citations of all the authorities I could muster on this particular subject.

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

THE AUTHORITY OF CONGRESS TO END DISCRIMINATION IN PLACES OF PUBLIC ACCOMMODATION

The constitutional authority sustaining this title is found in article I, section 8, of the Constitution which gives Congress power "to regulate Commerce * * * among the several States * * *," and in the 14th amendment. Section 1 of the 14th amendment provides that no State shall "deny to any person within its jurisdiction the equal protection of the laws." Section 5 of the 14th amendment provides that "Congress shall have power to enforce, by appropriate legislation, the provisions of this article."

There has been much discussion as of late about the decision of the Supreme Court in the civil rights cases of 1883. Those cases determined the validity of an 1875 statute enacted by Congress which undertook to prohibit discriminatory practices by public carriers, inns, and theaters, whether or not such discrimination was supported or required by State action. The Court held that the 1875 statute was unconstitutional, for in attempting to reach discrimination unaccompanied by requisite State action Congress had stepped outside the scope of the 14th amendment. The majority opinion of the Court, in the 1883 decision, carefully stated that they were not foreclosing a statute

based on the broad powers of Congress such as are found in the commerce clause. Mr. Justice Bradley wrote:

"Of course, these remarks do not apply to those cases in which Congress is closed with direct and plenary powers of legislation over the whole subject, accompanied with an expressed or implied denial of such power to the States, as in the regulation of commerce with foreign nations, and among the several States and with the Indian tribes, the coining of money, the establishment of post offices and post roads, the declaring of war, etc. In these cases Congress has power to pass laws for regulating the subjects specified in every detail, and in the conduct and transactions of individuals in respect thereof." (109 U.S.C. 3, 18 (1883).)

There is a large body of legal thought that believes the Court would either reverse this earlier decision if the question were again presented or that changing circumstances in the intervening 80 years would make it possible for the earlier decision to be distinguished. This conjecture would remain only conjecture if title II were enacted, for the provisions of title II are entirely consistent with the decision in the civil rghts cases.

Only two subsections of title II are based upon the power granted Congress through the 14th amendment. The first of these two subsections, section 201(d), is applicable only when discrimination by an included establishment on account of race, color, religion, or national origin is supported by State action. The other subsection utilizing the 14th amendment powers is subsection 202. This subsection is applicable only when discrimination is required or purports to be required by any law, statute, ordinance, regulation, rule, or order of a State or any agency or political subdivision of the State. These are the only two instances in which the 14th amendment is utilized under title II of H.R. 7152.

As both instances require State action, the reliance upon the 14th amendment in title II is entirely consistent with the decision in the civil rights cases of 1883. It is the commerce clause power of Congress that serves as a basis for the prohibitions against discrimination in title II of H.R. 7152 other than the prohibitions contained in subsections 201(d) and 202.

Insofar as title II rests on the power of the Congress to regulate commerce, its provisions are amply supported by well-established constitutional principles. There is no question but that Congress, in the exercise of its commerce clause powers, may regulate not only those businesses engaged in interstate commerce or activities occurring in interstate commerce, but may as well regulate purely local or intrastate activities that effect interstate commerce. For example, in *Mabee* v. *White Plains Publishing Co.*, 327 U.S. 178 the Fair Labor Standards Act was applied under the commerce clause to a newspaper whose circulation was about 9,000 copies and which mailed only 45 copies—about one-half of 1 percent of its business—out of State. Congress even has the authority to regulate the wheat a farmer grows on his own farm, solely for his own consumption, even though the amount he grows amounts only to the pressure of 239 bushels of wheat upon the total national market. (*Wickard* v. *Filburn*, 317 U.S. 111, 1942.)

The simple fact of the matter is that the inquiry as to whether or not an establishment is engaged in interstate commerce is not determinative of the question of whether Congress can control the activities of that establishment in the exercise of its power to regulate interstate commerce. In *United States* v. *Sullivan*, 332 U.S. 689, the court held that Congress may forbid a small retail druggist from selling drugs without a label required by the Food and Drug Act even though the drugs were imported in properly labeled bottles from which they were not removed until they reached the local drugstore, and even though the drugs had reached the State 9 months before being resold.

The power of Congress over interstate commerce and activities affecting interstate commerce is broad and plenary. "The congressional authority to protect interstate commerce from burdens and obstructions," Chief Justice Hughes said in *Labor Board* v. *Jones and Laughlin Steel Corp.*, 301 U.S. 1, 36–37, "is not limited to transactions deemed to be an essential part of a flow of interstate or foreign commerce * * * 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 measure to promote its strength and insure its safety * * * to foster, protect, control, and restrain."

The Congress may exercise this power notwithstanding that the particular activity is local, that it is quantitatively unimportant, that it involves the retail trade, or that standing by itself it may not be regarded as interstate commerce. "Whatever its nature it may be reached by Congress if it exerts a substantial economic effect on interstate commerce, and this irrespective of whether such effect is what might at some earlier time have been defined as 'direct' or 'indirect.'" (*Wickard* v. *Filburn*, 317 U.S. 111, 125.)

In *United States* v. *Darby*, 312 U.S. 100, 118 (1939), the Court stated:

"The power of Congress over interstate commerce is not confined to the regulations of commerce among the States. It extends to those activities intrastate which so affect interstate commerce or the exercise of the power of Congress over it as to make regulation of them appropriate means to the attainment of a legitimate end, the exercise of the granted power of Congress to regulate the interstate commerce."

Further in that same opinion this language appears:

"But it does not follow that Congress cannot by appropriate legislation regulate intrastate activities where they have a substantial effect on interstate commerce. A recent example is the National Labor Relations Act for the regulation of employer and employee relations in industries in which strikes, induced by unfair labor practices named in the act, tend to disturb or obstruct interstate commerce. (See *National Labor Relations Board* v. *Jones and Laughlin Steel Corp.*, 301 U.S. 1, 38, 40.) But long before the adoption of the National Labor Relations Act this Court had many times held that the power of Congress to regulate interstate commerce extends to the regulation through legislative action of activities intrastate which have a substantial effect on the commerce or the congressional power over it. (Id. at 119–120.)"

RESTAURANTS, MOTELS, GASOLINE STATIONS

Congress has long exercised authority under the commerce clause to remove impediments to interstate travel and interstate travelers. As long ago as 1887, legislation was enacted (49 U.S.C. 3(1)) forbidding a railroad in interstate commerce "to subject any particular person * * * to any undue or unreasonable prejudice or disadvantage in any respect whatsoever." Similar statutory authority is provided with respect to motor carriers (49 U.S.C. 316(d)) and air carriers (49 U.S.C. 1374(b)).

These provisions have been authoritatively construed to proscribe racial segregation of passengers on railroads, on motor carriers, and on air carriers and illustrate that "discrimination" has a defined judicial meaning in the context of those practices title II seeks to end. (See *Mitchell* v. *United States*, 313 U.S. 80; *Henderson* v. *United States*, 39 U.S. 816; *NAACP* v. *St. Louis-San Francisco Railway Co.*, 297 ICC 335; *Boynton* v. *Virginia*, 364 U.S. 454; *Keyes* v. *Carolina Coach Co.*, 64 MCC 769; *Fitzgerald* v. *Pan American Airway*, 229 F. 2d, 499 (C.A. 2).) The decisions in these cases are, of course, direct authority for the position that Congress may enact legislation appropriate to secure equality of treatment for those using the facilities of interstate commerce.

The constitutional authority of Congress under the commerce clause, moreover, extends beyond the regulation of the interstate carriers themselves. It covers all businesses affecting interstate travel. Thus, the wages of employees engaged in preparing meals for interstate airlines, sandwiches for sale in a railroad terminal, and ice for cooling trains, have all been held subject to Federal regulation under the commerce clause. Similarly, Congress has authority under the commerce clause over restaurants at a terminal used by an interstate carrier. (*Boynton* v. *Virginia*, *supra*.) Thus, whether or not a restaurant serving interstate travelers is engaged in interstate commerce, the fact that it has a substantial effect upon interstate commerce means that it is subject to the power of Congress if it should legislate under the commerce clause.

For this reason the decision in *Williams* v. *Howard Johnson's Restaurant*, 268 F. 2d 845 (C.A. 4, 1959), does not deter Congress from the use of the Commerce power as to restaurants or similar establishments. In that case a Negro who was refused service by a Howard Johnson Restaurant in Virginia sued for an injunction on the grounds, among others, that his exclusion on racial grounds amounted to discrimination against a person moving in interstate commerce and interference with the free flow of commerce in violation of the Constitution. His position in this regard was based on the argument that the commerce clause was self-executing and thus could be invoked even without Federal public accommodations legislation. The court ruled against the plaintiff.

The decision is undoubtedly correct insofar as the commerce clause is concerned because the plaintiff's argument that the clause was self-executing in his favor is unsound. In other words, the absence of a Federal statute like title II was fatal to his position. In its opinion, the Court expressed the view that a restaurant is not engaged in interstate commerce merely "because in the course of its business of furnishing accommodations to the general public it serves persons who are traveling from State to State." Even assuming that the circuit court was correct in this statement, that would still not foreclose the validity of basing the provisions of title II of H.R. 7152 on Congress' commerce clause powers. For, as I have stated previously, and as all students of the Constitution are well aware, Congress' powers to regulate under the commerce clause is not limited to merely regulating the activities of businesses engaged in interstate commerce but extends as well to regulating purely local matters affecting interstate commerce.

The decision in *Williams* v. *Howard Johnson's Restaurant* merely states that in the absence of Federal legislation prohibiting discrimination in public accommodations affecting interstate commerce, there is no Federal right to be free from such discriminatory practices. I believe the only importance to *Williams v. Howard Johnson's Restaurant* is that it well illustrates the necessity for enacting the very type of legislation proposed by title II of H.R. 7152.

In removing impediments to interstate travel, Congress is not limited to forbidding discrimination against interstate travelers alone; it may forbid discrimination against local customers as well. Congress may "choose the means reasonably adapted to the attainment of the permitted end, even though they involve control of intrastate activities." (*United States* v. *Darby*, 312 U.S. 100, 121.)

Earlier in my remarks I noted the serious economic burdens placed upon our economy due to discriminatory practices by establishments dealing with the general public. These economic burdens include, (1) obstacles to interstate travel; (2) distortions in the pattern of expenditures by Negroes because of limited access to places of public accommodations; (3) limitations on the ability of organizations to hold national and regional conventions in convenient places; (4) adverse affects in the entertainment field; (5) disruptions in trade resulting from demonstrations protesting discrimination in retail establishments; and (6) numerous other hurdles to the normal conduct of business—for example, difficulties in recruiting professional and skilled personnel leads to rejection of otherwise desirable plant locations.

Under the cases cited above there can be no doubt that Congress has power to legislate so as to prohibit discrimination in eating places and gasoline stations which serve, or offer to serve, interstate travelers. Obtaining lodging, food, gasoline, or related services and conveniences is an essential part of interstate travel, and discriminatory practices which restrict the availability of such goods and services and conveniences or expose interstate travelers to inconvenience or embarrassment in obtaining them, constitute burdens on interstate commerce which Congress has clear authority to remove.

PLACES OF EXHIBITION OR ENTERTAINMENT

Supreme Court decisions have many times sustained the power of Congress to enact legislation which would remove artificial restrictions upon the markets for products from other States. The removal of such restrictions, as the Supreme Court recognized in *Stafford* v. *Wallace,* 258 U.S. 495, promotes interstate traffic and, therefore, constitutes an appropriate object for the exercise of congressional authority. On that basis, restraints involving the local exhibitions of motion pictures, have been the subject of Federal regulation under the Sherman Act (*Interstate Circuit* v. *United States,* 306 U.S. 208), and so have restraints involving stage attractions (*United States* v. *Shubert,* 348 U.S. 222), professional boxing matches (*U.S.* v. *International Boxing Club,* 348 U.S. 236), and professional football games (*Radovich* v. *National Football League,* 352 U.S. 445).

Like unlawful monopolies, racial discrimination and segregation in the establishments covered by the proposed legislation constitute artificial restrictions upon the movement of goods in interstate commerce, and may be dealt with by the Congress for that reason. The restrictive impact of discriminatory practices is perhaps best illustrated by reference to the motion picture industry.

Motion picture theaters which refuse to admit Negroes will obviously draw patrons from a narrower segment of the market than if they were open to patrons of all races. The difference will often not be made up by separate theaters for Negroes because there are localities which can support one theater but not two (or two but not three, etc.), and because the inferior economic position in which racial discrimination has held Negroes often makes their business alone financially inadequate to support a theater. Thus, the demand for films from out of State, and the royalties from such films, will be less. What is true of exclusion is true, although perhaps in less degree, of segregation. Given any particular performance, a segregated theater may well lack sufficient seating space for white patrons while offering ample seating in the Negro section, or vice versa. Moreover, the very fact of segregation in seating discourages attendance by those offended by such practices.

These principles are applicable not merely to motion picture theaters but to other establishments which receive supplies, equipment, or goods through the channels of interstate commerce. If these establishments narrow their potential markets by artificially restricting their patrons to non-Negroes, the volume of sales and, therefore, the volume of interstate purchases will be less. Although the demand may be partly filled by other establishments that do not discriminate, the effect will be substantial where segregation is practiced on a large scale. The economic impact is felt in interstate commerce. The commerce clause vests power in the Congress to remedy this condition.

Congress, in the exercise of its plenary power over interstate commerce, may regulate commerce or that which affects it for other than purely economic goals.

"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 restrictions and over which the courts are given no control." (Mr. Justice Stone in *United States* v. *Darby,* 312 U.S. 100, 115 (1941).)

The fact that title II would accomplish socially oriented objectives by aid of the commerce clause powers would not detract from its validity. There are many instances in which Congress has discouraged practices which it deems evil, dangerous, or unwise by a regulation of interstate commerce. Examples of this are found in Federal legislation keeping the channels of commerce free from the transportation of tickets used in lottery schemes, sustained in *Champion* v. *Ames,* 188 U.S. 321 (1903); the Pure Food and Drug Act, sustained in *Hipolite Egg Co.* v. *United States,* 220 U.S. 45 (1911); the White Slave Traffic Act, upheld in *Hoke* v. *United States,* 227 U.S. 308 (1913); strict regulation of the transportation of intoxicating liquors, sustained in *Clark Distilling Company* v. *Western Maryland Railway Company,* 242 U.S. 311 (1917); and the Fair Labor Standards Act, imposing wage and hour requirements, sustained in *United States* v. *Darby,* 312 U.S. 100 (1941).

In summarizing the authority of Congress to enact the provisions of title II of H.R. 7152, it appears that the question involved is not one of power but rather one of policy. There is no real question as to the authority of Congress to legislate in this area. As a matter of policy, the requirement that public accommodations and facilities serving the general public do so without racial or religious discrimination is neither new nor novel. It is now well established and equally accepted that no public convenience such as a bus, railroad, airline, or the facilities adjacent thereto may discriminate against or segregate its patrons. The doctrines that to a large extent sustain this result are deeply rooted in English common law but are by no means limited to common carriers. In the 17th century, Lord Chief Justice Hale expressed the authority that the public through its government, can exert over commercial enterprises dealing with the public:

"Property does become clothed with a public interest when used in a manner to make it of public consequence and to effect the community at large. When, therefore, one devotes his property to a use in which the public has an interest, he in effect grants to the public an interest in the use and must submit to be controlled by the public for the common good, to the extent of the interest he has thus created. He may withdraw his grant by continuing the use; but, so long as he maintains the use, he must submit to the control." (1 Harg. Law Tracts 78, cited with approval by Mr. Chief Justice Waite in *Munn* v. *Illinois,* 94 U.S. 113, 126 (1877).)

This potential for regulation of businesses established to serve the public evolved into the actual obligations of such establishments to serve all members of the public equally:

"Whenever any subject takes upon himself a public trust for the benefit of the rest of his fellow subjects, he is eo ipso bound to serve the subject in all the things that are within the reach and comprehension of such an office, under pain of an action against him." If on the road a shoe fell off my horse, and I come to a smith to have him put it on, and the smith refuse to do it, an action will "lie against him, because he has made profession of a trade which is for the public good, and has thereby exposed and vested an interest of himself in all the King's subjects that will employ him in the way of his trade. If the innkeeper refused to entertain a guest when his house is not full, an action will lie against him; and so against a carrier, if his horses be not loaded, and he refuses to take a packet proper to be sent by a carrier." (Lord Chief Justice Holt in *Lane* v. *Cotton,* 12 Mod. 472, 484 (1701).)

The common law rule as to the obligation of an innkeeper was clearly set forth in another early English decision:

"An indictment lies against an innkeeper who refuses to receive a guest, he having at the time room in his house in either the price of guest's entertainment being tendered to him or such circumstances occurring as will dispense with that tender. This law is founded in good sense. The innkeeper is not to select his guests. He has no right to say to one, 'You shall come to my inn,' and to another, 'You shall not,' as everyone coming and conducting himself in a proper manner has a right to be received; and for this purpose innkeepers are a sort of public servant, they having in return a kind of privilege of entertaining 'travelers and supplying them with what they want.' " (Mr. Justice Coleridge in *Rex* v. *Ivens,* 7 Carrington and Payne, 213 (1835).)

The English rule that, because an innkeeper is engaged in a business in which the public has an interest and enjoys certain privileges not given the public generally, he cannot discriminate for or against any class or pick and choose his guests, also became the American rule. In fact, the presence of this rule, either by express statute or adoption of the common law duties, was significant to the Supreme Court that held unconstitutional the 1875 statute which guaranteed full and equal enjoyment of public accommodations and facilities. Mr. Justice Bradley wrote in the majority opinion:

"Innkeepers and public carriers, by the laws of all the States, so far as we are aware, are bound, to the extent of their facilities, to furnish proper accommodations to all unobjectionable persons who in good faith apply for them." (The *Civil Rights Cases,* 109 U.S. 325 (1883).)

It should be noted that this decision of the Supreme Court was handed down 10 years before the adoption of State laws, statutes, or ordinances requiring segregation. There is historical evidence to indicate that in 1885 a Negro could use railroad, dining, and saloon facilities without discrimination in the Carolinas, Virginia, and Georgia. As late as 1954, Louisiana repealed a statute requiring places of business and public resort to serve all persons "without distinction or discrimination on account of race or color." And in 1959 Alabama repealed that part of its code which incorporated the common law duties of innkeepers and hotelkeepers.

It is the position of the proponents of this bill, therefore, that the powers granted Congress by the Constitution of the United States surely vest Congress with the power and authority to enact the provisions of title II of H.R. 7152 in furtherance of a policy firmly rooted in the common law. The fact that 32 States have taken some action to secure equal access to public accommodations well illustrates the wisdom of that action Congress seeks to take through enactment of title II.

I shall not dwell further on the matter of the constitutionality of title II, for I do not doubt that its enactment would be a valid exercise of congressional power. I believe that I am somewhat learned on the matter of Congress' power to enact legislation under the commerce clause—not only as a lawyer but as a U.S. Senator who has served 17 years on the Senate Committee on Commerce, the last 9 of which I have been privileged to be chairman of that committee.

I am aware that there are some who disagree with my point of view. Yet I have not been impressed by either the law or the logic of those who contend that title II is unconstitutional. And I would further point out that I enjoy very respectable company as to the view I hold in this matter. For example, the following renowned professors of law, from some of the greatest law schools of this Nation, are convinced that Federal legislation preventing private establishments dealing with the general public from discriminating on account of race, color, religion or national origin is constitutional:

University of California at Berkeley: John G. Fleming, R. H. Cole, Albert A. Ehrenzweig, Geoffrey C. Hazard, Jr., E. C. Halbach, Jr., I. M. Heyman, Dean Frank C. Newman, Preble Stolz.

Harvard University Law School: Dean Erwin N. Griswold, Paul A. Freund, Mark DeW. Howe, Arthur E. Sutherland, Jr., Ernest J. Brown.

Ohio State University College of Law: Kenneth L. Karst, Ivan C. Rutledge, Paul D. Carrington, Roland J. Stanger, William W. Van Alstyne.

University of Michigan Law School: Dean Allan F. Smith, Paul G. Kauper.

Yale University Law School: Dean Eugene V. Rostow, Louis H. Pollak, Thomas I. Emerson.

University of California at Los Angeles: Murray Schwartz.

University of Pennsylvania Law School: John O. Honnold, Jr., Howard Lesnick, A. Leo Levin, Louis B. Schwartz, Dean Jefferson B. Fordham, Theodore H. Husted, Jr.

Columbia University Law School: Harlan Blake, Marvin Frankel, Walter Gellhorn, Wolfgang Friedmann, William K. Jones, John M. Kernochan, Louis Lusky, Jack B. Weinstein, Herbert Wechsler.

Notre Dame Law School: Dean Joseph O'Meara, Robert E. Rodes, Jr.

New York University School of Law: Edmond Cahn, Robert B. McKay, Norman Dorsen.

And I would call attention to the letter and memorandum appearing in the CONGRESSIONAL RECORD, April 7, from two eminent lawyers, Harrison Tweed and Bernard G. Segal, upholding the constitutionality of title II and title VII of H.R. 7152. Twenty other lawyers joined Mr. Tweed and Mr. Segal in their opinion, including three former Attorneys General of the United States—Francis Biddle, Herbert Brownell, and William P. Rogers—and four former presidents of the American Bar Association—David F. Maxwell, John D. Randall, Charles S. Rhyne, and Whitney North Seymour.

The PRESIDING OFFICER. The question is on agreeing to the amendment (No. 1021) of the Senator from South Carolina.

On this question, the yeas and nays have been ordered; and the clerk will call the roll.

The legislative clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from Arizona [Mr. HAYDEN], the Senator from Montana [Mr. METCALF], and the Senator from Ohio [Mr. YOUNG] are absent on official business.

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

I further announce that the Senator from Virginia [Mr. ROBERTSON] is necessarily absent.

I further announce that, if present and voting, the Senator from California [Mr. ENGLE] would vote "nay."

On this vote, the Senator from Virginia [Mr. ROBERTSON] is paired with the Senator from Ohio [Mr. YOUNG]. If present and voting, the Senator from Virginia would vote "yea," and the Senator from Ohio would vote "nay."

The result was announced—yeas 25, nays 70, as follows:

[No. 408 Leg.]

YEAS—25

Byrd, Va.	Hill	Smathers
Byrd, W. Va.	Holland	Sparkman
Cotton	Johnston	Stennis
Eastland	Jordan, N.C.	Talmadge
Ellender	Long, La.	Thurmond
Ervin	McClellan	Tower
Fulbright	Mechem	Walters
Goldwater	Russell	
Gore	Simpson	

NAYS—70

Aiken	Gruening	Morse
Allott	Hart	Morton
Anderson	Hartke	Moss
Bartlett	Hickenlooper	Mundt
Bayh	Hruska	Muskie
Beall	Humphrey	Nelson
Bennett	Inouye	Neuberger
Bible	Jackson	Pastore
Boggs	Javits	Pearson
Brewster	Jordan, Idaho	Pell
Burdick	Kennedy	Prouty
Cannon	Kuchel	Proxmire
Carlson	Lausche	Randolph
Case	Long, Mo.	Ribicoff
Church	Keating	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	Miller	
Fong	Monroney	

NOT VOTING—5

Engle	Metcalf	Young, Ohio
Hayden	Robertson	

So Mr. THURMOND's amendment (No. 1021) was rejected.

Mr. HUMPHREY. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. PASTORE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ERVIN. Mr. President, I call up my amendment No. 590 and ask unanimous consent that the reading of the amendment be omitted.

Mr. PASTORE. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. The Senator is entitled to be heard.

Mr. RUSSELL. Mr. President, I object to dispensing with a reading of the amendment. I do not know what is in the amendment.

Mr. ERVIN. I was about to explain it.

The PRESIDING OFFICER. Objection having been heard, the amendment of the Senator from North Carolina will be stated.

The LEGISLATIVE CLERK. Beginning with the comma in line 5, page 50, strike out all to and including the word "occurred" in line 8, page 50, as follows: "or a written charge has been filed by a member of the Commission where he has reasonable cause to believe a violation of this title has occurred".

Mr. ERVIN. Mr. President, I yield myself such portion of my unconsumed 10 minutes as I may require.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. ERVIN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. ERVIN. Mr. President, the amendment would strike out the portion of title VII which would permit a member of the Equal Employment Opportunities Commission to file a charge of discrimination against an employer. It is a prostitution of the judicial process to combine the role of prosecutor with that of judge. This is what the provision I seek to delete would do.

Some years ago President Truman appointed a Commission on Administration Management, which studied the question of Federal departments and agencies exercising quasijudicial power. The Commission made a report, a portion of which was quoted with approval by the Supreme Court of the United States in the case of *Wong Yang Sun* v. *McGrath*, 339 U.S. 33.

Mr. RUSSELL. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. Senators who desire to talk will please retire to the cloakroom. The Senate will suspend until there is order in the Chamber. The Senator is entitled to be heard. Senators who do not wish to listen may retire to the cloakroom.

Mr. ERVIN. Mr. President, in the opinion of the Court, which was written by one of the ablest judges this country has known, Justice Jackson, the Supreme Court quoted with approval words which constitute the most effective argument why my amendment should be adopted. The quotation is as follows:

> Furthermore, the same men are obliged to serve both as prosecutors and as judges. This not only undermines judicial fairness, it weakens public confidence in that fairness. Commission decisions affecting private rights and conduct lie under the suspicion of being rationalizations of the preliminary findings which the Commission in the role of prosecutor presented to itself.

That quotation constitutes an unanswerable argument on the basis of justice as to why the amendment should be adopted.

Mr. HUMPHREY. Mr. President, I yield myself whatever time I may require. I should like to inquire of the Senator from North Carolina, on my time, whether the Senator's amendment is an amendment to the House-passed bill or to the substitute.

Mr. ERVIN. I have modified my amendment so as to make it apply to the substitute amendment No. 1052. As so revised it states:

> Beginning with the comma in line 5, page 50, strike out all to and including the word "occurred" in line 8, page 50.

Mr. HUMPHREY. Let me make this comment for my colleagues in the Senate. The House-passed bill would have

permitted a single member of the Commission, working through the Commission, to file a charge against an employer for an unfair employment practice and to take remedial action by going to court and seeking injunctive relief. The substitute does not so provide. It reads:

Whenever it is charged in writing under oath by a person claiming to be aggrieved, or a written charge has been filed by a member of the Commission where he has reasonable cause to believe a violation of this title has occurred—

And so forth—

that an employer, employment agency, or labor organization has engaged in an unlawful employment practice, the Commission shall furnish such employer, employment agency, or labor organization * * * with a copy of such charge and shall make an investigation of such charge, provided that such charge shall not be made public by the Commission. If the Commission shall determine, after such investigation, that there is reasonable cause to believe that the charge is true, the Commission shall endeavor to eliminate any such alleged unlawful employment practice by informal methods of conference, conciliation, and persuasion.

The substitute measure would not permit a Commissioner to take enforcement powers into his own hands. The only time they can come into being is when an individual takes his own case into court and the Attorney General may find there is a pattern or practice of a discriminatory employment practice.

The Commission can only investigate. The Commission can only persuade, conciliate, or mediate. The Commission does not have any de novo enforcement powers in its own right.

Mr. ERVIN. The role of the Commission under title VII has a serious impact upon the employer because there cannot be any court action unless the Commission has found adversely to the employer. The provision I seek to strike permits a member of the Commission to act in the dual role of prosecutor and judge.

Mr. HUMPHREY. The facts must be made crystal clear. The member of the Commission is not a prosecutor. He is not a judge. He does not sit in judgment. He does not go before the court of law. The most any Commissioner can do, if he finds reasonable cause for believing that there is an unfair employment practice, is to ask the Commission to investigate. The Commission can only provide information to the Attorney General. The Commission can ask the Attorney General to proceed, but the Attorney General will do it of his own will. There are no enforcement powers, regrettably, insofar as the Commission is concerned.

Mr. SALTONSTALL. Mr. President, if the Senator will yield on my time, I would like to add one factor that the Senator from Minnesota has not mentioned. In each of these instances, the complaint must first be handled by the State employment commissions in those States which have fair employment laws.

Mr. CANNON. Mr. President, will the Senator yield for a question on my time?

Mr. HUMPHREY. I yield.

Mr. CANNON. The language beginning on line 5 of page 50 states: "or a written charge has been filed by a member of the Commission where he has reasonable cause to believe that a violation of this title has occurred."

In line 16, it is stated:

If the Commission shall determine, after such investigation, that there is reasonable cause to believe that the charge is true, the Commission shall endeavor to eliminate.

And so forth. Does not this language in fact place a member of the Commission in the position of filing a charge and having the Commission determine whether or not there is any basis for the charge?

Mr. HUMPHREY. Were the Commission to have enforcement powers, the Senator's point would be well taken. This has been a point that has been argued. Suppose an aggrieved party makes a complaint and states, "I have not been able to obtain satisfaction at the local or State level. Will you please take a look at it?" The most the Commission can do is to take a look at the case and say that there is reasonable cause for a complaint and remedy in this connection. After the investigation is completed, the most the Commission can do is call in the State employment commission and say, "Will you think this case over? Will you work it out?" But the Commission has no enforcement power or administrative remedy, regrettably.

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

Mr. HUMPHREY. I yield.

The PRESIDING OFFICER. On whose time does the Senator yield?

Mr. HUMPHREY. On the time of the Senator from North Carolina.

Mr. ERVIN. I have very little time. I will answer later.

Mr. LAUSCHE. Mr. President, will the Senator yield to me for a question, on the time of the Senator from Nevada?

Mr. CANNON. I am happy to yield on my time to the Senator from Ohio.

Mr. LAUSCHE. Am I correct in my understanding of the statement of the Senator from Nevada that his position is that under lines 5, 6, and 7, a member of the Commission may file a charge?

Mr. CANNON. That is what the language provides.

Mr. LAUSCHE. That is the language. It reads: "or a written charge has been filed by a member of the Commission."

So it is correct that a member of the Commission can file a charge?

Mr. CANNON. That is the way I read it. That was the reason for my question to the Senator from Minnesota. It appears that a member of the Commission has a right to file a charge with the Commission, and he then, as a member of the Commission, determines whether the charge is true. It seems to me this member, at least, is in the position of being the prosecutor and also the judge, whether he has criminal prosecution powers or not.

Mr. LAUSCHE. On line 16 of page 50 it is provided:

If the Commission shall determine after such investigation, that there is reasonable cause to believe that the charge is true—

It may do such and such. Am I correct in my understanding that the Senator from Nevada has concluded that, under the language in lines 5 and 6, a member of the Commission can, in written form, file a charge, and then, under line 16 and following, determine the truth of that charge?

Mr. CANNON. The Senator is absolutely correct.

Will the Senator from Minnesota yield to me on my time?

Mr. HUMPHREY. I yield.

Mr. CANNON. Would there be any objection to striking out the authority given to a member of the Commission to file a charge? Under this language an aggrieved person could still file the charge, and the Commission could determine the validity of the charge. That would resolve the question of a member of the Commission being a prosecutor and judge.

Mr. HUMPHREY. When the Senator speaks of being a judge, he is assuming there will be some adjudication in which certain penalties will be assessed. The Commission can assess no penalties.

The substitute reads, beginning at the bottom of page 51:

(c) In the case of any charge filed by a member of the Commission alleging an unlawful employment practice occurring in a State or political subdivision of a State, which has a State or local law prohibiting the practice alleged and establishing or authorizing a State or local authority to grant or seek relief from such practice or to institute criminal proceedings with respect thereto upon receiving notice thereof, the Commission shall, before taking any action with respect to such charge, notify the appropriate State or local officials and, upon request, afford them a reasonable time, but not less than sixty days (provided that such sixty-day period shall be extended to one hundred and twenty days during the first year after the effective day of such State or local law), unless a shorter period is requested, to act under such State or local law to remedy the practice alleged.

The most the Commission can do is to act like Paul Revere. All it can say is, "A charge is made. This charge will be returned to the State or local authority after 120 days"—if it is a new law—"or 60 days"—if it has an established FEPC law.

Let us assume that the State does not take any action. The most a Commissioner can do is go to the Commission and say, "There is unlawful practice as I see it. The Commission should examine the case." There is no power in the bill for a Commissioner to institute a lawsuit. What more could one ask for than to try to seek conciliation by using the Commission or a Commissioner, rather than seeking punishment? If there is a question of seeking punishment, it will be because of an individual who feels that he has been aggrieved and will use a court of law to seek such satisfaction. If there are practices and patterns of discrimination, the Attorney General may institute legal action under what is called pattern or practice conditions.

Mr. CANNON. Mr. President, will the Senator from Minnesota yield for another question?

Mr. HUMPHREY. I yield.

Mr. CANNON. Is it not a fact that if the Commission does not obtain voluntary compliance, it has the right to proceed with legal action?

Mr. HUMPHREY. No. That is the point. That is the point which I am making. It has only the right to do so. That is provided on page 53, in the following language:

If within thirty days after a charge is filed with the Commission or within thirty days after expiration of any period of reference under subsection (c) (except that in either case such period may be extended to not more than sixty days upon a determination by the Commission that further efforts to secure voluntary compliance are warranted), the Commission has been unable to obtain voluntary compliance with this title, the Commission shall so notify the person aggrieved and a civil action may, within thirty days thereafter, be brought against the respondent named in the charge (1) by the person claiming to be aggrieved——

Mr. CANNON. If the Senator will read further——

Mr. HUMPHREY—

if such charge was filed by a member of the Commission——

Mr. CANNON. Does the distinguished Senator agree that it is a prerequisite that the Commission find that such condition existed before the individual can bring action?

Mr. HUMPHREY. I do not agree to that. The point is that the Commission may offer to advise the Attorney General. The individual may proceed in his own right at any time. He may take his complaint to the Commission, he may bypass the Commission, or he may go directly to court.

Mr. SALTONSTALL. Mr. President, will the Senator from Minnesota yield on my time?

Mr. HUMPHREY. I am glad to yield to the Senator on his own time.

Mr. SALTONSTALL. We struggled over this section for a long time. The section has been modified so that the Commission itself cannot bring suit, or take part in a suit. A single member cannot take part in a suit. He may file a charge with the Commission in behalf of an individual, but the individual must take it to court, if the State commission or procedures do not satisfy him or the Federal Commission is not able to arrive at an agreement for voluntary compliance. This section was modified in that way; and I believe it is one of the most important modifications from the House bill, under which, if my memory is correct, the Commission could bring an action. We eliminated that authority because we did not feel that the Federal Commission should have the right to file suit in its own name in behalf of an individual.

Mr. CANNON. As I said—and I believe I understand the language——

The PRESIDING OFFICER. On whose time is the Senator speaking?

Mr. CANNON. I yield myself such time as I may need.

I believe that I understand the language. Either an individual or a member of the Commission may file a charge. If the member of the Commission files the charge, the Commission then determines whether the charge is correct. If it determines that the charge is correct, it will try to conciliate and reach an agreement. If it decides that such agreement cannot be arrived at, according to the language on page 53, "If such charge was filed by a member of the Commission,".

Mr. HUMPHREY. Yes—comma——

Mr. CANNON. So if the Commission says the individual must conciliate, but the individual himself decides to sue, as a prerequisite to sue, as I read it, the Commission must have decided that the dispute could not be settled. Prior to that time it must have held that such a practice existed, and prior to that, a member of the Commission was the person who made the complaint. I should like to ask the Senator from Minnesota what is the objection to striking out the provision with regard to a written charge having been filed by a member of the Commission, because the individual would still be given all the basic rights which were intended under this section, as I read it.

Mr. HUMPHREY. May I answer the Senator's question on his time?

Mr. CANNON. Yes.

Mr. HUMPHREY. The Commission has some expertise in the matter. It has some knowledge over and above that of the ordinary plain, common laborer, or the ordinary worker. The purpose of the Commission is to try to conciliate and mediate, and bring about voluntary compliance with the standards of the bill. We do not appoint Commissioners as wall decorations. Their job is to do something. However, they do not carry a club. They carry the art of persuasion with them. They are like the Federal Mediation and Conciliation Service. They have no authority of law. The most they have is the standard of being a Government employee seeking to help bring about adjudication and mediation.

I say most respectfully to the Senator that an individual citizen can, under this bill, file his own complaint. He can receive the help of the Commission. He can receive the help of a single Commissioner, but the Commissioner cannot file the complaint. The Commission cannot file the complaint.

Mr. CANNON. I beg to disagree with the Senator. A member of the Commission can file a complaint.

Mr. HUMPHREY. I mean a suit in court. We are talking about remedies. I repeat to the Senator that the Commissioner cannot file a suit in court.

Mr. CANNON. It does not seem to me that a valid case is made for a Commissioner to be able to file a complaint. Certainly, he can confer with an individual and recommend to him that he file a complaint if he wishes to do so, but once the Commissioner files the complaint, he is a complainant. Then he sits on the very Commission which decides whether the complaint is valid.

It seems to me that the point of the Senator from North Carolina is well taken.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey [Mr. CASE] is recognized.

Mr. CASE. Mr. President, I believe the Senator from North Carolina and the Senator from Nevada are both confusing the form of due process with its substance. It would be perfectly proper not to require a condition precedent to an investigation by the Commission of any complaint whatever. The Commission might make investigations on its own motion. There must be either a complaint by an aggrieved individual, or by a single member of the Commission as a condition precedent to the Commission's investigation, when. It has been pointed out ad nauseam that the Commission has no power except to attempt, by conciliation, to bring about an end to alleged discrimination; and no power of enforcement or even power to bring suit. It means to me that the whole objection falls to the ground. If the people do not like to have a member of the Commission file a complaint, which the Commission then considers for its investigation for persuasive purposes only, let us eliminate the need for a complaint. We must have the ability to get the Commission into action, for the purpose of eliminating discrimination, without requiring a complaint by an aggrieved party in every case, because intimidation of individuals in areas where this is most necessary, whether it be economic, social, or any other kind of intimidation, may, in many cases, prevent the filing of complaints by aggrieved persons.

Mr. ERVIN. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from North Carolina is recognized for 1 minute.

Mr. ERVIN. In lines 15 through 20, on page 50 of the substitute, it is stated in the clearest language that after the charge is filed, the Commission investigates; and if it finds a reasonable basis for the charge it must undertake to settle the matter by conciliation.

In lines 3 through 16, on page 53, it is provided that if the Commission fails to settle the matter by conciliation, the Commission so notifies the aggrieved party, and that within 30 days thereafter the aggrieved party may go into court and file a civil action against the employer charged with discrimination against him.

It may not mean anything to the Senator from New Jersey [Mr. CASE] but the bill certainly puts the key to the courthouse door in the hands of the Commission. This is true because the aggrieved party cannot sue in the Federal courts unless the Commission first finds that there is reasonable cause to believe the charge is true and then fails to adjust the matter by conciliation. So the Commission holds the key to the courthouse door, which cannot be unlocked for the aggrieved party's benefit unless the Commission finds that there is reasonable cause to believe the employer guilty of the charge of discrimination and fails to adjust the complaint by conciliation.

Mr. DOUGLAS. Mr. President, I wonder whether I might be privileged to ask a question of the Senator from Minnesota and the Senator from Rhode Island on my time?

The PRESIDING OFFICER. Without objection, the Senator may proceed.

Mr. DOUGLAS. I should like to ask this question: Is it not true that as a result of the compromise, so far as the

ability to initiate legal action is concerned, the Commission is a blind alley and a delaying chamber, and that its only power is that of putting a searchlight on the facts and attempting conciliation?

Mr. PASTORE. Mr. President, I can answer that. There is a little more to it than that. The idea is to try to bring about a settlement by conciliation and persuasion. The elementary question is whether we want to leave the institution of a charge strictly and solely to the individual, or whether we want to give the power to the Commission, or the members of the Commission, to initiate a complaint where there is possibly a pattern of discrimination in employment practices.

If we want to leave it exclusively to the individual to initiate the complaint, we follow the Senator from North Carolina. On the other hand, if we believe that sometimes an individual will not take the initiative where there is a pattern but we believe the members of the Commission could initiate that charge, then we leave the provision exactly as it is.

If we mean to do anything at all about this problem in the public interest, we must give the authority to a member of the Commission to initiate a charge where he feels that there is a pattern of discrimination. The Commission can then investigate it. It can adjust the dispute by voluntary means, if possible; or, if not, it may make a recommendation. But we must always bear in mind that the Commission, or a member of the Commission, is not the prosecutor, and not the judge. All that the Commission can do is to investigate and recommend. But it cannot implement its recommendation.

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

Mr. PASTORE. I yield.

Mr. MORSE. Is there anything novel about this procedure?

Mr. PASTORE. Absolutely not.

Mr. MORSE. Do the Interstate Commerce Commission and other commissions have exactly the same power?

Mr. PASTORE. Yes. In this instance, the Commission would have no judicial power to implement its recommendation or to order compliance therewith. All that it could do would be to investigate the matter, make a finding, and attempt to conciliate it by voluntary means.

Mr. YARBOROUGH. Mr. President, I yield myself such time as I may desire to use.

Some of the remarks that I have heard about the extent of the amendment offered by the senior Senator from North Carolina are incorrect. His amendment would not lessen the power of this Commission in any way. It would merely provide that charges should be filed by a person other than a member or members of the Commission.

Some of the argument is to the effect that the Commission has no power to make a finding.

I invite the attention of the Senate to title V of the substitute amendment as printed at the last printing on June 10. It provides that after charges are filed the Commission shall first investigate the charges. Then it provides that if the Commission determines after such investigation that there is a pattern of discrimination in employment practices, the Commission shall do certain things. Thus the Commission is charged with the duty of making a determination. That required determination is either judicial or quasi-judicial.

There has been a failure here to clearly spell out and to understand the nature of judicial power. I sat as the judge of a court for 5 years, and entered many judgments. There are different types of judgments. Not every judgment carries a fine or imprisonment in criminal cases, or monetary damages in civil cases. A judgment may be entered to remove the disabilities of minority and make an 18-year-old person 21 years old in the eyes of the law. That is a judicial act, whereby no fine or monetary damages are involved. A judgment may be entered to changes a man's name. There is no penalty attached in such a case, but that is a judicial finding; it is an exercise of judicial power. The present bill requires that after a complaint is filed, the Commission makes a determination of whether or not there is a violation of law. The power thus exercised by the Commission would be either judicial or quasi-judicial.

This bill would permit one person, a Commission member, to be both the complainant and the judge. In a court of law, the judge who was the complainant would step aside and disqualify himself. But under this bill, he both complains and hears. After the determination is made, if the whole Commission determines that the complaint is true there is placed upon them a further duty—to attempt the elimination of any alleged pattern of discrimination in employment practices by conciliation, or by persuasion.

That is not all. If the Commission fails to eliminate it, they have a further power to be used. In the exercise of this further power, if they are unable to obtain voluntary compliance, they shall then notify the person aggrieved, and a civil action may be brought. This action may be brought under what circumstances? Under the circumstances that the court may appoint an attorney for the complainant, and that he may authorize the commencement of the action without the payment of fees, costs, or security. Thus the litigant has a special right which is not afforded to the average litigant. This bill proposes to give him a special status in the law over and above that enjoyed by other litigants. He would come in with a special attorney, without deposit of court costs or fees or security for them.

These various powers authorized to be used by the Commission represent that which, in a court, would be called judicial power. If we say it is not judicial power, it is at the very minimum quasi-judicial.

And it is also a matter of making the prosecutor the judge.

The Commission determination unlocks the courthouse door. I practiced law for many years. Many litigants are not able to get into the court for many reasons—mostly financial—which bar many people from going to court.

When a notice is received from the Federal Government that there is some kind of complaint against him, the average small businessman quakes in his boots. He asks his lawyer how much it would cost him to settle the case without a trial. He knows the financial power of the Federal Government, that he will be broken if he attempts to fight it out in the courts with the Federal Government, so he seeks settlement, not a determination of the justice of the complaints.

Mr. President, the Senator's amendment does not limit the power of the Commission one iota. It merely requires that someone else file the complaint other that the tribunal hearing it. Complaints could still be filed, just as easily as without the amendment. It merely provides that this small Commission, these few men, shall not be complainant and judge, too.

It weakens our faith in the impartiality of our judicial institutions, to make one man prosecutor and judge. It is a violation of the basic concept of Anglo-American law to vest in one person the duties of prosecutor and judge.

This amendment does not weaken the bill. By separating the duties of prosecutor and judge it will strengthen the bill and public confidence in the bill. It does not strip the Commission of power. It merely provides that we not make the judge and the informer one and the same person. That is all the proposed amendment does. It separates prosecutor from judge in the best tradition of our laws.

Mr. COTTON. Mr. President, I yield myself such time as I may desire.

Nothing that has taken place throughout the consideration of the bill is more illuminating than the discussion that has just taken place in the Senate.

Title VII is a monstrosity. Nothing has proved it more than this discussion.

In the first place, of course there is merit to what the distinguished Senator from New Jersey [Mr. CASE] said, that there might be aggrieved persons who, by reason of force or pressure, would not dare to file a complaint.

I have no objection to someone being empowered to file a complaint in behalf of an aggrieved person who is intimidated, fearful, and afraid. But there is a vast difference between a commission sending one of its staff members, an examiner or investigator, to look into a certain situation and report to the commission that action should be taken—a procedure, which in my understanding is the usual procedure of other commissions such as have been referred to on the floor—and having a member of the commission go out into the field and investigate these matters and then file a complaint that would be acted upon by himself and his colleagues.

If an officer of the staff came in with a report, it would be acted upon by at least a majority of the commission. It would be a commission action without a prior determination by one member.

Mr. President, as sensible men, you and I know what would happen to a

group of colleagues if one of the members of the group said, "Here is a case that should be pushed, acted upon."

There are two fundamental elements which must be present in a bill such as this. Without them, the bill becomes useless; indeed, it may do incalculable harm.

In any law designed to enforce legal rights and punish legal wrongs, those rights and wrongs must be clearly defined. Offenses against the law must likewise be clearly defined. Enforcement and punishment must be uniform and impartial. No individual should be given the power to determine the offenses or select the offenders. There is dynamite in any measure which violates these principles. It is not really a law but a delegation of power. This bill violates them.

To be sure, an aggrieved person can file a complaint. However, it does not carry the force of an official complaint. I served for 10 years as a prosecuting attorney in a State in which criminal prosecutions can be started by the prosecuting attorney for the State; or it can be started by an individual. I learned during those years that when a case gets into a lower court, a prosecution that had the approval of the State and was presented by the official prosecutor for the county carried more weight than one that was privately brought. Of course, it did. Similarly, a case will carry more weight when a member of the Commission files an initial complaint before his own Commission, of which he is a member, than will the complaint of an individual if he chooses to make such a complaint.

Then later, after the Commission has acted upon the complaint, it is called to the attention of and placed before the State enforcement body, if the State has such a body. When the case is placed before the State, in most States—perhaps not all—the action of the Commission will have considerable influence on the action of the State body.

If the State does not act, the case, in due time, will be brought to the attention of the proper prosecutor in the Federal court. Incidentally, along the way the Attorney General, with the permission of the court, can get into the act.

Thus, gradually the complaint gains momentum—started, by a member of an official body, not by a servant or a staff member; later the prestige of the Attorney General will be added. Finally, after all these processes, these smooth provisions setting forth these so-called safeguards that were devised somewhere, by somebody, behind closed doors, before this substitute amendment was ever exposed to the Senate, the process will lead to one place—the door of the Federal court.

This last is, of course, accepted procedure. But not everyone can afford to defend a case in the Federal court, particularly a business offender who employs only 25 persons. He will be confronted with the expensive luxury of going through all the hearings and investigations, and then finally defending himself before the Federal court against the accumulated prestige of the Commission, the Attorney General of the United States, and all the rest of the officials involved. That is what will happen.

If there is anything that is convincing that this particular title of the bill is a monstrosity, vicious, and dangerous, it is the gingerly approach that the proponents have employed to camouflage it. I do not mean to imply intentional deception; but the language has been camouflaged all the way to present it as a kind of friendly, innocuous evangelism, to expedite reform of human character and persuade people to be more kindly and sweet.

Discrimination is wrong. There is no Member of this body who does not believe that discrimination is wrong. It should be punished so far as it can be legally punished, promptly and with justice. It should not be punished by a long and involved and insidious procedure, in which, day by day and week by week the accumulated prestige of a Federal commission, the Department of Justice, and everyone else will pile up—and on whom? Against a particular offender whom they may choose, not against every offender.

If Congress proposes to take steps to put the force of the Federal Government behind fair employment, then let that force be limited to fields in which there can be rigid and uniform enforcement. Then let the law be enforced without hesitancy. Let it be enforced by the regular processes of law. Then we shall be dealing with discrimination fearlessly and intelligently.

Consider the approach to this title. It will not take effect for a year. Why wait a year to do justice? If this title is fair and enforcible, it should be enforced tomorrow. Why wait until a year from now? Obviously its framers know this is a new departure, attended by dangers. So they make the application gradual. If it should be enforced upon the little man, whose bread and butter depends on the efficiency, loyalty, and cooperation of 25 employees, let us start the enforcement tomorrow. Why enforce it upon the employer of 100 persons, and then reduce the number to 75, then to 50, and then to 25?

This title is vicious and dangerous, because under cover of careful investigation, conciliation, and all the rest of these high-sounding activities, it will allow discrimination itself in dealing with offenders. An alleged defendant would have arrayed against him the full power and prestige of, first, one member of the Commission, then of that commissioner's colleague, then of the State enforcement body, with the influence of the Commission upon it, and then the assistance of the Attorney General and the Department of Justice. All these forces would accumulate like a snowball until the defendant reached the door of the Federal court, where perhaps he could not afford to go, particularly when the law reaches the little fellow.

This is a meritorious amendment. But it does not cure nor go to the heart of the problem. The Senator from New Hampshire has felt bitter about this proposal because there never has been time, throughout the consideration of the bill, when the ordinary garden variety of Senator, who is not a member of the mysterious group of high and mighty leadership, has had a real chance to be heard. From behind closed doors the leaders and the administration have produced a sugar-coated, plausible bill extending the naked power of the Federal Government over every little businessman on every main street in the Nation.

I can vote for the bill without title VII or with title VII properly safeguarded. But that title as it now stands is un-American in the sense that it abandons the fundamental principle that no official shall ever choose between offenders to be prosecuted; that no prosecution shall receive the insidious prestige of a commission after one of its members, a minority, has formed a judgment independent of the majority of the commission.

Mr. President, I hope this amendment will be adopted—although I have no idea that it will be.

Mr. MORSE. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 2 minutes.

Mr. MORSE. First of all, Mr. President, there is nothing novel about the administrative procedure provision in this part of the bill. A great many acts of Congress include provisions for administrative procedure. The Civil Aeronautics Board has authority to make findings of fact and to bring actions before the court, on its own initiative. So does the Interstate Commerce Commission.

Let us also consider the many instances in which the National Labor Relations Board, after due investigation, finds the existence, on the part of a union or an employer, of an unfair labor practice. In that case, the Board has authority to bring an action; or an action can be brought by the employer or by the union.

The interesting point is that in this section, there is provision for an ultimate check by the court on the question of whether there has been a violation of law of the sort Congress had in mind in dealing with this measure.

In this instance, we have leaned over backward in seeking to protect the possible defendants by means of all the procedures referred to—those of conciliation, arbitration, and negotiation. I believe it will be found in most instances that after the investigation begins, the parties will voluntarily arrive at a settlement of the contest.

Mr. President, it seems to me that in connection with the references which have been made to the members of boards, there has been an inference that they will function on the basis of a presumption of guilt, rather than a presumption of innocence, and that they will function as prosecutors, rather than as factfinders.

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

Mr. MORSE. Mr. President, I yield myself 1 more minute.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 1 more minute.

Mr. MORSE. Mr. President, there is nothing extraordinary about a procedure by which the members of a board, either on their own initiative or through their staff assistants, make an investigation. If anyone thinks a recommendation made by a member of this Commission will at once be accepted by his colleagues, merely because that member of the Commission has made the recommendation, it should be pointed out that certainly that is not the case; one who makes such an assumption is definitely mistaken about the operations of such governmental groups.

I am concerned with making sure that a check is provided for, by having the cases ultimately taken into court. We have provided for that check, and also for many others.

Furthermore, I cannot accept the notion of some that persons of small means, whether businessmen or others, should be allowed to discriminate with impunity. We seek to stop discrimination wherever it may exist.

The PRESIDING OFFICER. The time of the Senator from Oregon has again expired.

Mr. MORSE. Mr. President, I yield myself 1 more minute.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 1 more minute.

Mr. MORSE. Mr. President, we seek to provide adequate and fair protection by means of a procedure which we know is sound, for there is nothing at all novel about this procedure. If Senators do not want this procedure provided, they had better get ready to accept an entire series of amendments to the Administrative Procedure Act, and then be ready to vote to take away from the members of the governmental boards and commissions the authority we seek to give them.

Mr. JAVITS. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from New York is recognized for 1 minute.

Mr. JAVITS. Mr. President, titles II and VII, in my judgment, are the heart of the bill. The pending amendment would impair the effectiveness of title VII. On that ground, I believe the amendment must be opposed.

This provision of the bill is an effective one in connection with the proper operation of an equal employment opportunity commission, as we have found in the course of our experience in New York. For example, a union member may not wish to complain about his union, although a member of the Commission would feel free to do so.

The fatal defect of the amendment is that the provision it would amend is not the key to the courtroom door, because the Commission does not have to find that the complaint is a valid one before the complainant individually can sue or before the Attorney General can bring a suit to establish a pattern or practice of discrimination. The Commission may find the claim invalid; yet the complainant still can sue, and so may the Attorney General, if he finds reasonable cause for doing so. In short, the Commission does not hold the key to the courtroom door. The only thing this title gives the Commission is time in which to find that there has been a violation and time in which to seek conciliation.

The PRESIDING OFFICER. The time of the Senator from New York has expired.

Mr. JAVITS. Mr. President, I yield myself an additional 30 seconds.

The PRESIDING OFFICER. The Senator from New York is recognized for 30 seconds.

Mr. JAVITS. Mr. President, this provision gives the Commission time in which to find that there exists in the area involved a pattern or practice, and it also gives the Commission time to notify the complainant whether it has or has not been successful in bringing about conciliation.

The PRESIDING OFFICER. The time of the Senator from New York has again expired.

Mr. JAVITS. Mr. President, I yield myself another 30 seconds.

The PRESIDING OFFICER. The Senator from New York is recognized for another 30 seconds.

Mr. JAVITS. But, Mr. President, that is not a condition precedent to the action of taking a defendant into court. A complainant has an absolute right to go into court, and this provision does not affect that right at all.

Therefore, why knock out this very useful part of this title, when it does not give the power of both prosecutor and court to anyone. I do not believe it does that; on the other hand, it does provide authority which experience has shown to be most desirable and valuable in connection with the matters dealt with by this part of the bill.

Mr. SALTONSTALL. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 1 minute.

Mr. SALTONSTALL. Mr. President, I have great respect for the Senator from New Hampshire, but I believe that in this instance he is proceeding on the basis of the wrong point of view.

The point of view of this section is to permit one who believes he has a valid complaint to have it studied by the Commission and settled through conciliation if possible. The court procedure can follow. But that will be done only when the individual decides he wants it done and decides he wants to go to court.

In Massachusetts, we have had experience with an arrangement of this sort for 17 years; and, as I recall, approximately 4,700 unfair practices complaints have been brought before our Massachusetts Commission Against Discrimination. Only two of them have been taken to court for adjudication. One has been decided, and a second is now in court, but has not yet been decided. That procedure is the basis and theory of this part of the bill, and that is why I support it.

Mr. KEATING. Mr. President, I yield myself 1½ minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 1½ minutes.

Mr. KEATING. Mr. President, it is entirely understandable that one who is opposed to title VII would be in favor of this amendment. However, the Senate has already voted on that question, and has rejected an amendment to delete the title.

Senators who favor a title VII should, in my judgment, oppose this amendment.

I wish to explain the action already taken to amend the House version of the bill. In the first and second lines of this section, the House version provided that a complaint could be initiated:

> Whenever it is charged in writing under oath by or on behalf of a person claiming to be aggrieved or a written charge has been filed by a member of the Commission—

In other words, the charge would not necessarily have had to be made by the individual concerned, but could have been made by someone else acting in his behalf or by a member of the Commission. The provision relating to filing on behalf of an aggrieved person has already been stricken out, and thus the impact of the bill—the means of effecting redress have been diminished. The pending amendment would further reduce that power.

In addition, under subsection (b) of the House version, the Commission would have had the power to go into court, to enforce its mandates by initiating civil injunction proceedings. That provision, too, has been eliminated. So the powers of the Commission have been very greatly reduced.

Now it is sought to take the Commission out entirely by not allowing a member of the Commission to file a written charge. The filing of a charge——

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. KEATING. Mr. President, I yield myself an additional 30 seconds.

The PRESIDING OFFICER. The Senator is recognized for 30 seconds.

Mr. KEATING. The filing of a charge merely brings a matter to the attention of the Commission. There have been many instances in which a person who was aggrieved dared not or felt he could not, because of the presence of pressure of some kind, file a charge. There must be some protection if we are going to have a meaningful section so that the charge does not have to be filed by the person who claims to be aggrieved but may be filed by someone—in this case, a member of the Commission—in his behalf.

Mr. COTTON. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 2 minutes.

Mr. COTTON. In the first place, it does not follow that only those who are opposed to title VII would be desirous of improving the procedures under it. In the second place, I am always interested in the fact that every time any portion or title of the bill is under attack, some Senator states, "Oh, that is the heart of the whole bill."

Title VII is not the heart of the bill. The turning of the face of the United States of America against discrimination in all its official fields is the heart of

it. That means voting rights and segregation in schools and other public facilities. I do not say that title VII does not have its virtues. But if it is the heart of the bill in its present form, at least, it seems very strange to me that when the bill was introduced last fall, having been sent to the Congress by the late President Kennedy, and carefully thought out and endorsed by four Cabinet officers and by the Department of Justice, the only semblance to title VII was a very careful section that said that there should be Federal enforcement of equal job opportunities in every business or establishment which had contracts with the Federal Government or enjoyed Federal grants or loans. I would be for such a provision 100 percent, because no one could say, in my opinion, that that would not be justice. We could enforce and put teeth into such a provision, and it would not require creeping up behind someone with a gradual process of postponement and delayed action until finally the aggrieved party would find himself pushed into the court by a herd of administrative officers.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from North Carolina. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from Ohio [Mr. YOUNG] is absent on official business.

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

I further announce that, if present and voting, the Senator from Ohio [Mr. YOUNG], and the Senator from California [Mr. ENGLE] would each vote "nay."

The result was announced—yeas 47, nays 51, as follows:

[No. 409 Leg.]

YEAS—47

Bennett	Goldwater	Mundt
Bible	Gore	Pearson
Boggs	Hayden	Robertson
Byrd, Va.	Hickenlooper	Russell
Byrd, W. Va.	Hill	Simpson
Cannon	Holland	Smathers
Carlson	Hruska	Sparkman
Church	Johnston	Stennis
Cooper	Jordan, N.C.	Talmadge
Cotton	Jordan, Idaho	Thurmond
Curtis	Lausche	Tower
Dominick	Long, La.	Walters
Eastland	McClellan	Williams, Del.
Ellender	Mechem	Yarborough
Ervin	Monroney	Young, N. Dak.
Fulbright	Morton	

NAYS—51

Aiken	Hartke	Miller
Allott	Humphrey	Morse
Anderson	Inouye	Moss
Bartlett	Jackson	Muskie
Bayh	Javits	Nelson
Beall	Keating	Neuberger
Brewster	Kennedy	Pastore
Burdick	Kuchel	Pell
Case	Long, Mo.	Prouty
Clark	Magnuson	Proxmire
Dirksen	Mansfield	Randolph
Dodd	McCarthy	Ribicoff
Douglas	McGee	Saltonstall
Edmondson	McGovern	Scott
Fong	McIntyre	Smith
Gruening	McNamara	Symington
Hart	Metcalf	Williams, N.J.

NOT VOTING—2

Engle	Young, Ohio

So Mr. ERVIN's amendment (No. 590) was rejected.

Mr. HUMPHREY. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. DIRKSEN. Mr. President, I move to lay that motion on the table.

The PRESIDING OFFICER (Mr. INOUYE in the chair). The question is on agreeing to the motion to lay on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The substitute amendment is open to further amendment.

Mr. ERVIN. Mr. President, I yield myself such portion of my remaining 7 minutes as I may use.

I call up my amendments Nos. 885, 884, and 881.

I ask unanimous consent that they be printed at this point in the RECORD, that their reading be omitted, and that the Senate vote on the amendments en bloc.

The PRESIDING OFFICER. Is there objection?

Mr. RUSSELL. Mr. President, I object to the reading of the amendments being dispensed with.

The PRESIDING OFFICER. Objection is heard.

The clerk will read the amendments offered by the Senator from North Carolina.

The LEGISLATIVE CLERK. Amendment No. 881: It is proposed, on page 34, at line 14, immediately after the period, to insert the following new sentence:

> If before the termination of such period of thirty days judicial review of such action is sought, such action shall not become effective until judicial review thereof has resulted in the entry by the court of a final judgment, decree, or order to the effect that such action may be taken lawfully.

On page 34, line 24, strike out the word "may", and insert in lieu thereof the words "shall be entitled to".

Amendment No. 884: It is proposed, on page 34, line 3, immediately after the word "persons" to insert the following: "including the Attorney General or chief legal officer of the State within which such failure has occurred".

Amendment No. 885: It is proposed, on page 33, line 13, immediately after the period, to insert the following new sentence:

> To the greatest practicable extent all such rules, regulations, and orders shall be uniform in application and effect with respect to all programs and activities subject to the provisions of this title.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc.

Mr. ERVIN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. ERVIN. Mr. President, these amendments are extremely simple. They would undoubtedly be adopted if the bill did not bear the beguiling name of "civil rights bill."

Amendment No. 885 merely provides that the rules, regulations, and orders of executive departments and agencies implementing title VI shall be as uniform as practicable in their application and effect with respect to all programs and activities subject to the provisions of the title.

This amendment is designed to secure as much simplicity and understanding as possible.

Amendment No. 884 provides that the attorney general of the State is to be included among the persons to be notified by an executive department or agency administering a federally assisted program or activity before action is taken eliminating a State or a political subdivision of a State from participation in the federally assisted program or activity.

The Senator from New York said yesterday that the attorney general of a State represented all subdivisions of a State. That may be true in New York. It is not true in North Carolina, and I assume in other States.

In North Carolina local school boards, municipalities, and other local governmental agencies have their own attorneys. Since they are subdivisions of the State, the attorney general of the State ought to be notified before action is taken that will be adverse to the subdivision.

Amendment No. 881 is also simple. Section 602 of the bill provides that action of an executive department or agency eliminating a State, a political subdivision of a State, an institution, or an individual from participation in a federally assisted program or activity shall not become effective until 30 days have elapsed after the filing of a report of the decision.

This amendment merely postpones the effective date of action of the department or agency until it is judged on its merits, in case judicial review of the ruling agency is sought within the 30 days.

This should be done. The accused should not be condemned and punished until after they have had a hearing before the court.

The PRESIDING OFFICER. The question is on agreeing, en bloc, to the amendments of the Senator from North Carolina [Mr. ERVIN].

On this question the yeas and nays have been ordered; and the clerk will call the roll.

The Chief Clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from Indiana [Mr. BAYH], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Arizona [Mr. HAYDEN], and the Senator from Ohio [Mr. YOUNG] are absent on official business.

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

I further announce that, if present and voting, the Senator from Indiana [Mr. BAYH] and the Senator from California [Mr. ENGLE] would each vote "nay."

On this vote, the Senator from Arkansas [Mr. FULBRIGHT] is paired with the Senator from Ohio [Mr. YOUNG]. If present and voting, the Senator from Arkansas would vote "yea" and the Senator from Ohio would vote "nay."

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. ALLOTT] and the Senator from Arizona [Mr. GOLDWATER] are detained on official business.

If present and voting, the Senator from Colorado [Mr. ALLOTT] would vote "nay."

The result was announced—yeas 27, nays 66, as follows:

[No. 410 Leg.]

YEAS—27

Bible	Hill	Russell
Byrd, Va.	Holland	Smathers
Byrd, W. Va.	Hruska	Sparkman
Cotton	Johnston	Stennis
Eastland	Jordan, N.C.	Talmadge
Ellender	Long, La.	Thurmond
Ervin	McClellan	Tower
Gore	Mechem	Walters
Hickenlooper	Robertson	Williams, Del.

NAYS—66

Aiken	Hart	Morse
Anderson	Hartke	Morton
Bartlett	Humphrey	Moss
Beall	Inouye	Mundt
Bennett	Jackson	Muskie
Boggs	Javits	Nelson
Brewster	Jordan, Idaho	Neuberger
Burdick	Keating	Pastore
Cannon	Kennedy	Pearson
Carlson	Kuchel	Pell
Case	Lausche	Prouty
Church	Long, Mo.	Proxmire
Clark	Magnuson	Randolph
Cooper	Mansfield	Ribicoff
Curtis	McCarthy	Saltonstall
Dirksen	McGee	Scott
Dodd	McGovern	Simpson
Dominick	McIntyre	Smith
Douglas	McNamara	Symington
Edmondson	Metcalf	Williams, N.J.
Fong	Miller	Yarborough
Gruening	Monroney	Young, N. Dak.

NOT VOTING—7

Allott	Fulbright	Hayden
Bayh	Goldwater	Young, Ohio
Engle		

So Mr. ERVIN's amendments were rejected.

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. HUMPHREY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. THURMOND. Mr. President, I call up my amendment No. 922, and I ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 51, line 3, change the period to a colon and add the following:

Provided, however, That nothing in this section shall be construed as making it unlawful for any employee to give any such information to any duly authorized committee or subcommittee of the Congress.

Mr. THURMOND. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. THURMOND. Mr. President, I yield myself 45 seconds.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 45 seconds.

Mr. THURMOND. Mr. President, section 706(a) of title VII of the substitute makes it a criminal offense for any employee of the Equal Employment Opportunities Commission to divulge information gathered by the Commission. No exception is made in the language of the substitute for employes who testify before committees of Congress. This amendment would except from the criminal provisions of section 706(a) of title VII of the substitute testimony by employees of the Equal Employment Opportunities Commission before Committees of Congress and permit such employees to testify before congressional committees without fear of risking the violation of the criminal provisions of this section.

Mr. President, I have previously offered a similar amendment to title II.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. DOMINICK. Mr. President, I yield myself whatever time I may require.

I was impressed with this kind of amendment yesterday. We have seen a continuing reluctance by the executive department to permitting employees to testify before committees of Congress.

I had the pleasure of listening to the senior Senator from Vermont yesterday when he stated that he was disposed to vote against most of these amendments because they were not described adequately enough so that he could fully understand what they meant, and what they included within them.

On my time, I would appreciate it if the Senator could give me some points on what he thinks might be pertinent, what type of committee the Senator is talking about, and what particular testimony the Senator thinks that Congress might be interested in which might be developed under this particular title.

Could the Senator help me on that?

Mr. MANSFIELD. Mr. President, reluctantly I must object. It is not permitted under the cloture rule. But, if the Senator wants to ask questions of the Senator from South Carolina, or arrive at the result in some other way, that will be fine. It is not in accord with the rules to do it in any other manner.

The PRESIDING OFFICER. Objection has been heard.

Mr. DOMINICK. I have plenty of time and I am perfectly willing to use it. It is my understanding that if a Senator takes the floor and proposes an amendment, we cannot find out the facts about the amendment.

Mr. MANSFIELD. Mr. President, will the Senator yield on my time?

Mr. DOMINICK. I am glad to yield.

Mr. MANSFIELD. In order to set the record straight, the Senator will recall that I regretfully raised the objection. I would like to have a ruling from the Chair as to what the rules provide, and the justification for it.

The PRESIDING OFFICER. The Parliamentarian advises the Chair that the Senator who has the floor may yield for a question. The Senator who has the floor may not ask any other Senator a question.

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

Mr. DOMINICK. I am happy to yield.

Mr. THURMOND. I believe the Senator is familiar with the fact that an employee, as the bill now stands, would be subject to penalties if he were to testify before a congressional committee—for example, if he were called before the Committee on Labor and Public Welfare, the Committee on the Judiciary, or any other committee, to give testimony. I wonder if the Senator knows that this amendment was designed to protect such employees. The amendment provides that nothing in this section shall be construed as making it unlawful for any employee to give such information to any duly authorized committee or subcommittee of Congress.

I was not sure that the Senator understood the import of it. It is my opinion that Congress is entitled to question employees of any commission or agency of the Government, and that there should be no impediment whatever that would prevent such employee from disclosing information to Congress.

I wonder if the Senator is familiar with that philosophy?

Mr. DOMINICK. I appreciate the courtesy of the Senator in calling this situation to my attention. This assists me in deciding what to do on this particular amendment.

I should like to hear a little explanation from Senators who may be opposed to the amendment as to why they should be opposed to this type of procedure.

It seems to me that one of the things that the Senate has been trying to do ever since I came here—and that was only a short time ago—and what we were trying to do when the distinguished Senator from Hawaii [Mr. INOUYE] who is presiding at the moment, and I were in the House, is to enable Congress to obtain testimony from executive employees without such employees having a fear of being punished.

This issue arose in the Otepka case. Two days ago, I had an article printed in the RECORD which indicated that every employee who had tried to give Congress some information that looked as though it might be detrimental to the particular agency involved was downgraded; and everyone who had tried to prevent the information from being obtained had either been promoted or given a better job than he had before.

It seems to me that that is exactly what this amendment is designed to prevent; namely, the executive department's efforts to prohibit an employee from testifying before committees of Congress . I believe this is one of the major bases upon which Congress can get the necessary information in order to legislate.

Mr. THURMOND. I wondered whether the Senator was familiar with the fact that section 706(a) of title VII of the substitute amendment makes it a criminal offense for any employee of the Equal Employment Opportunities Commission to divulge information gathered by the Commission, and that no exception is made in the language of the substitute for employees to testify before Congress.

Mr. DOMINICK. I am glad the Senator has called that to my attention. My interpretation was, before the Senator called it to my attention, that this language did not apply to Congress. I can understand that dissemination of information should not be made generally, but I do not believe that the prohibition should apply to testimony given to congressional committees. So the amendment makes much sense.

BEEF ELIGIBLE FOR EXPORT UNDER PUBLIC LAW 480

Mr. McGOVERN. I yield myself 1 minute. Mr. President, on May 5 I wrote to the Secretary of Agriculture about the need in many underdeveloped nations of the world for high protein foods in contrast to our oversupply of beef. I suggested to him that we make beef and live cows eligible for export under Public Law 480 programs to help reduce our cow numbers and achieve a basic adjustment of beef supply and demand.

In 1958, we had in our beef herd 24,165,000 cows and heifers 2 years old and over. The support price of corn was reduced that year from $1.36 to $1.12 per bushel. All feeds dropped in price and the number of breeding cows started to skyrocket. Raising cattle looked very attractive with low feed prices.

On January 1, 1964, the number of cows and heifers 2 years and over had increased 30 percent to 31,697,000, or more than 7.5 million.

I have today received a letter from Secretary of Agriculture Freeman advising me that beef has been made eligible for export under title I and title IV of Public Law 480, in accordance with my suggestion and that, while there is no current demand for live animals from Public Law 480 customers, there is an active interest in cows and breeding stock on the part of commercial customers contacted in the new commercial export sales promotion drive.

Title I of Public Law 480 authorizes sales for local currencies, not convertible to dollars. Title IV authorizes the financing of sales through long-term loans repayable in dollars.

Mr. President, I ask unanimous consent to have printed in the RECORD Secretary Freeman's letter to me, announcing that beef has been made eligible under Public Law 480.

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

DEPARTMENT OF AGRICULTURE,
Washington, D.C. June 16, 1964.

Hon. GEORGE MCGOVERN,
U.S. Senate.

DEAR GEORGE: As promised, we have given searching study to the proposals in your May 5 letter that cow meat and breeding cows be made available under the food-for-peace program. We are both deeply concerned with the trend of cattle prices and the difficult situation faced by beef cattle producers. It has had my personal and detailed attention every day for many weeks. I know that it has likewise had yours. Your letter is further evidence of that fact. I deeply appreciate your constructive thoughts.

You are familiar with the many things that the Department of Agriculture has undertaken and is undertaking to strengthen prices of cattle and beef. With the cooperation of our major beef suppliers, imports in 1964 should drop about one-fourth below last year's level. Beef purchases for schools and needy persons have been sharply increased. Stepped up purchases by the Department of Defense are taking additional supplies from the market. There are vigorous cooperative industry-Government promotional efforts throughout the United States. We are moving aggressively to develop export markets for beef; a market development agreement has been concluded between the Department and the American Meat Institute and European purchasing missions are already in this country.

I am happy to report also that, as proposed by you, we have added beef to the commodities eligible under Public Law 480. A number of sales agreements under titles I and IV, which are now in various stages of development, are expected to include beef.

The inclusion of cows and other live cattle in the Public Law 480 programs would involve the special and difficult problems which are peculiar to movement of live animals via ocean transportation to distant destinations, many of which would be environmentally unfavorable. This is probably a factor in the fact there are currently no such requests from Public Law 480 countries. In our commercial export promotion drive, however, some of the prospective foreign buyers are looking at cows and breeding stock; we hope that sales will result. I am in full agreement with you that, from the standpoint of total and potential cattle population, we have too many breeding cows and should get the numbers down. We are all wrestling with a complex and extremely difficult situation. Your support and help in seeking answers and fresh positive steps has been invaluable.

Very best personal regards.

Sincerely yours,

ORVILLE L. FREEMAN,
Secretary.

TRIBUTE TO ROBERT MOSES, ARCHITECT AND CAPTAIN OF THE NEW YORK WORLD'S FAIR

Mr. PELL. Mr. President, I yield myself 1 minute.

The World's Fair in New York is a tribute to many men. But if any one man could be considered as its architect and captain, it would be that remarkable fountain of energy and brilliance, Robert Moses.

Our own University of Rhode Island had planned to award him an honorary degree this month, but illness prevented his coming to accept it. I trust that his health will improve and will soon permit him to come to our State and receive this honor.

In connection with his work on the World's Fair and all the tributes that have been paid to him, I ask unanimous consent to have printed at this point in the RECORD an article entitled "The Man Who Gets Things Done," published in the magazine Engineering News-Record of April 23, 1964.

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

THE MAN WHO GETS THINGS DONE

ROBERT MOSES. "The World's Fair will be open on time. When we fix an opening date, that's all there is to it."

The New York World's Fair is Robert Moses' promised land. As president of the World's Fair Corp. he promised 2 years ago that the fair would be ready on opening day. "There's not a chance of delay," he said then. "When we fix an opening date, that's it." The fair was ready on time for its official opening Wednesday.

Bringing the $1 billion World's Fair to completion meant whipping onward construction of 156 pavilions tucked into 646 acres of Flushing Meadows, in New York City's Borough of Queens. All but two were ready on opening day and Robert Moses had the unfinished bones of one of those torn down before the opening. Robert Moses got it done again.

In herding the fair to completion on schedule, 75-year-old Robert Moses climaxes 40 years of building in New York City and New York State. Heading as many as 10 agencies simultaneously, he has supervised more than $5 billion worth of construction.

What it takes to build a fair: The World's Fair Corp. hired Robert Moses as president (at $100,000 a year) because of his reputation as a man who gets things done. At the World's Fair, getting things done meant operating like a general in battle, staying always on the offensive, reinforcing weak points. It meant assigning efficiency experts to a slow job, pressuring suppliers for materials, advising the fair's chief engineer on coping with tardy contractors, warning the Governor of a State that his pavilion is behind schedule, dealing with officials of New York State. According to a fairground legend, Mr. Moses was so sensitive to the state of construction that he could tell if an air-conditioning job was on schedule simply by driving past the building.

Obstacles were bad weather, labor difficulties, racial demonstrations, slow construction, and time. The chief obstacle was time. The fair had a common Moses device, a huge clock panel in the headquarters building that illustrated in illuminated panels the second-by-second evaporation of the time left in which to complete the job.

Like a good general, Robert Moses is a skilled delegator of authority. Except in matters of policy or dealings with politicians, financiers, or designers of high rank, Mr. Moses operates entirely through his subordinates. He has a large staff of executive specialists through which he works and he relies on it completely. Most of the men he's known and worked with for years. Robert Moses would know whether or not the general contractor on a particular pavilion was behind schedule and why, but almost invariably he dealt with the contractor through one of his staff. He expects a lot of his executives, but he gives them support all the way in return.

"Moses is all business," says William Denny, construction coordinator for the World's Fair Corp. "If you do a good job, you will get along fine with him. If you don't—you're out."

Robert Moses can keep tabs on 156 pavilions, schedules, budget, fair participants, and about a regiment of executives because of a remarkable memory that enables him to recall all previous conferences, memos and letters dealing with whatever subject is at hand.

"And there's no substitute for 40 years of acquaintances," says retired Corps of Engineers Maj. Gen. William Potter, executive vice president of the fair and Robert Moses' right-hand man. "Robert Moses knows everyone and he is particularly good at dealing with public officials on a personal basis."

FORTY YEARS OF BUILDING

The World's Fair is only the most recent in what is apparently an endless succession of Moses projects. Among his accomplishments during the past 40 years have been: the St. Lawrence-Niagara power project, the largest of its kind in the world; the Narrows Bridge, which is now nearing completion and will be the longest suspension bridge in the world; other New York City bridges include the Bronx-Whitestone, Throgs Neck, Triborough, and Henry Hudson Bridges; the Queens-Midtown Tunnel between the boroughs of Queens and Manhattan and the Brooklyn-Battery Tunnel linking Manhattan and Brooklyn; Shea Stadium, the new home of the Mets; the Lincoln Center of the Performing Arts; almost 500 miles of highways, and 100,000 units of private and public housing in New York City.

While in college (Yale, B.A.; Oxford, B.A., M.A.; Columbia, Ph. D.), Robert Moses decided upon a life of public service. He was then a thing he now loathes and describes as

a "goo-goo reformer." He worked for 5 years with a private organization devoted to the improvement of New York City government. In 1919, Gov. Al Smith called Robert Moses to Albany to be chief of staff of a commission to reorganize the State government. Mr. Moses credits Governor Smith, a most practical politician, with changing him from a goo-goo reformer to the pragmatist he is today. It was also the Governor who started him on his building career, by creating the New York State Council of Parks and appointing Robert Moses its chairman. This was the first of a series of powerful, but unsalaried jobs. Fortunately for him and New York he had inherited more than a quarter of a million dollars from his mother.

Parks need roads, so it was a natural step for Robert Moses to build highways. Reasonably, highways led to bridges and tunnels. The demolition involved in these jobs gave him a background for slum clearance. Gradually, he accumulated jobs, until by 1959 he had 10 of them, most of which he originated to further some project and most of which paid nothing. His two salaried jobs then were Commissioner of Parks, New York City ($25,000 at peak) and chairman of the New York State Power Authority ($10,000). The other eight were: chairman of the Triborough Bridge and Tunnel Authority, chairman of the New York City Mayor's Committee on Slum Clearance, chairman of the State Council of Parks, president of the Long Island State Park Commission, coordinator of construction for New York City, member of the New York City Planning Commission, president of the Jones Beach State Parkway Authority Commission, and chairman of the Bethpage State Park Authority.

HOW HE GETS THINGS DONE

The key to Robert Moses' ability to keep so many balls in the air at one time is delegation of authority. He picks his men carefully (in almost every case, the man he picks to head an agency is an engineer) and then turns them loose to direct various projects.

According to Arthur Hodgkiss, general manager of the Triborough Bridge and Tunnel Authority, who has worked under Robert Moses for 26 years: "When you work under him you get more freedom of action than would your counterpart in an agency not run by him. Another reason for his effectiveness is that he has an overall understanding and feeling for engineering and construction that no other administrator I know of has."

Robert Moses' choice of men has held up well. The agencies he started or still runs are led by men who've been with him for decades. The turnover near the top is slight.

Asked what kind of a man Robert Moses is, those who are on his side usually say: "He's the kind of guy who gets things done." Asked how, they say simply that he delegates a lot of authority, tells a man what he wants done, and the man goes out and does the job.

William S. Chapin, general manager and chief engineer of the Power Authority of the State of New York, says: "Take the Niagara power project, for instance. That had been in the planning stage since 1931, when the New York State Legislature approved the job. In 1954, Governor Dewey decided to move in it. He appointed Robert Moses to head the job in March 1954. By August of that year, Robert Moses had borrowed $40 million to get the job started, offering little more in collateral than his record, and here was a groundbreaking. I remember Robert Moses looking out over the Long Sault Rapids and saying, 'They've said this job will take 7 years. Well, it'll never take 7 years as long as I'm in charge. We'll do it in 5.' Actually, first power was produced in only 4 years."

WHAT MAKES MOSES BUILD

A man of Robert Moses' energy, intelligence, and drive could easily have made a fortune in business or industry. Why then work in public service, frequently unpaid, for a salary that until the fair was never greater than $35,000?

"I don't know. I always wanted to go into public service," says Robert Moses. "I don't know why people do it. People want to be firemen, policemen, painters, fighters. What's wrong with that? It may be a passing fancy. It may be an inspiration. It may be madness. But once in, you stay, if you stay, on account of stubbornness, primarily."

In 1960, Robert Moses resigned his State jobs. Gov. Nelson Rockefeller asked him to leave the chairmanship of the State Council of Parks to make the job available to his brother Laurance. Mr. Moses resigned all five State jobs, positions he originated, with a well publicized display of invective.

MASTER OF INVECTIVE

Robert Moses' invective is almost as well known as his talent for getting things done. In his years of public service he has probably racked up a larger list of distinguished American enemies than any man since Adolf Hitler (to whom occasionally he's been compared). He's quarreled with eight successive New York City mayors and eight New York State Governors, hosing venom regardless of rank (Gov. Herbert Lehman—"a liar"; Gov. Franklin D. Roosevelt—"a very vindictive man"; Mayor James Walker—"half Beau Brummel, half guttersnipe"; Mayor Fiorello La Guardia—"powerful, cruel, greedy, political machine.") He is equally irreverent with almost the entire city-planning profession, architects, newspaper editors, nature lovers, property owners, idealists—everyone, in fact, who disagrees with him. He's been able to get away with this because he's one of the few persons around who is extremely intelligent, talented, efficient, dedicated, and incorruptible and also willing to work for nothing.

The number of property owners and nature lovers who have picketed Robert Moses could, standing shoulder to shoulder, probably ring the earth.

Robert Moses dismisses all protests as the expressions of "goo-goo" reformers, starry-eyed idealists, crackpots, uplifters, do-gooders, etc. Mr. Moses is an exceptionally intelligent man with little patience for fools. Unfortunately, he often counts as a fool anyone who disagrees with him.

THE JOB MUST GO ON

Mr. Moses has little respect for those who oppose his projects. The average man, he has said, "doesn't know what's in his own interest. He isn't smart enough to visualize what you're going to do. But when you've built the thing, he comes around and tells you he was always for it. You almost never get anybody who wasn't on the bandwagon when the thing is a success."

Robert Moses' approach to dislocations and property condemnations is a dispassionate one. He feels these things are unpleasant, but unavoidable, that the job must go. He has no use for public hearings ("They never changed a vote.") and has remarked that "the so-called democratic process does not readily lend itself to speed, deliberate or otherwise." He isn't above a bit of high-handedness when things stand in his way. One of his project supervisors once asked what to do about a condemned beachhouse that hadn't been moved from the path of a park project. Robert Moses didn't even answer the letter. He just returned it to the sender with a kitchen match attached.

Despite his reputation for acrimony, Robert Moses is known as a man of great charm. Over 6 feet tall, still vigorous despite his 75 years (he captained the swimming teams at Yale and Oxford), he can be quick to laugh, ready with pleasant wit, a man people like even though they planned not to.

Excepting those who know him well, many persons have predicted that the World's Fair is Robert Moses' farewell party, that his next project will be retirement. His reaction: "Oh, my God, I'm not thinking of that. Why should I?"

Why indeed? He has his eye on quite a few big jobs. There's the Narrows Bridge and its complex approaches to complete. There's the possibility of a third tube to the Queens-Midtown Tunnel, of making the World's Fair site into a park after 1965. For 20 years he's been battling to build expressways across Manhattan at mid-town and at the lower end. He may build them yet. According to New York legend, Robert Moses may lose battles, but not wars.

CIVIL RIGHTS ACT OF 1963

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

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Carolina [Mr. THURMOND]. 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 Virginia [Mr. BYRD], the Senator from Virginia [Mr. ROBERTSON], and the Senator from Ohio [Mr. YOUNG] are absent on official business.

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

On this vote, the Senator from Virginia [Mr. BYRD] is paired with the Senator from California [Mr. ENGLE].

If present and voting, the Senator from Virginia would vote "yea," and the Senator from California would vote "nay."

On this vote, the Senator from Virginia [Mr. ROBERTSON] is paired with the Senator from Ohio [Mr. YOUNG].

If present and voting, the Senator from Virginia would vote "yea," and the Senator from Ohio would vote "nay."

Mr. KUCHEL. I announce that the Senator from New York [Mr. JAVITS] is detained on official business, and if present and voting, would vote "nay."

The result was announced—yeas 41, nays 54, as follows:

[No. 411 Leg.]

YEAS—41

Allott	Hill	Russell
Bennett	Holland	Scott
Carlson	Hruska	Simpson
Cooper	Johnston	Smathers
Cotton	Jordan, N.C.	Sparkman
Curtis	Jordan, Idaho	Stennis
Dominick	Long, La.	Talmadge
Eastland	McClellan	Thurmond
Ellender	Mechem	Tower
Ervin	Miller	Walters
Fulbright	Monroney	Williams, Del.
Goldwater	Morton	Yarborough
Gore	Mundt	Young, N. Dak.
Hickenlooper	Pearson	

NAYS—54

Aiken	Fong	McIntyre
Anderson	Gruening	McNamara
Bartlett	Hart	Metcalf
Bayh	Hartke	Morse
Beall	Hayden	Moss
Bible	Humphrey	Muskie
Boggs	Inouye	Nelson
Brewster	Jackson	Neuberger
Burdick	Keating	Pastore
Byrd, W. Va.	Kennedy	Pell
Cannon	Kuchel	Prouty
Case	Lausche	Proxmire
Church	Long, Mo.	Randolph
Clark	Magnuson	Ribicoff
Dirksen	Mansfield	Saltonstall
Dodd	McCarthy	Smith
Douglas	McGee	Symington
Edmondson	McGovern	Williams, N.J.

NOT VOTING—5

Byrd, Va.	Javits	Young, Ohio
Engle	Robertson	

So Mr. THURMOND'S amendment (No. 922) was rejected.

Mr. MANSFIELD. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. DIRKSEN. Mr. President, I move to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Montana is recognized for 1 minute.

Mr. MANSFIELD. Mr. President, during the course of the votes, there is more and more confusion in front of the desk; and that makes it quite difficult for the clerks to see the Senators, and even to hear their responses.

So I express the hope that, from now on, Senators will only on special occasions go to the desk, to be recorded ahead of time; and that the staff members will not go to the desk, but will remain at their tables.

The PRESIDING OFFICER. The substitute is open to further amendment.

Mr. HOLLAND. Mr. President, I note only 30 Senators on the floor. Therefore, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

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

[No. 412 Leg.]

Aiken	Fong	McGovern
Allott	Fulbright	McIntyre
Anderson	Gore	McNamara
Bartlett	Gruening	Mechem
Bayh	Hart	Metcalf
Beall	Hartke	Miller
Bennett	Hayden	Monroney
Bible	Hickenlooper	Morse
Boggs	Hill	Morton
Brewster	Holland	Moss
Burdick	Hruska	Mundt
Byrd, Va.	Humphrey	Muskie
Byrd, W. Va.	Inouye	Nelson
Cannon	Jackson	Neuberger
Carlson	Johnston	Pastore
Case	Jordan, N.C.	Pearson
Church	Jordan, Idaho	Pell
Clark	Keating	Prouty
Cooper	Kennedy	Proxmire
Cotton	Kuchel	Randolph
Curtis	Lausche	Ribicoff
Dirksen	Long, Mo.	Russell
Dodd	Long, La.	Saltonstall
Dominick	Magnuson	Scott
Douglas	Mansfield	Simpson
Eastland	McCarthy	Smathers
Edmondson	McClellan	Smith
Ellender	McGee	Sparkman
Symington	Walters	Young, N. Dak.
Talmadge	Williams, N.J.	Young, Ohio
Thurmond	Williams, Del.	
Tower	Yarborough	

The PRESIDING OFFICER (Mr. NELSON in the chair). A quorum is present.

Mr. THURMOND. Mr. President, I call up my amendment No. 1022 and ask that it be stated.

The PRESIDING OFFICER. The amendment of the Senator from South Carolina will be stated.

The LEGISLATIVE CLERK. On page 53, beginning on line 17, it is proposed to delete down through the period on line 21.

Mr. THURMOND. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. THURMOND. Mr. President, I yield myself 45 seconds.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 45 seconds.

Mr. THURMOND. Mr. President, it is one of the functions of the Government to provide machinery by which disputes between private parties may be justly adjudicated. It is not the function of the Government to finance the adjudication of private disputes and controversies of citizens engaged in civil actions. This amendment would, therefore, delete from section 706(b) of title VII of the substitute the proposed authority of the Court to appoint an attorney for a complainant in suits alleging denial of equal employment opportunities.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Carolina. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from North Carolina [Mr. ERVIN], the Senator from Virginia [Mr. ROBERTSON], the Senator from Mississippi [Mr. STENNIS], and the Senator from Ohio [Mr. YOUNG] are absent on official business.

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

I further announce that, if present and voting, the Senator from North Carolina [Mr ERVIN] would vote "yea."

On this vote, the Senator from Mississippi [Mr. STENNIS] is paired with the Senator from California [Mr. ENGLE].

If present and voting, the Senator from Mississippi would vote "yea" and the Senator from California would vote "nay."

On this vote, the Senator from Virginia [Mr. ROBERTSON] is paired with the Senator from Ohio [Mr. YOUNG].

If present and voting, the Senator from Virginia would vote "yea" and the Senator from Ohio would vote "nay."

Mr. KUCHEL. I announce that the Senator from Arizona [Mr. GOLDWATER] and the Senator from New York [Mr. JAVITS] are detained on official business.

If present and voting, the Senator from New York [Mr. JAVITS] would vote "nay."

The result was announced—yeas 26, nays 67, as follows:

[No. 413 Leg.]

YEAS—26

Byrd, Va.	Holland	Simpson
Cotton	Hruska	Smathers
Curtis	Johnston	Sparkman
Eastland	Jordan, N.C.	Talmadge
Ellender	Jordan, Idaho	Thurmond
Fulbright	Long, La.	Tower
Gore	McClellan	Walters
Hickenlooper	Mechem	Williams, Del.
Hill	Russell	

NAYS—67

Aiken	Fong	Morse
Allott	Gruening	Morton
Anderson	Hart	Moss
Bartlett	Hartke	Mundt
Bayh	Hayden	Muskie
Beall	Humphrey	Nelson
Bennett	Inouye	Neuberger
Bible	Jackson	Pastore
Boggs	Keating	Pearson
Brewster	Kennedy	Pell
Burdick	Kuchel	Prouty
Byrd, W. Va.	Lausche	Proxmire
Cannon	Long, Mo.	Randolph
Carlson	Magnuson	Ribicoff
Case	Mansfield	Saltonstall
Church	McCarthy	Scott
Clark	McGee	Smith
Cooper	McGovern	Symington
Dirksen	McIntyre	Williams, N.J.
Dodd	McNamara	Yarborough
Dominick	Metcalf	Young, N. Dak.
Douglas	Miller	
Edmondson	Monroney	

NOT VOTING—7

Engle	Javits	Young, Ohio
Ervin	Robertson	
Goldwater	Stennis	

So Mr. THURMOND'S amendment (No. 1022) was rejected.

Mr. HUMPHREY. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. PASTORE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. THURMOND. Mr. President, I call up my amendment No. 1023, and ask the clerk to read it.

The PRESIDING OFFICER. The amendment offered by the Senator from South Carolina will be stated.

The LEGISLATIVE CLERK. It is proposed, on page 53, beginning with the word "Upon" on line 21, to delete all through the word "action" on line 23, as follows:

Upon timely application, the court may, in its discretion, permit the Attorney General to intervene in such civil action.

Mr. THURMOND. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. THURMOND. I yield myself 45 seconds.

Mr. President, there is no logical or sound basis for the Attorney General of the United States to intervene in civil actions brought by private individuals who allege they have been denied equal employment opportunities. The United States has no business as a party to such actions. The courts, which are agents of the United States, are established for the purpose of judging such controversies, and it is improper for the United States to act as both judge and participant. This amendment would, therefore, delete the proposed authority for the Attorney General of the United States to intervene in such suits.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Carolina. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from Oregon [Mrs. NEUBERGER], the Senator from Virginia [Mr. ROBERTSON], and the Senator from Ohio [Mr. YOUNG] are absent on official business.

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

On this vote, the Senator from Virginia [Mr. ROBERTSON] is paired with the Senator from Ohio [Mr. YOUNG].

If present and voting, the Senator from Virginia would vote "yea" and the Senator from Ohio would vote "nay."

I further announce that, if present and voting, the Senator from California [Mr. ENGLE] and the Senator from Oregon [Mrs. NEUBERGER] would each vote "nay."

Mr. KUCHEL. I announce that the Senator from New York [Mr. JAVITS] is detained on official business and, if present and voting, would vote "nay."

The result was announced—yeas 28, nays 67, as follows:

[No. 414 Leg.]

YEAS—28

Byrd, Va.	Hickenlooper	Simpson
Byrd, W. Va.	Hill	Smathers
Cotton	Holland	Sparkman
Curtis	Hruska	Stennis
Eastland	Johnston	Talmadge
Ellender	Jordan, N.C.	Thurmond
Ervin	Long, La.	Tower
Fulbright	McClellan	Walters
Goldwater	Mechem	
Gore	Russell	

NAYS—67

Aiken	Gruening	Morse
Allott	Hart	Morton
Anderson	Hartke	Moss
Bartlett	Hayden	Mundt
Bayh	Humphrey	Muskie
Beall	Inouye	Nelson
Bennett	Jackson	Pastore
Bible	Jordan, Idaho	Pearson
Boggs	Keating	Pell
Brewster	Kennedy	Prouty
Burdick	Kuchel	Proxmire
Cannon	Lausche	Randolph
Carlson	Long, Mo.	Ribicoff
Case	Magnuson	Saltonstall
Church	Mansfield	Scott
Clark	McCarthy	Smith
Cooper	McGee	Symington
Dirksen	McGovern	Williams, N.J.
Dodd	McIntyre	Williams, Del.
Dominick	McNamara	Yarborough
Douglas	Metcalf	Young, N. Dak.
Edmondson	Miller	
Fong	Monroney	

NOT VOTING—5

Engle	Neuberger	Young, Ohio
Javits	Robertson	

So Mr. THURMOND'S amendment (No. 1023) was rejected.

Mr. RANDOLPH. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. ANDERSON. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The substitute is open to further amendment.

Mr. THURMOND. Mr. President, I call up my amendment No. 1024, and ask that it be stated.

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

The LEGISLATIVE CLERK. On page 55, line 21, delete the word "not".

Mr. THURMOND. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. THURMOND. Mr. President, I yield myself 30 seconds.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 30 seconds.

Mr. THURMOND. Mr. President, section 706(h) of title VII of the substitute would make inapplicable the Norris-La Guardia Act section brought in the labor field under the provisions of title VII. Action under this title falls within the scope of labor-management relations, and no such exception should be made.

This amendment would therefore make the provisions of the Norris-La Guardia Act applicable to acts commenced under the provisions of title VII.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Carolina [Mr. THURMOND]. On this question the yeas and nays have been ordered; and the clerk will call the roll.

Th legislative clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from Arizona [Mr. HAYDEN], the Senator from Virginia [Mr. ROBERTSON], and the Senator from Ohio [Mr. YOUNG] are absent on official business.

I also 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."

On this vote, the Senator from Virginia [Mr. ROBERTSON] is paired with the Senator from Ohio [Mr. YOUNG].

If present and voting, the Senator from Virginia would vote "yea," and the Senator from Ohio would vote "nay."

Mr. KUCHEL. I announce that the Senator from Arizona [Mr. GOLDWATER] is detained on official business.

The result was announced—yeas 23, nays 72, as follows:

[No. 415 Leg.]

YEAS—23

Byrd, Va.	Holland	Sparkman
Byrd, W. Va.	Johnston	Stennis
Eastland	Jordan, N.C.	Talmadge
Ellender	Long, La.	Thurmond
Ervin	McClellan	Tower
Fulbright	Mechem	Walters
Gore	Russell	Yarborough
Hill	Smathers	

NAYS—72

Aiken	Carlson	Fong
Allott	Case	Gruening
Anderson	Church	Hart
Bartlett	Clark	Hartke
Bayh	Cooper	Hickenlooper
Beall	Cotton	Hruska
Bennett	Curtis	Humphrey
Bible	Dirksen	Inouye
Boggs	Dodd	Jackson
Brewster	Dominick	Javits
Burdick	Douglas	Jordan, Idaho
Cannon	Edmondson	Keating
Kennedy	Miller	Prouty
Kuchel	Monroney	Proxmire
Lausche	Morse	Randolph
Long, Mo.	Morton	Ribicoff
Magnuson	Moss	Saltonstall
Mansfield	Mundt	Scott
McCarthy	Muskie	Simpson
McGee	Nelson	Smith
McGovern	Neuberger	Symington
McIntyre	Pastore	Williams, N.J.
McNamara	Pearson	Williams, Del.
Metcalf	Pell	Young, N. Dak.

NOT VOTING—5

Engle	Hayden	Young, Ohio
Goldwater	Robertson	

So Mr. THURMOND'S amendment was rejected.

AMERICAN INVOLVEMENT IN SOUTHEAST ASIA

Mr. CHURCH. Mr. President, I yield myself 1 minute.

Recently, I have had the good fortune to read several thoughtful editorials on the American involvement in southeast Asia. Those which I found profitable included an editorial written by Drury R. Brown and published in the June 1 issue of the Blackfoot (Idaho) News; an editorial written by Ladd Hamilton, which was published in the April 28 issue of the Lewiston (Idaho) Tribune; an editorial entitled "Asian Confrontation," published in the June 12 issue of the New York Times; and a column written by Ralph McGill, printed in the June 12 issue of the Idaho Daily Statesman. I ask unanimous consent to have the articles printed at this point in the RECORD.

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

[From the Blackfoot (Idaho) News, June 1, 1964]

THE HOUR LATE IN SOUTHEAST ASIA

For many people in the United States the words "South Vietnam," "Laos," and "Cambodia," have little meaning. But for thoughtful Americans, pronunciation of the names of these little countries in the peninsula extending from southeast Asia have at the present time the sound of a fire-alarm bell.

Among high Government officials, members of the Senate Foreign Relations Committee, newspaper correspondents who are on the scene and individual citizens who would wish the right U.S. foreign policy to prevail, there is an honest difference about what we should do about our involvement there.

John S. Knight, a respected newspaper publisher who believes we should withdraw from our overextended position in that area of the world, recently stated the facts leading to our having troops in what was once known as French Indochina.

In World War II, the whole peninsula fell like an overripe plum into the hands of the Japanese when they surged southward. France at the time was a captive to Nazi Germany. The French authorities in Indochina easily capitulated to the Japanese.

The Vietminh guerrillas in the Japanese occupied territory fought the Japanese. At the same time they were determined that the French should not return to their former control of the peninsula.

When the German and Japanese war machines were overthrown, a freed France reasserted in 1946 her claim to her former colonies. The claim led to war between the Vietminh guerrillas and the French. The

United States sided with France. The Vietminh, in the meantime, had secured the backing of the Red Chinese.

Despite all the help that the United States gave France, the Viet guerrillas in a 6-year war that ended in 1954 with Dien Bien Phu, totally defeated the French.

The war ended with a cease-fire accord at Geneva and a conference of the SEATO power with representatives of the guerrilla leaders. The conference accomplished little other than the agreement for a cease-fire. Guerrilla control over North Vietnam was accepted. South Vietnam, Cambodia, and Laos were recognized as independent states, and the SEATO powers—Britain, United States, France, New Zealand, the Philippines, Pakistan, Thailand, and Australia, agreed to protect the little countries against Communist aggression.

The basis of the agreement was that when the established governments of South Vietnam, Laos, or Cambodia might be threatened by subversion and would ask for help, the guarantor nations would come to their aid.

This was the Dulles diplomacy. It was based on containing or battling communism anywhere in the world. Any revolution anywhere in the world would be presumed to be Communist inspired. It did not take into account the feeling of the masses of people in the lands we were obligated to shore up. They might have no recourse other than to rebel against an aggressive or corrupt government, but it was always presumed that such revolution was Communist inspired.

The rest of the world simply did not agree with the prevailing U.S. policy during most of the postwar period—the policy of intervening in every revolution on the side of established governments.

Accordingly, when trouble occurred in Laos or South Vietnam, the burden of shoring up the existing government fell on the United States as the leader of the anti-Communist bloc. The other involved powers have continued to look the other way.

President Johnson has restated the position of the United States. The United States, he has said, will do whatever is necessary to help the southeast Asians resist Communist assault "as long as they continue to ask us for help."

The frightening part is that the Government that may ask us for help may be unrepresentative of the people of the land.

There is unmistakable evidence the people of southeast Asia want nothing so badly as to be let alone.

This point was driven home to me in listening to Pulitzer Prize winning Reporter Malcom Browne, who spoke at a recent meeting of the Idaho-Utah Associated Press meeting in Moscow, Idaho. His picture of the Buddhist monk who burned himself to death in protest to the Diem regime in South Vietnam did much to alert public opinion to the real situation in that land. (This young reporter is one of the heroes among newsmen dedicated to letting the people of the United States know what really is going on in the world. He suffered much at the hands of Diem's police.)

The situation in southeast Asia, said Browne, is so bad that it may be too late now for the United States to accomplish anything there. Our problem has been twofold: To resist the Communists, and to encourage the local leaders to create a government the people would be willing to fight for to preserve.

He recognized the threat to the free world that is found in the guerrilla tactics advanced by Ho Chi Minh. He believes that if they are permitted to work in southeast Asia, the free world will be confronted with them everywhere.

But everything he said indicated that the Communists are winning the battle for the minds of the people. They move in and infiltrate the country nominally under the control of Western-supported governments. They will ruthlessly kill a few leaders of the opposition, but they will mingle with and convert the ordinary farmers and villagers.

There are many devoted Americans seeking to improve the condition of the people of Laos and South Vietnam, but there are not enough of them and they are working against too great odds, said Browne.

He gave a specific instance of how things work out. The Vietnam forces, for instance, will hear that the Communists have taken over a certain village. They will send an expedition against it. As they approach the village through the jungle they may find they are pinned down across a moat from the village by rifle fire. The U.S.-advised Vietnam will decide this calls for aerial support. They will radio for bombs and napalm to be dropped on the village. Soon the planes roar in, dropping high-explosive bombs, followed by planes that drop flaming napalm. (That is the most horrible situation for the people in the village that can be imagined, said Browne.)

The relatively few Communists in the village will have taken refuge in underground shelters prepared for just this eventuality, which in many circumstances will resist the napalm fire. The women and children are left to burn.

("I have gone into villages that have been burned out under such circumstances and it is a sickening sight," said Browne. "I have helped gather up the charred bodies of women and children and lay them out for disposition on sheet iron strips. You never forget it.")

The natives know that the helicopters and planes that carried the bombs and the napalm were furnished by the United States. Under the circumstances, what reason will they have to think that the government that is claiming their loyalty and its supporter, the United States, is really concerned for them? (Senator BARRY GOLDWATER, you who would condone the use of low-yield atomic weapons to defoliate the jungles to expose the jungle trails of the guerrillas, please take note.)

Former President Kennedy is known to have believed that the United States was overcommitted in southeast Asia. How he might have planned to become disengaged there will never be known.

As the southeast Asia crisis continues to grow, the people of the United States are going to have to decide what course our Nation will take. Here are some realistic facts that should guide their considerations:

All of the people of Asia are of color. They resent the white-skinned minority of the world and have made it very plain they will never hereafter submit to its rule.

The white-skinned people of the world have made little progress in meeting the colored people of Asia on an equal basis. The devoted and consecrated white servants that are attempting to act as their teachers and guides to the sort of freedom we take for granted, are too few.

The only nuclear weapons used in warfare were released by members of the white race against a nation that was of color. The resentment for that act among people of color is very great.

Should the United States without the help of its SEATO allies, and actually against the wishes of many of them, engage in unilateral action to preserve shoddy governments against what might be the desire of an actual majority of the total people involved?

Shall we permit the hastily conceived and poorly designed Dulles policies to continue to be our guide in every situation in the whole world?

Are we beginning to realize there actually is a difference between forms of communism and that many of them are vehicles for the expression of nationalism—that they may be of service to peoples in some lands while offering no threat to our social structure?

It seems that it is time for Americans to be thinking some of the unthinkable thoughts advocated by Senator FULBRIGHT.

[From the Lewiston (Idaho) Morning Tribune, Apr. 28, 1964]

FRUSTRATIONS IN SOUTH VIETNAM

Senators FRANK J. LAUSCHE, Ohio Democrat, and HUGH SCOTT, Pennsylvania Republican, may be excused for their impatience with the progress of the war in Vietnam. As the St. Louis Post-Dispatch has observed, in an editorial reprinted on this page today, "The South Vietnamese fight against the Communist guerrillas is not being won, and if General Khanh can even hold the line it will be an accomplishment." The United States is spending millions of dollars, and so far has spent the lives of 131 Americans killed in action in an attempt to hold the line there. Guerrilla bands strike in South Vietnam and then scurry for the Cambodian border where U.S. airplanes are not permitted to follow. Over a jungle supply line, war materiels and food are moving south from North Vietnam, where Americans are not permitted to fight. It is little wonder that LAUSCHE and SCOTT, as well as many others, are eager to carry the war to the enemy, wherever he may be.

The two Senators have called for raids into North Vietnam to choke off the supplies that are helping to keep the guerrillas going. The Vietcong, they said Sunday, should not be permitted "a privileged sanctuary" where they are safe from attack. The time has come, said LAUSCHE, to "work out a program of tit for tat" and, whenever the North Vietnamese strike, the U.S.-supported South Vietnamese "should strike in equal manner by going across the border."

There is a superficial logic in this argument, and it has found much favor. But there is a great danger in it, too, for no one can tell what sort of can of worms will be opened once the border is crossed by Americans.

Simply to cross the border and bomb a few key roads and depots probably would do no good; the Government of North Vietnam, which supports the Vietcong, would have to be militarily defeated and it is unlikely that Red China would permit that to happen. The most probable result of the Lausche-Scott policy would be that once the border is crossed in the south by U.S.-supported South Vietnamese, it also will be crossed in the north by Red Chinese "volunteers." We then would have the choice of backing out, which would leave us worse off than we are now, or of throwing China out of North Vietnam, which would make a big war out of a little one.

Neither alternative is palatable, and the latter is recklessly dangerous. As Senator FRANK CHURCH, Democrat, of Idaho, pointed out Sunday, this could lead to "a hopeless entanglement, the end of which is difficult to see."

The war in southeast Asia is frustrating, to be sure, and the temptation is great to look for quick solutions. Unfortunately, there are none. The best we can hope to do in South Vietnam, at least for the time being, is maintain a perilously delicate balance of power by whatever military means seem appropriate. The most promising long-range solution is neutralization of all of southeast Asia so that the fighting can be halted without great loss of power and prestige on either side. But that must come later; in the meantime, we must settle for a severely limited war.—L.H.

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

ASIAN CONFRONTATION

Two U.S. planes have been shot down in Laos and now American armed fighter plane escorts are shooting back. The situation is deteriorating in Vietnam as well as in Laos

and, by reflexion, in Cambodia, Thailand and all of southeast Asia. When or how is the shooting going to end? When or how is the steady, if slow, advance of the Communists in the region going to be stopped?

The power factor in southeast Asia that really counts is the confrontation between the United States and Communist China. They are still at some distance from each other, but the gap is closing. When Under Secretary Ball and President de Gaulle conferred the other day, they agreed that southeast Asia should be denied to the Communists, but they disagreed on how this goal was to be achieved.

General de Gaulle insists with reason that no settlement of the Indochina conflict is possible without the concurrence of the Communist Chinese. This is the dominating factor. China is there; the United States is 10,000 miles away. Chinese power radiates over the whole of Asia from India to Korea.

The nub of the question is the American belief that a withdrawal of our military support would leave a vacuum which the Red Chinese would inevitably fill—not to mention the fact that for better or worse we have commitments that we must honor. The De Gaulle argument is that China has enough problems with Russia in the north, India in the west and the United States in the east, not to mention a strained economy, to be willing to leave southeast Asia more or less alone—on the condition that China felt there was no longer any reason to fear a threat from the United States in that area.

There is no ideal solution; but it has seemed to this newspaper that the most practicable one is, in the broadest possible terms, a guaranteed neutralization of all States that formerly made up Indochina. What this means is that the interested powers—including particularly the United States, the Soviet Union, and Communist China—would mutually and gradually withdraw militarily from that area and would at the same time guarantee the independence of the respective States, possibly with a U.N. presence to enforce it.

Obviously such a solution is risky and might not work out in practice, but the risks will be great no matter what is done, and will be still greater if the outcome is left to the hazards of military escalation.

The entire problem deserves exploration in another conference of the 14 nations, Communist China included, that have been concerned with southeast Asia since the Geneva Conference of 1962. The decisive confrontation of the United States and Red China should be over a negotiating table, not with arms. In the long run, this will only be possible when Communist China is a member of the United Nations and when Washington can speak to Peiping in the normal course of diplomatic exchanges between two nations that recognize each other.

[From the Idaho Daily Statesman, June 12, 1964]

LAOS POLICY FAILS TO ACHIEVE GOALS

(By Ralph McGill)

WASHINGTON.—The United States became heavily involved in Laos during the Eisenhower administration. From the 1950's into the present, political and ideological chaos has, with but few intermissions, been the rule. The late Secretary of State Dulles applied his "domino" theory to southeast Asia. It one domino were pushed over, the others all fell.

Laos has never been truly a country, or nation. It is not one today. It likely will never be. A beleaguered France gave it "independence" in 1949. The landlocked, mountainous area had once been a part of the Indochina union, and since 1883, a French protectorate. Its religion is Buddhist and animism.

It is a region of tribal groups. Laos is an example of the slow evolution of ethnic groups toward a commonly shared culture and loyalty. Today, the people would like to be left alone. They do not trust us or want us there. They do not want the Russians or the Communists. They have no comprehension of ideology beyond that of the philosophic, meditative neutralism of Buddhism. There is no concept of all that is bound up in the words "freedom," "liberty," "democracy."

"Kings" developed out of the "royal" family of the major tribes. This was fostered by France. Colonialism understandably found it easier to establish a government by recognizing a leading family. Out of the plan came princes, princesses and a sort of dynasty. The people are used to being "ruled" by a headman or a coalition of tribal "elders."

These Laotian generalities would apply, with variations, to all of southeast Asia. South Vietnam is divided by religion—Christianity and Buddhism. For a generation there has been a growing gulf, widened by sporadic persecutions in which both divisions share responsibility.

We are in a predicament today which is not at all that of the late 1950's. At that time monolithic communism was supporting the northern secession forces. There was then, as now, dislike of Chinese in the area. The Chinese, present in southeast Asia in the hundreds of thousands, had gained control of much of the business and the local markets.

There was then more Russian influence than mainland Chinese. But as the division grew between the Communist giants, it became apparent that because of geography the Mao government would be the one with the most influence. The mainland Chinese throughout the entire area previously had kept a calculating eye on Formosa and the Nationalist Chinese, and on the Russians.

At least 2 years ago these Chinese decided that with Red China withdrawing from her alliance and ideological "oneness" with Moscow, their future lay with Peiping. There was the usual realism in this. If Peiping's influence was the stronger, then the local governments would not likely take over the business of local Chinese. (In Indonesia Sukarno took the property of many Chinese and drove them out of the country.)

Hence, the presence of these relatively well-off mainland Chinese in the various countries of today's southeast Asia is a deterrent to local feeling of independence from China and is a very considerable assistance to the growing dominance of Peiping's influence. The Chinese have the added asset of color. The Russians are "long noses" and white.

It was this situation which President Kennedy inherited. It was new. But it is the height of folly to try and fix any blame for it on any individual or administration. The Dulles policy failed. Revision of that policy to try to meet the new conditions has not succeeded.

We now are confronted with the need to negotiate an international agreement which will permit us to withdraw with some saving of face. But what we should understand is that the evolution of former isolated and so-called backward peoples in the world will continue. They want to be left alone. They will not be.

THIS IS THE WEEK THAT IS

Mr. AIKEN. Mr. President, I yield myself such time as may be necessary to impart an observation to the Senate.

This is the week that is.

This is the week when the hands of the clock are running in both directions.

This is the week when history is being made and unmade.

This is the week when King George III, lying restlessly in his grave for almost 200 years, has finally been vindicated.

Poor misunderstood George: He always knew that colonialism was the ideal form of government. But the uncouth yokels—John Hancock, George Washington, Sammy Adams, and all the rest—they were too dumb to understand.

They did not know how well off they were, and they made trouble for George—real trouble.

We must remember, however, that "might and right rule the world—might till right is ready"; and after 190 years, during which George has been kicked and cussed and ridiculed by Whigs and Tories, Democrats and Republicans alike, "right" finally prevailed, and the U.S. Supreme Court decided, belatedly, it is true, that George III had been right all the time.

It may be that some backward countries may now sneer at us; but those that still hold colonies will applaud.

And as for you, Nikita Khrushchev, you with your crackbrained notion that legislative bodies should represent areas as well as population—please step down. Who do you think you are, anyway? Benjamin Franklin?

This is the week that is.

This is the week when Orville Freeman, bless his heart, gave to the public the names and addresses of all the cotton mills that copped $23 million of taxpayers' money in 6 weeks' time.

What a shame—what a travesty to release these names. Now they will be the target of every organization that believes itself deserving of a cut.

Handouts are for farmers—and charities—and the mentally retarded—not for high-level manufacturers. How could you do such a terrible thing, Orville?

But now that the deed has been done and you boys in the textile business are full-fledged members of the club, we welcome you, Brother Bob, and you, Brother Charlie, and all your comrades, into the great fraternity of "Feeders at the Public Trough."

Let me caution you, however, that with the great privileges which you will enjoy as members there is also an obligation.

Keep your dues paid up promptly. The voluntary contributions you made last winter were just initiation fees.

The dues are regular and mandatory.

This is the week that is.

This is the week when the "Society for the Control of Shyness" scored its greatest triumph.

Willie the Wonder Boy had always wanted to be important, but one thing had stood in his way. He was shy.

He never liked to wrestle with the other boys. He would never take candy away from the other children. He wanted it brought to him.

Whenever he took a bath the water would be warmed for him, as he had a violent aversion to cold water.

Once when it was suggested that he ought to act like other boys his age and

get out and fight for what he wanted, he simply said: "Nix on that stuff."

When his friends tried to get him to talk on television and radio, thinking that might cure his shyness, he was overcome by "Ike-fright."

Then, the committee for the control of shyness took a hand with Willie. They appealed to his pride; they worked on his conscience; and then they told him that the big bad escapees from rest homes and mental institutions would infest the country and eat all the people unless he stopped being coy.

That did it.

Willie straightened up. He donned his gold-plated armor. He said "I want to do something big," and promptly plunged into the swim where he was almost, but not completely, immediately submerged by cold water.

This is the week that is.

This is the week that three red-blooded American boys are trying out a great experiment in psychology.

These three boys, Lyn, and Dean, and Bob, had heard of a far-off country. At least, it seemed far off until Bob found that it was actually within easy commuting distance.

And in this far-off land there were lots and lots of people; so many in fact that it was very hard to count them.

When Americans first visited this land, the people were very glad to see them. They said, "We like Americans; we want to work with them."

But after a few years their attitude seemed to change.

In spite of all the presents the Americans gave them, the people of this far-off land became less sociable. They even got less friendly with their own government.

One day they found that someone had broken into their palace and done away with their king—who really did like Americans.

After that, they became less friendly than ever.

One day not so many moons ago Dean said to Bob, "I have just had a call from Cab. He says that most everyone in this far-off land don't like us any more. What can we do to make them like us whether they want to or not?"

But Bob said, "We must not do anything until we talk with Lyn."

So they talked with Lyn, and he said, "Do what you think best, boys; I will be too busy to help you much for four more long months."

So Dean and Bob, knowing that all backward people like candy, decided that the thing to do was to drop bom-boms all over these people who don't like Americans any more, and that would make them like us immensely.

So in this week that is we have been dropping bom-boms on the people of this far-off land so they will like us real well from now on.

And if some of the bom-boms intended for the backward people along the Mekong inadvertently fell among the people along the Congo, it may be that either Dean or Bob lost his sense of direction.

Anyway, do we not want the 200 million people of Africa to like us too?

"Oil in oil" our boys are having a busy week.

Yes, Mr. President, this is the week that is. A week to be long remembered.

Provided, of course—and pardon this morbid note—that the events of this week do not constitute a prelude to the week that never will be.

I thank the Senate.

CIVIL RIGHTS ACT OF 1963

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

Mr. RUSSELL. Mr. President, under the inspiration of that brilliant bit of satire by the Senator from Vermont [Mr. AIKEN], I offer a bipartisan amendment and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 1, line 3, after the quotation mark, and before the word "Civil," it is proposed to insert "Dirksen-Humphrey-Kennedy," so as to make the definition read:

That this Act may be cited as the Dirksen-Humphrey-Kennedy Civil Rights Act of 1964.

Mr. RUSSELL. Mr. President, I ask unanimous consent that the prohibition of rule XXII against the consideration of amendments that have not been printed be waived.

Mr. MANSFIELD. I object.

The PRESIDING OFFICER. (Mr. NELSON in the chair). Is there objection?

Mr. MANSFIELD. Yes. I think the designation should be "the Dirksen-Humphrey Act."

Mr. RUSSELL. Mr. President, I will modify my amendment accordingly.

Mr. MANSFIELD. I still object.

The PRESIDING OFFICER. Is there objection to the modification? Would the Senator from Montana object?

Mr. MANSFIELD. What was the latest modification?

The PRESIDING OFFICER. Does the Senator from Montana object to the modification?

Mr. MANSFIELD. Oh, yes. The proposed amendment is to the Senate bill, and what we are referring to is the Senate substitute. However, I appreciate the spirit in which the Senator from Georgia offers his amendment.

Mr. RUSSELL. I read in the press that the Senator from Montana suggested this name. In order to avoid any personal embarrassment to those involved, I thought I would offer the amendment. I thought that while we were proceeding in a bipartisan spirit, we might also extend our cooperation and spirit of mutuality to the executive branch of the Government. For that reason, I sought to bring in the Attorney General.

However, I am very fond of the majority leader, so I am willing to eliminate the Attorney General and leave the designation as he suggests—the Dirksen-Humphrey Act.

Mr. MANSFIELD. I thoroughly approve of the idea, but I must object to the amendment because this is the first time I have heard of an amendment of this kind being offered.

The PRESIDING OFFICER. The Senator from Montana objects. Objection is heard.

Mr. RUSSELL. It seems that all the amendments proposed to the bill are found to be most excellent and worthy of everything except adoption and approval.

Mr. MANSFIELD. Mr. President, I yield myself one-half a minute.

The PRESIDING OFFICER. The Senator from Montana is recognized for one-half a minute.

Mr. MANSFIELD. I am thoroughly in accord with the views expressed by the distinguished Senator from Georgia, but I believe that the objective he is seeking to achieve could better be achieved by having all of us recognize that the measure we are considering is the Dirksen-Humphrey substitute.

Mr. RUSSELL. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. Yes, in my time.

Mr. RUSSELL. Does not the Senator from Montana recognize that all of us soon will pass from this mortal scene, and some may even forget the distinguished services of the Senator from Montana and the Senator from Illinois; but if we emblazon their names on the front page of the bill, their names will remain there for all time to come—until the American people rise in their wrath and repeal it.

Mr. MANSFIELD. So I understand; but this is a new type of innovation, at this time.

Mr. RUSSELL. Mr. President, I regret that the Senator from Montana objects.

AMENDMENT NO. 892

Mr. ERVIN. Mr. President, I call up my amendment No. 892, and ask that it be stated.

The PRESIDING OFFICER. The amendment of the Senator from North Carolina will be stated.

The LEGISLATIVE CLERK. On page 10, in line 7, immediately after the word "discretion," it is proposed to insert the words "and upon a showing of substantial cause for intervention."

Mr. ERVIN. Mr. President, I yield myself such time as I may use.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. ERVIN. First, Mr. President, I ask for the yeas and nays upon the amendment.

Mr. PASTORE. Mr. President, I join in the request for the yeas and nays.

The yeas and nays were ordered.

Mr. ERVIN. Mr. President, I do not think the man who could exercise fairly and wisely all the powers of unprecedented scope and sweep which this bill

undertakes to vest in the Attorney General has yet been born.

My amendment merely provides that before the Attorney General shall be permitted to intervene in a private lawsuit between two individuals, instituted under title II of the bill, the Attorney General must show the court that there is a substantial cause for his intervention.

Mr. PASTORE. Mr. President, let us vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from North Carolina. On this question, the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from Arizona [Mr. HAYDEN], the Senator from Virginia [Mr. ROBERTSON], the Senator from Mississippi [Mr. STENNIS], and the Senator from Ohio [Mr. YOUNG] are absent on official business.

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

On this vote, the Senator from Virginia [Mr. ROBERTSON] is paired with the Senator from Ohio [Mr. YOUNG]. If present and voting, the Senator from Virginia would vote "yea," and the Senator from Ohio would vote "nay."

On this vote, the Senator from Mississippi [Mr. STENNIS] is paired with the Senator from California [Mr. ENGLE]. If present and voting, the Senator from Mississippi would vote "yea," and the Senator from California would vote "nay."

The result was announced—yeas 23, nays 72, as follows:

[No. 416 Leg.]

YEAS—23

Byrd, Va.	Gore	Russell
Byrd, W. Va.	Hill	Smathers
Cotton	Holland	Sparkman
Curtis	Johnston	Talmadge
Eastland	Jordan, N.C.	Thurmond
Ellender	Long, La.	Tower
Ervin	McClellan	Walters
Fulbright	Mechem	

NAYS—72

Aiken	Gruening	Monroney
Allott	Hart	Morse
Anderson	Hartke	Morton
Bartlett	Hickenlooper	Moss
Bayh	Hruska	Mundt
Beall	Humphrey	Muskie
Bennett	Inouye	Nelson
Bible	Jackson	Neuberger
Boggs	Javits	Pastore
Brewster	Jordan, Idaho	Pearson
Burdick	Keating	Pell
Cannon	Kennedy	Prouty
Carlson	Kuchel	Proxmire
Case	Lausche	Randolph
Church	Long, Mo.	Ribicoff
Clark	Magnuson	Saltonstall
Cooper	Mansfield	Scott
Dirksen	McCarthy	Simpson
Dodd	McGee	Smith
Dominick	McGovern	Symington
Douglas	McIntyre	Williams, N.J.
Edmondson	McNamara	Williams, Del.
Fong	Metcalf	Yarborough
Goldwater	Miller	Young, N. Dak.

NOT VOTING—5

Engle	Robertson	Young, Ohio
Hayden	Stennis	

So Mr. ERVIN's amendment (No. 892) was rejected.

Mr. PASTORE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. PROXMIRE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ERVIN. Mr. President, I call up my amendments Nos. 876 and 894, and ask unanimous consent that the amendments be printed at this point in the RECORD, that the reading of the amendments be omitted, and that the Senate vote upon the amendments en bloc.

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

Mr. ERVIN's amendment No. 876 is as follows:

On page 53, line 19, immediately after the word "complaint", insert the words "with the consent of such attorney".

Mr. ERVIN's amendment No. 894 is as follows:

On page 10, line 10, immediately after the word "complainant", insert the words "with the consent of such attorney".

Mr. ERVIN. Mr. President, titles II and VII of the bill provide that the court may appoint attorneys to represent complainants in private suits under those titles. My amendments would merely specify that the judge could not appoint an attorney to represent a complaining party in private litigation under those two titles without the consent of such attorney.

Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendments of the Senator from North Carolina (Nos. 876 and 894). On this question the yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from Virginia [Mr. ROBERTSON] and the Senator from Ohio [Mr. YOUNG], are absent on official business.

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

On this vote, the Senator from Virginia [Mr. ROBERTSON] is paired with the Senator from Ohio [Mr. YOUNG]. If present and voting, the Senator from Virginia would vote "yea," and the Senator from Ohio would vote "nay."

The result was announced—yeas 26, nays 71, as follows:

[No. 417 Leg.]

YEAS—26

Bennett	Hill	Smathers
Byrd, Va.	Holland	Sparkman
Byrd, W. Va.	Hruska	Stennis
Eastland	Johnston	Talmadge
Ellender	Jordan, N.C.	Thurmond
Ervin	Long, La.	Tower
Fulbright	McClellan	Walters
Gore	Mechem	Yarborough
Hayden	Russell	

NAYS—71

Aiken	Case	Goldwater
Allott	Church	Gruening
Anderson	Clark	Hart
Bartlett	Cooper	Hartke
Bayh	Cotton	Hickenlooper
Beall	Curtis	Humphrey
Bible	Dirksen	Inouye
Boggs	Dodd	Jackson
Brewster	Dominick	Javits
Burdick	Douglas	Jordan, Idaho
Cannon	Edmondson	Keating
Carlson	Fong	Kennedy
Kuchel	Monroney	Proxmire
Lausche	Morse	Randolph
Long, Md.	Morton	Ribicoff
Magnuson	Moss	Saltonstall
Mansfield	Mundt	Scott
McCarthy	Muskie	Simpson
McGee	Nelson	Smith
McGovern	Neuberger	Symington
McIntyre	Pastore	Williams, N.J.
McNamara	Pearson	Williams, Del.
Metcalf	Pell	Young, N. Dak.
Miller	Prouty	

NOT VOTING—3

Engle	Robertson	Young, Ohio

So Mr. ERVIN's amendments (Nos. 876 and 894) were rejected.

Mr. DIRKSEN. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. HUMPHREY. Mr. President, I move to lay the motion on the table.

The motion to lay on the table was agreed to.

Mr. ERVIN. Mr. President, I call up my amendment No. 796, and ask that the clerk state it.

The PRESIDING OFFICER. The amendment offered by the Senator from North Carolina will be stated.

The LEGISLATIVE CLERK. It is proposed, on page 10, beginning with "the" on line 13, to strike out everything through "and" on line 16, as follows: "the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee as part of the costs, and".

Mr. ERVIN. Mr. President, I yield myself such of my remaining time as I need.

I advise the Senate that this is the last amendment which I shall propose.

As some Members of the Senate may suspect, I am opposed to the bill. After it became apparent to me that the bill would be passed, I made efforts, in good faith, to offer amendments which I think would have improved the bill. I deeply regret they were not given a very favorable reception by the Senate.

This amendment is very simple. It is designed to strike out the provision of title II——

The PRESIDING OFFICER. The Senator will suspend until order is obtained in the Senate, without taking it from the Senator's time.

Mr. RUSSELL. Mr. President, the Senate is not yet in order.

The PRESIDING OFFICER. The Senate will be in order. Senators will take their seats or retire to the cloakrooms if they wish to carry on conversations. Aids and attachés will please take their seats, or leave the Chamber. The Senator will not proceed until the Senate is in order.

The Senator from North Carolina may proceed.

Mr. ERVIN. This amendment would strike from title II the provision which would allow the court to tax an attorney's fee as a part of the cost in favor of the prevailing party.

While there are a few statutes on Federal and State levels which allow the court to tax an attorney's fee, the general rule which applies virtually to all litigants in Federal and State courts is that each litigant must pay the compensation of his own attorney.

This is a salutary rule, because any rule to the contrary would make the persons benefiting by it special favorites of the law.

It is a general principle of law—and I believe it has been so held without any opinion to the contrary in every State in the Union that has had occasion to pass on the subject—that no corporation can practice law through counsel chosen and controlled by it.

On January 14, 1963, however, the Supreme Court of the United States, by a sharply divided vote, handed down the case of the National Association for the Advancement of Colored People against Robert Y. Button, Attorney General of Virginia, which is reported in volume 9, second series, lawyers edition of the Reports of the Supreme Court of the United States, page 405; and I ask unanimous consent to have this opinion printed in the RECORD at this point.

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

NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE, ETC., PETITIONER *v.* ROBERT Y. BUTTON, ATTORNEY GENERAL OF VIRGINIA, ET AL.

(U.S.—, 9 L Ed 2d 405, 83 S. Ct. (No. 5), reargued October 9, 1962; decided January 14, 1963)

SUMMARY

In a suit brought by the National Association for the Advancement of Colored People, Inc. (NAACP) and another complainant in the U.S. District Court for the Eastern District of Virginia to restrain the enforcement of Chapters 31, 32, 33, 35, and 36 of the Virginia Acts of Assembly, 1956 extra session, a three-judge court struck down chapters 31, 32, and 35, but abstained from passing on the validity of chapters 33 and 36 pending an authoritative interpretation of the statutes by the Virginia courts. (159 F. Supp. 503.) The two complainants thereupon petitioned the circuit court of the city of Richmond to declare chapters 33 and 36 inapplicable to their activities, or if applicable, unconstitutional, the NAACP making no reservation to the disposition of the entire case by the State court, and seeking a permanent injunction and a binding adjudication of all its claims. The circuit court held the statutes both applicable and constitutional. On appeal the Virginia Supreme Court of Appeals held chapter 36 unconstitutional, but upheld chapter 33, which expanded the definition of improper solicitation of legal business as described hereinafter. (202 Va. 142, 116 S.E. 2d 55.)

On certiorari filed by the NAACP, the Supreme Court reversed. In an opinion by Brennan, J., expressing the views of five members of the court, it was held that (1) the judgment of the Virginia Supreme Court of Appeals was a "final" judgment subject to review under 28 U.S.C. 1257; and (2) chapter 33, as construed by the Virginia Supreme Court of Appeals to make criminal (a) advising another that his legal rights have been infringed and referring him to a particular attorney or group of attorneys for assistance and (b) knowingly rendering legal assistance to the person thus referred, could not be justified under the State's interest in regulating barratry, champerty and maintenance, and unconstitutionally restricted the NAACP's freedom of expression and association.

Douglas, J., while concurring in the Court's judgment and opinion, stated that the statute was discriminatory against the NAACP.

White, J., concurring in part and dissenting in part, agreed that the statute was unconstitutional but expressed the view that a narrowly drawn statute would be constitutional if it proscribed only the actual day-to-day management and dictation of the tactics, strategy, and conduct of litigation by a lay entity such as the NAACP.

Harlan, J., joined by Clark and Stewart, JJ., dissented on the ground that the statute constitutionally regulated the litigating activities of the NAACP.

HEADNOTES

(Classified to U.S. Supreme Court Digest, annotated)

Appeal and error, section 1262.5—certiorari—failure to cross petition—scope of review.

1. In certiorari proceeding to review a judgment of a State court declaring a State statute constitutional, the U.S. Supreme Court will not review the State court's decision declaring another State statute unconstitutional, where no cross petition for certiorari to review the latter decision is filed. (See annotation reference 1.)

Courts section 757.5—Federal—awaiting decision of State court.

2. A three-judge Federal district court's abstention from a passing on the validity of a State statute, pending an authoritative interpretation of the statute by the State courts, does not involve the abdication of Federal jurisdiction, but only the postponement of its exercise. (See annotation reference 2.)

Appeal and error, section 383; Courts section 757.5—Federal court awaiting State court decision—Supreme Court review of State court judgment.

3. Where a three-judge Federal district court case involves the validity of a State statute, and the district court abstains from passing on the statute's validity pending an authoritative interpretation of the statute by State courts, the district court properly retains jurisdiction of the case, but if the party remitted to the State courts elects to seek a complete and final adjudication of his rights in the State courts, the district court's reservation of jurisdiction is purely formal and does not impair the U.S. Supreme Court's jurisdiction to review directly an otherwise final judgment of the highest court of the State. (See annotation reference 2.)

Appeal and error section 83; courts section 757.5—final judgment

4. A party in a three-judge Federal district court who is remitted to the State courts for an authoritative interpretation of a State statute, and who seeks in the State courts a binding adjudication of all his claims, making no reservation to the disposition of the entire case by the State courts, asking for injunctive as well as declaratory relief, and appealing from the lower courts to the highest court of the State, thereby elects to seek a complete and final adjudication of his rights in the State courts, and the judgment of the highest court of the State is a "final" judgment within the meaning of 28 U.S.C. 1257, which permits review by the U.S. Supreme Court of certain final judgments or decrees. (See annotation reference 3.)

Statutes sections 26, 30—corporation—standing to assail statute

5. A corporation which claims that a State statute unconstitutionally infringes its rights, and the rights of its members and lawyers, to associate for the purpose of assisting persons who seek legal redress for infringement of their rights, has standing to assert its rights and the corresponding rights of its members.

Constitutional Law sections 925, 940—NAACP—freedom of speech and of association

6. The 1st and 14th amendments protect, and a State under its power to regulate the legal profession may not prohibit, the activities of the National Association for the Advancement of Colored People (NAACP), its affiliates, and its legal staff in defraying the expense of and conducting litigation for litigants whom it decides to assist, even though the NAACP distributes printed forms for signature by persons designating the NAACP as their representative in desegregation cases and the NAACP will not underwrite suits in which the plaintiff seeks separate but equal rather than fully desegregated public school facilities. (See annotation references 4–9).

States, section 12—constitutional rights form of infringement.

7. A State cannot foreclose the exercise of Federal constitutional rights by mere labels.

Constitutional law, Section 927—free speech —advocacy against Government.

8. The first amendment protects not only abstract discussion but also vigorous advocacy, certainly of lawful ends, against Governmental intrusion. (See annotation reference 5.)

Constitutional law, section 940—freedom of association.

9. The 1st and 14th amendments protect certain forms of orderly group activity, including the right to engage in association for the advancement of beliefs and ideas.

Courts, section 805—State statute—following State court interpretation.

10. A full and authoritative construction of a State statute by the highest court of a State, in a detailed factual context, binds the U.S. Supreme Court, for which the words of the State's highest court are in effect the words of the statute.

Constitutional law, section 925; evidence, section 99(1)—vague statute—presumption of constitutionality.

11. Since standards of permissible statutory vagueness are strict in the area of free expression, the U.S. Supreme Court will not presume that an ambiguous line between permitted and prohibited activities curtails constitutionally protected activity as little as possible, or that in subsequent enforcement of the statute, ambiguities will be resolved in favor of adequate protection of first amendment rights. (See annotation references 5, 10 to 12.)

Constitutional law, section 925—first amendment rights—statutes inhibiting.

12. A State court decree upholding the validity of a State statute may be invalid if it prohibits privileged exercise of first amendment rights whether or not the record discloses that the party challenging the statute has engaged in privileged conduct, for in appraising a statute's inhibitory effect upon such rights the U.S. Supreme Court will not hesitate to take into account possible applications of the statute in other factual contexts besides that at bar.

Statutes, section 18—vagueness—constitutionality.

13. The objectionable quality of vagueness and overbreadth in a statute does not depend upon absence of fair notice to a criminally accused or upon unchanneled delegation of legislative powers, but upon the danger of tolerating, in the area of first amendment freedoms, the existence of a penal statute susceptible of sweeping and improper application. (See annotation references 5, 10 to 12.)

Constitutional law, section 925; statutes, section 17—first amendment—statutory vagueness.

14. Because first amendment freedoms need breathing space to survive, and the threat of sanctions may deter their exercise almost as potently as actual application of sanctions, government may regulate in the

area only with narrow specificity. (See annotation references 5, 10 to 12.)

Statutes, section 17—vagueness—lack of prosecution.

15. A State statute which has so broad and uncertain a meaning that it can be applied to deprive persons of first amendment rights is unconstitutional whether or not such prosecutions or proceedings would actually be commenced, and whether or not the highest court of the State expressly confirms the right to advocate civil rights litigation. (See annotation references 5, 10 to 12.)

Barratry, section 2; champerty and maintenance, section 1; constitutional law, section 925—referrals to attorneys.

16. A State statute which makes it a crime (1) to advise another that his legal rights have been infringed and to refer him to a particular attorney or group of attorneys for assistance, or (2) knowingly to render legal assistance to the person thus referred, cannot be justified under the State's interest in regulating the traditionally illegal practices of barratry, maintenance, and champerty, and such a statute limits 1st amendment freedoms and violates the 14th amendment by unduly inhibiting protected freedoms of expression and association. (See annotation references 4 to 12.)

Constitutional law, section 925: Freedom to persuade to action

17. Free trade in ideas means free trade in the opportunity to persuade to action, not merely to describe facts. (See annotation reference 5.)

Constitutional law, section 925: State regulation—First amendment freedoms

18. Only a compelling State interest in the regulation of a subject within the State's constitutional power to regulate can justify limiting first amendment freedoms.

Constitutional law, section 881: Professional misconduct—prohibitions

19. A State may not, under the guise of prohibiting professional misconduct, ignore constitutional rights.

Barratry, section 2: Elements—malicious intent

20. Malicious intent is of the essence of the common-law offenses of fomenting or stirring up litigation, and as a matter of law the exercise of first amendment rights for enforcement of constitutional rights through litigation cannot be deemed malicious. (See annotation references 4, 6 to 9.)

Constitutional law, sections 925, 940: Minority groups—protection of

21. The Constitution protects expression and association without regard to race, creed, or political or religious affiliation of the members of the group which invokes its shield, or to the truth, popularity, or social utility of the ideas and beliefs which are offered. (See annotation reference 5.)

Point from separate opinion

Civil rights, section 7.5: Constitutional law, sections 370, 408—Discriminatory statute—practice of law—corporations

22. A State statute making it a crime (1) to advise another that his legal rights have been infringed and to refer him to a particular attorney or group of attorneys for assistance, or (2) knowingly to render legal assistance to the person thus referred, is unconstitutional an discriminatory against the National Association for the Advancement of Colored People, Inc. (NAACP), where it makes no distinction between an organization which has no pecuniary right or liability in a judicial proceeding and one which does, and where the statute's application reflects a legislative purpose to penalize the NAACP because the NAACP promotes desegregation of the races. [From separate opinion by Douglas, J.] (See annotation references 4 to 9.)

ANNOTATION REFERENCES

1. Failure to cross appeal as affecting scope of appellate review. (1 L. Ed. 2d 1820.)

2. Discretion of Federal court to remit relevant State issues to State court in which no action is pending. (94 L. Ed. 879; 3 L. Ed. 2d 1827; 8 A.L.R. 2d 1228.)

3. When judgments of State courts are final for the purpose of a review by the Supreme Court of the United States. (1 L. Ed. 2d 1820.)

4. Constitutionality of statute against solicitation of business by or for attorney. (53 A.L.R. 279.)

5. The Supreme Court and the right of free speech and press. (93 L. Ed. 1151; 2 L. Ed. 2d 1706.)

6. Suspension or revocation of medical or legal professional licenses as violating due process.(98 L. Ed. 851.)

7. Barratry, what is; acts constituting. (28 L. Ed. 809.)

8. Offense of barratry; criminal aspects of champerty and maintenance. (139 A.L.R. 620.)

9. Law as to champerty and maintenance as applied to agreements with respect to bringing and prosecution of claims against government or agencies of government. (106 A.L.R. 1494.)

10. Vagueness or indefiniteness of statute as rendering it unconstitutional or inoperative. (70 L. Ed. 322.)

11. Indefiniteness of language as affecting validity of criminal legislation. (96 L. Ed. 374; 97 L. Ed. 203.)

12. Illustrations as to when statute defining criminal offense is subject to attack as vague, indefinite, or uncertain. (89 L. Ed. 893.)

APPEARANCES OF COUNSEL

Robert L. Carter reargued the cause for petitioner.

Henry T. Wickham reargued the cause for respondents.

OPINION OF THE COURT

Mr. Justice Brennan delivered the opinion of the Court.

This case originated in companion suits by the National Association for the Advancement of Colored People, Inc. (NAACP) and the NAACP Legal Defense and Educational Fund, Inc. (defense fund), brought in 1957 in the U.S. District Court for the Eastern District of Virginia. The suits sought to restrain the enfrocement of chapters 31, 32, 33, 35 and 36 of the Virginia Acts of Assembly, 1956 extra session, on the ground that the statutes, as applied to the activities of the plaintiffs, violated the 14th amendment. A three-judge court convened pursuant to 28 U.S.C. 2281, after hearing evidence and making factfindings, struck down chapters 31, 32, and 35 but abstained from passing upon the validity of chapters 33 and 36 pending an authoritative interpretation of these statutes by the Virginia courts.[1] The complainants thereupon petitioned in the circuit court of the city of Richmond to declare chapters 33 and 36 inapplicable to their activities, or, if applicable, unconstitutional. The record in the circuit court was that made before the three-judge court supplemented by additional evidence. The circuit court held the chapters to be both applicable and constitutional. The holding was sustained by the Virginia Supreme Court of Appeals as to chapter 33, but reversed as to chapter 36, which was held unconstitutional under both State and Federal law.[2]

Thereupon, the defense fund returned to the Federal district court, where its case is presently pending, while the NAACP filed the instant petition. We granted certiorari (365 U.S. 842, 5 L. ed. 2d 807, 81 S. Ct. 803).[3] We heard ——— argument in the 1961 term and ordered reargument this term (369 U.S. 833, 7 L. ed. 2d 841, 82 S. Ct. 863). Since no cross-petition was filed to review the Supreme Court of Appeals' (headnote 1) disposition of chapter 36, the only issue before us is the constitutionality of chapter 33 as applied to the activities of the NAACP.

There is no substantial dispute as to the facts; the dispute centers about the constitutionality under the 14th amendment of chapter 33, as construed and applied by the Virginia Supreme Court of Appeals to include NAACP's activities within the statute's ban against "the improper solicitation of any legal business."

The NAACP was formed in 1909 and incorporated under New York law as a nonprofit membership corporation in 1911. It maintains its headquarters in New York and presently has some 1,000 active unincorporated branches throughout the Nation. The corporation is licensed to do business in Virginia, and has 89 branches there. The Virginia branches are organized into the Virginia State Conference of NAACP Branches (the conference), an unincorporated association, which in 1957 had some 13,500 members. The activities of the conference are financed jointly by the national organization and the local branches from contributions and membership dues. NAACP policy, binding upon local branches and conferences, is set by the annual national convention.

The basic aims and purposes of NAACP are to secure the elimination of all racial barriers which deprive Negro citizens of the privileges and burdens of equal citizenship rights in the United States. To this end the association engages in extensive educational and lobbying activities. It also devotes much of its funds and energies to an extensive program of assisting certain kinds of litigation on behalf of its declared purposes. For more than 10 years, the Virginia conference has concentrated upon financing litigation aimed at ending racial segregation in the public schools of the Commonwealth.

The conference ordinarily will finance only cases in which the assisted litigant retains an NAACP staff lawyer to represent him.[4] The conference maintains a legal

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[1] *National Association for Advancement of Colored People* v. *Patty*, 159 F. Supp. 503 (DCED Va. 1958). On direct appeal under 28 U.S.C. 1253, from the judgment striking down Chapters 31, 32, and 35, this Court reversed, remanding with instructions to permit the complainants to seek an authoritative interpretation of the statutes in the Virginia courts. *Harrison* v. *National Association for Advancement of Colored People*, 360 U.S. 167, 3 L ed. 2d 1152, 79 S. Ct. 1025. In ensuing litigation, the Circuit Court of the City of Richmond held most of the provisions of the three chapters unconstitutional. *NAACP* v. *Harrison*, Chancery causes No. B-2879 and No. B-2880, Aug. 31, 1962.

[2] *National Association for Advancement of Colored People* v. *Harrison*, 202 Va. 142, 116 SE 2d 55 (1960). Chapter 36, which is codified in §§ 18.1-394 et seq., Code of Virginia (1960) Repl. Vol.), prohibits the advocacy of suits against the Commonwealth and the giving of any assistance, financial or otherwise, to such suits.

[3] Certiorari was first granted sub nom. *NAACP* v. *Gray*. The litigation began sub nom. *NAACP* v. *Patty, Attorney General of Virginia*. During the course of the litigation the names of successive holders of that office have been substituted as party respondent. See Supreme Court Rule 48(3) as amended. 366 U.S. 979, 6 L Ed. 2d lxii, 81 S. Ct. xv.

[4] However, the record contains two instances where Negro litigants had retained attorneys, not on the legal staff, prior to seeking financial assistance from the conference. The conference rendered substantial financial assistance in both cases. In one case the conference paid the attorney's fee.

staff of 15 attorneys, all of whom are Negroes and members of the NAACP. The staff is elected at the conference's annual convention. Each legal staff member must agree to abide by the policies of the NAACP, which, insofar as they pertain to professional services, limit the kinds of litigation which the NAACP will assist. Thus the NAACP will not underwrite ordinary damages actions, criminal actions in which the defendant raises no question of possible racial discrimination, or suits in which the plaintiff seeks separate but equal rather than fully desegregated public school facilities. The staff decides whether a litigant, who may or may not be an NAACP member, is entitled to NAACP assistance. The conference defrays all expenses of litigation in an assisted case, and usually, although not always, pays each lawyer on the case a per diem fee not to exceed $60, plus out-of-pocket expenses. The assisted litigant receives no money from the conference or the staff lawyers. The staff member may not accept, from the litigant or any other source, any other compensation for his services in an NAACP-assisted case. None of the staff receives a salary or retainer from the NAACP; the per diem fee is paid only for professional services in a particular case. This per diem payment is smaller than the compensation ordinarily received for equivalent private professional work. The actual conduct of assisted litigation is under the control of the attorney, although the NAACP continues to be concerned that the outcome of the lawsuit should be consistent with NAACP's policies already described. A client is free at any time to withdraw from an action.

The members of the legal staff of the Virginia conference and other NAACP or defense fund lawyers called in by the staff to assist are drawn into litigation in various ways. One is for an aggrieved Negro to apply directly to the conference or the legal staff for assistance. His application is referred to the chairman of the legal staff. The chairman, with the concurrence of the president of the conference, is authorized to agree to give legal assistance in an appropriate case. In litigation involving public school segregation, the procedure tends to be different. Typically, a local NAACP branch will invite a member of the legal staff to explain to a meeting of parents and children the legal steps necessary to achieve desegregation. The staff member will bring printed forms to the meeting authorizing him, and other NAACP or defense fund attorneys of his designation, to represent the signers in legal proceedings to achieve desegregation. On occasion, blank forms have been signed by litigants, upon the understanding that a member or members of the legal staff, with or without assistance from other NAACP lawyers, or from the defense fund, would handle the case. It is usual, after obtaining authorizations, for the staff lawyer to bring into the case the other staff members in the area where suit is to be brought, and sometimes to bring in lawyers from the national organization or the defense fund.[5] In effect, then, the prospective litigant retains not so much a particular attorney as the firm of NAACP and defense fund lawyers, which has a corporate reputation for expertness in presenting and arguing the difficult questions of law that frequently arise in civil rights litigation.

These meetings are sometimes prompted by letters and bulletins from the conference urging active steps to fight segregation. The conference has on occasion distributed to the local branches petitions for desegregation to be signed by parents and filed with local school boards, and advised branch officials to obtain, as petitioners, persons willing to "go all the way" in any possible litigation that may ensue. While the conference in these ways encourages the bringing of lawsuits, the plaintiffs in particular actions, so far as appears, make their own decisions to become such.[6]

Statutory regulation of unethical and nonprofessional conduct by attorneys has been in force in Virginia since 1849. These provisions outlaw, inter alia, solicitation of legal business in the form of "running" or "capping." Prior to 1956, however, no attempt was made to proscribe under such regulations the activities of the NAACP, which had been carried on openly for many years in substantially the manner described. In 1956, however, the legislature amended, by the addition of chapter 33, the provisions of the Virginia code forbidding solicitation of legal business by a "runner" or "capper" to include, in the definition of "runner" or "capper," an agent for an individual or organization which retains a lawyer in connection with an action to which it is not a party and in which it has no pecuniary right or liability.[7] The Virginia Supreme Court of Appeals held that the chapter's purpose "was to strengthen the existing statutes to further control the evils of solicitation of legal business." (202 Va. at 154, 116 S.E. 2d at 65.) The court held that the activities of NAACP,

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[5] The defense fund, which is not involved in the present phase of the litigation, is a companion body to the NAACP. It is also a nonprofit New York corporation licensed to do business in Virginia, and has the same general purposes and policies as the NAACP. The fund maintains a legal staff in New York City and retains regional counsel elsewhere, one of whom is in Virginia. Social scientists, law professors, and law students throughout the country donate their services to the fund without compensation. When requested by the NAACP, the defense fund provides assistance in the form of legal research and counsel.

[6] Seven persons who were or had been plaintiffs in Virginia public school suits did testify that they were unaware of their status as plaintiffs and ignorant of the nature and purpose of the suits to which they were parties. It does not appear, however, that the NAACP had been responsible for their involvement in litigation. These plaintiff's testified that they had attended meetings of parents without grasping the meaning of the discussions, had signed authorizations either without reading or without understanding them, and thereafter had paid no heed to the frequent meetings of parents called to keep them abreast of legal developments. They also testified that they were not accustomed to read newspapers or listen to the radio. Thus they seem to have had little grasp of what was going on in the communities. Two of these seven plaintiffs had been persuaded to sign authorizations by their own children, who had picked up forms at NAACP meetings. Five were plaintiff's in the Prince Edward County school litigation, in which 186 persons were joined as plaintiffs. (See *National Association for Advancement of Colored People* v. *Patty*, 159 F. Supp. 503, 517 (D.C.E.D. Va. 1958).)

[7] Code of Virginia, 1950, sections 54–74, 54–78, and 54–79, as amended by acts of 1956, c. 33 (repl. vol. 1958), reads in pertinent part as follows (amendments in black brackets):

"Section 54–74. If the supreme court of appeals, or any court of record of this State, observes, or if complaint, verified by affidavit, be made by any person to such court of any malpractice or of any unlawful or dishonest or unworthy or corrupt or unprofessional conduct on the part of any attorney, or that any person practicing law is not duly licensed to practice in this State, such court shall, if it deems the case a proper one for such action, issue a rule against such attorney or other person to show cause why his license to practice law shall not be revoked or suspended.

* * * * *

"Upon the hearing, if the defendant be found guilty by the court, his license to practice law in this State shall be revoked, or suspended for such time as the court may prescribe; provided, that the court, in lieu of revocation or suspension, may, in its discretion, reprimand such attorney.

* * * * *

" 'Any malpractice, or any unlawful or dishonest or unworthy or corrupt or unprofessional conduct,' as used in this section, shall be construed to include the improper solicitation of any legal or professional business or employment, either directly or indirectly, [or the acceptance of employment, retainer, compensation or costs from any person, partnership, corporation, organization or association with knowledge that such person, partnership, corporation, organization or association has violated any provision of article 7 of this chapter] (Sections 54–78 to 54–83.1), [or the] failure, without sufficient cause, within a reasonable time after demand, of any attorney at law, to pay over and deliver to the person entitled thereto, any money, security or other property, which has come into his hands as such attorney; [provided, however, that nothing contained in this article shall be construed to in any way prohibit any attorney from accepting employment to defend any person, partnership, corporation, organization or association accused of violating the provisions of article 7 of this chapter.]

* * * * *

"Section 54–78. (1) A 'runner' or 'capper' is any person, corporation, partnership or association acting in any manner or in any capacity as an agent for an attorney at law within this State [or for any person, partnership, corporation, organization or association which employs, retains or compensates any attorney at law in connection with any judicial proceeding in which such person, partnership, corporation, organization or association is not a party and in which it has no pecuniary right or liability,] in the solicitation or procurement of business for such attorney at law [or for such person, partnership, corporation, organization or association in connection with any judicial proceedings for which such attorney or such person, partnership, corporation, organization or association is employed, retained or compensated.]

[''The fact that any person, partnership, corporation, organization or association is a party to any judicial proceeding shall not authorize any runner or capper to solicit or procure business for such person, partnership, corporation, organization or association or any attorney at law employed, retained or compensated by such person, partnership, corporation, organization or association.]

"(2) An 'agent' is one who represents another in dealing with a third person or persons.

"Section 54–79. It shall be unlawful for any person, corporation, partnership or association to act as a runner or capper [as defined in section 54–78] to solicit any business for [an attorney at law or such person, partnership, corporation, organization or association,] in and about the State prisons, county jails, city jails, city prisons, or other places of detention of persons, city receiving hospitals, city and county receiving hospitals, county hospitals, police courts, [county] courts, municipal courts, courts [of record,] or in any public institution or in any public place or upon any public street or highway or in and about private hospitals, sanitariums or in and about any private institution or upon private property of any character whatsoever." Code of Virginia, 1950, secs. 54–82, 54–83.1, as amended (repl. vol. 1958), provide:

"Section 54.82. Penalty for violation.—Any person, corporation, partnership or asso-

the Virginia conference, the defense fund, and the lawyers furnished by them, fell within, and could constitutionally be proscribed by, the chapter's expanded definition of improper solicitation of legal business, and also violated canons 35 and 47 of the American Bar Association's Canons of Professional Ethics, which the court had adopted in 1938.[8] Specifically the court held that, under the expanded definition, such activities on the part of NAACP, the Virginia conference, and the defense fund constituted "fomenting and soliciting legal business in which they are not parties and have no pecuniary right or liability, and which they channel to the enrichment of certain lawyers employed by them, at no cost to the litigants and over which the litigants have no control." (202 Va. at 155, 116 S.E. 2d at 66.) Finally, the court restated the decree of the Richmond circuit court. We have excerpted the pertinent portion of the court's holding in the margin.[9]

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ciation violating any of the provisions of this article shall be guilty of a misdemeanor, and shall be punishable by a fine of not less than $100 nor more than $500, or by imprisonment for not less than 1 month nor more than 6 months, or by both such fine and imprisonment.

"Section 54–83.1. Injunction against running, capping, soliciting, and maintenance.—The Commonwealth's attorney, or any person, firm or corporation against whom any claim for damage to property or damages for personal injuries or for death resulting therefrom, is or has been asserted, may maintain a suit in equity against any person who has solicited employment for himself or has induced another to solicit or encourage his employment, or against any person, firm, partnership or association which has acted for another in the capacity of a runner or capper or which has been stirring up litigation in such a way as to constitute maintenance whether such solicitation was successful or not, to enjoin and permanently restrain such person, his agents, representatives and principals from soliciting any such claims against any person, firm or corporation subsequent to the date of the injunction."

[8] 171 Va, pp xxxii–xxxiii, xxxv (1938). Canon 35 reads in part as follows:

"Intermediaries.—The professional services of a lawyer should not be controlled or exploited by any lay agency, personal or corporate, which intervenes between client and lawyer. A lawyer's responsibilities and qualifications are individual. He should avoid all relations which direct the performance of his duties by or in the interest of such intermediary. A lawyer's relation to his client should be personal, and the responsibility should be direct to the client. Charitable societies rendering aid to the indigent are not deemed such intermediaries." Canon 47 reads as follows:

"Aiding the unauthorized practice of law.—No lawyer shall permit his professional services, or his name, to be used in aid of, or to make possible, the unauthorized practice of law by any lay agency, personal or corporate."

[9] "The solicitation of legal business by the appellants, their officers, members, affiliates, voluntary workers and attorneys, as shown by the evidence, violates chapter 33 and the canons of legal ethics;

"* * * attorneys who accept employment by appellants to represent litigants in suits solicited by the appellants, or those associated with them, are violating chapter 33 and the canons of legal ethics;

* * * * *

"Appellants and those associated with them may not be prohibited from acquainting persons with what they believe to be their legal rights and advising them to assert their rights by commencing or further prosecuting a suit against the Commonwealth of Virginia, any department, agency or political subdivision thereof, or any person acting as an officer or employee of such, but in so advising persons to commence or further prosecute such suits the appellants, or those associated with them, shall not solicit legal business for their attorneys or any particular attorneys; and

"(b) the appellants and those associated with them may not be prohibited from contributing money to persons to assist them in commencing or further prosecuting such suits, which have not been solicited by the appellants or those associated with them, and channeled by them to their attorneys or any other attorneys." (202 Va. at 164, 165, 116 S.E. 2d at 72.)

[10] Petitioner also claims that chapter 33 as construed denies equal protection of the laws, and is so arbitrary and irrational as to deprive petitioner of property without due process of law.

I

A jurisdictional question must first be resolved: whether the judgment below was "final" within the meaning of 28 U.S.C. 1257. The three-judge Federal district court retained jurisdiction of this case while an authoritative construction of chapters 33 and 36 was being sought in the Virginia courts. Cf. *Chicago* v. *Fieldcrest Dairies, Inc.*, 316 U.S. 168, 173, 86 L. Ed. 1355, 1358, 62 S. Ct. 986. The question of our jurisdiction arises because, when the case was last here, we observed that such abstention to secure (headnote 2) State court interpretation "does not, of course, involve the abdication [by the district court] of Federal jurisdiction, but only the postponement of its exercise." *Harrison* v. *National Association for Advancement of Colored People* (360 U.S. 167, 177, 3 L. Ed. 2d 1152, 1158, 79 S. Ct. 1025). We meant simply that the district court had properly retained jurisdiction, since a party has the right to return to the district court, after obtaining the authoritative State court construction for which the court abstained, for a (headnote 3) final determination of his claim. Where, however, the party remitted to the State courts elects to seek a complete and final adjudication of his rights in the State courts, the district court's reservation of jurisdiction is purely formal, and does not impair our jurisdiction to review directly an otherwise final State court judgment. *Lassiter* v. *Northampton County Board of Elections* (360 U.S. 45, 3 L. Ed. 2d 1072, 79 S. Ct. 985). We think it clear that petitioner (headnote 4) made such an election in the instant case, by seeking from the Richmond circuit court "a binding adjudication" of all its claims and a permanent injunction as well as declaratory relief, by making no reservation to the disposition of the entire case by the State courts, and by coming here directly on certiorari. Therefore, the judgment of the Virginia Supreme Court of Appeals was final, and the case is properly before us.

II

Petitioner challenges the decision of the Supreme Court of Appeals on many grounds. But we reach only one: that chapter 33 as construed and applied abridges the freedoms of the first amendment, protected against State action by the 14th.[10] More specifically, petitioner claims that the chapter infringes the right of the NAACP and its members and lawyers to associate for the purpose of assisting persons who seek legal redress for infringements of their constitutionally guaranteed and other rights. We think petitioner may assert (headnote 5) this right on its own behalf, because, though a corporation, it is directly engaged in those activities, claimed to be constitutionally protected, which the statute would curtail. (*Cf. Grosjean* v. *American Press Co.*, 297 U.S. 233, 80 L. ed. 660, 56 S. Ct. 444.) We also think petitioner has standing to assert the corresponding rights of its members. (See *National Association for Advancement of Colored People v. Alabama*, 357 U.S. 449, 458–460, 2 L. ed. 2d 1488, 1497–99, 78 S. Ct. 1163); *Bates* v. *Little Rock*, (361 U.S. 516, 523 note 9, 4 L. ed. 2d 480, 486, 80 S. Ct. 412); Louisiana ex rel. *Gremillion* v. *National Association for Advancement of Colored People*, (366 *U.S.* 293, 296, 6 L. ed. 2d 301, 304, 81 S. Ct. 1333.)

We reverse the judgment of the Virginia Supreme Court of Appeals. We hold that the activities of the NAACP, its affiliates and legal staff (headnote 6) shown on this record are modes of expression and association protected by the 1st and 14th amendments which Virginia may not prohibit, under its power to regulate the legal profession, as improper solicitation of legal business violative of chapter 33 and the Canons of Professional Ethics.[11]

A

We meet at the outset the contention that "solicitation" is wholly outside the area of freedoms protected by the first amendment. To this contention there are two answers. The first is (headnote 7) (headnote 8) that a State cannot foreclose the exercise of constitutional rights by mere labels. The second is that abstract discussion is not the only species of communication which the Constitution protects; the first amendment also protects vigorous advocacy, certainly of lawful ends, against governmental intrusion. *Thomas* v. *Collins*, 323 U.S. 516, 537, 89 L. Ed. 430, 444, 65 S. Ct. 315; *Herndon* v. *Lowry*, 301 U.S. 242, 259–264, 81 L. Ed. 1066, 1075–1078, 57 S. Ct. 732. Cf. *Cantwell* v. *Connecticut*, 310 U.S. 296, 84 L. Ed. (1213, 60 S. Ct. 900, 128 ALR 1352); *Stromberg* v. *California*, 283 U.S. 359, 369, 75 L. Ed. 1117, 1123, 51 S. Ct. 532, 73 ALR 1484; *Terminiello* v. *Chicago*, 337 U.S. 1, 4, 93 L. Ed. 1131, 1134, 69 S. Ct. 894. In the context of NAACP objectives, litigation is not a technique of resolving private differences; it is a means for achieving the lawful objectives of equality of treatment by all government, Federal, State, and local, for the members of the Negro community in this country. It is thus a form of political expression. Groups which find themselves unable to achieve their objectives through the ballot frequently turn to the courts.[12] Just as it was true of the opponents of New Deal legislation during the 1930's,[13] for example, no less is it true of the Negro minority today. And under the conditions of modern government, litigation

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[11] It is unclear—and immaterial—whether the Virginia court's opinion is to be read as holding that NAACP's activities violated the Canons because they violated chapter 33, or as reinforcing its holding that chapter 33 was violated by finding an independent violation of the Canons. Our holding that petitioner's activities are constitutionally protected applies equally whatever the source of Virginia's attempted prohibition.

[12] Murphy, "The South Counterattacks: The Anti-NAACP Laws," 12 W. Pol. Q. 371 (1959). See Bentley, "The Process of Government: A Study of Social Pressures" (1908); Rosenblum, "Law as a Political Instrument" (1955); Peltason, "Federal Courts in the Political Process" (1955); Truman, "The Governmental Process: Political Interests and Public Opinion" (1955); Vose, "The National Consumers' League and the Brandeis Brief," 1 Midw J of Pol. Sci. 267 (1957); comment, "Private Attorneys-General; Group Action in the Fight for Civil Liberties," 58 Yale L.J. 574 (1949).

[13] Cf. opinion 148, committee on professional ethics and grievances, American Bar Association (1935), ruling that the Liberty League's program of assisting litigation challenging New Deal legislation did not constitute unprofessional conduct.

may well be the sole practicable avenue open to a minority to petition for redress of grievances.

We need not, in order to find constitutional protection for the kind of cooperative, organizational activity disclosed by this record, whereby Negroes seek through lawful means to achieve legitimate political ends, subsume such activity under a narrow, literal conception of freedom of speech, petition, or assembly (headnote 9). For there is no longer any doubt that the 1st and 14th amendments protect certain forms of orderly group activity. Thus we have affirmed the right "to engage in association for the advancement of beliefs and ideas." *National Association for Advancement of Colored People* v. *Alabama, supra* (357 U.S. at 460). We have deemed privileged, under certain circumstances, the efforts of a union official to organize workers. *Thomas* v. *Collins*, 323 U.S. 516, 89 L. Ed. 430, 65 S. Ct. 315, supra. We have said that the Sherman Act does not apply to certain concerted activities of railroads "at least insofar as those activities comprised mere solicitation of governmental action with respect to the passage and enforcement of laws" because "such a construction of the Sherman Act would raise important constitutional questions," specifically, 1st amendment questions. *Eastern R. Presidents Conference* v. *Noerr Motor Freight, Inc.*, 365 U.S. 127, 138, 5 L. Ed., 2d 464, 471, 81 S. Ct. 523. And we have refused to countenance compelled disclosure of a person's political associations in language closely applicable to the instant case:

"Our form of government is built on the premise that every citizen shall have the right to engage in political expression and association. This right was enshrined in the first amendment of the Bill of Rights. Exercise of these basic freedoms in America has traditionally been through the media of political associations. Any interference with the freedom of a party is simultaneously an interference with the freedom of its adherents. All political ideas cannot and should not be channeled into the programs of our two major parties. History has amply proved the virtue of political activity by minority, dissident groups. * * *" *Sweezy* v. *New Hampshire*, 354 U.S. 234, 250, 251, 1 L. Ed. 2d 1311, 1325, 77 S. Ct. 1203 (plurality opinion). Cf. *De Jonge* v. *Oregon* 299 U.S. 353, 364–366, 81 L. Ed. 278, 283, 284, 57 S. Ct. 255.

The NAACP is not a conventional political party; but the litigation it assists, while serving to vindicate the legal rights of members of the American Negro community, at the same time and perhaps more importantly, makes possible the distinctive contribution of a minority group to the ideas and beliefs of our society. For such a group, association for litigation may be the most effective form of political association.

B

Our concern is with the impact of enforcement of chapter 33 upon first amendment freedoms. We start, of course, from the decree of the supreme court of appeals. Although the action before it was one basically for declaratory relief, that court not only expounded the purpose and reach of the chapter but held concretely that certain of petitioner's activities had, and certain others had not, violated the chapter. These activities had been explored in detail at the trial and were spread out plainly on the record. We have no doubt that the opinion of the supreme court of appeals in the instant case was intended as a full and authoritative construction of chapter 33 as applied in (headnote 10) a detailed factual context. That construction binds us. For us, the words of Virginia's highest court are the words of the statute. *Hebert* v. *Louisiana*, 272 U.S. 312, 317, 71 L. Ed. 270, 47 S. Ct. 103, 48 ALR 1102. We are not left to speculate at large upon the possible implications of bare statutory language.

But it does not follow that this court now has only a clear-cut task to decide whether the activities of the petitioner deemed unlawful by the Supreme Court of Appeals are constitutionally privileged. If the line drawn by the decree between the permitted and prohibited activities of the NAACP, its members and lawyers is an ambiguous one, we will not presume that the statute curtails constitutionally (headnote 11) protected activity as little as possible. For standards of permissible statutory vagueness are strict in the area of free expression. See *Smith* v. *California*, 361 U.S. 147, 151, 4 L. Ed. 2d 205, 210, 80 S. Ct. 215; *Winters* v. *New York*, 333 U.S. 507, 509, 510, 517, 518, 92 L. Ed. 840, 846, 847, 850, 851, 68 S. Ct. 665; *Herndon* v. *Lowry*, 301 U.S. 242, 81 L. Ed. 1066, 57 S. Ct. 732; *Stromberg* v. *California*, 283 U.S. 359, 75 L. Ed. 1117, 51 S. Ct. 532, 73 ALR 1484; *United States* v. *CIO*, 335 U.S. 106, 142, 92 L. Ed. 2849, 1871, 68 S. Ct. 1349 (Rutledge, J., concurring). Furthermore, the (headnote 12) instant decree may be invalid if it prohibits privileged exercises of first amendment rights whether or not the record discloses that the petitioner has engaged in privileged conduct. For in appraising a statute's inhibitory effect upon such rights, this Court has not hesitated to take into account possible applications of the statute in other factual contexts besides that at bar. *Thornhill* v. *Alabama*, 310 U.S. 88, 97, 98, 84 L. Ed. 1093, 1099, 1100, 60 S. Ct. 736; *Winters* v. *New York, supra* (333 U.S. at 518–520). Cf. *Staub* v. *Baxley*, 355 U.S. 313, 2 L. Ed. 2d 302, 78 S. Ct. 277. It makes no difference that the instant case was not a criminal prosecution and not based on a refusal to comply with a licensing requirement. The objectionable (headnote 13) quality of vagueness and overbreadth does not depend upon absence of fair notice to a criminally accused or upon unchanneled delegation of legislative powers, but upon the danger of tolerating, in the area of first amendment freedoms, the existence of a penal statute susceptible of sweeping and improper application.[14] Cf. *Marcus* v. *Search Warrant of Property, etc.*, 367 U.S. 717, 733, 6 L. Ed. 2d 1127, 1137, 81 S. Ct. 1708. These freedoms are delicate and vulnerable, as well as supremely precious in our society. The threat of sanctions may deter their exercise almost as potently as the actual application of sanctions. Cf. *Smith* v. *California, supra* (361 U.S. at 151–154); *Speiser* v. *Randall*, 357 U.S. 513, 526, L. Ed. 2d 1460, 1472, 78 S. Ct. 1332. Because (headnote 14) first amendment freedoms need breathing space to survive, government may regulate in the area only with narrow specificity. *Cantwell* v. *Connecticut*, 310 U.S. 296, 311, 84 L. Ed. 1213, 1221, 60 S. Ct. 900, 128 ALR 1352.

We read the decree of the Virginia Supreme Court of Appeals in the instant case as proscribing any arrangement by which prospective litigants are advised to seek the assistance of particular attorneys. No narrower reading is plausible. We cannot accept the reading suggested on behalf of the attorney general of Virginia on the second oral argument that the supreme court of appeals construed chapter 33 as proscribing control only of the actual litigation by the NAACP after it is instituted. In the first place, upon a record devoid of any evidence of interference by the NAACP in the actual conduct of litigation, or neglect or harassment of clients, the court nevertheless held that petitioner, its members, agents, and staff attorneys had practiced criminal solicitation. Thus, simple referral to or recommendation of a lawyer may be solicitation within the meaning of chapter 33. In the second place, the decree does not seem to rest on the fact that the attorneys were organized as a staff and paid by petitioner. The decree expressly forbids solicitation on behalf of "any particular attorneys" in addition to attorneys retained or compensated by the NAACP. In the third place, although chapter 33 purports to prohibit only solicitation by attorneys or their "agents," it defines agent broadly as anyone who "represents" another in his dealings with a third person. Since the statute appears to depart from the common-law concept of the agency relationship and since the Virginia court did not clarify the statutory definition, we cannot say that it will not be applied with the broad sweep which the statutory language imports.

We conclude that under chapter 33, as authoritatively construed by the supreme court of appeals, a person who advises another that his legal rights have been infringed and refers him to a particular attorney or group of attorneys (for example, to the Virginia conference's legal staff) for assistance has committed a crime, as has the attorney who knowingly renders assistance under such circumstances. There thus inheres in the statute the gravest danger of smothering all discussion looking to the eventual institution of litigation on behalf of the rights of members of an unpopular minority. Lawyers on the legal staff or even mere NAACP members or sympathizers would understandably hesitate, at an NAACP meeting or on any other occasion, to do what the decree purports to allow; namely, acquaint "persons with what they believe to be their legal rights and * * * [advise] them to assert their rights by commencing or further prosecuting a suit." For if the lawyers, members, or sympathizers also appeared in or had any connection with any litigation supported with NAACP funds contributed under the provision of the decree by which the NAACP is not prohibited "from contributing money to persons to assist them in commencing or further prosecuting such suits," they plainly would risk (if lawyers) disbarment proceedings and, lawyers and nonlawyers alike, criminal prosecution for the offense of "solicitation," to which the Virginia court gave so broad and uncertain a meaning. It (headnote 15) makes no difference whether such prosecutions or proceedings would actually be commenced. It is enough that a vague and broad statute lends itself to selective enforcement against unpopular causes. We cannot close our eyes to the fact that the militant Negro civil rights movement has engendered the intense resentment and opposition of the politically dominant white community of Virginia;[15] litigation assisted by the NAACP has been bitterly fought.[16] In such circumstances, a

[14] Amsterdam, note, "The Void-for-Vagueness Doctrine in the Supreme Court," 109 U. of Pa. L. Rev. 67, 75–76, 80–81, 96–104 (1960).

[15] See *National Association for Advancement of Colored People* v. *Patty*, 159 F. Supp. 503, 516, 517 (DCED Va. 1958); *Davis* v. *County School Board*, 149 F. Supp. 431, 438, 439 (DCED Va. 1957), revd. on other grounds sub. nom. *Allen* v. *County School Board*, 249 F. 2d 462 (CA 4th Cir.); Muse, "Virginia's Massive Resistance" (1961), passim.

[16] See, e.g., *County School Board* v. *Thompson*, 240 F. 2d 59, 64 (CA 4th Cir. 1956) (conduct of defendant termed a "clear manifestation of an attitude of intransigence"); *James* v. *Duckworth*, 170 F. Supp. 342, 350 (DCED Va. 1959), affd. 267 F. 2d 224 (CA 4th Cir.); *Allen* v. *County School Board*, 266 F. 2d 507 (CA 4th Cir. 1959); *Allen* v. *County School Board*, 198 F. Supp. 497, 502 (DCED Va., 1961). Most NAACP-assisted litigation in Virginia in recent years has been litigation challenging public school segregation. The sheer mass of such (and related) litigation is an indication of the intensity of the struggle: Alexandria: *Jones* v. *School Board of Alexandria*, 179 F. Supp. 280 (DCED Va.

statute broadly curtailing group activity leading to litigation may easily become a weapon of oppression, however evenhanded its terms appear. Its mere existence could well freeze out of existence all such activity on behalf of the civil rights of Negro citizens.

It is apparent, therefore, that chapter 33 as construed limits first amendment freedoms. As this court said in (headnote 16) (headnote 17) *Thomas* v. *Collins*, 323 U.S. 516, 537, 89 L. Ed. 430, 444, 65 S. Ct. 315, "'Free trade in ideas' means free trade in the opportunity to persuade to action, not merely to describe facts." Thomas was convicted for delivering a speech in connection with an impending union election under National Labor Relations Board auspices, without having first registered as a "labor organizer." He urged workers to exercise their rights under the National Labor Relations Act and join the union he represented. This court held that the registration requirement as applied to his activities was constitutionally invalid. In the instant case, members of the NAACP urged Negroes aggrieved by the allegedly unconstitutional segregation of public schools in Virginia to exercise their legal rights and to retain members of the association's legal staff. Like Thomas, the association and its members were advocating lawful means of vindicating legal rights.

We hold that chapter 33 as construed violates the 14th amendment by (headnote 15) (headnote 16) unduly inhibiting protected freedoms of expression and association. In so holding, we reject two further contentions of respondents. The first is that the Virginia Supreme Court of Appeals has guaranteed free expression by expressly confirming petitioner's right to continue its advocacy of civil rights litigation. But in light of the whole decree of the court, the guarantee is of purely speculative value. As construed by the court, chapter 33, at least potentially, prohibits every cooperative activity that would make advocacy of litigation meaningful. If there is an internal tension (headnote 11) between proscription and protection in the statute, we cannot assume that, in its subsequent enforcement, ambiguities will be resolved in favor of adequate protection of first amendment rights. Broad prophylactic rules in the area of free expression are suspect. See e.g., *Near* v. *Minnesota*, 283 U.S. 697, 75 L. Ed. 1357, 51 S. Ct. 625; *Shelton* v. *Tucker*, 364 U.S. 479, 5 L. Ed. 2d 231, 81 S. Ct. 248; Louisiana ex rel. *Gremillion* v. *National Association for Advancement of Colored People*, 366 U.S. 293, 6 L. Ed. 2d 301, 81 S. Ct. 1333. Cf. *Schneider* v. *State*, 308 U.S. 147, 162 (headnote 14), 84 L. Ed. 155, 165, 60 S. Ct. 146. Precision of regulation must be the touchstone in an area so closely touching our most precious freedoms.

C

The second contention is that Virginia has a subordinating interest in the regulation of the legal profession, embodied in chapter 33, which justifies limiting petitioner's first amendment rights. Specifically, Virginia contends that the NAACP's activities in furtherance of litigation, being "improper solicitation" under the State statute, fall within the traditional purview of State regulation of professional conduct. However, the State's attempt to equate the activities of the NAACP and its lawyers with common-law barratry, maintenance and champerty,[17] and to outlaw them accordingly, cannot obscure the serious encroachment worked by chapter 33 upon protected freedoms of expression. The decisions of this court (headnote 18) have consistently held that only a compelling State interest in the regulation of a subject within the State's constitutional power to regulate can justify limiting first amendment freedoms. Thus it is no answer to the constitutional claims asserted by petitioners to say, as the Virginia Supreme Court of Appeals has said, that the purpose of these regulations was merely to insure high professional standards and not to curtail free expression. For (headnote 19) a State may not, under the guise of prohibiting professional misconduct, ignore constitutional rights. See *Schware* v. *Board of Bar Examiners*, 353 U.S. 232, 1 L. Ed. 2d 796, 77 S. Ct. 752, 64 ALR 2d 288; *Konigsberg* v. *State Bar*, 353 U.S. 252, 1 L. Ed. 2d 810, 77 S. Ct. 722. Cf. re Sawyer, 360 U.S. 622, 3 L. Ed. 2d 1473, 79 S. Ct. 1376. In *National Association for Advancement of Colored People* v. *Alabama*, 357 U.S. 449, 461, 2 L. Ed. 2d 1488, 1499, 78 S. Ct. 1163, we said, "In the domain of these indispensable liberties, whether of speech, press, or association, the decisions of this court recognize that abridgment of such rights, even though unintended, may inevitably follow from varied forms of governmental action." Later, in *Bates* v. *Little Rock*, 361 U.S. 516, 524, 4 L. Ed. 2d 480, 486, 80 S. Ct. 412, we said, "where there is a significant encroachment upon personal liberty, the State may prevail only upon showing a subordinating interest which is compelling." Most recently, in *Louisiana ex rel. Gremillion* v. *National Association for Advancement of Colored People*, 366 U.S. 293, 297 6 L. Ed. 2d 301, 305, 81 S. Ct. 1333, we reaffirmed this principle: "regulatory measures * * * no matter how sophisticated, cannot be employed in purpose or in effect to stifle, penalize, or curb the exercise of first amendment rights."

However valid may be Virginia's interest in regulating the (headnote 16, headnote 20) traditionally illegal practices of barratry, maintenance and champerty, that interest does not justify the prohibition of the NAACP activities disclosed by this record. Malicious intent was of the essence of the common-law offenses of fomenting or stirring up litigation.[18] And whatever may be or may have been true of suits against government in other countries, the exercise in our own, as in this case, of first amendment rights to enforce constitutional rights through litigation, as a matter of law, cannot be deemed malicious. Even more modern, subtler regulations of unprofessional conduct or interference with professional relations, not involving malice, would not touch the activities at bar; regulations which reflect hostility to stirring up litigation have been aimed chiefly at those who urge recourse to the courts for private gain, serving no public interest.[19] Hostility still exists to stirring up

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1959); *Jones* v. *School Board of Alexandria*, 278 F. 2d (CA 4th Cir. 1960); Arlington: *County School Board* v. *Thompson*, 240 F. 2d 59 (CA 4th Cir. 1956); *Thompson* v. *County School Board*, 144 F. Supp. 239 (DCED Va., 1956); 159 F. Supp. 567 (DCED Va., 1957); 166 F. Supp. 529 (DCED Va. 1958); 252 F. 2d 929 (CA 4th Cir. 1958); 2 Race Rel. 810 (DCED Va. 1957); 4 Race Rel. 609 (DCED 1959); 4 Race Rel. 880 (DCED Va. 1959); *Hamm* v. *County School Board*, 263 F. 2d 226 (CA 4th Cir. 1959); 264 F. 2d 945 (CA 4th Cir. 1959). Charlottesville: *School Board of Charlottesville* v. *Allen*, 240 F. 2d 59 (CA 4th Cir. 1956); *Allen* v. *School Bd.*, 1 Race Rel. 886 (DCWD Va. 1956); 2 Race Rel. 986 (DCWD Va. 1957); 3 Race Rel. 937 (DCWD Va., 1958); 4 Race Rel. 881 (DCWD Va., 1959); 263 F. 2d 295 (CA 4th Cir. 1959); 203 F. Supp. 225 (DCWD Va., 1962); *Dodson* v. *School Board of Charlottesville*, 289 F. 2d 439 (CA 4th Cir. 1961); *Dillard* v. *School Board of Charlottesville*, 308 F. 2d 920 (CA 4th Cir. 1962). Fairfax County: *Blackwell* v. *Fairfax Cty. School Bd.*, 5 Race Rel. 1056 (DCED Va., 1960). Floyd County: *Walker* v. *Floyd Cty. School Bd.*, 5 Race Rel. 1060 (DCWD Va., 1960); 5 Race Rel. 714 (DCWD Va., 1960). Grayson County: *Goins* v. *County School Board*, 186 F. Supp. 753 (DCWD Va., 1960); 282 F. 2d 343 (CA 4th Cir. 1960). Norfolk: *Beckett* v. *School Bd.*, 2 Race Rel. 337 (DCED Va., 1957); 148 F. Supp. 430 (DCED Va., 1957); 3 Race Rel. 942–964 (DCED Va., 1958); 260 F. 2d 18 (CA 4th Cir. 1958); 246 F. 2d 325 (CA 4th Cir. 1957); 181 F. Supp. 870 (DCED Va., 1959); 185 F. Supp. 459 (DCED Va., 1959); *Farley* v. *Turner*, 281 F. 2d 131 (CA 4th Cir. 1960); *Hill* v. *School Board of Norfolk*, 282 F. 2d 473 (CA 4th Cir. 1960); *James* v. *Ducksworth*, 170 F. Supp. 342 (DCED Va., 1959); 267 F. 2d 224 (CA 4th Cir. 1959); *Adkins* v. *School Bd. of Newport News*, 3 Race Rel. 938 (DCED Va., 1958); 148 F. Supp. 430 (DCED Va., 1957); 2 Race Rel., 334 (DCED Va., 1957); 246 F. 2d 325 (CA 4th Cir. 1957); *Harrison* v. *Day*, 200 Va., 439, 106 SE 2d 636 (1959); *James* v. *Almond*, 170 F. Supp. 331 (DCED Va., 1959). Prince Edward County: *Davis* v. *County School Board*, 347 U.S. 483, 98 L. ed. 873, 74 S. Ct. 686, 38 ALR 2d 1180; 349 U.S. 294, 99 L. ed. 1083, 75 S. Ct. 753; 1 Race Rel. 82 (DCED Va., 1955); 142 F. Supp. 616 (DCED Va., 1956); 149 F. Supp. 431 DCED Va., 1957); *Allen* v. *County School Board*, 164 F. Supp. 786 (DCED Va., 1958); 249 F. 2d 462 (CA 4th Cir. 1957); 266 F. 2d 507 (CA 4th Cir. 1959); 6 Race Rel. 432 (DCED Va., 1961); 198 F. Supp. 497 (DCED Va., 1961); Southern School News, August 1962, p. 1. Pulaski County: *Crisp* v. *Pulaski Cty. School Bd.*, 5 Race Rel. 721 (DCWD Va., 1960). Richmond: *Calloway* v. *Farley*, 2 Race Rel. 1121 (DCED Va., 1957); *Warden* v. *Richmond School Bd.*, 3 Race Rel. 971 (DCED Va., 1958). Warren County: *Kilby* v. *County School Bd.*, 3 Race Rel. 972–973 (DCWD Va., 1958); *School Board of Warren County* v. *Kilby*, 259 F. 2d 497 (CA 4th Cir. 1958).

Despite this volume of litigation, only one-half of 1 percent of Virginia's Negro public school pupils attend school with whites (Southern School News, September 1962, p. 3.

[17] See 4 Blackstone, Commentaries, 134–136. See generally Radin, Maintenance by Champerty, 24 Cal. L. Rev. 48 (1935).

[18] See, e.g., *Commonwealth* v. *McCulloch*, 15 Mass. 227 (1818); *Brown* v. *Beauchamp*, 21 Ky. (5 TB Mon.) 413 (1827); Perkins, Criminal Law, 449–454 (1957); note, 3 Race Rel. 1257–1259 (1958).

The earliest regulation of solicitation of legal business in England was aimed at the practice whereby holders of claims to land conveyed them to great feudal lords, who used their power or influence to harass the titleholders. See Winfield, "The History of Conspiracy and Abuse of Legal Procedure," 152 (1921).

[19] See comment: "A Critical Analysis of Rules Against Solicitation by Lawyers," 25 U. of Chi. L. Rev. 674 (1958). But truly nonpecuniary arrangements involving the solicitation of legal business have been frequently upheld. See Re Ades, 6 F. Supp. 467 (DCD Md 1934) (lawyer's volunteering his services to a litigant, without being asked, held not unprofessional where "important issues" were at stake); *Gunnels* v. *Atlanta Bar Assoc.*, 191 Ga. 366, 12 SE 2d 602, 132 ALR 1165 (1940) (arrangement whereby a local bar association publicly offered to represent, free of charge, persons victimized by usurers, upheld). Of particular pertinence to the instant case is opinion 148, supra, note 13. In the 1930's, a national lawyers committee was formed under the auspices of the Liberty League. The committee proposed (1) to prepare and disseminate through the public media of communications opinions on the constitutionality of State and Federal legislation (it appears, particularly New Deal legislation); (2) to offer counsel, without fee or charge, to anyone financially unable to retain counsel who felt that such legislation was violating his constitutional rights. The ABA's committee on professional ethics and

private litigation where it promotes the use of legal machinery to oppress: as, for example, to sow discord in a family; [20] to expose infirmities in land titles, as by hunting up claims of adverse possession; [21] to harass large companies through a multiplicity of small claims; [22] or to oppress debtors as by seeking out unsatisfied judgments.[23] For a member of the bar to participate, directly or through intermediaries, in such misuses of the legal process is conduct traditionally condemned as injurious to the public. And beyond this, for a lawyer to attempt to reap gain by urging another to engage in private litigation has also been condemned: that seems to be the import of Canon 28, which the Virginia Supreme Court of Appeals has adopted as one of its Rules.[24]

Objection to the intervention of a lay intermediary, who may control litigation or otherwise interfere with the rendering of legal services in a confidential relationship, also derives from the element of pecuniary gain. Fearful of dangers thought to arise from that element, the courts of several States have sustained regulations aimed at these activities.[25] We intimate no view one way or the other as to the merits of those decisions with respect to the particular arrangements against which they are directed. It is enough that the superficial resemblance in form between those arrangements and that at bar cannot obscure the vital fact that here the entire arrangement employs constitutionally privileged means of expression to secure constitutionally guaranteed civil rights.[26] There has been no showing of a serious danger here of professionally reprehensible conflicts of interest which rules against solicitation frequently seek to prevent. This is so partly because no monetary stakes are involved, and so there is no danger that the attorney will desert or subvert the paramount interests of his client to enrich himself or an outside sponsor. And the aims and interests of NAACP have not been shown to conflict with those of its members and nonmember Negro litigants; compare *National Association for Advancement of Colored People* v. *Alabama*, 357 U.S. 449, 459, 2 L. Ed. 2d 1488, 1498, 78 S.Ct. 1163, where we said:

"[the NAACP] and its members are in every practical sense identical. The association, which provides in its constitution that '[a]ny person who is in accordance with [its] principles and policies * * *' may become a member, is but the medium through which its individual members seek to make more effective the expression of their own views." See also *National Association for Advancement of Colored People* v. *Harrison*, 360 U.S. 167, 177, 3 L. Ed. 2d 1152, 1158, 79 S.Ct. 1025.

Resort to the courts to seek vindication of constitutional rights is a different matter from the oppressive, malicious, or avaricious use of the legal process for purely private gain. Lawsuits attacking racial discrimination, at least in Virginia, are neither very profitable nor very popular. They are not an object of general competition among Virginia lawyers; [27] the problem is rather one of an apparent dearth of lawyers who are willing to undertake such litigation. There has been neither claim nor proof that any assisted Negro litigants have desired, but have been prevented from retaining, the services of other counsel. We realize that an NAACP lawyer must derive personal satisfaction from participation in litigation on behalf of Negro rights, else he would hardly be inclined to participate at the risk of financial sacrifice. But this would not seem to be the kind of interest or motive which induces criminal conduct.

We conclude that although the petitioner has amply shown that its activities fall within the first amendment's protections, the State has failed to advance any substantial regulatory interest, in the form of substantive evils flowing from petitioner's activities, which can justify the broad prohibitions which it has imposed. Nothing that this record shows as to the nature and purpose of NAACP activities permits an inference of any injurious intervention in or control of litigation which would constitutionally authorize the application of chapter 33 to those activities. A fortiori, nothing in this record justifies the breadth and vagueness of the Virginia Supreme Court of Appeals' decree.

A final observation is in order. Because our disposition is rested on the 1st amendment as absorbed in the 14th, we do not reach the considerations of race or racial discrimination which are the predicate of petitioner's challenge to the statute under the equal protection clause. That the petitioner happens to be engaged in activities of expression and association on behalf of the rights of Negro children to equal opportunity is constitutionally irrelevant to the ground of our decision. The course of our decisions in the first amendment area makes plain that its protections would apply as fully to those who would arouse our society against the objectives of the petitioner. See, e.g., *Near* v. *Minnesota*, 283 U.S. 697, 75 L. ed. 1357, 51 S. Ct. 625; *Terminiello* v. *Chicago*, 337 U.S. 1, 93 L. Ed. 1131, 69 S. Ct. 894; *Kunz* v. *New York*, 340 U.S. 290, 95 L. Ed. 280 (headnote 21) 71 S. Ct. 312. For the Constitution protects expression and association without regard to the race, creed, or political or religious affiliation of the members of the group which invokes its shield, or to the truth, popularity, or social utility of the ideas and beliefs which are offered.

Reversed.

Mr. Justice Douglas, concurring.

While I join the opinion of the court, I add a few words. This Virginia act is not applied across the boards to all groups that use this method of obtaining and managing litigation but instead reflects a legislative purpose to penalize the NAACP because it promotes desegregation of the races. Our decision in *Brown* v. *Board of Education*, 347 U.S. 483, 98 L. Ed. 873. 74 S. Ct. 686, 38 ALR 2d 1180, holding that maintenance of public schools segregated by race violated the equal protection clause of the 14th amendment, was announced May 17, 1954. The amendments to Virginia's code, here in issue, were enacted in 1956. Arkansas, Florida, Georgia, Mississippi, South Carolina, and Tennesee [28] also passed laws following our 1954 decision which brought within their barratry statutes attorneys paid by an organization such as the NAACP and representing litigants without charge.

The bill, here involved, was one of five that Virginia enacted "as parts of the general plan of massive resistance to the integration of schools of the State under the Supreme Court's decrees." Those are the words of Judge Soper, writing for the court in *National Association for Advancement of*

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grievances upheld the arrangement. Opinion 148, opinions of the committee on professional ethics and grievances, American Bar Association, 308–311 (1947), see comment, 36 Col. L. Rev. 993.

Also, for example, the American Civil Liberties Union has for many years furnished counsel in many cases in many different parts of the country, without governmental interference. Although this intervention is mostly in the form of amicus curiae briefs, occasionally counsel employed by the union appears directly on behalf of the litigant. See comment, "Private Attorneys-General: Group Action in the Fight for Civil Liberties," 58 Yale LJ 574, 576 (1949); ACLU rept. on civil liberties 1951–53, pp. 9–10.

[20] See "Encouraging Divorce Litigation as Ground for Disbarment or Suspension," 9 ALR 1500 (1920); "Heir-hunting as Ground for Disciplinary Action Against Attorney," 171 ALR 351, 352–355 (1947).

[21] See *Backus* v. *Byron*, 4 Mich., 535, 551, 552 (1857).

[22] See *Re Clark*, 184 N.Y. 222, 77 N.E. 1 (1906); *Gammons* v. *Johnson*, 76 Minn. 76, 78 N.W. 1035 (1899).

[23] See petition of Hubbard (Ky.) 267 SW2d 743 (1954).

[24] See 171 Va., p. xxix, following the American Bar Association's Canons of Professional Ethics, No. 28: "It is unprofessional for a lawyer to volunteer advice to bring a lawsuit, except in rare cases where ties of blood, relationship or trust make it his duty to do so. It is disreputable * * * to breed litigation by seeking out those with claims for personal injuries or those having any other grounds of action in order to secure them as clients, or to employ agents or runners for like purposes."

[25] See *People ex rel. Courtney* v. *Association of Real Estate Taxpayers*, 354 Ill. 102, 187 N.E. 823 (1933). (Association to contest constitutionality of tax statutes in which parties and association attorneys had large sums of money at stake); *Re Maclub of America, Inc.*, 295 Mass., 45, 3 N.E. 2d 272 105 ALR 1360 (1936). (Motorists' association recommended and paid the fees of lawyers to prosecute or defend claims on behalf of motorist members); see also *People ex rel. Chicago Bar Asso.* v. *Chicago Motor Club*, 362 Ill. 50, 199 N.E. 1 (1935). One aspect of the lay intermediary problem which involved the absence of evidence of palpable control or interference was an arrangement adopted by the Brotherhood of Railroad Trainmen in 1930 under which union members having claims under the Federal Employers Liability Act were induced to retain lawyers selected by the Brotherhood and to make 25 percent contingent fee agreements with such lawyers. The arrangement was struck down by several State courts. To the courts which condemned the arrangement it appeared in practical effect to confer a monopoly of FELA legal business upon lawyers chosen by the Brotherhood. These courts also saw it as tending to empower the Brotherhood to exclude lawyers from participation in a lucrative practice, and to cause the loyalties of the union recommended lawyers to be divided between the union and their clients. (E.g., *Hildebrand* v. *State Bar of California*, 36 Cal. 2d 504, 225 P2d 508 (1950); *Doughty* v. *Grills*, 37 Tenn. App. 63, 260 S.W. 2d 370 (1952); *Re Brotherhood of R. Trainmen*, 13 Ill. 2d 391, 150 N.E. 2d 163 (1958); see student symposium, 107 U. of Pa. L. Rev. 387 (1959); 11 Stan. L. Rev. 394 (1959). These decisions have been vigorously criticized. (See *Traynor, J.*, dissenting in *Hildebrand, supra;* Drinker, Legal Ethics, 161–167 (1953).)

[26] Compare opinion 148, supra, notes 13, 19, at 311 (1947): "The question presented, with its implications, involves problems of political, social, and economic character that have long since assumed the proportions of national issues, on one side or the other which multitudes of patriotic citizens have alined themselves. These issues transcend the range of professional ethics."

[27] Improper competition among lawyers is one of the important considerations relied upon to justify regulations against solicitation. (See note, Advertising, Solicitation, and Legal Ethics, 7 Vand. L. Rev. 677, 684 (1954).)

[28] Ark. Stat. Ann. 1947 (Cum. Supp. 1961), secs. 41–703 to 41–713 Fla. Stat. Ann., 1944 (Cum. Supp. 1961), secs. 877.01 to 877.02; Ga. Code Ann., 1953 (Cum. Supp. 1961), secs. 26–4701, 26–4703; Miss. Code Ann., 1956, secs. 2049–01 to 2049–08; S.C. Code, 1952 (Cum. Supp. 1960), secs. 56–147 to 56–147.6; Tenn. Code Ann., 1956 (Cum. Supp. 1962), secs. 39–3405 to 39–3410.

Colored People v. *Patty*, 159 F. Supp. 503, 515. He did not indulge in guesswork. He reviewed the various steps taken by Virginia to resist our Brown decision, starting with the report of the Gray Commission on November 11, 1955. Id. 159 F. Supp. at 512. He mentioned the "interposition resolution" passed by the general assembly on February 1, 1956, the constitutional amendment made to carry out the recommendation of the report of the Gray Commission, and the address of the Governor before the general assembly that enacted the five laws, including the present one. Id. 159 F. Supp. at 513–515. These are too lengthy to repeat here. But they make clear the purpose of the present law—as clear a purpose to evade our prior decisions as was the legislation in *Lane* v. *Wilson*, 307 U.S. 268, 83 L. ed. 1281, 59 S. Ct. 872, another instance of a discriminatory State law. The (headnote 22) fact that the contrivance used is subtle and indirect is not material to the question. "The amendment nullifies sophisticated as well as simple-minded modes of discrimination." Id. 307 U.S. at 275. There we looked to the origins of the State law and the setting in which it operated to find its discriminatory nature. It is proper to do the same here.

Discrimination also appears on the face of this act. The line drawn in section 54–78 is between an organization which has "no pecuniary right or liability" in a judicial proceeding and one that does. As we said in *National Association for Advancement of Colored People* v. *Alabama*, 357 U.S. 449, 459, 2 L. Ed., 2d 1488, 1498, 78 S. Ct. 1163, the NAACP and its members are "in every practical sense identical. * * * The association * * * is but the medium through which its individual members seek to make more effective the expression of their own views." Under the statute those who protect a "pecuniary right or liability" against unconstitutional invasions may indulge in "the solicitation * * * of business for * * * [an] attorney," while those who protect other civil rights may not. This distinction helps make clear the purpose of the legislation, which, as Judge Soper said, was part of the program of "massive resistance" against *Brown* v. *Board of Education*, 347 U.S. 483, 98 L. Ed. 873, 74 S. Ct. 686, 38 ALR 2d 1180, supra.

Mr. Justice White, concurring in part and dissenting in part.

I agree that as construed by the Virginia Supreme Court, chapter 33 does not proscribe only the actual control of litigation after its commencement, that it does forbid, under threat of criminal punishment, advising the employment of particular attorneys, and that as so construed the statute is unconstitutional.

Nor may the statute be saved simply by saying it prohibits only the "control" of litigation by a lay entity, for it seems to me that upon the record before us the finding of "control" by the Virginia Supreme Court must rest to a great extent upon an inference from the exercise of those very rights which this Court or the Virginia Supreme Court, or both, hold to be constitutionally protected: advising Negroes of their constitutional rights, urging them to institute litigation of a particular kind, recommending particular lawyers and financing such litigation. Surely it is beyond the power of any State to prevent the exercise of constitutional rights in the name of preventing a lay entity from controlling litigation. Consequently, I concur in the judgment of the Court, but not in all of its opinion.

If we had before us, which we do not, a narrowly drawn statute proscribing only the actual day-to-day management and dictation of the tactics, strategy, and conduct of litigation by a lay entity such as the NAACP, the issue would be considerably different, at least for me; for in my opinion neither the practice of law by such an organization nor its management of the litigation of its member or others is constitutionally protected. Both practices are well within the regulatory power of the State. In this regard I agree with my Brother Harlan.

It is not at all clear to me, however, that the opinion of the majority would not also strike down such a narrowly drawn statute. To the extent that it would, I am in disagreement. Certainly the NAACP, as I understand its position before this Court, denied that it had managed or controlled the litigation which it had urged its members or others to bring, disclaimed any desire to do so and denied any adverse effects upon its operations if lawyers representing clients in school desegregation or other litigation financed by the NAACP represented only those clients and were under no obligation to follow the dictates of the NAACP in the conduct of that litigation. I would avoid deciding a case not before the Court.

Mr. Justice Harlan, whom Mr. Justice Clark and Mr. Justice Stewart join, dissenting.

No member of this Court would disagree that the validity of State action claimed to infringe rights assured by the 14th amendment is to be judged by the same basic constitutional standards whether or not racial problems are involved. No worse setback could befall the great principles established by *Brown* v. *Board of Education*, 347 U.S. 483, 98 L. Ed. 873, 74 S. Ct. 686, 38 ALR 2d 1180, than to give fair-minded persons reason to think otherwise. With all respect, I believe that the striking down of this Virginia statute cannot be squared with accepted constitutional doctrine in the domain of State regulatory power over the legal profession.

I

At the outset the factual premises on which the Virginia Supreme Court of Appeals upheld the application of chapter 33 to the activities of the NAACP in the area of litigation, as well as the scope of that court's holding, should be delineated.

First, the lawyers who participate in litigation sponsored by petitioner are, almost without exception, members of the legal staff of the NAACP Virginia State conference. (It is, in fact, against conference policy to give financial support to litigation not handled by a staff lawyer.) As such, they are selected by petitioner, are compensated by it for work in litigation (whether or not petitioner is a party thereto), and so long as they remain on the staff, are necessarily subject to its directions. As the Court recognizes, it is incumbent on staff members to agree to abide by NAACP policies.

Second, it is equally clear that the NAACP's directions, or those of its officers and divisions, to staff lawyers cover many subjects relating to the form and substance of litigation. Thus, in 1950, it was resolved at a board of directors meeting that:

"Pleadings in all educational cases—the prayer in the pleading and proof be aimed at obtaining education on a nonsegregated basis and that no relief other than that will be acceptable as such.

"Further, that all lawyers operating under such rule will urge their client and the branches of the association involved to insist on this final relief."

The minutes of the meeting went on to state:

"Mr. Weber inquired if this meant that the branches involved would be prohibited from starting equal facility cases and the special counsel said it did."

In 1955, a southwide NAACP conference issued directions to all NAACP branches outlining the procedure for obtaining desegregation of schools and indicating the point in the procedure at which litigation should be brought and the matter turned over to the "legal department." At approximately the same time, the executive secretary of the Virginia State conference issued a directive urging that in view of the possibility of an extended court fight, "discretion and care should be exercised to secure petitioners who will—if need be—go all the way."

A report issued several years later, purporting to give an "up-to-date picture" of action taken in Virginia by petitioner stated: "Selection of suit sites reserved for legal staff"; "State legal staff ready for action in selected areas"; and "The majority of our branches are willing to support legal action or any other program leading to early desegregation of schools that may be suggested by the National and State conference offices."

In short, as these and other materials in the record show, the form of pleading, the type of relief to be requested, and the proper timing of suits have to a considerable extent, if not entirely, been determined by the conference in coordination with the national office.

Third, contrary to the conclusion of the Federal district court in the original Federal proceeding, *National Association for Advancement of Colored People* v. *Patty*, 159 F. Supp. 503, 508, 509, the present record establishes that the petitioner does a great deal more than to advocate litigation and to wait for prospective litigants to come forward. In several instances, especially in litigation touching racial discrimination in public schools, specific directions were given as to the types of prospective plaintiffs to be sought, and staff lawyers brought blank forms to meetings for the purpose of obtaining signatures authorizing the prosecution of litigation in the name of the signer.

Fourth, there is substantial evidence indicating that the normal incidents of the attorney-client relationship were often absent in litigation handled by staff lawyers and financed by petitioner. Forms signed by prospective litigants have on occasion not contained the name of the attorney authorized to act. In many cases, whether or not the form contained specific authorization to that effect, additional counsel have been brought into the action by staff counsel. There were several litigants who testified that at no time did they have any personal dealings with the lawyers handling their cases nor were they aware until long after the event that suits had been filed in their names. This is not to suggest that the petitioner has been shown to have sought plaintiffs under false pretenses or by inaccurate statements. But there is no basis for concluding that these were isolated incidents, or that petitioner's methods of operation have been such as to render these happenings out of the ordinary.

On these factual premises, amply supported by the evidence, the Virginia Supreme Court of Appeals held that petitioner and those associated with it "solicit prospective litigants to authorize the filing of suits by NAACP and fund [educational defense fund] lawyers, who are paid by the conference and controlled by NAACP policies * * *." (202 Va., at 159, 116 SE 2d, at 68, 69), and concluded that this conduct violated chapter 33 as well as canons 35 and 47 of the Canons of Professional Ethics of the American Bar Association, which had been adopted by the Virginia courts more than 20 years ago.

At the same time the Virginia court demonstrated a responsible awareness of two important limitations on the State's power to regulate such conduct. The first of these is the long-standing recognition, incorporated in the canons, of the different treatment to be accorded to those aiding the indigent in prosecuting or defending against legal proceedings. The second, which coupled with the first led the court to strike down chapter 36 (ante, p. 427), is the constitutional right of any person to express his views, to disseminate those views to

others, and to advocate action designed to achieve lawful objectives, which in the present case are also constitutionally due. Mindful of these limitations, the State court construed chapter 33 not to prohibit petitioner and those associated with it from acquainting colored persons with what it believes to be their rights, or from advising them to assert those rights in legal proceedings, but only from "solicit[ing] legal business for their attorneys or any particular attorneys." Further, the court determined that chapter 33 did not preclude petitioner from contributing money to persons to assist them in prosecuting suits, if the suits "have not been solicited by the appellants [the NAACP and defense fund] or those associated with them, and channeled by them to their attorneys or any other attorneys."

In my opinion the litigation program of the NAACP, as shown by this record, falls within an area of activity which a State may constitutionally regulate. (Whether it was wise for Virginia to exercise that power in this instance is not, of course, for us to say.) The court's contrary conclusion rests upon three basic lines of reasoning: (1) that in the context of the racial problem the NAACP's litigating activities are a form of political expression within the protection of the 1st amendment, as extended to the States by the 14th; (2) that no sufficiently compelling subordinating State interest has been shown to justify Virginia's particular regulation of these activities; and (3) that in any event chapter 33 must fall because of vagueness, in that as construed by the State court the line between the permissible and impermissible under the statute is so uncertain as potentially to work a stifling of constitutionally protected rights. Each of these propositions will be considered in turn.

II

Freedom of expression embraces more than the right of an individual to speak his mind. It includes also his right to advocate and his right to join with his fellows in an effort to make that advocacy effective. *Thomas* v. *Collins*, 323 U.S. 516, 89 L. ed. 430, 65 S. Ct. 315; *National Association for Advancement of Colored People* v. *Alabama*, 357 U.S. 449, 2 L. Ed. 2d 1488, 78 S. Ct. 1163; *Bates* v. *Little Rock*, 361 U.S. 516, 4 L. Ed. 2d 480, 80 S. Ct. 412. And just as it includes the right jointly to petition the legislature for redress of grievances, see *Eastern R. Presidents Conference* v. *Noerr Motor Freight, Inc.*, 365 U.S. 127, 137, 138, 5 L. Ed. 2d 464, 470, 471, 81 S. Ct. 523, so it must include the right to join together for purposes of obtaining judicial redress. We have passed the point where litigation is regarded as an evil that must be avoided if some accommodation short of a lawsuit can possibly be worked out. Litigation is often the desirable and orderly way of resolving disputes of broad public significance, and of obtaining vindication of fundamental rights. This is particularly so in the sensitive area of racial relationships.

But to declare that litigation is a form of conduct that may be associated with political expression does not resolve this case. Neither the 1st amendment nor the 14th constitutes an absolute bar to Government regulation in the fields of free expression and association. This court has repeatedly held that certain forms of speech are outside the scope of the protection of those amendments, and that, in addition, "general regulatory statutes, not intendend to control the content of speech but incidentally limiting its unfettered exercise," are permissible "when they have been found justified by subordinating valid governmental interests." [29] The problem in each such case is to weigh the legitimate interest of the State against the effect of the regulation on individual rights.

An analogy may be drawn between the present case and the rights of workingmen in labor disputes. At the heart of these rights are those of a laborer or a labor representative to speak: to inform the public of his disputes and to urge his fellow workers to join together for mutual aid and protection. So important are these particular rights that absent a clear and present danger of the gravest evil, the State not only is without power to impose a blanket prohibition on their exercise, *Thornhill* v. *Alabama*, 310 U.S. 88, 84, L. Ed. 1093, 60 S. Ct. 736, but also may not place any significant obstacle in their path, *Thomas* v. *Collins*, 323 U.S. 516, 89 L. Ed. 430, 65 S. Ct. 315.

But as we move away from speech alone and into the sphere of conduct—even conduct associated with speech or resulting from it—the area of legitimate governmental interest expands. A regulation not directly suppressing speech or peaceable assembly, but having some impact on the form or manner of their exercise will be sustained if the regulation has a reasonable relationship to a proper governmental objective and does not unduly interfere with such individual rights. Thus, although the State may not prohibit all informational picketing, it may prevent mass picketing, *Allen-Bradley Local U.E.R.M.W.* v. *Wisconsin Employment Relations Board*, 315 U.S. 740, 86 L. Ed. 1154, 62 S. Ct. 820, and picketing for an unlawful objective, *Giboney* v. *Empire Storage & Ice Co.*, 336 U.S. 490, 93 L. Ed. 834, 69 S. Ct. 684. Although it may not prevent advocacy of union membership, it can to some degree inquire into and define the qualifications of those who solicit funds from prospective members or who hold other positions of responsibility.[30] A legislature may not wholly eliminate the right of collective action by workingmen,[31] but it may to a significant extent dictate the form their organization shall take [32] and may limit the demands that the organization may make on employers and others; see, e.g., *International Brotherhood of Electrical Workers* v. *NLRB*, 341 U.S. 694, 705, 95 L. Ed. 1299, 1307 71 S. Ct. 954.

Turning to the present case, I think it evident that the basic rights in issue are those of the petitioner's members to associate, to discuss, and to advocate. Absent the gravest danger to the community, these rights must remain free from frontal attack or suppression, and the State court has recognized this in striking down chapter 36 and in carefully limiting the impact of chapter 33. But litigation, whether or not associated with the attempt to vindicate constitutional rights, is conduct; it is speech plus. Although the State surely may not broadly prohibit individuals with a common interest from joining together to petition a court for redress of their grievances, it is equally certain that the State may impose reasonable regulations limiting the permissible form of litigation and the manner of legal representation within its borders. Thus the State may, without violating protected rights, restrict those undertaking to represent others in legal proceedings to properly qualified practitioners. And it may determine that a corporation or association does not itself have standing to litigate the interests of its shareholders or members—that only individuals with a direct interest of their own may join to press their claims in its courts. Both kinds of regulation are undeniably matters of legitimate concern to the State and their possible impact on rights of expression or association is far too remote to cause any doubt as to their validity.

So here, the question is whether the particular regulation of conduct concerning litigation has a reasonable relation to the furtherance of a proper State interest, and whether that interest outweighs any foreseeable harm to the furtherance of protected freedoms.

III

The interest which Virginia has here asserted is that of maintaining high professional standards among those who practice law within its borders. This Court has consistently recognized the broad range of judgments that a State may properly make in regulating any profession. (See, e. g., *Dent* v. *West Virginia*, 129 U.S. 114, 32 L. Ed. 623, 9 S. Ct. 231; *Semler* v. *Oregon State Board of Dental Examiners*, 294 U.S. 608, 79 L. Ed. 1086, 55 S. Ct. 570; *Williamson* v. *Lee Optical of Oklahoma, Inc.*, 348 U.S. 483, 99 L. Ed. 563, 75 S. Ct. 461.) But the regulation of professional standards for members of the bar comes to us with even deeper roots in history and policy, since courts for centuries have possessed disciplinary powers incident to the administration of justice. (See *Cohen* v. *Hurley*, 366 U.S. 117, 123, 124, 6 L. Ed. 2d 156, 161, 162, 81 S. Ct. 954; *Konigsberg* v. *State Bar of California*, 366 U.S. 36, 6 L. Ed. 2d 105, 81 S. Ct. 997; *Martin* v. *Walton*, 368 U.S. 25, 7 L. Ed. 2d 5, 82 S. Ct. 1.)

The regulation before us has its origins in the longstanding common-law prohibitions of champerty, barratry, and maintenance, the closely related prohibitions in the canons of ethics against solicitation and intervention by a lay intermediary, and statutory provisions forbidding the unauthorized practice of law.[33] The Court recognizes this

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[29] *Konigsberg* v. *State Bar of California*, 366 U.S. 36, 50, 51, 6 L. ed. 2d 105, 116, 117, 81 S. Ct. 997; and see cases cited therein, including *Cox* v. *New Hampshire*, 312 U.S. 569, 85 L. Ed. 1049, 61 S. Ct. 762, 133 ALR 1396; *Chaplinsky v. New Hampshire*, 315 U.S. 568, 86 L. Ed. 1031, 62 S. Ct. 766; *Breard* v. *Alexandria*, 341 U.S. 622, 95 L. Ed. 1233, 71 S. Ct. 920, 35 ALR 2d 335; *Roth* v. *United States*, 354 U.S. 476, 1 L. Ed. 2d 1498, 77 S. Ct. 1304; *Bates* v. *Little Rock*, 361 U.S. 516, 524, 4 L. Ed. 2d 480, 486, 80 S. Ct. 412; *Wilkinson* v. *United States*, 365 U.S. 399, 5 L. Ed. 633, 81 S. Ct. 567.

[30] See *Thomas* v. *Collins*, 323 U.S. 516, 544, 545, 89 L. Ed. 430, 447, 65 S. Ct. 315 (concurring opinion); *American Communications Asso.* v. *Douds*, 339 U.S. 382, 94 L. Ed. 925, 70 S. Ct. 674; *De Veau* v. *Braisted*, 363 U.S. 144, 4 L. ed. 2d 1109, 80 S. Ct. 1146.

[31] See the discussion in *Hague* v. *CIO*, 307 U.S. 496, 518, 523–525, 83 L. Ed. 1423, 1438, 1441, 1442, 59 S. Ct. 954 (opinion of Mr. Justice Stone).

[32] See, e.g., the Labor-Management Reporting and Disclosure Act of 1959, 73 Stat. 519, 29 U.S.C. section 401.

[33] See 4 Blackstone, Commentaries, 134–136. Even apart from any State statutory provisions, State judiciaries normally consider themselves free, in the exercise of their supervisory authority over the bar, to enforce these prohibitions derived from the common law. See, e.g., Re Co-operative Law Co. 198 N.Y. 479, 92 N.E. 15, 32 LRA NS 55; *People ex rel. Courtney* v. *Association of Real Estate Taxpayers*, 354 Ill. 102, 187 N.E. 823; Re Maclub of America, Inc. 295 Mass. 45, 3 NE 2d 272, 105 ALR 1360, and cases cited therein. Many States, however, also have statutes dealing with these matters. Some merely incorporate the common-law proscriptions of barratry and maintenance. E.g., Del. Code Ann., 1953, title II, section 371; Mo. Stat. Ann., section 557.470 (Vernon, 1953). Several specifically prohibit the solicitation of legal business for a lawyer by an agent or "runner." E.g., Conn. Gen. Stat., 1958, section 51–87; N.C. Gen. Stat. section 84–38 (1958 Repl. vol.); Wis. Stat. Ann. section 256.295(1). About 25 States prohibit the unauthorized practice of law by corporations. American Bar Foundation, Unauthorized Practice Statute Book (1961), 78–90.

Virginia's concern with these problems dates back to the beginning of the Commonwealth. Act of December 8, 1792; 1 Va.

formidable history, but puts it aside in the present case on the grounds that there is here no element of malice or of pecuniary gain, that the interests of the NAACP are not to be regarded as substantially different from those of its members, and that we are said to be dealing here with a matter that transcends mere legal ethics—the securing of federally guaranteed rights. But these distinctions are too facile. They do not account for the full scope of the State's legitimate interest in regulating professional conduct. For although these professional standards may have been born in a desire to curb malice and self-aggrandizement by those who would use clients and the courts for their own pecuniary ends, they have acquired a far broader significance during their long development.

First, with regard to the claimed absence of the pecuniary element, it cannot well be suggested that the attorneys here are donating their services, since they are in fact compensated for their work. Nor can it tenably be argued that petitioner's litigating activities fall into the accepted category of aid to indigent litigants.[34] The reference is presumably to the fact that petitioner itself is a nonprofit organization not motivated by desire for financial gain but by public interest and to the fact that no monetary stakes are involved in the litigation.

But a State's felt need for regulation of professional conduct may reasonably extend beyond mere "ambulance chasing." In *People ex rel. Courtney* v. *Association of Real Estate Taxpayers*, 354 Ill. 102, 187 N.E. 823, a nonprofit corporation was held in contempt for engaging in the unauthorized practice of law. The association was formed by citizens desiring to mount an attack on the constitutionality of certain tax rolls. Membership was solicited by the circulation of blank forms authorizing employment of counsel on the applicant's behalf and asking that property be listed for litigation. The attorneys were selected, paid, and controlled by the corporation which made their services available to the taxpayer members at no cost.[35]

Similarly, several decisions have condemned the provision of counsel for their members by nonprofit automobile clubs, even in instances involving challenges to the validity of a statute or ordinance. (*Re Maclub of America, Inc.*, 295 Mass. 45, 3 N.E. 2d 272;[36] *People ex rel. Chicago Bar Asso.* v. *Chicago Motor Club*, 362 Ill., 50, 199 N.E. 1; see opinion 8, opinions of the Committee on Professional Ethics and Grievances, American Bar Association.

Of particular relevance here is a series of nationwide adjudications culminating in 1958 in *Re Brotherhood of R. Trainmen*, 13 Ill. 2d 391, 150 N.E. 2d 163. That was a proceeding, remarkably similar to the present one, for a declaratory judgment that the activities of the brotherhood in assisting with the prosecution of its members' personal injury claims under the Federal Employers' Liability Act[37] were not inconsistent with a State law forbidding lay solicitation of legal business. The court found that each lodge of the brotherhood appointed a member to file accident reports with the central office, and these reports were sent by the central office to a regional investigator, who, equipped with a contract form for the purpose, would urge the injured member to consult and employ one of the 16 regional attorneys retained by the brotherhood. The regional counsel offered his services to the injured person on the basis of a contingent fee, the amount of which was fixed by the brotherhood. The counsel themselves bore the costs of investigation and suit and of operating the union's legal aid department.

The union argued that it was not motivated by any desire for profit; that it had an interest commensurate with that of its members in enforcement of the Federal statute; and that the advantage taken of injured parties by unscrupulous claims adjustors made it essential to furnish economical recourse to dependable legal assistance. The court ruled against the union on each of these points. It permitted the organization to maintain an investigative staff, to advise its members regarding their legal rights and to recommend particular attorneys, but it required the union to stop fixing fees, to sever all financial connections with counsel, and to cease the distribution of contract forms.

The practices of the brotherhood, similar in so many respects to those engaged in by the petitioner here, have been condemned by every State court which has considered them. *Re Petition of Committee on Rule 28 of Cleveland Bar Asso.* (App.) 15 Ohio L Abs 106; *Re O'Neill*, 5 F. Supp. 465 (D.C. E.D. N.Y.); *Hildebrand* v. *State Bar of California*, 36 Cal. 2d 504, 225 P. 2d 508; *Doughty* v. *Grills*, 37 Tenn. App. 63, 260 SW 2d 379; and see *Atchison, T. & S. F. R. Co.* v. *Jackson*, 235 F. 2d 390, 393 (C.A. 10th Cir.). And for similar opinions on related questions by bar association committees, see opinion A, opinions of the committee on unauthorized practice of the law, American Bar Association, 36 ABAJ 677; opinion 773, committee on professional ethics, Association of the Bar of the City of New York.

Underlying this impressive array of relevant precedent is the widely shared conviction that avoidance of improper pecuniary gain is not the only relevant factor in determining standards of professional conduct. Running perhaps even deeper is the desire of the profession, of courts, and of legislatures to prevent any interference with the uniquely personal relationship between lawyer and client and to maintain untrammeled by outside influences the responsibility which the lawyer owes to the courts he serves.

When an attorney is employed by an association or corporation to represent individual litigants, two problems arise, whether or not the association is organized for profit and no matter how unimpeachable its motives. The lawyer becomes subject to the control of a body that is not itself a litigant and that, unlike the lawyers it employs, is not subject to strict professional discipline as an officer of the court. In addition, the lawyer necessarily finds himself with a divided allegiance—to his employer and to his client—which may prevent full compliance with his basic professional obligations. The matter was well stated, in a different but related context, by the New York Court of Appeals in Re Co-operative Law Co. 198 NY 479, 483, 484, 92 N.E. 15, 16, 32 LRA NS 55:

"The relation of attorney and client is that of master and servant in a limited and dignified sense, and it involves the highest trust and confidence. It cannot be delegated without consent, and it cannot exist between an attorney employed by a corporation to practice law for it, and a client of the corporation, for he would be subject to the directions of the corporation and not to the directions of the client."

There has, to be sure, been professional criticism of certain applications of these policies.[38] But the continued vitality of the principles involved is beyond dispute,[39] and at this writing it is hazardous at best to predict the direction of the future. For us, however, any such debate is without relevance, since it raises questions of social policy which have not been delegated to this Court for decision. Our responsibility is simply to determine the extent of the State's legitimate interest and to decide whether the course adopted bears a sufficient relation to that interest to fall within the bounds set by the Constitution.

Second, it is claimed that the interests of petitioner and its members are sufficiently identical to eliminate any "serious danger" of "professionally reprehensible conflicts of interest" (ante, p. 424). Support for this claim is sought in our procedural holding in *National Association for Advancement of Colored People* v. *Alabama*, 357 U.S. 449, 458, 459, 2 L. Ed. 2d 1488, 1497, 78 S. Ct. 1163. But from recognizing, as in that case, that the NAACP has standing to assert the rights of its members when it is a real party in interest, it is plainly too large a jump to conclude that whenever individuals are engaged in litigation involving claims that the organization promotes, there cannot be any significant difference between the interests of the individual and those of the group.

The NAACP may be no more than the sum of the efforts and views infused in it by its members; but the totality of the separate interests of the members and others whose causes the petitioner champions, even in the field of race relations, may far exceed in scope and variety that body's views of policy, as embodied in litigating strategy and tactics. Thus it may be in the interests of the association in every case to make a frontal attack on segregation, to press for an immediate breaking down of racial barriers, and to sacrifice minor points that may win a given case for the major points that may win other cases too. But in a particular litigation, it is not impossible that after authorizing action in his behalf, a Negro

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Stats. 110 (Shepherd, 1835). Secs. 54–74 and 54–78, which as amended are before us today, were originally enacted in 1932, Va. acts 1932, cc 129, 284, and the Virginia Supreme Court of Appeals adopted the American Bar Association canons of ethics in haev verba in 1938. Virginia Canons of Professional Ethics, 171 Va. xviii-xxxv. As in many other States, the judiciary of Virginia has declared its inherent authority to assure proper ethical deportment. See, e.g., *Richmond Asso. of Credit Men, Inc.* v. *Bar Asso. of Richmond*, 167 Va. 327, 335, 336, 189 S.E. 153, 157.

[34] Virginia's policy of promoting aid to indigent suitors is of long standing (see 2 the Papers of Thomas Jefferson (Boyd ed. 1950)), 628, and the decision of the State court in this case fully implements that policy.

[35] The Court, p. 423, n. 25, ante, deals with the Real Estate Taxpayers case simply by referring to it as one in which the "parties and association attorneys had large sums of money at stake." It is true that the attorneys there (as here) were paid for their services by the association although we are not told the amount of the payment to any attorney. It is also true that the constitutional rights which the members were there seeking to assert through the nonprofit association were property rights, having these factors can be deemed to create an "element of pecuniary gain" which distinguishes the Real Estate Taxpayers case from the present one in any significant respect.

[36] The activities of the association in this Maclub case were more limited than those of the association in the Real Estate Taxpayers case. The attorneys in Maclub were selected and retained directly by the members and bills were then submitted to and paid by the association.

[37] 35 Stat. 65 (1908), as amended, 45 U.S.C. 51–60.

[38] See, e.g., Weihofen, "Practice of Law" by Non-Pecuniary Corporations: A Social Utility, 2 U. of Chi. L. Rev. 119; Drinker, Legal Ethics, 161–167; Traynor, J., dissenting in *Hildebrand* v. *State Bar of California*, 36 Cal. 2d 504, 225 P2d 508, supra.

[39] In addition to the decisions discussed in the text, further evidence of the attitude of the bench and bar is found in a survey described in McCracken, "Report on Observance by the Bar of State Professional Standards," 37 Va., L. Rev. 399, 400, 401 (1951).

parent, concerned that a continued frontal attack could result in schools closed for years, might prefer to wait with his fellows a longer time for good-faith efforts by the local school board than is permitted by the centrally determined policy of the NAACP. Or he might see a greater prospect of success through discussions with local school authorities than through the litigation deemed necessary by the association. The parent, of course, is free to withdraw his authorization, but is his lawyer, retained and paid by petitioner and subject to its directions on matters of policy, able to advise the parent with that undivided allegiance that is the hallmark of the attorney-client relation? I am afraid not.

Indeed, the potential conflict in the present situation is perhaps greater than those in the union, automobile club, and some of the other cases discussed above. For here, the interests of the NAACP go well beyond the providing of competent counsel for the prosecution or defense of individual claims; they embrace broadly fixed substantive policies that may well often deviate from the immediate, or even long-range, desires of those who choose to accept its offers of legal representations. This serves to underscore the close interdependence between the State's condemnation of solicitation and its prohibition of the unauthorized practice of law by a lay organization.

Third, it is said that the practices involved here must stand on a different footing because the litigation that petitioner supports concerns the vindication of constitutionally guaranteed rights.[40]

But surely State law is still the source of basic regulation of the legal profession, whether an attorney is pressing a Federal or a State claim within its borders. (See *Re Brotherhood of R. Trainmen*, 13 Ill. 2d 391, 150 N.E. 2d 163, supra.) The true question is whether the State has taken action which unreasonably obstructs the assertion of Federal rights. Here, it cannot be said that the underlying State policy is inevitably inconsistent with Federal interests. The State has sought to prohibit the solicitation and sponsoring of litigation by those who have no standing to initiate that litigation themselves and who are not simply coming to the assistance of indigent litigants. Thus the State policy is not unrelated to the Federal rules of standing—the insistence that Federal court litigants be confined to those who can demonstrate a pressing personal need for relief. (See *McCabe* v. *Atchison, T. & S. F. R. Co.*, 235 U.S. 151, 162, 59 L. Ed. 169, 174, 35 S. Ct. 69; *Massachusetts* v. *Mellon*, 262 U.S. 447, 488, 67 L. Ed. 1078, 1085, 43 S. Ct. 597; cf. *Stark* v. *Wickard*, 321 U.S. 288, 304, 305, 88 L. Ed. 733, 744, 745, 64 S. Ct. 559, and cases cited therein.) This is a requirement of substance as well as form. It recognizes that, although litigation is not something to be avoided at all costs, it should not be resorted to in undue haste, without any effort at extrajudicial resolution, and that those lacking immediate private need may make unnecessary broad attacks based on inadequate records. Nor is the Federal interest in impeding precipitate resort to litigation diminished when that litigation concerns constitutional issues; if anything, it is intensified. (*United Public Workers* v. *Mitchell*, 330 U.S. 75, 86–91, 91 L. Ed. 754, 765–768, 67 S. Ct. 556.)

There remains to be considered on this branch of the argument the question whether this particular exercise of State regulatory power bears a sufficient relation to the established and substantial interest of the State to overcome whatever indirect impact this statute may have on rights of free expression and association.

Chapter 33 as construed does no more than prohibit petitioner and those associated with it from soliciting legal business for its staff attorneys or, under a fair reading of the State court's opinion and amounting to the same thing, for "outside" attorneys who are subject to the association's control in the handling of litigation which it refers to them. (See pp. 438, 439, infra.) Such prohibitions bear a strong and direct relation to the area of legitimate State concern. In matters of policy, involving the form, timing, and substance of litigation, such attorneys are subject to the directions of petitioner and not of those nominally their clients. Further, the methods used to contain litigants are not conducive to encouraging the kind of attorney-client relationships which the State reasonably may demand. There inheres in these arrangements, then, the potentialities of divided allegiance and diluted responsibility which the State may properly undertake to prevent.

The impact of such a prohibition on the rights of petitioner and its members to free expression and association cannot well be deemed so great as to require that it be struck down in the face of this substantial State interest. The important function of organizations like petitioner in vindicating constitutional rights is not of course to be minimized, but that function is not, in my opinion, substantially impaired by this statute. Of cardinal importance, this regulatory enactment as construed does not in any way suppress assembly, or advocacy of litigation in general or in particular. Moreover, contrary to the majority's suggestion, it does not, in my view, prevent petitioner from recommending the services of attorneys who are not subject to its directions and control. (See pp. 438, 439, infra.) And since petitioner may contribute to those who need assistance, the prohibition should not significantly discourage anyone with sufficient interest from pressing his claims in litigation or from joining with others similarly situated to press those claims. It prevents only the solicitation of business for attorneys subject to petitioner's control, and as so limited, should be sustained.

IV

The Court's remaining line of reasoning is that chapter 33 as construed (hereafter sometimes simply "the statute") must be struck down on the score of vagueness and ambiguity. I think that this "vagueness" concept has no proper place in this case and only serves to obscure rather than illuminate the true questions presented.

The Court's finding of ambiguity rests on the premise that the statute may prohibit mere recommendation of "any particular attorney," whether or not a member of the NAACP's legal staff or otherwise subject to the association's direction and control. Proceeding from this premise the Court ends by invalidating the entire statute on the basis that this alleged vagueness too readily lends itself to the stifling of protected activity.

The cardinal difficulty with this argument is that there simply is no real uncertainty in the statute, as the State court found, 202 Va., at 154, 116 S.E. 2d, at 65, or in that court's construction of it. It is true that the concept of vagueness has been used to give "breathing space" to "first amendment freedoms" (see Amsterdam, note, "The Void-For-Vagueness Doctrine in the Supreme Court," 109 U. of Pa. L. Rev. 67.), but it is also true, as that same commentator has well stated, that "vagueness is not an extraneous ploy or a judicial deus ex machina." Id., at 88. There is, in other words, "an actual vagueness component in the vagueness decisions." (Ibid.) And the test is whether the law in question has established standards of guilt sufficiently ascertainable that men of common intelligence need not guess at its meaning. (*Connally* v. *General Constr. Co.*, 269 U.S. 385, 70 L. Ed. 322, 46 S. Ct. 126; *Winters* v. *New York*, 333 U.S. 507, 92 L. Ed. 840, 68 S. Ct. 665.) Laws that have failed to meet this standard are, almost without exception, those which turn on language calling for the exercise of subjective judgment, unaided by objective norms. (E.g., *United States* v. *L. Cohen Grocery Co.*, 255 U.S. 81, 65 L. Ed. 516, 41 S. Ct. 298, 14 ALR 1045 ("unreasonable" charges); *Winters* v. *New York*, 333 U.S. 507, 92 L. Ed. 840, 68 S. Ct. 665, supra ("so massed as to become vehicles for inciting"); *Joseph Burstyn, Inc.* v. *Wilson*, 343 U.S. 495, 96 L. Ed. 1098, 72 S. Ct. 777 ("sacrilegious").) No such language is to be found here.

Ambiguity in the present statute can be made to appear only at the price of strained reading of the State court's opinion. As construed, the statute contains two types of prohibition relating to solicitation. The first prohibits such groups as the NAACP and the educational defense fund, "their officers, members, affiliates, voluntary workers, and attorneys" from soliciting legal business for "their attorneys."[41] And the State court made it clear that "their attorneys" referred to "attorneys whom they (the NAACP and the fund) pay, and who are subject to their directions." (202 Va. at 164, 116 S.E. 2d, at 72.) This is the practice with which the State court's opinion is predominantly concerned and which gave rise to the intensive consideration by that court of the relations between petitioner and its legal staff. Surely, there is no element of uncertainty involved in this prohibition. The State court has made it plain that the solicitation involved is not the advocacy of litigation in general or in particular but only that involved in the handling of litigation by petitioner's own paid and controlled staff attorneys. (Compare *Thomas* v. *Collins*, 323 U.S. 516, 89 L. Ed. 430, 65 S. Ct. 315.)

The second prohibition in the statute is the solicitation by petitioner of legal business for "any particular attorneys" or the channeling of litigation which it supports to "any other attorneys," whether or not they are petitioner's staff attorneys. This language of the State court, coupled primarily with this Court's own notion that chapter 33 in defining "agents" has departed from common law principles, leads the majority to conclude that the statute may have been interpreted as precluding organizations such as petitioner from simply advising prospective litigants to engage for themselves particular attorneys, whether members of the organization's legal staff or not.

Surely such an idea cannot be entertained with respect to the State court's discussion of the NAACP and its staff attorneys. The record is barren of all evidence that any litigant, in the type of litigation with which this case is concerned, ever attempted to retain for his own account one of those attorneys, and indeed, strongly indicates that such

[40] It is interesting to note the Court's reliance on opinion 148, opinions of the committee on professional ethics and grievances, American Bar Association. This opinion, issued in 1935 at the height of the resentment in certain quarters against the New Deal, approved the practice of the national lawyers committee of the Liberty League in publicly offering free legal services (without compensation from any source) to anyone who was unable to afford to challenge the constitutionality of legislation which he believed was violating his rights. The opinion may well be debatable as a matter of interpretation of the canons. But in any event I think it wholly untenable to suggest (as the Court does in its holding today) that a contrary opinion regarding paid legal services to nonindigent litigants would be unconstitutional.

[41] As a corollary, attorneys are prohibited, by the law as construed, from accepting employment by petitioner in suits solicited by petitioner.

an arrangement would not have been acceptable to the NAACP so long as such a lawyer remained on its legal staff. And the State court's opinion makes it clear that that court was not directing itself to any such situation.

Nor do I think it may reasonably be concluded that the State court meant to preclude the NAACP from recommending "outside" attorneys to prospective litigants, so long as it retained no power of direction over such lawyers. Both in their immediate context and in light of the entire opinion and record below, it seems to me very clear that the phrases "or any particular attorneys" and "or any other attorneys" both have reference only to those "outside" attorneys with respect to whom the NAACP or the defense fund bore a relationship equivalent to that existing between them and "their attorneys."[42] It savors almost of disrespect to the Virginia Supreme Court of Appeals, whose opinion manifests full awareness of the considerations that have traditionally marked the line between professional and unprofessional conduct, to read this part of its opinion otherwise. Indeed the ambiguity which this court now finds quite evidently escaped the notice of both petitioner and its counsel for they did not so much as suggest such an argument in their briefs. Moreover, the kind of approach that the majority takes to the statute is quite inconsistent with the precept that our duty is to construe legislation, if possible, "to save and not to destroy." *NLRB* v. *Jones & L. Steel Corp.*, 301 U.S. 1, 30, 81 L. Ed. 893, 907 57 S. Ct. 615, 108 ALR 1352, and cases cited; *United States* v. *Rumely*, 345 U.S. 41, 47, 97 L. Ed. 770, 776, 73 S. Ct. 543.

But even if the statute justly lent itself to the now attributed ambiguity, the court should excise only the ambiguous part of it, not strike down the enactment in its entirety. Our duty to respect State legislation, and to go no further than we must in declining to sustain its validity, has led to a doctrine of separability in constitutional adjudication, always followed except in instances when its effect would be to leave standing a statute that was still uncertain in its potential application.[43] See *Smith* v. *California*, 361 U.S. 147, 151, 4 L. Ed. 2d 205, 210, 80 S. Ct. 215. Given the "ambiguity" view of the court, the separability doctrine should at least have been applied here, since what would then remain of chapter 33 could not conceivably be deemed ambiguous.[44] In my view, however the statute as constructed below is not ambiguous at all.

V

Since the majority has found it unnecessary to consider them, only a few words need be said with respect to petitioner's contentions that chapter 33 deprives it of property without due process of law and denies it equal protection.

The due process claim is disposed of once it appears that this statute falls within the range of permissible State regulation in pursuance of a legitimate goal. Pages 431–437, supra.

As to equal protection, this position is premised on the claim that the law was directed solely at petitioner's activities on behalf of Negro litigants. But chapter 33 as it comes to us, with a narrowing construction by the State court that anchors the statute firmly to the common law and to the court's own independently existing supervisory powers over the Virginia legal profession, leaves no room for any finding of discriminatory purpose. Petitioner is merely one of a variety of organizations that may come within the scope of the longstanding prohibitions against solicitation and unauthorized practice. It would, of course, be open to the petitioner, if the facts should warrant, to claim that chapter 33 was being enforced discriminatorily as to it and not against others similarly circumstanced. (See *Yick Wo* v. *Hopkins*, 118 U.S. 356, 373, 374, 30 L. Ed. 220, 227, 6 S. Ct. 1064.) But the present record is barren of any evidence suggesting such unequal application, and we may not presume that it will occur. *New York ex rel. Lieberman* v. *Van de Carr*, 199 U.S. 552, 562, 563, 50 L. Ed. 305, 310, 311, 26 S. Ct. 144; *Douglas* v. *Noble*, 261 U.S. 165, 170, 67 L. Ed. 590, 593, 43 S. Ct. 303.[45]

I would affirm.

Mr. ERVIN. Mr. President, this is a most astounding decision, because it holds that the NAACP and its subsidiary corporations can practice law through attorneys chosen and controlled by them. This holding is contrary to every other judicial decision which I have ever seen. It also holds that attorneys chosen and controlled by the NAACP and its subsidiary corporations must obey the policies of the NAACP, even in cases where there is a conflict between such policies and the interests of the clients whom they actually represent in court. This opinion goes further and adjudges that the NAACP and its subsidiaries and the attorneys chosen and controlled by them are exempt from prosecution under the barratry, champerty, and maintenance laws of the State in which they practice in suits to desegregate public schools and the like.

It also holds that attorneys chosen and controlled by the NAACP and its subsidiary corporations are privileged to solicit legal business in such cases, and are free from disciplinary bar action for so doing.

For these reasons I believe it would be bad for Congress to pass a law which would encourage what we lawyers call ambulance chasing. The provision allowing the taxation of attorneys' fees as a part of the cost in behalf of the prevailing parties in suits under title II would do exactly that, because it would allow attorneys, who are chosen and controlled by the NAACP and its subsidiary corporations and who are exempt from the law which applies to all other attorneys, to solicit business in these cases.

I do not believe that it is good public policy for the Congress to encourage any kind of ambulance chasing. That is exactly what the provision authorizing the taxation of attorneys' fees would do.

I hope that the Senate will adopt this amendment.

Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HICKENLOOPER. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER (Mr. PROXMIRE in the chair). The Senator from Iowa is recognized for 1 minute.

Mr. HICKENLOOPER. I believe that the proposition advanced by the Senator from North Carolina is sound and constructive, and that what he is trying to reach, and what has apparently been set up, is a difficult and bad precedent in our system of jurisprudence.

I hope to vote for his amendment.

I ran across a Biblical admonition a moment ago that may be apropos—almost—to this case. At least, I should like to pass on the benefit of this advice to my brethren in the Senate.

It will be found in Proverbs, chapter 26, verse 17, under the sundry maxims and observations of Solomon. It is as follows——

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

Mr. HICKENLOOPER. Mr. President, I yield myself one-half minute.

The PRESIDING OFFICER. The Senator from Iowa is recognized for one-half minute.

Mr. HICKENLOOPER. It is as follows:

He then passeth by, and meddleth with strife belonging not to him, is like one that taketh a dog by the ears.

Mr. HUMPHREY. That is a partisan remark.

Mr. MILLER. Mr. President, I yield myself such time as may be necessary.

The PRESIDING OFFICER. Without objection, the Senator may proceed.

Mr. MILLER. In response to the point of the Senator from North Carolina

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[42] The full text of those portions of the State court opinion in which these phrases appear is quoted in footnote 9 of the majority opinion, ante, p. 414.

[43] Of course, if we refuse to sustain one part of a State statute, the State court on remand may decide that the remainder of the statute can no longer stand, but insofar as that conclusion is reached as a matter of State law, it is of no concern to us.

[44] *Cf. Stromberg* v. *California*, 283 U.S. 359, 75 L. Ed. 1117, 51 S. Ct. 532, 73 ALR 1484, in which the State law condemned the displaying of a red flag for any of three purposes and this Court sustained the validity of the law as to two of these purposes but struck it down for vagueness as to the third.

[45] It has been suggested that the State law may contain an invidious discrimination because it treats those organizations that have a pecuniary interest in litigation (for example, an insurance company) differently from those that do not. But surely it cannot be said that this distinction, which is so closely related to traditional concepts of privity, lacks any rational basis. The importance of the existence of a pecuniary interest in determining the propriety of sponsoring litigation has long been recognized at common law, both in England, see *Findon* v. *Parker*, 11 M & W 675, 152 Eng., Rep. 976 (Exch. 1843), and in the United States, see, e.g., *Dorwin* v. *Smith*, 35 Vt. 69; *Vaughan* v. *Marable*, 64 Ala. 60, 66, 67; *Smith* v. *Hartsell*, 150 N.C. 71, 63 S.E. 172, 22 LRA N.S. 203. The distinction drawn by the Virginia law is not without parallel in the requirement that in the absence of a statute or rule a suit in a Federal court attacking the validity of a law may be brought only by one who is in immediate danger of sustaining some direct and substantial injury as the result of its enforcement, and not by one who merely "suffers in some indefinite way in common with people generally," or even in common with members of the same race or class. (*Massachusetts* v. *Mellon*, 262 U.S. 447, 487, 488, 67 L. Ed. 1078, 1085, 43 S. Ct. 597.) See *McCabe* v. *Atchinson, T. & S.F. R. Co.*, 235 U.S. 151, 162, 59 L. Ed. 169, 174, 35 S. Ct. 69. And of course the motives of the Virginia legislators in enacting ch. 33 are beyond the purview of this Court's responsibilities. (*Fletcher* v. *Peck* (U.S.) 6 Cranch 87, 130, 3 L. Ed. 162, 176; see *Arizona* v. *California*, 283 U.S. 423, 455, 75 L. Ed. 1154, 1165, 51 S. Ct. 522; cf. *Tenney* v. *Brandhove*, 341 U.S. 367, 377, 95 L. Ed. 1019, 1027, 71 S. Ct. 783.

about the function or purpose of this provision in the bill, on page 10, possibly serving as a vehicle for ambulance chasing, I would appreciate his comment on this point, that the ambulance chasing would be rather futile if the case were not meritorious and if the party lost, because as the bill now provides, the attorney's fee is good only to the prevailing party. Therefore, I suggest that the ambulance chaser—if we wish to use that term—will be on his guard not to go after anything except meritorious cases; otherwise, it would be a waste of his time and effort without any compensation so far as the Federal court is concerned.

Mr. ERVIN. My reply is that the attorney who had a meritorious case would probably be crushed to death in the rush of attorneys seeking cases regardless of their merits or demerits.

The PRESIDING OFFICER. The time of the Senator from North Carolina has all expired.

Mr. MILLER. Mr. President, I shall be glad to yield some time to the Senator from North Carolina——

SEVERAL SENATORS. The Senator cannot do that.

The PRESIDING OFFICER. The Senator can yield on his own time only if no Senator makes a point of order.

Mr. MILLER. Has the Senator from North Carolina used up all his time?

The PRESIDING OFFICER. The Senator is correct.

Mr. MILLER. I would be pleased to yield to him, if some other Senator who supports the Senator from North Carolina's amendment would respond to that question, because I believe that this is the answer to the Senator from North Carolina, that if we are concerned about ambulance chasing, we had better realize that the ambulance chasers are not about to be in the business if there is no profit in it for them. They will be in the business only if they can make a profit. They are not going to make much profit out of any cases except those which are meritorious, so I believe that the point is exaggerated, and I believe the amendment is inadvisable.

Mr. PASTORE. Mr. President, I yield myself 30 seconds.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 30 seconds.

Mr. PASTORE. The purpose of this provision in the modified substitute is to discourage frivolous suits. Here the court within its discretion is given power to order payment of attorney's fees to the prevailing party. First of all, it is within the discretion of the court. It is not favoritism toward one party as against the other. When a person realizes that he takes the chance of having attorney's fees assessed against him if he does not prevail, he will deliberate before he brings suit. He will make certain that he is not on frivolous ground.

I believe that this is a good provision in the modified substitute. I believe that the amendment should be defeated.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from North Carolina [Mr. ERVIN]. 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 Montana [Mr. METCALF] and the Senator from Virginia [Mr. ROBERTSON] are absent on official business.

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

On this vote, the Senator from Virginia [Mr. ROBERTSON] is paired with the Senator from California [Mr. ENGLE]. If present and voting, the Senator from Virginia would vote "yea" and the Senator from California would vote "nay."

Mr. KUCHEL. I announce that the Senator from Arizona [Mr. GOLDWATER] is detained on official business.

The result was announced—yeas 31, nays 65, as follows:

[No. 418 Leg.]

YEAS—31

Byrd, Va.	Hill	Simpson
Byrd, W. Va.	Holland	Smathers
Cotton	Hruska	Sparkman
Curtis	Johnston	Stennis
Eastland	Jordan, N.C.	Talmadge
Ellender	Jordan, Idaho	Thurmond
Ervin	Long, La.	Tower
Fulbright	McClellan	Walters
Gore	Mechem	Williams, Del.
Hayden	Morton	
Hickenlooper	Russell	

NAYS—65

Aiken	Fong	Morse
Allott	Gruening	Moss
Anderson	Hart	Mundt
Bartlett	Hartke	Muskie
Bayh	Humphrey	Nelson
Beall	Inouye	Neuberger
Bennett	Jackson	Pastore
Bible	Javits	Pearson
Boggs	Keating	Pell
Brewster	Kennedy	Prouty
Burdick	Kuchel	Proxmire
Cannon	Lausche	Randolph
Carlson	Long, Mo.	Ribicoff
Case	Magnuson	Saltonstall
Church	Mansfield	Scott
Clark	McCarthy	Smith
Cooper	McGee	Symington
Dirksen	McGovern	Williams, N.J.
Dodd	McIntyre	Yarborough
Dominick	McNamara	Young, N. Dak.
Douglas	Miller	Young, Ohio
Edmondson	Monroney	

NOT VOTING—4

Engle	Metcalf	Robertson
Goldwater		

So Mr. ERVIN's amendment was rejected.

Mr. DIRKSEN. Mr. President, I move that the Senate reconsider the vote by which the amendment was rejected.

Mr. HUMPHREY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MRS. PETER MEAD, TYPICAL WESTERN WOMAN

Mr. McGEE. Mr. President, I yield myself 30 seconds.

The latest issue of the Farm Journal carries an excellent article about a very dear friend and former student of mine, Mrs. Peter Mead. This gracious young mother, the daughter of our Governor, Clifford P. Hansen, is the type of woman who epitomizes western women at their best. Mary Hansen Mead is at home on a horse or in a drawing room. She has an independent spirit that is a tradition among Wyoming women and an indication of why we are proud to be called the Equality State.

Mr. President, I regret that the printing facilities will not permit the reproduction of the pictures which accompany this article, for they demonstrate that Mary is beautiful as well as talented, but I ask unanimous consent that the text of this article, written by Laura Lane, be printed in the RECORD.

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

A RANCH WIFE LOOKS AT HER HERITAGE

(By Laura Lane)

I've been prospecting for a farmer's wife cover girl—a woman who represents and appreciates the traditions and character of the West. Not the phony TV west, but the ranching West which produces a breed of people I admire.

Luck was with me—in Wyoming I struck gold. There I met Mary Hansen Mead of Teton County, who has a special brand of gratitude for her pioneering forebears.

Mary's paternal grandparents homesteaded in Jackson Hole before 1905 "when it was rough country and had to be gentled." Then her parents by management and hard work accumulated the sizable spread which Mary and her husband Peter now operate, with three appealing little ranchers, Brad 5, Martha (Muff) 4 and Matt who is 2.

The happenstance of where you're born and where you put your roots down can be fortunate. Especially if it's in a picture-postcard setting like Jackson Hole, I thought as I stood on Mary's back steps. She read my thoughts about her personal geography: "I never look at that view of the mountains without feeling both reverent and patriotic."

Mary (a member of Farm Journal's family test group) and I continued our talk in the fine old log house the Meads recently remodeled. It's on a 300-acre tract of their own which adjoins the Hansen ranch.

"I live where I most want to live, with the people I love the most," Mary told me. "I must be the luckiest person in the world. Someday we'll own more land—and more cattle, too. I'm proud that we can use the first registered cattle brand in the county (the Double T) on the herd Pete and I are building up. I hope to instill in my children the sense of proprietorship and belonging I feel about this place."

I assured Mary that many farm women of plains and prairies feel just as deeply about their heritage—a country childhood, hard work rewarded with good times, neighborliness, self-reliance, liberty and faith in God.

With parents as prominent as the Clifford P. Hansens (he is now Governor of Wyoming), Mary might have been a spoiled brat instead of a young woman with a mind of her own and a cheerful acceptance of work (as long as the work gets her someplace).

She's found it's one thing to ride the range as a carefree youngster and quite another to cook for hay crews, keep three sets of books, wash milk separators and cope with three young children. ("I always thought my babies would never have runny noses, but of course they do.")

As a girl, Mary helped in the saddle when her father worked cattle, or on a buckrake at haying time (the crop averages 4,000 tons). Because she was an outdoor girl, Mary had to learn as a bride, the homemaking skills in which her mother is so expert. "Box cakes and puddings probably saved our marriage," she admits.

Pete had a New England heritage. He grew up in a ski area of Vermont, "came West to be a cowboy and ended up a cowman." Pete worked on ranches in the Jackson area before and after his stint in the Army. Then

he married Mary, who was teaching. The first year of their marriage they were ski instructors in California. Then they went back to Teton County and bought a small place of their own.

Two years ago when Mary's father went into politics, Pete became manager of the Hansen holdings. It's quite an undertaking to run a big outfit with lots of hands and four scattered headquarters, but both Pete and Mary are working hard to develop their management abilities.

"I've learned quite a bit about cost accounting, but already I can't cowboy to suit Pete or drive a tractor the way he wants it done," says his western wife.

A kind of history book—Cliff Hansen's diary of 25 years of ranch operation—has been Pete's guide and solace in his new job; so he continues to keep the daybook. "And if he didn't, I would," Mary adds. She hopes the perpetuated diary (Pete reads it like a novel) will someday be of help and interest to a rancher son.

"Jackson Hole is a wonderful place to live (maybe not ideal for the taxpayers), but we don't consider moving—or quitting the cow business when prices are low. I'd rather hammer staples in a fence than meet a commuter train in the evening." I heard the gratitude in her voice. "And out here a child from the time he can walk can accompany his father to work."

Naturally the young Meads are being brought up outdoors. Brad began to ride a horse and ski at the age of 3; Muff already rides alone, and Matt will soon follow suit.

The good times of ranch life are more enjoyable because of the hard work and worry. This is a point of view Mary borrowed from her Grandmother Miller and one she wants to pass along to her own children. Hence the kids are included in most of the fun, such as rides in a speedboat on Jackson Lake. The boat, an admitted extravagance, gets Pete away from ranch problems.

"I make an effort to see that Pete takes some leisure—and you have to take it on a ranch—there's no free time," Mary says. "With other interests now, we'll have something to share besides work when the kids are grown."

She and Pete ski in winter, hunt antelope in the fall (Mary shot her first antelope and her first elk at age 16). Contract bridge is one recreation which can keep Pete awake after a long day of moving cattle or horses.

Mary belongs to the Teton Barrel Racing Association and in summer competes with 20 other ranch wives doing speedy figure 8's around oil drums without upsetting them. It's one sport where most of the spectators yell: "Come on, Mommy." Mary modestly says her racing prize money seldom exceeds her entry fees. She prefers to ride her aging mare Squaw rather than pay several hundred dollars for a good new barrel racer (last summer's horse money went for a dishwasher).

While we visited the corrals, Mary told me that her paternal grandparents came to Jackson Hole with a team and wagon. Grandmother Hansen pulled sagebrush while she reared six children, rode a horse 10 miles to put a dime in the church collection plate. (Mary's been treasurer of that same Episcopal church, St. John's.) Considering your forebears' strenuous beginnings can make your own tribulations look like gopher hills, she decided.

Nobody ever went hungry who passed the Hansen place with cattle bound for range. Mary, like her mother and grandmother, keeps the coffeepot handy and bakes big batches of bread when men and cattle are on the move.

About entertaining Mary says: "I think it's better for a hostess to be spontaneous rather than fancy. I want my guests to realize they're important but not to feel I'm putting myself out to fix a meal."

The Mead home is a welcoming place, uncluttered with teensies and doodads. The living room is colorful and handsome. Heirlooms and modern furniture have quality, show their owners' good taste. Pete's office and the family living area are comfortably informal—Pete and the ranch hands come in as they are.

Because the scenic grandeur of Jackson Hole attracts many celebrities, Mary and Pete meet them—so do their neighbors. Life in such a cosmopolitan community helps you distinguish between people worth knowing and phonies, Mary believe. And it makes you resolve never to put on airs yourself.

As the years pass, Mary wonders if she'll measure up to Grandmother Hansen, who piloted a plane in her sixties, went to Europe in her seventies. Mary, at 21, went along. She inherited her grandmother's zest for life.

One of Mary's big worries is that her children may have less freedom than their forebears to build their own domain. If the young Meads aren't independent thinkers, their upbringing won't be to blame. Their mom is dead set against governmental encroachment:

"Every year there are more restrictions on land leased for grazing. About 97 percent of Teton County is federally owned, and the Federal tax rebate to help support our county government decreases annually. So ranchers feel financial pressure along with the pressure of being fenced in—in the spacious West.

"We ranchers aren't overgrazing range—we're improving it. But it looks as if in time we'll be prohibited from leasing public lands."

The conviction which led Mary's father, Cliff Hansen, into politics—that every American is a part of history and should help shape it—rubbed off on his daughter. Mary majored in history at the University of Wyoming, reads much about current issues. And she says what she thinks: "I want our children to love this country—not just the West—as deeply as I do, but you don't have to be patriotic at the top of your voice to be sincere." (Mary is no top-of-the-voice girl—she's quiet, a thinker.)

"I know I have prejudices, but I'm not 'busy seeing Communists under the bed.' And I'm no parrot. Mainly I want my children—all children, in fact—to get involved in politics when they're grownup—not just sit on the sidelines and criticize. That way no radical group will ever use us—neither arch conservatives nor let-the-government-do-it-all liberals. We need free thought to make free enterprise work.

"Some groups maintain all of the American past is glorious and we mustn't criticize. Nonsense. Every nation makes mistakes and must learn from them—just as individuals do. I want Brad and Muff and Matt, when they're old enough, to understand the whys of our mistakes. But I'll be careful how I point out our national errors, just as I'm careful how I explain people's faults (my own included)."

Occasionally Mary cuts herself down to size that way—not with humility, but with honesty: "I'm not stylish or well-spoken, but I don't feel inferior. I respect myself. I wouldn't trade places with anybody."

That's Mary Mead for you. And that's the spirit of the West I was prospecting for. There are plenty of ranch wives like Mary who are contributing one thing especially to our national heritage: spunk.

CIVIL RIGHTS ACT OF 1963

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

Mr. THURMOND. Mr. President, I yield myself 30 seconds. I call up my amendment No. 1025 and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 65, line 19, change the period to a colon and insert the following: *"Provided, however,* That failure to comply with requirements of this section shall not constitute more than one offense until after notice in writing has been given to the employer, employment agency or labor organization, as the case may be, by the Commission, of the past or existing noncompliance."

Mr. THURMOND. Mr. President, section 711 of title VII of the substitute amendment provides a fine of up to $100 for each separate offense of employers not posting notices prescribed by the Equal Employment Opportunities Commission. This amendment would prevent a continuing failure to post such notices from constituting more than one offense until after the Commission had notified the employer in writing of the existing noncompliance.

On this amendment, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Carolina. The yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from Virginia [Mr. BYRD], the Senator from Arizona [Mr. HAYDEN], and the Senator from Virginia [Mr. ROBERTSON] are absent on official business.

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

I further announce that the Senator from Idaho [Mr. CHURCH] is necessarily absent.

On this vote, the Senator from Virginia [Mr. BYRD] is paired with the Senator from California [Mr. ENGLE]. If present and voting, the Senator from Virginia would vote "yea" and the Senator from California would vote "nay."

I further announce that, if present and voting, the Senator from Virginia [Mr. ROBERTSON] would vote "yea."

The result was announced—yeas 32, nays 63, as follows:

[No. 419 Leg.]

YEAS—32

Byrd, W. Va.	Holland	Simpson
Cooper	Hruska	Smathers
Cotton	Johnston	Sparkman
Curtis	Jordan, N.C.	Stennis
Eastland	Long, La.	Talmadge
Ellender	McClellan	Thurmond
Ervin	Mechem	Tower
Fulbright	Miller	Walters
Goldwater	Morton	Williams, Del.
Gore	Mundt	Young, N. Dak.
Hill	Russell	

NAYS—63

Aiken	Gruening	Metcalf
Allott	Hart	Monroney
Anderson	Hartke	Morse
Bartlett	Hickenlooper	Moss
Bayh	Humphrey	Muskie
Beall	Inouye	Nelson
Bennett	Jackson	Neuberger
Bible	Javits	Pastore
Boggs	Jordan, Idaho	Pearson
Brewster	Keating	Pell
Burdick	Kennedy	Prouty
Cannon	Kuchel	Proxmire
Carlson	Lausche	Randolph
Case	Long, Mo.	Ribicoff
Clark	Magnuson	Saltonstall
Dirksen	Mansfield	Scott
Dodd	McCarthy	Smith
Dominick	McGee	Symington
Douglas	McGovern	Williams, N.J.
Edmondson	McIntyre	Yarborough
Fong	McNamara	Young, Ohio

NOT VOTING—5

Byrd, Va.	Engle	Robertson
Church	Hayden	

So Mr. THURMOND's amendment was rejected.

Mr. RANDOLPH. Mr. President, I move that the vote by which the amendment of the Senator from South Carolina was rejected be reconsidered.

Mr. HUMPHREY. Mr. President, I move to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

AMENDMENT NO. 923

Mr. THURMOND. Mr. President, I call up my amendment No. 923, and ask that it be stated.

The PRESIDING OFFICER. The amendment of the Senator from South Carolina will be stated.

The LEGISLATIVE CLERK. On page 68, beginning in line 20, it is proposed to delete down through line 23, on page 69, as follows:

TITLE VIII—REGISTRATION AND VOTING STATISTICS

SEC. 801. The Secretary of Commerce shall promptly conduct a survey to compile registration and voting statistics in such geographic areas as may be recommended by the Commission on Civil Rights. Such a survey and compilation shall, to the extent recommended by the Commission on Civil Rights, include a count of persons of voting age by race, color, and national origin, and determination of the extent to which such persons are registered to vote, and have voted in any statewide primary or general election in which the Members of the United States House of Representatives are nominated or elected, since January 1, 1960. Such information shall also be collected and compiled in connection with the Nineteenth Decennial Census, and at such other times as the Congress may prescribe. The provisions of section 9 and chapter 7 of title 13, United States Code, shall apply to any survey, collection, or compilation of registration and voting statistics carried out under this title: *Provided, however,* That no person shall be compelled to disclose his race, color, national origin, political party affiliation, how he voted, or the reasons therefore, nor shall any penalty be imposed for his failure or refusal to make such disclosure. Every person interrogated orally, by written survey or questionnaire or by any other means with respect to such information shall be fully advised with respect to his right to fail or refuse to furnish such information.

Mr. THURMOND. Mr. President, on the question of agreeing to this amendment, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. THURMOND. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 1 minute.

Mr. THURMOND. Mr. President, title VIII of the proposed substitute would authorize the compilation of voting statistics by race, in areas of the United States selected by the Civil Rights Commission. A circuit court of appeals has recently held that it is unconstitutional for States to classify registration certificates or registrants by race. If such records are deemed necessary to be compiled and kept, they can be gathered just as well, if not better, by the individual States, at no cost or trouble to the U.S. Government. However, since it has been ruled unconstitutional for a State to classify voters by race, the compilation of such statistics by the U.S. Government cannot be justified. This amendment would delete title VII from the substitute.

ADDRESS BY FATHER EDWARD B. ROONEY AT COMMENCEMENT EXERCISES OF GEORGIAN COURT COLLEGE, LAKEWOOD, N.J.

Mrs. SMITH. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Maine is recognized for 1 minute.

Mrs. SMITH. Mr. President, it was my privilege and pleasure to attend the commencement exercises of Georgian Court College, in Lakewood, N.J., on June 6, 1964. I have never attended a more enjoyable and impressive ceremony, and I was deeply impressed.

The president of Georgian College is one of the most remarkable women I have ever known—Sister Mary Pierre, who not only has attained great academic achievement, with a doctor of philosophy from the University of Madrid, and graduate work of great distinction at Yale University, but who is easily one of the loveliest persons I have ever met. Her charm and her great warmth of feeling for people captivate everyone.

It was my pleasure to see again, on that occasion, a great educator, Father Edward B. Rooney, who gave the commencement address. It was one of the finest messages I have ever heard. Because I feel that it should be widely read, I commend it to every Member of Congress, and I ask unanimous consent that it be printed at this point in the body of the RECORD.

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

COMMENCEMENT ADDRESS, GEORGIAN COURT COLLEGE, BY EDWARD B. ROONEY, S.J., LAKEWOOD, N.J., JUNE 6, 1964

Your Excellency, Bishop Ahr, Your Honor Senator Smith, Sister-President, Right Reverend and Very Reverend Monsignori, reverend fathers, sisters, members of the faculty, graduates, parents, students, and friends of the graduates and of Georgian Court: I am grateful to your president, Sister Mary Pierre, for the honor of her invitation to address you, the class of 1964, on this happy occasion when you cease to be students and become alumnae of a distinguished American Catholic college. I am pleased to share in the joy that this day brings to you, to your parents, and relatives, and friends; and to participate in that happy sense of achievement that your graduation marks for your college, your community, and your church. For, after all, it is only in you and through you, its graduates, that your college attains the goals for which it was founded; it is through your lives that your alma mater brings blessings to your community and your church.

Georgian Court has striven to give a liberal education, an education that would free your minds not merely to search for truth but to recognize and embrace it when found; an education that would not only help you to judge what is good for the individual and for society but would strengthen your freedom to embrace that good, cost what it might; an education that would free your sensibilities not merely to see the beautiful in literature and art and music and architecture and science, but also to derive lasting joy from the contemplation of that beauty and to recreate in a thousand different ways some of it in your own lives. At Georgian Court you came to see that the liberal arts and sciences, if followed with scholarly humility, inevitably lead by the paths of natural reason to the threshold of a temple whose portals only Revelation can open. Theology opened those portals to you with its knowledge of a God-Man who did speak and did reveal Himself and His church. By listening to that voice, by studying your faith, and by practicing it in a forthright, sincere manner you brought the knowledge of your faith to the same high level as the rest of your learning. The liberal education you received at Georgian Court was designed to free you from every kind of prejudice against God and man. It enabled you to see God in all men; to see that through this service of man, in whatever community he be found, you serve God and thus merit to become a member of the community of saints in the world to come. True to her objectives as an American and a Catholic college, Georgian Court gave you a philosophy and a theology that not only explained social responsibility but made it a serious obligation to accept such responsibility to your church, your community, and your country.

Because I think these community aspects of your education are of special importance today, I should like to make the theme of my message to you today, "The Role of the Catholic Graduate in the Community Life of the Church and the Nation."

One would have to be deaf, indeed, not to catch the urgency in the appeals for the active participation of laymen in the life of the church that has been the burden of message after message from the Popes of our own time, culminating in the perfect symphony of appeals that have come to us, and will continue to come under the inspiration of Paul VI, from the Second Vatican Council. This active participation of the laity in the life of the church will not be easy; if it is to be intelligent, the church will have to rely heavily on people who have had the benefit of a Catholic higher education. For example, the provisions the church is making for the more active participation of the laity in the liturgical life of the church are not going to simplify your faith and its practice. They will not solve mysteries; there will still be the same ample field for childlike faith there has been in the past; there will be an even larger field for intellectual discipline, and for humble obedience to the Vicar of Christ. Again, the ecumenical movement in the church will put a much heavier intellectual burden not on the clergy alone but also on the laity and especially on the educated laity. For the greater the association that develops between Catholics and non-Catholics the greater will be the obligation to understand the various non-Catholic positions, and also our own.

If your participation in the church community is to be what the church expects, you will have to be alert. You will have to read; you will have to have Catholic books and encyclopedias available, not as dust-gathering ornaments but to be read and studied. One cannot keep up with the advances of literature, science, the arts, politics, and world affairs unless one reads adult books and magazines. Your children will more easily come by habits of serious reading and of being well informed on what is going on in the church as well as in the State if they see their elders reading such books, if they hear discussions of such books, and if such books are available to them in their homes. They will also come naturally to think in terms of active participation in the life of the church, if the example of their parents inclines them this way. Organizations that will afford ample scope for participation of the laity in the community life of the church are numerous; and they are pleading for workers. "Catholic Action in Practice,"[1] by Martin Quigley, Jr., and Msgr. Edward M. O'Connor, that appeared last year, is a veritable mine of information on such organizations.

But if it is important that you participate actively and intelligently in your church community, it is equally if not more important to exercise the same active and intelligent participation in your civic community. The normal way for the citizen to look to the good of his community and to his duty as his brother's keeper will be through the agencies of Government and community organizations. You will fulfill these obligations by taking an active, intelligent interest in politics and by participating in community projects whether these be sponsored by Government or voluntary agencies.

There are, of course, a thousand and one ways of exercising one's community obligations. There are needs, and activities to meet them, in the broad areas of health (physical, mental, and moral), of welfare, and of education. Today I should like to lay particular emphasis on one of these areas, not only because I believe it is a particularly important area for active and intelligent participation of Catholic women in community life today but also because it will serve to illustrate a number of principles of community endeavor that are all too often misunderstood. The area I wish to speak of is that of education.

In America we are fortunate in having a dual system of education, one part under the control of State and local government, the other under private control. Although private schools were in existence long before public schools, the public school system is by far the larger. Even so, both are very strong and they help one another greatly, especially by mutual stimulation. The existence of the two systems, side by side, has been good for education and good for our people. The dual system has prevented government, both Federal and State, from exerting undue control over education. The dual system has made both systems more alert. Public schools make good schooling available for all our children, while private schools make freedom of choice a reality for parents, especially for those who desire religious training and atmosphere for their children. The private system also makes possible experimentation that would be quite impossible if we had public schools only.

This healthy American dual system of education needs protection and interest. It is my belief that one of the most important areas for active participation of Catholic women in community life is that of the schools. While it is but natural that you who are graduates of private schools and colleges should take a special interest in those schools, it would be sad indeed, if graduates of Catholic colleges were so lacking in a sense of civic responsibility as to give grounds for the oft-repeated charge that Catholics are concerned only with Catholic schools; or, worse still, that they are enemies of the public school, and even refuse to serve on local boards of education. No citizen has a right to neglect that system of schools that cares for so many American children and that, by and large, does such a fine job, often in spite of difficulties that hamper and restrict its freedom.

This does not mean that in order to show interest in the public schools it is necessary to send your children there. If you are convinced, and, as Catholics, you should be, that religious atmosphere and religious instruction are essential to the school in which to bring up Catholic children, then you should place your children in schools that create this atmosphere and provide this instruction. This will not preclude a healthy interest in and work for the neighboring public school. By the same token, we should like to see a similar interest not only on the part of parents of public schoolchildren, be they Catholic or non-Catholic, but also on the part of public school officials, in the parochial school, the Catholic high school, and the Catholic college. We would welcome them to our schools; and I am sure we would gain much from their neighborly interest and advice.

The plea for understanding and cooperation among those whose interests are in public education and those whose interests lean to private schools is particularly necessary at the present time. The last few years have witnessed much misunderstanding concerning the position of most Catholic educational leaders on state aid for private schools. It is my conviction, and it grows stronger with the years, that once the American people see the justice of the claims of private schools to a share in public educational funds, they will, with their usual fairmindedness, vote for such aid. But this will never come about until we concentrate on the real issues and stop talking about false ones in the debate on state aid to private schools.

And there are real issues. That educational opportunity is not equal in all parts of our country is a fact. But whether or not there is a genuine need of Federal aid, and whether or not it is the proper function of the Federal Government to equalize educational opportunity are real issues. That there are inherent dangers in Federal control of education is a fact. Other nations of the world bear sad witness to it. Whether in a vast program of Federal aid the danger of Federal control over education can be obviated, and whether the good that will be accomplished by Federal aid outweighs the risk of danger, are real issues. If Federal moneys are given for the support of private schools, it is undoubtedly true that the number of public schools will decrease. Whether this result would be more than counterbalanced by the freedom of choice that it makes a reality, is a real issue.

But there are false issues as well, and they, unfortunately, have claimed much of the time and attention that should have been devoted to discussing the real issues and ways to solve them.

There is, for example, the issue of separation of church and state. Federal aid to private, and particularly to denominational, schools would be a violation of the American principle of separation of church and state, established by the first amendment which erected the "wall of separation." That issue is false. The words, "separation of church and state" and "wall of separation" do not even occur in the first amendment which states very simply, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof * * *." The obvious meaning of these words is that the Federal Government is prohibited from setting up a state-church to which all must belong or which will receive preferred treatment. With this we are in complete agreement. If the separation of church and state established by the first amendment means more than that, then we have a long history of violating our Constitution. Provision for chaplains in the Armed Forces, the school lunch program, the Hill-Burton Hospital Construction Act, the college housing loan program, many features of the National Defense Education Act of 1958, the 1963 Higher Education Facilities Act, to say nothing of a host of other Federal assistance programs, are all violations of the Constitution since denominational institutions or organizations participate in all of them on an equal basis with their nonsectarian counterparts. Actually, in the history of the United States, there has never been complete separation of church and state in the sense claimed by those who use it to oppose Federal aid to private schools. Hence, separation of church and state in the true sense established by the first amendment is not at issue in the Federal-aid-to-education controversy.

Then there is the false issue of aid to religion. Federal aid to denominational schools is aid to religion, so they say. The unconstitutionality of that was clearly scored in the McCollum and the Everson decisions of the Supreme Court. In the *Everson* case, the Supreme Court stated that, "Neither a State nor the Federal Government * * * can pass laws which aid one religion, aid all religions, or prefer one religion over another;" but it upheld the constitutionality of the New Jersey statute extending public transportation to children attending parochial schools. This "no aid" concept was referred to in the McCollum case outlawing a plan for religious instruction on public school premises. But in a third case, the Zorach case, in which it upheld the constitutionality of a New York statute providing a program of religious instruction off the premises of public schools, the Supreme Court observed, "The first amendment does not say that in every and all respects there shall be separation of church and state." Later, the Court said, "We are a religious people whose institutions presuppose a Supreme Being. * * * When the state encourages religious instruction or cooperates with religious authorities it follows the best of our traditions. It then respects the religious nature of our people and accommodates the public service to their needs." The Court concluded, "We cannot read into the Bill of Rights a philosophy of hostility to religion." The most, therefore, that can be said of the McCollum and Everson cases is that they declare direct aid to religion against the first amendment. But this must not be so exaggerated as to make the first amendment the enemy of religion instead of its protector. Were Federal funds given to denominational schools, the aid to religion would, at most, be indirect. The direct aid would be to schools which devote 95 percent of their time to teaching the very same subjects that are taught in public schools; and in which children can fulfill the compulsory school attendance laws of every State in the Union. To claim that the prohibition of aid to religion forbids aid to denominational schools is to read into the first amendment a philosophy of hostility to religion which the Supreme Court itself repudiated. Hence, that, too, is a false issue.

If you graduates of a Catholic college are to take an intelligent part in this debate, you must understand that the real issues in the debate are freedom of religion and justice. In order to guarantee that every citizen should be completely free to practice his religion according to his conscience, the Federal Government was forbidden by the

[1] Quigley, Jr., M. and O'Connor, Edward M., "Catholic Action in Practice," Random House, New York: 1963.

first amendment to set up a state religion or to make laws curtailing the free exercise of religion. In depriving Congress, and later, by the 14th amendment, the States, of the power to establish a religion to which all must belong, or to interfere with the free exercise of religious rights, the American people did separate the church and the state. The separation thus created was a means to an end. The end was the personal freedom of religion of the individual citizen. The choice, by parents who desire it, of a religiously orientated education for their children, is an exercise of that religious freedom guaranteed by the first amendment. To refuse to allow denominational schools to participate in the benefits of a general Federal-aid program is to put a penalty on the exercise of that freedom, and is itself a violation of that freedom. Consequently, religion and the first amendment are real issues in the controversy over Federal aid not because aid to private schools would violate the separation of church and state intended by the amendment, but because the denial of aid to private and denominational schools would violate the free exercise of religion guaranteed by the first amendment.

The National Education Association rightly objects to the opprobrious term "godless" being applied to public schools. How can our public schools be godless when such a large majority of their teachers are religiously oriented? Moreover, in its publication, "Moral and Spiritual Values in the Public Schools,"[2] the NEA lays great stress on the efforts of the public school to inculcate such values. I do not think the public school people should object if it were said that at the very minimum they try to develop secular humanism. Should they for this reason be declared incapable of receiving Federal assistance if such were given? I do not think so. Yet the Supreme Court has said[3] that among the beliefs recognized and therefore protected by the first amendment are ethical culture and secular humanism. Would it not be ironic if public schools were declared ineligible for Federal aid for the reason that they teach moral and spiritual values based on secular humanism?

In his now famous education message to Congress in 1961, President John F. Kennedy (to whose immortal soul we are certain God has long since granted eternal rest), said: "Our twin goals must be: A new standard of excellence in education—and the availability of such excellence to all who are willing and able to pursue it."

Our Constitution guarantees to parents the freedom to choose the school to which they will send their children; 15 percent of American parents make use of this freedom and send their children to private schools. By what principle of justice are those American children who attend private schools excluded from the availability of the excellence that President Kennedy so rightfully called for? By what right are children in private schools made second-class citizens because their parents, following the dictates of conscience, prefer for them a religious oriented education? Is it justice when 6 million children in private schools are excluded from a program of aid supposedly predicated on public policy and general welfare? Justice, then, is a real issue. It is the issue. For justice demands that parents of children in private schools be guaranteed not only their freedom of choice but also immunity from penalty in the exercise of that freedom. The parents of those children will not be exempt from the taxes that support the program of Federal aid to education. Is it just that they be excluded from the benefits of such a program?

Who, if not the graduates of Catholic colleges like Georgian Court, should be better able to enlighten the many, many people of good will who really wish to understand and to be fair? Here, then, is another area where enlightened public opinion and active participation in community life are extremely important.

But if your participation in community life is supremely important for your church, your country, and your local community, it involves certain hazards. I would be less than honest and I would do community service no good at all were I to leave you with the mistaken notion that such participation will be all glamour and attraction.

To begin with, participation in community life is not easy. Whether it be the political, the social, or the religious life of your community that you get involved in, if your participation is to be constant and persevering and selfless it may better be described in the words used by a great English statesman to depict the grim days of war in his country: blood, sweat, and tears. You will have to sacrifice your own ease and comfort. At times you will be the victim of the slings and arrows of outrageous criticism. Your motives will be questioned; you will be called a busybody.

All that I am trying to say was really said much better than I can say it by your valedictorian, Joan Marie Smith, in her excellent address on "A Commitment." But if I were looking for an outstanding example of a person who has lived and put into practice what I have been trying to say we have such an example in the person on whom Georgian Court has today conferred an honorary degree, the Honorable MARGARET CHASE SMITH. In her you have a person who personifies the ideals of community activity that I have been speaking of.

If you take an active part in politics, either running for office yourself or working for others who will truly represent you and whose one aim will be to serve, you will be called politically ambitious. If you campaign to clean our newsstands of the smut that poisons the minds and hearts of our young, you may be charged with trying to impose your concepts of morality on the world or with interfering with freedom of speech. But remember this, for the few who snipe at your humble efforts to take an active part in community activity, who question your motives, who call you politically ambitious, or even for the thousands who would thwart your efforts to create an atmosphere where young Americans can grow up with vigorous mental and moral health, there are armies of good people who think as you do and who are only looking for someone who can and will lead them.

"But I am but one person," you may say. No, you are not alone. Surely you can count on your fellow alumnae of Georgian Court. If they are true to the lessons they have been taught at Georgian Court, they must join you in this active participation in community life. And Georgian Court is but one of the whole network of Catholic colleges and universities spread across the country. This year they enrolled over 366,000 students. Can you imagine the salutary influence the graduates of all these schools over a 10- or 15-year period could have on the life of their communities and of our country if they exercised, even in a small degree, their potential for leadership? How quickly they could dispel the notion that Catholics are not interested in civic projects; that they take a narrow, parochial view of all problems, and are simply not interested in working for the community. They would prove that they have heeded this injunction of Pope John XXIII in his encyclical letter "Pacem in Terris":

"Once again we * * * remind our children of their duty to take an active part in public life and to contribute toward the attainment of the common good of the entire family as well as that of their own political community."[4]

The very first place you may have to exercise your leadership, not to say ingenuity, is in getting the men interested in community activities. Here is where wives can exercise their skill at persuasion. Maybe you can make it a husband-wife participation in community activities, as is done extensively in the Christian family movement. But be smart about this; do it the right way. Sir James M. Barrie once wrote a very beautiful play about the healthy influence of a wife on the political life of her husband. She was the one who really had the ambition; she got the bright ideas; she led her husband on to success. But always she had the good sense to make it appear that it was he who was making the decisions; he had all the bright ideas; he was the author of his political success. The title of the play was, "What Every Woman Knows."

Your bishop and your priests, your parents, relatives, and friends, and your teachers are here to rejoice with you today. You, better than any, realize what your education has meant to them, the sacrifices that it involved for them. Let me speak for you and say how grateful you are to all of them for being the bearers of God's blessings to you. And let me say, also, for you that you will show your gratitude for all that you have received by striving for the ideals that have been given to you during your 4 years at Georgian Court. How proud your church and your country, your community, and your school will be of you if you will make their hopes for leadership from our Catholic colleges come true. Your parents will not only be proud, they will count all their sacrifices as nothing if you measure up to the hopes of your college and to the expectations that your church, your community, and your country place in your future leadership.

I am sure you have all dreamed of becoming such leaders. Those dreams are good. They will spur you on to your best efforts. But will those dreams come true? Will the dreams become a reality? Here is what I think.

In the southern part of France there is a beautiful, medieval city called Carcassonne. Its thick, granite walls, its drawbridges, and broad moat, its crenalated towers and embattlements, its waving flags, its quaint, crooked old streets, and ancient houses make it a kind of dream city transplanted from the far-off past. Once a traveler was making his way to this lovely, old city. He came upon a peasant and asked him, "How far is it to Carcassonne?" The peasant answered, "How far is it to Carcassonne? Sir, that I do not know. But that this is the road to Carcassonne, of that I am sure. For those who return say always that at the end lies beautiful Carcassonne."

Were you, the graduates of the class of 1964, to ask me today, "How far is it to the city of our dreams and our ambition to become leaders of Catholic thought and action? How far is it to the Carcassonne of that glorious dream all of us have of peace and unity for America and for God's church?" Like the French peasant, I would have to answer, "How far is it to the Carcassonne of your dreams? That I do not know. But this I do know that as long as you continue on the road that has been pointed out to you by word and by example during your years at Georgian Court you are on the right road." At the end of that road lies the Carcassonne

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[2] Educational Policies Commission, "Moral and Spiritual Values in the Public Schools," (Washington, D.C.: National Education Association of the United States and the American Association of School Administrators, 1951).

[3] *Torcaso* v. *Watkins*, 367 U.S. 488, March 1961.

[4] John XXIII, "Pacem in Terris," sec. 146.

of your best dreams for yourself and for your church and for America. On the journey to the Carcassonne of such wonderful dreams may God be with you, and Our Lady.

CIVIL RIGHTS ACT OF 1963

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

The PRESIDING OFFICER. The question is on agreeing to the amendment (No. 923) of the Senator from South Carolina.

Mr. HOLLAND. Mr. President, I yield myself 30 minutes.

The PRESIDING OFFICER. The Senator from Florida is recognized for 30 minutes.

Mr. HOLLAND. Mr. President, when the House-passed civil rights bill came to the Senate, statements were made by the proponents, both in the Senate and elsewhere, that the Senate should pass the House-passed bill without change.

The Senate has refused to go along with that approach, and during the course of debate has made substantial changes in the House-passed bill.

I shall mention 65 of such changes made by the Senate during its consideration of the bill—changes which are regarded by the professional staff of the Judiciary Committee as being most substantial amendments.

Two major floor amendments have already been incorporated in the bill—namely, the Morton jury trial amendment and the Ervin double jeopardy amendment.

The Morton amendment provides jury trial in criminal contempt cases arising otherwise than from voting provisions of the bill.

This amendment would guarantee the right to a trial by jury at the option of the accused in all criminal contempt proceedings under titles II through VII of the act. It restricts the punishment to not more than 6 months imprisonment or a fine of not more than $1,000. The grant of right to jury trial in all cases and the limitation of the power of the court to impose sentence are both substantial amendments of the House version of the bill.

The revised Ervin double jeopardy amendment provides that, in the Federal courts, no person shall be put twice in jeopardy under the laws of the United States for the same act or omission. For this reason, an acquittal or conviction in a prosecution for a specific crime under the laws of the United States shall bar a proceeding for criminal contempt which is based upon the same act or omission, and which arises under the provisions of this act; and an acquittal or conviction in a proceeding for criminal contempt, which arises under the provisions of this act, shall bar a prosecution for a specific crime under the laws of the United States based upon the same act or omission. This amendment brings the law as to criminal contempts and as to crimes into harmony with the constitutional provision that no man shall be twice put in jeopardy for the same offense.

It is too bad that the decisions of the Supreme Court heretofore have not already accomplished that very salutary result.

The other changes largely come from the provisions of the Dirksen-Mansfield substitute.

TITLE I—VOTING RIGHTS

The Dirksen-Mansfield substitute amends section 101(c) to require that where literacy tests are required by State laws, they be given in writing.

Section 101(d) of the bill as it passed the House permits the Attorney General or any defendant, in a voting rights suit, to vindicate the right to vote without distinction of race notwithstanding action under State law to the contrary, to request a three-judge court.

The Dirksen-Mansfield substitute makes these changes in this section:

First. The immediate designation of one judge to hear and expedite the case is required "in the event neither the Attorney General nor any defendant files a request for a three-judge court."

Second. The immediate designation of one judge to hear and expedite the case is required also in any action in which the Attorney General seeks relief against intimidation, threat, or coercion for the purpose of denying a person the right to vote as he may choose.

Third. Neither the Attorney General nor any defendant can request a three-judge court unless the proceeding is an action brought by the United States in which the Attorney General has requested a finding of a pattern or practice of discrimination—unless one of the other statutory conditions for a three-judge court exists, for example, injunction to restrain operation of a State or a United States statute because it is unconstitutional. The Attorney General's request must be made at the time he files the complaint; the defendant's within 20 days after service of the complaint upon him.

TITLE II—PUBLIC ACCOMMODATIONS

Major change in the concept of this title is accomplished by the Dirksen-Mansfield substitute. Instead of direct Federal intervention in the private operations of individuals the first emphasis is laid on voluntary compliance and State and local solutions to problems of discrimination.

Section 204(a) of the House bill is amended by the substitute by limiting the action to the individual himself rather than permitting the Attorney General to intervene. The Attorney General may intervene with the permission of the court but he is denied the right to initiate suits in behalf of individuals.

Section 204(c) has been amended so as to give States or local authorities which have public accommodation laws a limited period of exclusive jurisdiction in which to attempt to eliminate the act or practice complained of.

Section 204(d) of the House bill has been changed to provide that when an aggrieved individual brings action for violation in a place which has no law prohibiting discrimination in public accommodations, the court may refer the matter to the Community Relations Service established by title X, if there is reasonable possibility of obtaining voluntary compliance for a period of 60 days, which may be extended for no more than an additional 60 days if there continues to be a possibility of voluntary compliance.

New section 206 gives the Attorney General the right to bring an action for preventive relief only if he has reasonable cause to believe and pleads that a person or group of persons is engaged in a pattern or practice of discrimination intended to deny the full exercise of title II rights.

Section 206(b) authorizes the Attorney General, but not any of the defendants, to request a three-judge court.

The Long of Louisiana amendment to title II adopted June 13, so as to make clear what is embraced in the term "private club"—to protect the genuine privacy of private clubs.

TITLE III—DESEGREGATION OF PUBLIC FACILITIES

The Dirksen-Mansfield substitute amends section 301(b). The determination to be made by the Attorney General that the bringing of an action by an individual "might result in injury or economic damage" has been deleted, and the determination must be made on the basis that the bringing of an action would result in jeopardizing the "personal safety" or employment or economic standing of such individual.

Under the Dirksen-Mansfield substitute, section 302 has been transferred to title IX. The sponsors explained that section 302 is a broader grant of authority than is required to enforce title III and that since it is in fact applicable to not only the entire act, but to situations not covered by the act, it should be placed in title IX where its full meaning is clear.

New section 304 requires that a complaint filed under this title must be a writing or document within the meaning of section 1001 of title 18 of the United States Code.

TITLE IV—DESEGREGATION OF PUBLIC EDUCATION

The Dirksen-Mansfield substitute amends section 407(a) to provide that the complaint must be in writing.

Section 407(a)(1) is amended to provide that persons who file a complaint with the Attorney General must allege that they are being deprived of the equal protection of the laws by a school board. Originally, H.R. 7152 related only to the failure of the school board to achieve desegregation.

Section 407(a)(2) is amended to require that the Attorney General believe the complaint is meritorious and requires that he give notice to the school board of the complaint and that he be satisfied the board "has had a reasonable time to adjust the conditions alleged" before bringing suit.

Section 407 is further amended to provide that nothing in the title is to empower any official or court to order the achievement of racial balance in a school by requiring the transportation of students from one school to another—a much broader provision than that which was in the House bill.

Section 407(c) is amended so as to provide that making or using a false, fictitious, or fraudulent statement in a complaint filed under this title subjects one to a fine of not more than $10,000, or imprisonment for not more than 5 years, or both, as provided in section 1001 of title 18, United States Code.

The amendment adds a new section 410 providing that nothing in this title shall prohibit classification and assignment of students for reasons other than race, color, religion, or national origin.

TITLE V—COMMISSION ON CIVIL RIGHTS

The Dirksen-Mansfield substitute makes 20-odd amendments to this title, which I shall not enumerate. In the main, these changes clarify rules of procedure for Commission hearings and proceedings, protection of witnesses, service of process, and qualification of evidence from witnesses.

TITLE VI

The Dirksen-Mansfield substitute makes a number of clarifying changes in this title. Substantive changes are made in sections 602 and 604.

Section 602 is amended by the substitute to provide that the termination of any Federal assistance would be limited to the particular political entity, or part thereof, or other recipient as to whom such a finding has been made.

Section 604 is added by the substitute providing that nothing in title VI is to be construed to authorize any agency or department action with respect to any employment practice of any employer, employment agency, or labor organization except where a primary objective of the Federal financial assistance is to provide employment.

The Long of Louisiana amendment would add a new section 605 by spelling out in statutory language that this section neither adds nor detracts from any existing authority concerning contracts of insurance or guarantee.

TITLE VII—EQUAL EMPLOYMENT OPPORTUNITY

I should like to remark that in title VII, as in title II, emphasis is laid on remedial State action or voluntary action before the forces of the Federal Government are called into play. The Dirksen-Mansfield substitute strikes section 701 in toto and delimits the number of employers covered by the bill by adding after the phrase "who has 25 or more employees" the words "for each working day in each of 20 or more calendar weeks in the current or preceding calendar year."

The Dirksen-Mansfield substitute amends section 701(e) which describes the kinds of labor organization deemed to be engaged in industry affecting commerce by adding a labor organization which "maintains or operates a hiring hall or hiring office which procures employees for an employer or procures for employees opportunities to work for an employer."

Original section 704 dealt with unlawful employment practices of labor organizations. The Dirksen-Mansfield substitute adds language to make it clear that it is an unlawful employment practice not only to limit, segregate or classify its membership on account of race, color, religion, sex, or national origin, but also to classify or fail or refuse to refer for employment any individual for such reasons.

Section 704(f) of the House bill permitted discrimination or unlawful employment practices against atheists. The Dirksen-Mansfield substitute eliminates this provision.

The Dirksen-Mansfield substitute adds a new subsection to section 704. Section 704(g) provides that it is not an unlawful employment practice to refuse to hire an individual because he does not meet security requirements imposed by law or Executive order.

Section 704(h) expressly provides that application of different conditions of employment, including compensation, based on a bona fide seniority or merit system, a piece work system, or job location system, is not an unlawful employment practice so long as the differences do not result from an intention to discriminate because of race, color, religion, sex, or national origin.

Section 704(j) expressly provides that the title is not to be interpreted to require anyone to give preferential treatment to any individual or group because of race, color, religion, sex, or national origin, or to correct a racial or religious, and so forth, imbalance between the number of persons of a particular race, and so forth, employed by an employer and the total number of persons of that race, religion, and so forth, living in a particular community, State, or other area.

Section 706(g)(4) of the House bill made the services of the Commission available upon the request of any employer whose employees refused to cooperate in effectuating the provisions of the title. The Dirksen-Mansfield substitute makes the Commission's services available also at the request of any labor organization whose members are refusing to cooperate.

Section 706(g)(6) is a new provision in the Dirksen-Mansfield substitute added to subsection (g) which authorizes the Commission to refer matters to the Attorney General recommending intervention in a suit brought by an aggrieved individual under the amended provisions of section 707—renumbered 706—or institution of an action under the provisions of section 707—a new section added by the substitute. This authority was unnecessary under the House bill because the Commission was itself authorized to institute actions to enforce the title. The Dirksen-Mansfield substitute takes that authority away from the Commission, and gives it to the Attorney General.

Section 707, as added by the substitute, permits the Attorney General to bring a civil action if he has reasonable cause to believe there is a pattern or practice of resistance to title VII rights. The Attorney General may request that the action be heard and determined by a three-judge court.

Section 709(e), as added by the substitute, prohibits the Commission or its employees from making public any information obtained under this section prior to the institution of any proceeding involving it. Violation is punishable by a fine of not more than $1,000 and imprisonment for not more than a year.

Section 710(b) of the substitute permits the Commission to seek court orders requiring the attendance of witnesses or the production of evidence or the filing of reports as required by 709 (c) or (d), but the attendance of a witness may not be required outside the State in which he is found, resides, or transacts business, and the production of evidence may not be required outside the State where such evidence is kept.

Section 710(c) of the substitute allows an individual to seek a court order relieving him from a demand of the Commission to produce documentary evidence or permit the copying of evidence.

Section 710(d) of the substitute permits any defendant to petition the court for an order modifying or setting aside the demand of the Commission in any proceeding in which the Commission seeks a court order enforcing one of its demands.

TITLE VIII—REGISTRATION AND VOTING STATISTICS

Section 801 of the House bill which authorizes the Secretary of Commerce to compile statistics on voting by race, color, and national origin, has been enlarged by the substitute to incorporate the Census Act provisions for privacy of information and penalties for violations, as well as a provision that no one is required to disclose his race, color, or national origin, party affiliation, how he voted, or the reasons for his vote. Each person interrogated must be informed of his right to withhold this information.

TITLE IX—INTERVENTION AND PROCEDURE AFTER REMOVAL IN CIVIL RIGHTS CASES

Section 902 of the substitute is section 302 of the House bill changed only to clarify the fact that the suits in which the Attorney General may intervene are limited to those seeking relief from denial of equal protection of the laws under the 14th amendment.

TITLE X—ESTABLISHMENT OF COMMUNITY RELATIONS SERVICE

Section 1001. The only nontechnical change made by the substitute is to eliminate the House bill's ceiling of six on the number of regular employees the Commission could hire.

Section 1003(a) permitted the Service to cooperate with appropriate State or local public or private agencies.

Section 1003(b) of the House bill which required the Service to hold confidential any information it received has been reinforced by the substitute to require that the activities of the Service in providing conciliation assistance be conducted in confidence and without

publicity and to provide for fines of not more than $1,000 or imprisonment for not more than 1 year for violations.

TITLE XI—MISCELLANEOUS

The Morton jury trial amendment and the Ervin double jeopardy amendment are made a part of this title.

Section 1104 of the House bill is renumbered and is a separability provision which is changed by the substitute to reflect the intent of Congress that a court holding of invalidity shall not affect application of the act "to other persons not similarly situated or to other circumstances."

It is interesting to note that these 65 changes by no means cover the total number of amendments to the bill which, as presented to us by the leadership, we were told should be passed without the crossing of a "t" or the dotting of an "i." To the contrary, there are 65 changes which the able attorneys on the legal staff of the Judiciary Committee classify as important or substantial changes, and there are 20 changes in one title of the act which have not been listed in these 65. I am told by the staff that there are more than 20 which are not listed, not because they are not important, but because they are not so substantial as the 65 which are listed.

If there ever was justification for many weeks to be spent in debate and in careful discussion of these matters, and in showing that the bill as it came over from the House was loosely drawn, carelessly drafted, and inadequately considered, this discussion has shown that need.

I doubt if there are any other large bills, of great importance, which came from the other body to this body which have been amended as often as has this bill, thus justifying completely any discussion of the bill by those of us who have insisted on discussion.

I know that all the amendments are not pleasing to any one group within the Senate. Some of them are pleasing to those of us who have opposed the bill vigorously. Others were manifestly conceived with the idea of obtaining support for cloture from Senators from other States outside the South, who were not strongly for the bill and who wanted to have preferential treatment, which is given them in title II and title VII of the bill.

When we regard the bill as a whole, there is not the slightest doubt that it is a vastly better bill than it was when it came from the House, a vastly clearer bill, a vastly more meaningful bill. Every day, every hour, and every minute which has been used in discussion or consideration of the bill by the many individual Senators who are interested in it has been abundantly justified over and over again.

Mr. President, how much of my 30 minutes have I taken?

The PRESIDING OFFICER Mr. McGOVERN in the chair). The Senator has spoken for 22 minutes.

Mr. HOLLAND. I thank the Chair.

I hope to present, when the bill is in the stage of third reading, a list of the proposed amendments which have been rejected by the Senate in its wisdom, some of which I believe will bring embarrassing moments to some Senators who voted against their adoption, because they have been so clearly required by the need of giving equality of treatment under law to all citizens of the United States, as well as by providing for a proper procedure to be written into the bill.

At this time, however, I confine myself merely to the statement that all Senators approaching the end of this debate should be happy, instead of unhappy, over the fact that the Senate has considered the bill at great length and has worked its will upon the bill, a will with which I have frequently disagreed but, nevertheless, brought out a vastly better bill than the conglomeration which came over from the House, a conglomeration which did not have reasonable committee consideration and which was refused any committee consideration when it reached the Senate, which meant that the Senate had to do the committee work on the floor of the Senate.

I exclude from my statement the work on title II, because I see the Senator from Washington, the chairman of the Commerce Committee, in the Chamber; and the work done on a similar bill affecting public facilities, which was assigned to his committee, was carefully done. I cannot say that with reference to other sections and other titles of the bill.

I state with regret that the Senate, in departing from the normal practice to have a careful study made of an important bill, or even of an unimportant bill, before it takes it up, has shown the wisdom of the Senate's rules and the wisdom of the committee system. It has also shown the wisdom of unlimited dedebate, unlimited except by the cloture rule.

I make one more observation before I close. If any Senater who voted for cloture thought that something good would come out of our considerations from the moment that cloture was voted, and that adequate opportunity would be given to consider the amendments which were offered, he will have had his mind disabused by this time.

I doubt if many Senators would want to bring on such a situation as we have experienced in the past several days, when it has been almost impossible to keep track of quorum calls, and when Senators have come into the Chamber and inquired hastily who was offering an amendment and then voted yea or nay upon the strength of that, some of them to find themselves greatly embarrassed later, as in the case of the jury trial amendment and the double jeopardy amendments.

We know that by insistence on some of our prerogatives, these amendments were brought up again in changed form, so that we had an opportunity to record our vote and be in a more appropriate situation to defend our position before our constituencies back home.

This has been a rather rough time. Two facts which have come out of this discussion have been, first the clear showing of the value of unlimited debate, except under the cloture rule; second, the unwisdom of applying coercion rather than the use of persuasion in an important matter, because we have been in a situation in the past few days under which amendments have been called up with 30 seconds description of what they meant, with only a third of the membership or less, in the Chamber; and then, with the rollcall votes which followed, placing many Senators in a false position.

I shall have the exact facts in my last statement placed in the RECORD, but I shall show how many Senators, who do not agree with the opposition to this bill, have voted for one or more of the amendments which have been discarded, and that the number added to those of us who have opposed the bill is a vast majority of the Senate, indicating that the bill has been so carelessly handled as to reflect little credit upon those who have managed it, and little credit upon the Senate.

I hope that we will look upon it from the standpoint of the value of lengthy debate when necessary, as was done in this case, the limited value of the cloture rule, and the dismay of some Senators who voted for cloture, who stated that they had no idea it would bring up such a confusing situation as has appeared on the floor of the Senate in the past few days. We have been giving consideration to amendments, many of them meritorious, and having them voted up and down without really realizing the importance of those particular amendments.

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

Mr. LONG of Louisiana. Will the Senator please withhold that suggestion for a moment?

Mr. HOLLAND. I am happy to withhold the suggestion.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that the Thurmond amendment may be temporarily laid aside.

The PRESIDING OFFICER. Does the Senator from Florida yield back the remainder of his time?

Mr. HOLLAND. Perhaps it might be interesting for me to put these statistics in the RECORD at this time.

Although debate has not yet concluded on the civil rights bill, it has accumulated 6,230 pages in the CONGRESSIONAL RECORD up to this time.

There have been 236 quorum calls, up to 12:01 a.m. this morning—although there have been many additional ones today.

There were 98 rollcalls votes, up to this time.

Thirty-four rollcalls yesterday broke the all-time Senate record for yea-and-nay votes in any one day.

A total of 704 hours and 45 minutes have been consumed during debate.

Most important of all, a total of 65 amendments have been engrafted upon the House bill, regarded of substantial effect, besides many, many others not of such consequential interest to the public, or to us.

Mr. President, I yield the floor.

Mr. MAGNUSON. Mr. President, I yield myself such time as I may take.

The PRESIDING OFFICER. The Senator may proceed.

Mr. MAGNUSON. I hope that the Senator from Florida will add one item to his statistics. I have gone through a number of filibusters in the Senate—so-called filibusters, or long debates, whichever we wish to call them.

Mr. HOLLAND. "That which we call a rose, by any other name would smell as sweet."

Mr. MAGNUSON. "That which we call a rose, by any other name would smell as sweet." Educational campaigns. But I must say that in this long and lengthy "educational campaign," I have never seen the Senate live up to its obligations and responsibilities more faithfully, particularly in the discussion on this very complex bill. I suspect that there were only 2 or 3 minutes at the most, on any given day, whoever was talking on the bill, when the debate was not germane to the problems of the bill itself.

I believe that the Senate, and those who discussed the bill at great length, both proponents and opponents, stuck to the germaneness of the subject in every aspect. It used to be that a filibuster, to the average public, meant reading the telephone book, or reading recipes, or wandering off, or doing anything to kill time. But in this particular case, I do not believe that there is one page in the CONGRESSIONAL RECORD that is not germane to the subject before the Senate.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent to temporarily lay aside the Thurmond amendment.

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

Mr. LONG of Louisiana. Mr. President, I call up my amendment No. 729 and ask that it be modified to conform to the language that is now at the desk.

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

The LEGISLATIVE CLERK. On page 73, line 13, after the word "court" insert the following:

No person shall be convicted of criminal contempt hereunder unless the act or omission constituting such contempt shall have been intentional, as required in other cases of criminal contempt.

Mr. MILLER. Mr. President, I ask unanimous consent that I may join as a cosponsor of the amendment of the Senator from Louisiana [Mr. LONG], No. 729.

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

Mr. MILLER. I thank the Chair.

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, this is a matter which I have been discussing with the Senator from Minnesota; and I would like to ask that the leadership request the presence of the Senator from Minnesota because he is familiar with the amendment.

This is a matter which I have discussed with the Senator from Minnesota, the Senator in charge of the bill, and it relates to a matter we discussed whether under title II a person could be convicted if he did not willfully discriminate.

The proponents of the bill were unwilling to accept the amendment in the precise place where I offered it. They are willing, however, to accept the amendment, as modified, to apply to criminal contempt proceedings. It was their feeling that in a criminal contempt proceeding, one would have to have an intent in order to be guilty of criminal contempt in any event.

This is the language that was prepared for us by the staff that has been advising the Senator from Minnesota [Mr. HUMPHREY]. As I understand, there would be no objection to this amendment on that basis.

Mr. MAGNUSON. Would the Senator hand me the amendment, on my own time?

Mr. LONG of Louisiana. Yes.

Mr. MAGNUSON. The clerk has not read the amendment. The Long amendment reads as follows:

No person shall be convicted of criminal contempt hereunder unless the act or omission constituting such contempt shall have been intentional, as required in other cases of criminal contempt.

So far as the Senator from Washington is concerned, he did not participate in the discussions on this amendment. But I would think this would be a reasonable modification of that particular section of the bill. The Senator from Minnesota is on his way. As I understand, there has been some discussion, and the language is generally agreed to.

Mr. LONG of Louisiana. Mr. President, I would have no objection to withholding a motion to reconsider until after the Senator from Minnesota has arrived.

Mr. MAGNUSON. Here is the Senator from Minnesota now.

The Senator from Louisiana has submitted an amendment which, as I understand, has been discussed by everyone concerned. The language would be acceptable. Is that correct?

Mr. LONG of Louisiana. My understanding is that this is generally the intention of the sponsors of the bill. It is my point of view that it makes it clear that a person would not be convicted of criminal contempt unless there were an intentional violation.

Mr. MAGNUSON. There would have to be criminal contempt.

Mr. HUMPHREY. The Senator may recall the vote yesterday on the amendment. I went to the Senator at that time and stated that I deeply regretted that we did not have an opportunity to discuss it and work on it. I thought I knew what the Senator wanted, but I was a little dubious as to the language. I believe that the language the Senator has now submitted is satisfactory. It reads:

No person shall be convicted of criminal contempt hereunder unless the act or omission constituting such contempt shall have been intentional, as required in other cases of criminal contempt.

I would certainly accept it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Louisiana [Mr. LONG] and the Senator from Iowa [Mr. MILLER].

The amendment was agreed to.

Mr. MAGNUSON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MAGNUSON. I understand that the business of the Senate now returns to the amendment of the Senator from South Carolina.

The PRESIDING OFFICER. The Senator is correct.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

Mr. HOLLAND. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LONG of Louisiana. 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.

The question is on agreeing to the amendment of the Senator from South Carolina, No. 923. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PASTORE (when his name was called). Mr. President, on this vote I have a live pair with the senior Senator from Louisiana [Mr. ELLENDER]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I therefore withhold my vote.

Mr. MANSFIELD (when his name was called). I have a pair with the junior Senator from Virginia [Mr. ROBERTSON]. If he were voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

The rollcall was concluded.

Mr. HUMPHREY. I announce that the Senator from Louisiana [Mr. ELLENDER], the Senator from Arizona [Mr. HAYDEN], and the Senator from Virginia [Mr. ROBERTSON] are absent on official business.

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

I further announce that, if present and voting, the Senator from California [Mr. ENGLE] would vote "nay."

Mr. KUCHEL. I announce that the Senator from Arizona [Mr. GOLDWATER] is detained on official business.

The result was announced—yeas 19, nays 74, as follows:

[No. 420 Leg.]

YEAS—19

Byrd, Va.	Hruska	Sparkman
Eastland	Johnston	Stennis
Ervin	Jordan, N.C.	Talmadge
Fulbright	Long, La.	Thurmond
Hickenlooper	McClellan	Walters
Hill	Russell	
Holland	Smathers	

NAYS—74

Aiken	Bayh	Boggs
Allott	Beall	Brewster
Anderson	Bennett	Burdick
Bartlett	Bible	Byrd, W. Va.

Cannon	Javits	Muskie
Carlson	Jordan, Idaho	Nelson
Case	Keating	Neuberger
Church	Kennedy	Pearson
Clark	Kuchel	Pell
Cooper	Lausche	Prouty
Cotton	Long, Mo.	Proxmire
Curtis	Magnuson	Randolph
Dirksen	McCarthy	Ribicoff
Dodd	McGee	Saltonstall
Dominick	McGovern	Scott
Douglas	McIntyre	Simpson
Edmondson	McNamara	Smith
Fong	Mechem	Symington
Gore	Metcalf	Tower
Gruening	Miller	Williams, N.J.
Hart	Monroney	Williams, Del.
Hartke	Morse	Yarborough
Humphrey	Morton	Young, N. Dak.
Inouye	Moss	Young, Ohio
Jackson	Mundt	

NOT VOTING—7

Ellender	Hayden	Robertson
Engle	Mansfield	
Goldwater	Pastore	

So Mr. THURMOND'S amendment (No. 923) was rejected.

Mr. HUMPHREY. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. KUCHEL. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 492

Mr. JOHNSTON. Mr. President, I call up my amendment No. 492. It corresponds to the Dirksen amendment.

The PRESIDING OFFICER. The amendment of the Senator from South Carolina will be stated.

The LEGISLATIVE CLERK. On page 4, in line 16, beginning with "the Attorney General," it is proposed to strike out all through "such proceeding" in line 11, on page 5, as follows: "the Attorney General or any defendant in the proceeding may file with the clerk of such court a request that a court of three judges be convened to hear and determine the case. A copy of the request shall be immediately furnished by such clerk to the chief judge of the circuit (or in his absence, the presiding circuit judge) of the circuit in which the case is pending. Upon receipt of the copy of such request it shall be the duty of the chief judge of the circuit or the presiding circuit judge, as the case may be, to designate immediately three judges in such circuit, of whom at least one shall be a circuit judge and another of whom shall be a district judge of the court in which the proceeding was instituted, to hear and determine such case, and it shall be the duty of the judges so designated to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited. An appeal from the final judgment of such court will lie to the Supreme Court.

"In the event the Attorney General fails to file such a request in any such proceeding,".

Mr. JOHNSTON. Mr. President, on the question of agreeing to this amendment, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. JOHNSTON. Mr. President, this amendment (No. 492) would delete the provision giving the Attorney General and others the power to demand a three-judge court to hear voting cases.

Under the provision as it now stands, the Attorney General would not make a request for a three-judge panel to the district judge, the standard procedure under other statutes providing for three-judge courts; but he would file a request with the clerk of the court, and then the clerk would have to send the request to the chief judge of the circuit, and the chief judge would have to obey the request. There would be no choice.

In effect, the Attorney General would have the right to choose his judge. If he did not like the local judge, he could ask for two more whose social and political views might be more compatible with his. These two judges could come from localities far distant, and far different from the place where the case was being tried.

This would be completely inimical to Anglo-American law and our traditional concepts of justice. I ask my colleagues to join me in voting to delete this section, because I believe it would provide, in connection with such cases, power different from that provided in connection with other cases; and I believe it wrong for us to have various rules in regard to the same type of judicial procedure.

Mr. President, I am chairman of the Subcommittee on Improvements in Judicial Machinery; and I believe that if we begin to enact laws of the kind now proposed, those applicable to other fields also will be changed; and then there will be a conglomeration of various laws in regard to trials.

Therefore, I hope this amendment will be agreed to, because I believe it would not be damaging to the bill, but would provide a sound way to obtain a three-judge court.

Mr. HILL. Mr. President, I yield myself 30 minutes.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 30 minutes.

Mr. HILL. Mr. President, this great debate, as it has frequently been called, has now been in progress for some 81 days. During this time, those of us who have unbounded faith in the Constitution and believe in its greatness, who regard it as a living symbol of democracy and freedom, have been pleading and fighting for its continued existence. We have been pleading and fighting for its continued existence, in debate on the bill, and on amendments, and on the cloture proposal, which is indeed contrary to the very spirit underlying the Constitution and the reason for its being. We have recognized the wisdom of the late Senator William E. Borah, of Idaho, a giant among men, when he warned that "when the people lose control of their Constitution, they have already lost control of their government." We agree with Senator Borah when he added, "It is an old story that when the people lose power, they lose liberty."

On the other side of this debate have been those who would leave the Constitution at the crossroads as a thing of another day, another year, another age; as a ragged, old relic of bygone years that has served its purpose well, but that now has no place in this fast moving, modern space age. They would be willing to shed a tear at its passing in the name of expediency; and in laying the Constitution to rest, they would write, as its epitaph, that the end justified the means. Yes, the cry of expediency has been relentlessly sounded, and its altars are filled with communicants.

Mr. President, we now stand at the crossroad that may well determine the future of this Nation and the destiny of her people. None of us can escape the burden of the challenge and the responsibility of the hour. For fate has decreed that we be a part of it. We have run the gamut and have but one chance left.

A quarter of a century ago Justice Sutherland of the Supreme Court of the United States observed that:

> The saddest epitaph which can be carved in memory of a vanished liberty is that it was lost because its possessors failed to stretch forth a saving hand while yet there was time.

Mr. President, the hour is indeed late, but yet there is time. Yet there is time to stretch forth a hand to save the principles on which this Nation was conceived and founded. Yet there is time to save the Constitution, the liberties, the freedoms, the rights and the safeguards embodied therein. Yet there is time to save the Nation as a nation for all the people, as a nation of the people and by the people.

The hour is indeed late, but yet there is time to halt the head-on rush to the destruction of the basic rights and liberties of the American people to satisfy the demands, the clamor and the expediency of the day.

Mr. President, in my 40 years in the Congress of the United States, I have never seen a more sweeping or far-reaching piece of legislation of any kind or description than the so-called civil rights legislation before us. During these 40 years, I have seen legislation under the New Deal and under the Fair Deal. Today we hear of legislation under a better deal. Now we are being offered legislation under a package deal, which would result in nothing more than a raw deal for the people of the South and of the Nation. To this I say emphatically no deal, and I hope a majority of the Senate in its wisdom will join me.

I am as opposed to this Mansfield-Dirksen proposal as I was and am to H.R. 7152 as conceived in the House and received in the Senate. In principle, there is no difference in the two proposals. They carry different names, but the brands are the same. Both would deny basic rights of the American people, to grant special privileges to a particular group. The architects of the substitute proposal claim it to be a "refinement" of the original bill. I find nothing refined about it or about any other proposal that endeavors to take from the American people their basic rights and undermine the constitutional system on which this Nation was founded and under which we are governed. We tried to give the bill some semblance of refinement by way of amendment, but except for the jury trial amendment and a pitifully few others the proponents

of civil rights legislation were unwilling to give the Mansfield-Dirksen bill any real refinement during the amending process.

I submit, Mr. President, that it is more of the same of the original H.R. 7152 in disguised form. As a matter of fact, sections of the Dirksen-Mansfield substitute go further than H.R. 7152 and are as obnoxious if not more obnoxious than those sent to us by the House. There is no difference in the denial of rights embodied in the substitute proposal. As between the original and the substitute proposals, one denies them by the dozen, while the other merely denies them twelve at a time.

Every American—North, South, East and West—should be concerned with the Mansfield-Dirksen bill for, in the name of so-called "civil rights," it would trample on the established rights of the overwhelming majority of Americans; it would drastically change the system of laws and justice affecting all Americans; and it would cripple and destroy the constitutional liberties, freedoms, and safeguards fundamental to our form of government. It would place in the hands of the executive branch of the Government, and particularly in the hands of politically appointed Attorney Generals of the United States, undue, unlimited, and excessive powers; it would increase to mammoth proportions the wave of Federal Government and Federal bureaucratic control over the lives of our people. In the name of so-called equal opportunities, it would grant special privileges to a particular group.

Let us not consider this legislation in the light of pressure groups or voting blocs, of violence here or ultimatums there, of threats and intimidation and mob action, but let us consider it through the minds, the hearts, and the toils of the millions of individual Americans who, through the democratic processes and under the free enterprise system, have raised themselves by their bootstraps and have made America what it is today.

If, for the sake of expediency, this Congress enacts legislation that disregards the very principles upon which this Nation was founded, that destroys the legal and political bedrocks upon which we base our American heritage of freedom, progress, and opportunity, that ignores constitutional guarantees and tramples upon legal rights, we will have contributed to the rationalization of those who openly espouse disregard of the law, who call for massive acts of civil disobedience, and who pledge obedience only to a law of their own choosing. We will have succeeded in denying the overwhelming majority of American citizens certain of their civil rights in order to grant special privilege to a few. We will have succeeded in substituting for individual initiative the benevolent hand of the Federal Government. We will have succeeded in advancing one group by retarding the other.

Mr. President, 100 years ago the then President of the United States sounded a not too gentle warning when he declared:

> Let not him who is houseless pull down the house of others, but let him work diligently and build one for himself, thus, by example, assuring that his own shall be safe from violence when built.

These were the words of Abraham Lincoln, to become known in history as the Great Emancipator.

At the very beginning of this debate when we were considering the House version of H.R. 7152, indeed in the very first major speech of this debate, I sounded the same warning. I warned against the dangers of denying the rights of one group to grant special privileges to another. I have continued to sound that warning. I do so again today in voicing my opposition as strongly as I know how to the Mansfield-Dirksen substitute bill and to the provisions therein, which, like the original H.R. 7152, deny to the overwhelming majority of Americans certain of their basic rights in order to accommodate a particular, and what I call a privileged, few.

History aptly demonstrates that special privilege for one group can but result in a limitation of liberty and a denial of rights for others. Those who today demand special privileges may well find no rewards tomorrow. For what has one profited if he gains the privilege of eating in any restaurant, but loses the right to run his own business; if he gains the privilege of buying a home anywhere, but loses the right to sell that home to any buyer he chooses; if he gains the privilege of going to any movie theater, but loses the right to hire and fire whom he pleases in his own business; if he gains the privilege of swimming at any pool, but loses his right to manage his own affairs and to govern himself?

Mr. Justice Bradley for the Supreme Court in the famous civil rights cases of 1883 said:

> When a man has emerged from slavery, and by the aid of beneficent legislation has shaken off the inseparable concomitants of that state, there must be some stage in the progress of his elevation when he takes the rank of a mere citizen and ceases to be the special favorite of the laws, and when his rights, as a citizen or a man, are to be protected in the ordinary modes by which other men's rights are protected.

Mr. President, the bill before us goes to the very heart of the questions of the balance of power among the separate branches of government, of the division of authority between the Federal Government and the States, of the protection that shall be afforded the accused in a civil case and, more basically, to the question of the extent to which government shall control the businesses, the education, the recreation, the associations, and, yes the very lives of you, of me, of every American.

No object was more important to the founders of this Nation than to insure that its people would never again be subject to the despotic power exercised over the colonies by George III and his ministers. Two principles embodying this object were woven into the basic fabric of our Government—separation of powers and limited executive authority. The patriots who survived the bitter ordeal of colonial rule declared to all the world that those who were to be governed knew best how they should be governed and that government should move only as consent flowed from the people.

Now, 188 years later, we are being asked to destroy these principles of separation of powers and limited executive authority. Under the misleading banner of "civil rights," we are being asked to place into the hands of politically appointed members of the executive branch almost unlimited authority to exercise the vast powers of the Federal Government over the lives of the American people. We are being asked to endorse a blank legislative check which would give to the executive branch of the Federal Government and to a politically appointed Attorney General, whoever he may be, almost unlimited power to regulate and control businesses, education, elections, tax moneys, and nearly every other phase of national life. In short, it would give to the executive branch and a politically appointed Attorney General overwhelming control over one's life from the day he is born until the day he dies.

The exercise of these powers would so tip the balance of power toward the executive branch that the division of authority as envisioned by our Founding Fathers and as yet contained as the written word of our Constitution would become passé. The Constitution would no longer serve as a safeguard for the right of the people to govern themselves. Consent would no longer flow from them.

I say again that every American—North, East, South, or West—should be concerned with the bill before us for its effects and implications are not sectional. If the bill is passed, it will trample on and destroy rights of Americans on either side of the Continental Divide and on either side of the Mason-Dixon line.

I am against giving the Federal Government the power to invade the private property and other rights of businessmen throughout the Nation and to be able to tell the owner or proprietor of a business how he can or cannot run it and how he can or cannot use it.

I am against the Federal Government telling a restaurant owner in San Francisco, Calif., whom he must serve, just as I am against the Federal Government telling a hotel operator in Des Moines, Iowa, whom he must admit as guests.

I am against the Federal Government telling a barbershop operator in Providence, R.I., whom he must shave, just as I am against the Federal Government telling the steel industrialist of Birmingham, Ala., as well as the car manufacturer of Detroit, Mich., whom he may hire, fire, or promote.

I am against the Federal Government telling my State, or any other State, who within its boundaries is or is not qualified to vote, just as I am against the Federal Government denying to the people of my State, of your State, or of any State the benefits of Federal programs for which they pay taxes because they

may refuse to surrender to social edicts of the Federal Government as concocted by the Attorney General and the sociologists and bureaucrats of the agencies, committees, and commissions set up by this bill.

Mr. President, I have studied the so-called refinements of the Mansfield-Dirksen substitute bill and I find nothing refined about them. In the name of antidiscrimination, they introduce discrimination. In the name of equal rights, they create unequal rights.

Among other things, these "refinements" add to the legislation authority for the Attorney General to institute suits whenever he has reason to believe that a practice or pattern of discrimination exists. I contend that it is reasonable to believe that a practice or pattern of discrimination in one form or the other can be found to exist in every community in every part of the country, north of the Mason-Dixon line as well as south of it. This provision in the Mansfield-Dirksen bill in effect negates the so-called refinement which in certain titles did away with the authority of the Attorney General to initiate suits on behalf of the aggrieved.

There are other "refinements" in the Mansfield-Dirksen bill, such as authority for empaneling a three-judge court, and, in certain instances, of giving the power to request one only to the Attorney General. This permits the Attorney General to stack the court to his convenience and assure himself of a 2-to-1 decision at any time necessary.

Other "refinements" in the new substitute bill provide exclusion from principal provisions of it of States with certain laws already on the books and leaves a direction of coverage primarily at the Southern States. These "refinements" have been referred to by some as sectionalism—and rightly so—and may have encouraged vote appeal for the bill from some of the States outside the section at which the legislation is directed. To those who may be attracted in this regard, who may be appealed to with this reasoning, let me sound a word of caution and a note of warning. Once precedent is set and practice becomes popular to vote for legislation without the fear of its touching one's own section or interest, it may well be that the next time it does. A pattern established today against one section of the Nation may well be turned tomorrow on another section of the Nation.

There are other "refinements" in the the substitute bill, but I say again that, in whole and in part, it is as obnoxious as the original bill, H.R. 7152, sent to us by the House, which I have already discussed title by title.

Mr. President, the bill before us—the Mansfield-Dirksen substitute—disregards and violates the Constitution of the United States, as did the original bill. In almost every title and section of the legislation we can find a direct conflict with the written word of the Constitution. In previous speeches in this debate, I have taken the time to discuss in detail the history of the provisions of the Constitution that would be severely crippled or completely destroyed if this legislation were enacted into law. I have laboriously traced the origin of these provisions and the circumstances that led to their being made a part of the Constitution when it was written and amended to show the centuries of work, toil, and human suffering that went into the making of our blueprint for democracy. I did so in an effort to remind my colleagues just how precious it is and how ever alert we should be to protect and preserve it.

When the Constitution of the United States was written, provision was made for amending it. If the Constitution is to be amended in the drastic manner proposed by this proposed legislation, it should be done so in the orderly process provided for in the Constitution itself; that is, by the people themselves, who hold title to the document and are governed by it. The Senate has no right to amend the Constitution by legislative fiat. We have no authority to do so and are betraying a trust to the people and an oath to ourselves when we attempt to do so. Any proposed changes in the Constitution should be submitted to the people in the form of constitutional amendments and, as I have said, this document should not be changed except by the popular mandate of the people themselves.

George Washington stated the proposition eloquently in his farewell address when he said:

> If, in the opinion of the people the distribution or modification of the constitutional powers be, in any particular wrong, let it be corrected by an amendment, in the way which the Constitution designates. But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed.

Mr. President, this Nation has become one of history's finest illustrations of how a people can enrich their life, can raise their level of well-being, can fulfill the goals of their pursuit of happiness when they are given liberty, freedom, and the encouragement for initiative and incentive under a democratic system made possible by a blueprint for democracy, a written Constitution.

Today, our Nation stands at the pinnacle of world domination. Its contributions to mankind constitute a staggering achievement. Its record is one of ceaseless, thriving progress that has run the whole gamut of human accomplishment. It would do well for all of us to reflect on just how far we have come under our Constitution, under our free enterprise system, and under our American system of government as handed down to us by the Founding Fathers.

In the last century, and in particular in the last 50 years, we have witnessed a dramatic telescoping of our history. Time and progress have moved so fast that we sometimes fail to appreciate the striking changes that have taken place. More so, we fail to appreciate the system that has made them possible.

In the early 1900's, there were only 144 miles of paved highways outside the cities. It took 70 days for an automobile to cross the country. By 1930, 26 million cars crowded the thousands of miles of paved highways. Our 190 million people today now have 70 million cars.

A child born in 1944, only 20 years ago, has gone from radio to television, from propellor to jet, from an earthbound race to one in which man can orbit the globe every 90 minutes, and from bombs that could destroy a block to nuclear bombs that can destroy mankind.

Today, the American man is largely free from the hardest physical labor. Machines, built by the genius of Americans under a free enterprise system, supply 98 percent of all power for industry in the United States.

Mr. President, we have been able to make these gigantic strides, this tremendous progress—unequalled and unparalleled anywhere in the history of the world; we have come to the pinnacle of world leadership because, as I have said, our people have had the opportunity to develop this Nation under a government with a Constitution that gave them political freedom and encouraged initiative, enterprise, responsibility, and industry; a government with a Constitution that made possible a system providing incentive and challenge, providing freedom in man's dealings with man. May I say that this freedom and achievement are not unrelated.

This, then, has been our measure of greatness—a greatness we can now either preserve and perpetuate, or weaken and destroy. A nation ultimately is only as great and as strong as the character of its people. And the character of its people is only as strong as the character of its government. If we strip our system of government of its character, we relegate a nation and a people to mediocrity. We place them on the threshold of a tragic era from which our free institutions may never recover.

We may well recall, Mr. President, another tragic era, which was indelibly written into the history of our Nation—the Reconstruction era, in which other laws were passed in the name of civil rights. These laws were stricken down by the Supreme Court because there was no power under the Constitution for the Congress to enact such laws, and the Court declared them unconstitutional and null and void. But they were part of a tragic era and very much contributed to it.

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

Mr. HILL. Mr. President, I yield myself an additional 10 minutes.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 10 additional minutes.

Mr. HILL. When the Civil Rights Act of 1875, which directly penalized discrimination in public conveyances, hotels and elsewhere, was under debate in Congress, it was pointed out in the press that its validity was highly doubtful.

> There can be no doubt, said the Nation—

One of the outstanding publications of that day—on September 17, 1874:

> That if it were not for the fatal habit we have fallen into since the war of regarding

the Central Government practically above the law and the Constitution, whenever the Negro is concerned, the mere suggestion of the constitutional points ought to have killed the bill forever. It is plainly unconstitutional. It may safely be inferred that the Supreme Court must look with extreme suspicion upon a law, upsetting the domestic law of States on the subject of schools, of common carriers, of innkeepers, and substituting for them the new and strange system invented by the authors of this bill.

The probable action of the Court was thus correctly prophesied; for within a year after this Civil Rights Act of 1875 passed two decisions were rendered which entirely demolished the radical reconstructionist plan of protecting the rights of the Negro by direct Federal legislation.

In editorializing on the Supreme Court's decisions striking down these laws, another outstanding publication of that day, the Independent of April 6, 1876, stated that:

The fatal defect in the legislation consists in an assumption, which, if it were true, would revolutionize our whole system of government, and as remarked by the Supreme Court, clothe Congress at its discretion with jurisdiction in respect to the entire domain of civil rights heretofore belonging exclusively to the States. To assume State powers as the method of punishing and preventing wrong in the States would be an experiment with our political system that had better be omitted. The ostensible end will not justify it. Southern questions, so far as they are purely State questions, must be left to the States themselves, and to those moral influences which finally shape the course of legislation. The General Government cannot authoritatively deal with them, without producing more evils than it will remedy.

On April 17, 1879, on the very floor of this Senate, the late Senator Daniel W. Voorhees, of Indiana, delivered a denunciation of these laws. How appropriate today are his imperishable words, and I quote from his speech when he said:

A centralization of power in the hands of the Federal Government over the local rights of the people and the States has been consummated which would have startled Alexander Hamilton in his day, although he believed in a monarchy.

Senator Voorhees stated:

Sir, these laws are not the offspring of that great instrument which has descended to us with ever-increasing strength and glory from the days of our Revolutionary ancestors. They emanate rather from that malignant spirit of political oppression and tyranny which preceded the French Revolution, and caused its fires at last to break forth; which filled the prisons of France with victims arrested on secret orders, and made every citizen tremble as one who fears a blow in the dark. They emanate from that spirit which ruled over Venice, when a whisper or a look of suspicion was more to be dreaded than the blow of a dagger, and when the silent and voiceless accusation doomed its object to walk the Bridge of Sighs into the caverns of a ruthless and lingering death. In English history there never was a period in which they could have been executed. Charles I lost his head, James II his throne, and George III his American Colonies in attempting far less encroachments on the liberties of Englishmen than these laws perpetuate on the liberties of Americans. Dionysius, the tyrant of Syracuse, suspended a sword by a single hair over the heads of his guests at a banquet, and enjoyed their terror. The party but yesterday in power in this Chamber has suspended over the heads of the American people and put into operation in their midst enactments far deadlier than the sword; for, without the unassailable safeguards of personal liberty, life itself is of no value.

Senator Voorhees continued with these eloquent words:

I call upon my countrymen to awaken, for the hour of mortal peril to their institutions is here. I invoke against them (these laws) the memories of the mighty dead who fell for independence; who enriched the soil of Massachusetts with their blood at Lexington, Concord, and Bunker Hill; who struggled with Washington at Brandywine, and charged under his eye at Princeton, Trenton, and Monmouth; who tasted death at Camden, the Cowpens, and Eutaw Springs, in order that we might be free; who yielded up their brave spirits on the plains of Yorktown in the precious hour of final victory. By these great souls, by their privations, sorrows, anguish, and pain, I implore the American people not to forget the value of those liberties which are now trampled underfoot with every circumstance of scorn and contempt.

Senator Voorhees closed with these eloquent words:

Time repairs the loss of treasure and assuages a nation's grief for her gallant dead, but for the loss of it there comes no resurrection. The conquest of the South at the expense of free elections and upright courts would be a most dismal and barren victory, recoiling with curses on this and all succeeding generations. What shall it profit the American people if they gain the whole earth and lose their own liberties?

Mr. President, Senator Voorhees, of Indiana, spoke these words 85 years ago—during the tragic era, as so much of history has recorded it—but how appropriate and timely his expressions are today.

Let us take lesson and let us take warning. Let us not be parties to precipitating another tragic era. Let us not be swept into a surrender of our basic freedoms and the basic tenets of our democratic form of government. Let us not be counted among the communicants at the altar of expediency.

As we have seen, from the force bills of the Reconstruction era of the latest civil rights bills passed by the Congress in 1960, legislation has not been the answer to problems that necessarily beset a democratic nation and a free people. The only answer to these problems and the answer that is dictated by our duty as well as our tradition lies in reason and the orderly processes.

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

Mr. HILL. Mr. President, may I inquire how much time I have remaining?

The PRESIDING OFFICER. The Senator from Alabama has 12 minutes remaining.

Mr. HILL. Mr. President, I yield myself an additional 3 minutes.

The PRESIDING OFFICER. The Senator is recognized for an additional 3 minutes.

Mr. HILL. Mr. President, the Senate, as the great deliberative body conceived by the Founding Fathers, is and must remain the Nation's citadel of reason. Sir Edward Coke called reason the life of the law.

We carry with us a great tradition, and if that tradition could be summed up as a directive, it would be to find our best judgment of what is good for our country and our people.

Liberty is a concept which, in this country, was derived first and is fostered by the deliberations and the conduct of men of reason. Liberty and freedom are concepts which flow from the rule of reason, and which, all through history, have died in those societies where clamor and expediency overcame the quiet arguments of men of reason.

Ours, then, is a proud duty and a proud tradition. Here, in this Senate, is embodied this duty and tradition, defined and envisioned by James Madison and his colleagues as the ultimate safeguard of our Nation's freedom.

Let us rise to the hour and be worthy of it.

Let us not in a moment of impatience, to meet the expediency of the day, unadvisedly vote to have the Senate abdicate its historic role as the impregnable fortress of constitutional liberty.

Let us not succumb to a tide of emotion that would sweep away all reason and concern for the public good.

Let us as men of reason rededicate ourselves to the principles on which this Nation was founded.

Let us reaffirm the oath we all took to uphold and defend the Constitution of the United States.

Let us neither retreat one inch nor surrender one iota of principle when the rights and freedom of our people are at stake.

Let us strike this measure down so that all the world shall know that the Senate will not compromise with principle or surrender it.

Let us purge this legislation from the Halls of Congress so that men may always say:

Here was the Senate in its finest hour, rendering its highest service to the American people—to all the people.

This, Mr. President, will be our measure of greatness.

I reserve the remainder of my time.

Mr. EASTLAND. Mr. President, I yield myself 20 minutes.

In the long history of the Senate, no single measure has ever been enacted that was more punitive and discriminatory in character and violative to both the spirit and letter of our Constitution than this so-called Civil Rights Act of 1963. This hydraheaded monster, far from eliminating any imaginary existing evils, is only going to create more discord and strife throughout this country, and I predict that the areas which will be the major targets of this discontent are far removed from the South. In fact, they are the very States from which we find the leading proponents of this proposed legislation—New York, Illinois, Pennsylvania, Michigan, and California, among others.

Just as oil and water cannot mix, it is impossible through any legislative process to declare social equality or racial intermingling by statute.

Under the proposed law, a person could not relax with his own kind. He could not enjoy recreation with his own people. A person could not eat with whom he chose and in the surroundings of his choosing. A person could not choose to be housed with his own race. Association would be no longer an individual choice. Education would be directed by the Central Government. If the bill becomes law, no longer will our children be free to go to the school of their choice. Employment will be controlled by Federal policy. All business and commerce will be dominated by the Government. In addition, a man will not have the absolute right to be buried with his own kind. In many cases medical services will be forced against the will of the sick person. Do Senators tell me we will be a free people? I say the bill would set up the blackest form of tyranny. It is shot through and through with illegality. It is much, much stronger than the iniquitous force bill. The mildest term that can be used is that it is a travesty upon the Constitution.

This bill is being imposed upon a free people under the name of civil rights and liberty. Mr. President, it is being imposed, just as communism was imposed on over 800 million people, in the name of democracy. The America that we have known is being swept away. Individual rights and liberty are a thing of the past. The bill is a cynical accomplishment under the guise of liberty and equality. Freedom and liberty are being destroyed; the Government centralized; its very basic concepts changed. The proponents say we legislate equality. Mr. President, the legislation of equality is an impossibility. The creation of equality is beyond the reach of man. It can only be accomplished by the one God who overlooks us all.

Mr. President, it is ridiculous to say that the American people can be induced to accept this bill if it is really enforced. If I know the people of America, they will no more accept this bill than they did prohibition. Congress cannot legislate appetite. Congress cannot legislate a state of mind. The attempted enforcement of this bill will, in the end, cause its repeal.

Mr. President, these things would result from the Dirksen-Mansfield substitute as it amends and changes the House-passed bill and the proposals that were originally submitted to Congress by the President.

The Dirksen-Mansfield substitute to H.R. 7152 has never been presented and debated by the Senate in the usual course of legislative presentation. Not one proponent has even pretended to stand on the floor and explain the provisions of the substitute from start to finish.

It is most difficult to determine exactly what is in the substitute. Some say the voluminous number of changes that have been offered tend to "water down" the bill. Others say that the amendments tend to strengthen it. Still others contend that the suggested changes do no more than polish up the bill and smooth out the rough corners without making any substantial changes in the substance. Mr. President, I view the presently proposed legislation primarily from the standpoint of what this bill would do or would not do to the State of Mississippi and the people living therein whom I am proud to represent in the U.S. Senate. Some of its ultimate implications I have already pointed out, and there is one proposition about which there can be no doubt. The Dirksen-Mansfield substitute is adroitly and skillfully designed to point a pistol loaded with live ammunition at the hearts of the Southern States, while at the same time filling a gun with blank ammunition to be shot in the direction of most of the States in the Union outside the South. I am certain that in the entire history of this country there has never been a situation where legislation was so deliberately drafted to apply to one area and to exclude other areas as was this present bill. A study of the remarks made during the course of the debates on H.R. 7152 would indicate that the chief sponsor of the Dirksen-Mansfield substitute is willing himself to make this admission—at least by indirection. Those States that now have public accommodations statutes and so-called Fair Employment Practices Acts are home free and as a practical matter removed from the thrust of the bill. Let me now demonstrate the exact manner in which the substitute applies to the South and can be ignored in every other area of the United States. Title I, which is designed to amend the Civil Rights Acts of 1957 and 1960 in regard to voting rights, provides, in part, that:

No person acting under color of law shall—

* * * * *

(C) employ any literacy test as a qualification for voting in any Federal election unless (i) such test is administered to each individual and is conducted wholly in writing and (ii) a certified copy of the test and of the answers given by the individual is furnished to him within 25 days of the submission of his request made within the period of time during which records and papers are required to be retained and preserved pursuant to title III of the Civil Rights Act of 1960.

To this provision, which is slightly amended in the language read above from the text of the original, the draftsmen of the new legislation have added this kicker:

That the Attorney General may enter into agreements with appropriate State or local authorities that preparation, conduct, and maintenance of such tests in accordance with the provisions of applicable State or local law, including such special provisions as are necessary in the preparation, conduct, and maintenance of such tests for persons who are blind or otherwise physically handicapped, meet the purposes of this subparagraph and constitute compliance therewith.

Mr. President, this proposed proviso is not only designed to clothe the Attorney General with a degree of power and discretion that no single man should possess, but it also gives to him a political weapon whereby he can, at his discretion, reward one State by entering into such an agreement, and punish another by refusing to admit or agree to anything, and by proceeding with court actions of every kind and character permitted under the act. Numerous States outside the South have literacy qualifications as a prerequisite to voting in any State or Federal election. This proviso is designed to permit the Attorney General to bathe these States with absolute immunity from interference on the part of the Federal Government in determining who is and who is not qualified to vote, from the standpoint of literacy, and then to turn around and harass every Southern State that does have literacy qualifications with every conceivable type of court action. According to my count, approximately 13 States outside of the South have some form of literacy requirement. The Attorney General could immediately proceed to bathe these States with immunity, by exercising the power that is vested in him by this proviso, and then could concentrate his venom on the seven Southern States that do have literacy tests, and have been absolutely opposed to the enactment of any and all civil rights legislation. Mr. President, the granting of this character of discretionary power to an individual is wrong from both the standpoint of legality and the standpoint of morality. It would arm the temporary occupant of the office of Attorney General of the United States with a blackjack that could be swung in one direction, although others, who might be equally as guilty, would be completely free from any legal sanctions whatsoever.

So far as the State of Mississippi is concerned, I deny that any literacy tests have ever been applied in a discriminatory manner as between white citizens and Negro citizens. Mississippi could be as pure and as clean as a new driven snow, and yet could be made the target of punitive action by the occupant of the office of Attorney General, simply because the State and people are in the forefront in opposing any and all kinds of civil rights legislation, on legal and constitutional grounds.

The next proposed amendment to title I is a masterpiece of inept legislative draftsmanship, and would result in a situation in which it would be impossible for either the lawyers or a judge to determine what was meant by the language and how the court and parties litigant should proceed thereunder. When title I of H.R. 7152 was considered by the House Judiciary Committee, certain proponents of stringent civil rights legislation were disturbed and afraid that U.S. district judges in Southern States would not find for the Attorney General in cases that were brought by the Attorney General under the Civil Rights Acts of 1957 and 1960, but would do the unheard of thing in certain instances; that is, find that the defendants were not guilty of the acts charged in the complaint. The proponents wanted to devise some way by which they would be certain that it could always be found that the Attorney General was right and the local judge was wrong; so this language was written into the bill:

In any proceeding instituted in any district court of the United States under this section, the Attorney General may file with the clerk of such court a request that a court of three judges be convened to hear and determine the case.

The language further provides that when such a request is made by the Attorney General, the chief judge of the circuit shall immediately designate three judges in such circuit, of whom at least one shall be a circuit judge, and another of whom shall be a district judge of the court in which the proceeding was instituted, to hear and determine such case. Here is the insurance for the Attorney General to have at least two, and possibly three, hanging judges appointed. Judge Tuttle, the chief judge of the Fifth Circuit Court of Appeals, has been overly zealous in appointing such hanging judges in civil rights cases. The proof of his partiality is to be found in an opinion written by one of his brethren on the Fifth Circuit Court of Appeals, wherein he documents, case by case, the appointment of judges whose predilections in deciding cases was known in advance to the chief judge. Thus, the House committee fixed things for the Attorney General. When the bill was considered on the floor, it was argued that it was grossly unfair to give the Attorney General the discretionary power to convene a three-judge court, but to deny this right to the defendant. So the language which now appears in the original text of H.R. 7152 before the Senate was added—namely, that the defendant in the proceeding may exercise the same option as the Attorney General, and may request that a court of three judges be convened to hear and determine the case.

Now we come to the proposed substitute. I shall first quote the explanatory language that was included in a memorandum accompanying the substitute version. It states:

Section 101(a)(3)(d) has been amended to provide for a three-judge court when requested by the Attorney General or any defendant in any proceeding instituted by the United States under this section where the Attorney General requests a finding of a pattern or practice of discrimination pursuant to subsection (e) of this section.

Subsection (e) of this section refers to the Civil Rights Act of 1957, as amended by the Civil Rights Act of 1960. Subsection (c) gives to the Attorney General the right to institute an action when there is reasonable ground to believe that any person is about to engage in an act or practice which would deprive another person of the right to vote and to have his vote counted. When the Attorney General files such an action in a U.S. district court, the U.S. district judge is supposed to hear the evidence presented; then in the event the court finds that any person has been deprived, on account of race or color, of any right or privilege secured by subsection (a):

The court shall, upon request of the Attorney General, and after each party has been given notice and the opportunity to be heard, make a finding whether such deprivation was or is pursuant to the pattern or practice.

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

Mr. EASTLAND. Mr. President, I yield myself 5 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. EASTLAND. How can the contrast between the language of the statutes which are now on the books and the language of the proposed amendment as contained in the Dirksen-Mansfield substitute possibly be reconciled? The Dirksen-Mansfield substitute says:

In any proceeding instituted by the United States in any district court of the United States under this section in which the Attorney General requests a finding of a pattern or practice of discrimination pursuant to subsection (e) of this section, the Attorney General, at the time he files the complaint, or any defendant in the proceeding, within twenty days after service upon him of the complaint, may file with the clerk of such court a request that a court of three judges be convened to hear and determine the entire case.

Now, does this mean that the Attorney General or defendant must request a three-judge court at the time an original complaint is filed and before any evidence is taken, or that the request must be filed when some new complaint is made by the Attorney General after the evidence has been heard that a pattern or practice be found? Does this constitute two separate cases, or is it all a part of the same proceeding? Mr. President, it is not my job to write civil rights legislation for proponents. I am opposed to any and all kinds and types of "civil wrongs" legislation. I am raising these issues in regard to the language of the present title I simply to demonstrate the fact that the Dirksen-Mansfield substitute has not clarified anything, but, on the contrary, has simply added to the confusion. The resulting confusion is going to have to be resolved in the Southern States because obviously the escape valves have been placed in the substitute to relieve all areas outside of the South from fear of having the Federal Government interfere with their local affairs.

Before I leave title I, I feel that it is necessary to make some further remarks in regard to the cavalier use of the so-called three-judge court and its strange introduction as a new element of procedure in Federal practice. In the first place, permitting a three-judge court in a limited class of actions based on so-called civil rights violations is grossly discriminatory. It gives to the Attorney General and a limited class of defendants the right to require three judges to sit on a narrow type of case, and denies to all other citizens the right to have three judges determine the case or controversy in which they are interested. The present statutes provide for three judges under two primary considerations. One, and the one most often resorted to, is where the challenge is made in a U.S. district court that a statute of a State is in contravention of the Constitution of the United States and should, therefore, be declared null and void. It is easy to recognize that here you have a very serious situation confronting a single U.S. district judge, where he would be called upon to nullify a State law or a State constitution. Furthermore, the appellate processes would take the case from the State to the circuit court of appeals, and thence to the Supreme Court. Whereas, if Congress felt that, in justice to both the State and the Federal Government, where a constitutional issue was involved, it was better to constitute a three-judge court and widen the base of judicial consideration on the issue involved and then permit an appeal direct to the U.S. Supreme Court. This makes sense, but it does not make sense to permit a three-judge court to be invoked where a constitutional issue is not involved and where the time of three judges is tied to an issue that is clearly within the jurisdiction of a single judge of the U.S. district court.

The PRESIDING OFFICER. The Senator's time has again expired.

Mr. EASTLAND. Mr. President, I yield myself 5 additional minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 5 additional minutes.

Mr. EASTLAND. A second situation where a three-judge court is permitted by statute is where the constitutionality of an act of Congress is challenged in a court. Here also it was felt that it would be presumptuous for a single judge to hold that an act of Congress violated the Constitution of the United States; thus it was better to start the consideration of such a charge with a three-judge court and then permit an appeal direct to the U.S. Supreme Court. There are other specialized instances in complicated types of Federal cases where a three-judge court is also permitted, but the reason for it in these cases is so perfectly obvious that it is not worthy of discussion of such a charge with a three-judge court, as provided for in the proposed Civil Rights Act of 1964, can never be justified except on the basis of expediency. It permits the Attorney General to deliberately avoid filing a complaint before a U.S. district judge whom he thinks might possibly be hostile toward the character of suit filed. It sets up what, in effect, is a kangaroo court proceeding by giving the Attorney General wide leeway in having correct and proper judges named for him by the chief judge of the circuit court of appeals. This three-judge system is a denial of the basic principles of jurisprudence as it has been known and practiced in this country since the days of the original Colonies. It is a deliberate design to circumvent justice.

TITLE III—DESEGREGATION OF PUBLIC FACILITIES

This title has not been substantially changed, but enough change has been made for me to devote a short time to discussing what, in my judgment, is probably the most far-reaching and confusing title in the entire bill. The new language of 301(a) as contained in the Dirksen-Mansfield substitute provides, in part:

Whenever the Attorney General receives a complaint in writing signed by an individual to the effect that he is being deprived of or threatened with the loss of his right to the equal protection of the laws, on account of his race, color, religion, or national origin, by being denied equal utilization of any public facility which is owned, operated, or managed by or on behalf of any State or subdivision thereof, other than a public school or public college as defined in section 401 of title IV hereof, and the Attorney General believes the complaint is meritorious and certifies that the signer or signers of such complaint are unable, in his judgment, to initiate and maintain appropriate legal

proceedings for relief and that the institution of an action will materially further the orderly progress of desegregation in public facilities, the Attorney General is authorized to institute for or in the name of the United States a civil action.

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

Mr. EASTLAND. Mr. President, I yield myself an additional 5 minutes.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. EASTLAND. This is another raw grant of discretionary power to the Attorney General, which is as broad as the ocean and as high as the sky, and is certain to cause mischief in every area of the United States. The substitute moves section 302 away from title III and places it in title IX, where it appears as section 902. It provides:

Whenever an action has been commenced in any court of the United States seeking relief from the denial of equal protection of the laws under the 14th amendment to the Constitution on account of race, color, religion, or national origin, the Attorney General for or in the name of the United States may intervene in such action if the Attorney General certifies that the case is of general public importance. In such an action the United States shall be entitled to the same relief as if it had instituted the action.

Here again the Attorney General is being given an awesome discretionary power to play "big brother" in a paternalistic system where the Government seeks to protect individuals whom this Congress is trying to say, in effect, cannot protect themselves. Mr. President, we are doing no more nor no less than creating a new group of wards of the U.S. Government, even as many of our Indian citizens have always been wards of the Government and placed in such categories and classes on reservations, and otherwise. Far from giving to one group equal protection of the laws, we are taking away from a much greater number all semblance of protection in their constitutional rights to run their affairs as they may see fit without interference, direction and control from the Government. I have examined the latest edition of the United States Code Annotated, and I find that that clause of the 14th amendment which deals with equal protection of the laws is elaborated upon in 503 pages of annotations. The annotations trying to explain in some degree what equal protection of the laws means takes up all but some 30-odd pages in an entire volume of the United States Code Annotated. This Congress has time and time again rejected the writing of old title III of the proposed Civil Rights Act of 1957 into law. Now in this omnibus bill that covers every conceivable situation from A to Z it is being restored, and it would appear that the very people who voted to delete it in 1957, and not to adopt it in 1960, are now going along with it. I sincerely ask each and every one of my colleagues to again examine their hearts and determine whether or not it is fair to enact this constitutional monstrosity as an incubus upon the American people.

As to title IV—"Desegregation of Public Education," sections 401, 402, 403, 404, 405, and 406, which deal primarily with the functions to be performed by the Commissioner of Education in authorizing technical assistance, training institutes, and so forth, in aiding desegregation of public schools, remain substantially the same as they were in the bill sent to the Senate from the House. It would appear beyond a doubt that the Commissioner is now denied any authority to assist the States or local school boards that desire to overcome racial imbalance within a public school system. This so-called racial imbalance is de facto segregation as it is recognized and practiced in every area of the North and West where Negroes live in cities and communities also inhabited by white people—thus, all the functions that are purported to be performed by the Commissioner of Education are evidently directed toward the Southern States and exclude all States outside of the South. The most substantial substantive change in section 407, which empowers the Attorney General to institute actions to require school boards to accept Negro students in segregated schools, is contained in a proviso which states:

Provided, That nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance, or otherwise enlarge the existing power of the court to insure compliance with constitutional standards.

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

Mr. EASTLAND. I yield myself 3 minutes.

Mr. President, this language not only would deny to an individual or the Attorney General any right to institute an action for a Negro to obtain entry into a white school on a theory that the school board was maintaining racially imbalanced schools, but it would also place a direct limitation on the jurisdiction of a court to consider the subject matter of a complaint. The only parallel that I can recall that has been previously adopted by this Congress in limiting the jurisdiction of a court was that adopted in 1867, when Congress denied to the Supreme Court jurisdiction to consider habeas corpus petitions brought to it upon appeal. The court bowed to the act of Congress taking away its jurisdiction to consider decisions of circuit courts in cases involving petitions for a writ of habeas corpus and dismissed the McCardle appeal.

It appears that the draftsmen of the Dirksen-Mansfield substitute are so zealous to protect the States of New York, Illinois, Indiana, Ohio, Pennsylvania, Michigan, Missouri, and California, where de facto segregation is now such an important factor in life, that they go so far as to deny the court itself the power to enlarge its existing decisions regarding the achievement of racial imbalance. Actually there is a joker in this language, because it is my judgment that certain aspects of Judge Kaufmann's decision in the New Rochelle school case in New York State permit a Federal court to tamper with racial imbalance in school districts just as much as the decision in the Gary, Ind., case denied the local school district the power to tamper with racial imbalance where de facto segregation exists. But that will have to be later determined by the court, and the question now presented is whether or not the authors of the substitute in their zeal to protect every area outside of the South from Federal interference in their local school affairs have not actually gone so far as to emasculate the power of the court itself to deal with the question.

The PRESIDING OFFICER. The Senator's time has again expired.

Mr. EASTLAND. I yield myself 3 minutes.

Mr. President, the only legislation that I can recall in the past which more grossly penalized one section of the country than does this presently proposed legislation was the freight rate differential that was imposed upon the South after the cessation of the War Between the States, where a case of shoes could be shipped from Massachusetts to Mississippi for $15, and the same case to be shipped from Mississippi back to Massachusetts would cost $30. Here you are giving a carte blanche to the Attorney General to bring actions in the South to achieve desegregation of the public schools, and at the same time giving a carte blanche to the States outside of the South to maintain completely segregated schools because of the de facto segregation that exists due to the neighborhood pattern. Of course, Mr. President, I am opposed to the integration of public schools under any circumstances. I believe in the constitutionality of segregated schools. I believe that both the court and Members of Congress are wrong when they contend that either the Federal Government or the courts have any right to tell a State how it shall operate its public school system and who shall attend what school. If the court and Congress are to enter into this area, it is a shocking discrimination to tell the courts and the Attorney General that they can only deal with the problem in a selected number of States and are denied any power to consider it in others. As I have read the press, the demonstrations in Cleveland, Chicago, Gary, Philadelphia, Chester, New York, Brooklyn, Milwaukee, and elsewhere, have been directed against de facto segregation, and it is a curious character of logic to reason that the passage of this presently proposed legislation would in the least achieve any settlement of racial unrest in areas where the bill cannot reach and where the States involved have laws requiring equal employment opportunities, open public accommodations, in certain instances open occupancy, and where the school systems are in theory completely integrated. I do say, in all fairness and justice, that the Southern States should not be penalized by the enactment of the bill.

Mr. President, how much time have I left?

The PRESIDING OFFICER. The Senator has used all his allocated time.

Mr. EASTLAND. How much time have I left altogether?

The PRESIDING OFFICER. The Senator has 17 minutes left altogether.

Mr. EASTLAND. Mr. President, I reserve the remainder of my time.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 421 Leg.]

Aiken	Hartke	Morton
Allott	Hickenlooper	Moss
Bartlett	Hill	Mundt
Bayh	Holland	Muskie
Beall	Hruska	Nelson
Bennett	Humphrey	Neuberger
Bible	Inouye	Pastore
Boggs	Jackson	Pearson
Brewster	Javits	Pell
Burdick	Johnston	Prouty
Byrd, W. Va.	Jordan, N.C.	Proxmire
Cannon	Jordan, Idaho	Randolph
Carlson	Keating	Ribicoff
Case	Kennedy	Russell
Church	Kuchel	Saltonstall
Clark	Lausche	Scott
Cooper	Long, Mo.	Simpson
Cotton	Long, La.	Smathers
Curtis	Magnuson	Smith
Dodd	Mansfield	Sparkman
Dominick	McCarthy	Stennis
Douglas	McClellan	Talmadge
Eastland	McGee	Thurmond
Edmondson	McGovern	Tower
Ellender	McIntyre	Walters
Ervin	McNamara	Williams, Del.
Fong	Mechem	Yarborough
Fulbright	Metcalf	Young, N. Dak.
Gore	Miller	Young, Ohio
Gruening	Monroney	
Hart	Morse	

The PRESIDING OFFICER (Mr. HART in the chair). A quorum is present.

The question is on agreeing to the amendment offered by the Senator from South Carolina [Mr. JOHNSTON].

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HOLLAND. Mr. President——

The PRESIDING OFFICER. The rollcall is in progress.

The rollcall was concluded.

Mr. HUMPHREY. I announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from Virginia [Mr. BYRD], the Senator from Arizona [Mr. HAYDEN], the Senator from Virginia [Mr. ROBERTSON], the Senator from Missouri [Mr. SYMINGTON], and the Senator from Tennessee [Mr. WALTERS] are absent on official business.

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

I further announce that, if present and voting, the Senator from Virginia [Mr. BYRD] and the Senator from Tennessee [Mr. WALTERS] would each vote "yea."

On this vote, the Senator from Virginia [Mr. ROBERTSON] is paired with the Senator from California [Mr. ENGLE]. If present and voting, the Senator from Virginia would vote "yea," and the Senator from California would vote "nay."

Mr. KUCHEL. I announce that the Senator from Arizona [Mr. GOLDWATER] and the Senator from Illinois [Mr. DIRKSEN] are detained on official business.

If present and voting, the Senator from Illinois [Mr. DIRKSEN] would vote "nay."

The result was announced—yeas 19, nays 72, as follows:

[No. 422 Leg.]

YEAS—19

Byrd, W. Va.	Holland	Sparkman
Eastland	Johnston	Stennis
Ellender	Jordan, N.C.	Talmadge
Ervin	Long, La.	Thurmond
Fulbright	McClellan	Tower
Gore	Russell	
Hill	Smathers	

NAYS—72

Aiken	Hart	Monroney
Allott	Hartke	Morse
Bartlett	Hickenlooper	Morton
Bayh	Hruska	Moss
Beall	Humphrey	Mundt
Bennett	Inouye	Muskie
Bible	Jackson	Nelson
Boggs	Javits	Neuberger
Brewster	Jordan, Idaho	Pastore
Burdick	Keating	Pearson
Cannon	Kennedy	Pell
Carlson	Kuchel	Prouty
Case	Lausche	Proxmire
Church	Long, Mo.	Randolph
Clark	Magnuson	Ribicoff
Cooper	Mansfield	Saltonstall
Cotton	McCarthy	Scott
Curtis	McGee	Simpson
Dodd	McGovern	Smith
Dominick	McIntyre	Williams, N.J.
Douglas	McNamara	Williams, Del.
Edmondson	Mechem	Yarborough
Fong	Metcalf	Young, N. Dak.
Gruening	Miller	Young, Ohio

NOT VOTING—9

Anderson	Engle	Robertson
Byrd, Va.	Goldwater	Symington
Dirksen	Hayden	Walters

So Mr. JOHNSTON'S amendment was rejected.

Mr. PASTORE. Mr. President, I move that the Senate reconsider the vote by which the amendment was rejected.

Mr. KUCHEL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. THURMOND. Mr. President, I call up my amendment No. 1029 and ask that it be read.

Mr. HUMPHREY. Mr. President, I understand that the Senator from South Carolina has approximately six more amendments to offer after this one. If Senators will remain in the Chamber, we can truly expedite action. I know that the Senator from South Carolina would appreciate that, as would the rest of us. I urge Senators to remain in the Chamber.

The PRESIDING OFFICER. The amendment of the Senator from South Carolina will be read.

The Chief Clerk read as follows:

On page 69, line 1, beginning with the word "in," delete down through the word "Rights" on line 2, as follows: "in civil rights."

Mr. THURMOND. Mr. President, on my amendment, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. THURMOND. Mr. President, I yield myself half a minute.

If the compilation of voting statistics by race is to be made as proposed under title VIII, the compilation should be made nationwide so that it will not result in misleading, juggled statistics, as it would were the biased Civil Rights Commission permitted to pick and choose the geographical areas in which such statistics were to be compiled. This amendment would make the compilation of voting statistics nationwide rather than just in selected geographical areas.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Carolina No. 1029. 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 New Mexico [Mr. ANDERSON], the Senator from Arizona [Mr. HAYDEN], the Senator from Virginia [Mr. ROBERTSON], and the Senator from Tennessee [Mr. WALTERS] are absent on official business.

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

On this vote, the Senator from Virginia [Mr. ROBERTSON] is paired with the Senator from California [Mr. ENGLE]. If present and voting, the Senator from Virginia would vote "yea," and the Senator from California would vote "nay."

If present and voting, the Senator from Tennessee [Mr. WALTERS] would vote "yea."

Mr. KUCHEL. I announce that the Senator from Arizona [Mr. GOLDWATER] and the Senator from Illinois [Mr. DIRKSEN] are detained on official business.

If present and voting, the Senator from Illinois [Mr. DIRKSEN] would vote "nay."

The result was announced—yeas 22, nays 71, as follows:

[No. 423 Leg.]

YEAS—22

Byrd, Va.	Holland	Smathers
Cooper	Hruska	Sparkman
Eastland	Johnston	Stennis
Ellender	Jordan, N.C.	Talmadge
Ervin	Long, La.	Thurmond
Fulbright	McClellan	Tower
Hickenlooper	Mechem	
Hill	Russell	

NAYS—71

Aiken	Gruening	Morton
Allott	Hart	Moss
Bartlett	Hartke	Mundt
Bayh	Humphrey	Muskie
Beall	Inouye	Nelson
Bennett	Jackson	Neuberger
Bible	Javits	Pastore
Boggs	Jordan, Idaho	Pearson
Brewster	Keating	Pell
Burdick	Kennedy	Prouty
Byrd, W. Va.	Kuchel	Proxmire
Cannon	Lausche	Randolph
Carlson	Long, Mo.	Ribicoff
Case	Magnuson	Saltonstall
Church	Mansfield	Scott
Clark	McCarthy	Simpson
Cotton	McGee	Smith
Curtis	McGovern	Symington
Dodd	McIntyre	Williams, N.J.
Dominick	McNamara	Williams, Del.
Douglas	Metcalf	Yarborough
Edmondson	Miller	Young, N. Dak.
Fong	Monroney	Young, Ohio
Gore	Morse	

NOT VOTING—7

Anderson	Goldwater	Walters
Dirksen	Hayden	
Engle	Robertson	

So Mr. THURMOND'S amendment (No. 1029) was rejected.

Mr. PASTORE. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. KUCHEL. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

Mr. TALMADGE. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER (Mr. BREWSTER in the chair). The Senator from Georgia may proceed.

Mr. TALMADGE. Mr. President, it has become painfully apparent that in just a matter of days the most vicious legislation since the dark days of Reconstruction will be forced upon the American people.

With the passage of this misnamed civil rights bill, individual liberty in the United States will be dealt a severe blow.

Freedom of association will become meaningless.

Private property rights will be crippled, perhaps beyond repair.

State and local governments will be virtually powerless to conduct their internal affairs without dictatorial Federal interference.

Although I cannot describe or suppress the repugnancy I feel for this legislation, there is no doubt that it will be passed by the Congress, and thereafter signed into law by the President.

Although it makes a mockery of our Constitution and perverts every principle of good government, there is nothing we can do to stop it.

The voice of reason has been stilled.

The evil legions of intolerance and vindictiveness run amok, sowing seeds of discord and hate throughout the land.

So inflamed have the people become that it is unsafe to walk the public streets of our big cities.

The mob has become master.

So feverish are the times that the Congress of the United States has gone on an emotional binge.

Mr. President, we have labored long and hard. I, for one, make absolutely no apologies for the time and energy that have been spent in an effort to preserve some semblance of constitutional government. It is my belief that history will prove that those of us who engaged in this fight did so in the best interests of all of our citizens, regardless of their race, creed, or national origin.

No one can do more than his very best. And this we have done.

We appealed to logic, and failed.

We begged for reason, and were turned aside.

We asked for understanding, and were scorned and ridiculed.

We invoked the law and the Constitution, and were lectured in sociology.

To the best of our ability, and within the framework of the rules of the Senate, we did our utmost to inform the American people of the dangers that lurk in this legislation.

As evidenced at the ballot box and in the mail from our constituents, we made great progress. It is still my unwavering view that if we had been allowed to continue, if the brute strength of numbers had not put us down, if the American people had been given the opportunity to become fully aware of its punitive provisions, they would rise up in protest, and would demand the defeat of this bill.

To the pathetic misfortune of the people, it now appears that they will learn of the evils in this legislation from its enforcement, from its encroachment into their private affairs. From all indications, it will be a terrible lesson.

Mr. President, this bill was conceived in intemperance and hatred. It was born of lawless racial agitation and nurtured by mob violence. I submit that this bill is the offspring of a dangerous popular philosophy that the way to solve all our problems is to enact more laws, united with a Federal bureaucracy that always hungers for more power and authority.

Experience has shown that in all too many instances, the enactment of coercive legislation is not the answer to problems involving human relations. We should have learned by now that, instead of resolving such problems through the force of law, they are made worse.

The end result has always been that the problems remain, and the people are dismayed to find that they have surrendered more of their rights and liberties to an all-powerful, centralized Federal Government.

Where will it all end? When will the American people come to their senses, and realize it is folly to continue to look upon the Federal Government as the great provider of both their material and their spiritual well being?

There is still time to turn back, to return to the sound principles of local, self government. But the time is fast running out, and perhaps the point of no return has already been reached.

Mr. President, we do not now deny, nor have we ever denied, that there is such a problem as that to which this bill purports to address itself. But it is a human problem and a moral problem which, in the final analysis, will be determined only by the free will of individuals. It is a matter for the mind and heart and the conscience.

Unfortunately, however, it has been dragged into the political arena. State and national elections can be made to turn on this single issue which is foisted upon the voters under the lofty banner of promised equality.

Of course the American people are for civil rights. Every American citizen is entitled to the full and unhindered enjoyment of every right guaranteed him by the Constitution. These rights are spelled out in the first 10 amendments—the Bill of Rights—and in the 13th, 14th, and 15th amendments.

These rights are enforceable in every court in the land, and we cannot improve upon them. Admittedly, however, the Congress has tried and the result is that our statute books are burdened with unnecessary and unwarranted laws purporting to protect civil rights which already are well protected by the Constitution.

For example, there are now 15 statutes relating to the protection of the right to vote. Six of them are criminal, and nine of them are civil. H.R. 7152 would put still another one on the statute books in complete conflict with the express provisions of the Constitution of the United States.

So civil rights has become a political issue, exceeded in emotional appeal only by the longstanding triumvirate of "God, mother and country." As we have seen in the Senate, once the clamor for civil rights goes up, no amount of reason and logic can penetrate the uproar.

The trumpets sound, the drums beat, and the battle is joined. Wrapped in a sanctimonious cloak of so-called civil rights, the warriors mount white chargers and dash off to war. They are so valiant and so noble, and their cause seemingly so invincible, that the real reasons for the fight are obscured and lost upon the people whose champions they claim to be.

So dazzled are the people by such a fine show of shining armor that they are unable to see.

Such is the blindness of the American people today who have been led into believing that the bill now pending before the Senate is civil rights legislation.

Before the passage of this bill, I would urge the people and my distinguished colleagues to look again.

Where are the civil rights in legislation which would make special classes of citizens favorites of the law? How can it be called civil rights to grant special privileges to certain citizens and take away the constitutional rights of others? Whose civil rights are protected by endowing the Attorney General of the United States with virtually unlimited authority to tell private individuals how they must conduct their private lives and operate their private businesses?

Mr. President, how can it be called civil or right to starve entire cities, counties, States, or regions out of the Federal Treasury?

To punish the innocent along with the guilty?

To penalize old people, the sick and the needy, and schoolchildren?

To make everyone suffer because the action of a local official aroused the ire of some Federal bureaucrat in Washington?

Yet we are about to give the Federal Government this power in title VI of this legislation that is called a civil rights bill.

What happens, Mr. President, to private property rights when the full force of this bill is brought to bear against the American people?

What will become of the oldest and most cherished right of all when the Federal Government can tell private businessmen whom they must hire, whom they may or may not fire, what salaries must be paid, what all conditions of employment must be?

I submit that the Federal Government will become a senior partner in every business in the Nation which employs 25 or more persons under title VII of this legislation that is called a civil rights bill.

What will be left of the right of a private individual to secure, hold, and control his private property as he sees fit when the mighty Federal Government can step in and dictate to businessmen whom they must admit to their premises, whom they must serve, whom they must lodge, and whom they must entertain?

This is the authority to be granted the Government by title II of this legislation that is called a civil rights bill.

Title VII, together with title II, enforced by a strong-arm Attorney General, would without a doubt destroy private property rights as we know them today.

Mr. President, embodied in this bill, particularly in titles VI, VII, and II, are provisions for an expansion of Federal power that is unparalleled in the history of our country.

It is undoubtedly punitive and coercive legislation at its worst.

It was shamefully railroaded through Congress under a protective cover of secrecy. To this date, not a single legislative hearing has ever been held on this bill, not on the version which came to the Senate from the other body, not on the so-called Dirksen compromise bill.

Moreover, the disgraceful manner in which the Dirksen substitute was achieved is a blot upon the legislative history of this body. It constitutes no legitimate legislature compromise. It makes no attempt to improve upon the original bill as it came to us from the House.

I submit that it is a sweet-tasting pacifier.

It is intended to placate those who protest that force legislation such as this may be all right for the South, but they would just as soon not have any part of it themselves.

Thus was the South offered as the sacrificial lamb. Thus will the South be placed in a stranglehold of Federal control.

However, it is my belief that not only the South, but the entire Nation—all of our people—will rue the day that this legislation was enacted.

I am shocked that the American people would allow this blackjack legislation to be perpetrated upon them.

The starvation provisions of title VI should be repugnant to everyone who believes in fair play and in constitutional government. The thought of such power so repelled the late President John F. Kennedy that he told a news conference on April 17, 1963, that no President should have that kind of power. Said our late President:

> I don't have the power to cut off aid in a general way as was proposed by the Civil Rights Commission, and I would think it would probably be unwise to give the President of the United States that kind of power because it could start in one State and for one reason or another might be moved to another State which has not measured up as the President would like to see it measure up in one way or another.

The grant of power that was so soundly condemned by the late President is precisely that which is now about to be made law by the enactment of this bill.

Under title VI, the grant of power is so far reaching and absolute that the Federal Government could cut off the flow of the taxpayers' money to a given State or region of the country in the same way as Castro cut the waterline to Guantanamo.

If the potential force of title VI were applied, the full might of the U.S. Government and the power of a $100 billion pocketbook could be marshaled against entire States, entire counties and cities, and entire regions of the country to such a degree that it is frightening to the imagination.

Mr. President, I point out that the vast power that is delegated by title VI could be used by some future tyrant for political purposes, and its political advantage would be so enormous that it is even inconceivable to contemplate what that power might be.

The Chicago Tribune correctly summed up the effect of title VI; and I quote from its editorial:

> Considering the multitude of Federal spending programs, ranging from farm subsidies and defense contracts through school lunch programs and aid to dependent children, here is machinery of stunning political power. As Representative TUCK of Virginia commented, it puts into the hands of Washington factotums a $100 billion blackjack to club the American people into submission.

The proponents of this legislation have told us that it is not nearly so broad and sweeping as it would seem. They contend that it is not the intent of title VI that entire States and regions be denied their share of Federal assistance programs.

Mr. President, I cannot look into the future and into the minds of our future Federal officials to determine their benevolence and generosity in the enforcement of title VI. I have no way of knowing how considerate they will be or how rigidly or to what length they will choose to enforce its provisions.

I can only look to the language of title VI as it is now written. And it is unmistakably clear to me that this is the most vicious piece of legislation to ever be proposed in this Congress.

For example, although title VI purports to whip into line State and local administrators of Federal-aid programs, it is those who benefit from these programs who would be made to suffer.

The sick, the aged, and the infirm would be the ones to suffer from the denial of hospital funds. No matter who may be named in an action to withhold education funds, in the final analysis, it would be the schoolchildren who would really suffer.

State and county welfare directors are the ones against whom nominal action would be taken. But those who would really feel the wrath of the Federal Government, and suffer from their loss of aid, would be those unfortunate persons to whom the money was being paid—the disabled, the blind, the poor and needy children.

Where is the merit, where is the justice, where is the wisdom in punishing sick persons and schoolchildren because of the alleged action of some State, city, or county official?

What manner of force legislation is this?

Mr. President, the same could be asked of title VII of this bill, the so-called FEPC provision.

What are we coming to in this country when we allow the Government to set the employment policies of private business concerns, when we give some Federal officer authority to say who must be hired or fired, or promoted, or given a certain job assignment?

I, of course, cannot speak for President Johnson on this legislation, and I do not pretend to do so at this time. But I can tell Senators what he thought of FEPC proposals when he served in the U.S. Senate. He said it was the worst kind of law that could be enacted, and he was infinitely correct. Said President Johnson on the floor of the Senate on March 9, 1949:

> This, to me, is the least meritorious proposal in the whole civil rights program. To my way of thinking, 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. It might even tell him how long and how hard he would have to work. As I see it, such a law would do nothing more than enslave a minority. 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, and, virtually, every hour of an employer's and employee's association while at work. I do not think the proposed law is workable, Mr. President. I am convinced that it would do everything but what its sponsors intended. I feel certain that it would reverse our entire historical trend of progress. It would do nothing more than resurrect ghosts of another day to haunt us again. It would incite and inflame the passions and prejudices of a people to the extent that the chasm of our differences would be irreparably widened and deepened. I can only hope sincerely that the Senate will never be called upon to entertain seriously any such proposal again.

These were the words of then Senator Lyndon B. Johnson, who is now our President. I could not be more in agreement, and I believe a vast majority of the American people will come to share this view, if they do not already.

I do not believe that the citizens of the United States are ready to relinquish their individual freedom and private property rights to Federal control.

I do not believe they will be willing to be told with whom they must associate in every walk of life, in virtually every area of human conduct from the cradle to the grave.

I do not believe they will be amenable to turning private property into public property, to giving people the right to trespass and create disorder.

The people have been sold a bill of goods. They have been caught up in a whirlwind of emotional confusion. They have been coerced and intimidated and sweet-talked to the point that they apparently are no longer able to tell the difference between what are constitutional rights and what are special privileges.

This bill, Mr. President, is the product of the unbalanced times in which we now live. I know of no better summation of the bad times that have fallen upon the American people than that expressed recently by Dr. Walter Courtenay, the minister of the First Presbyterian Church in Nashville, Tenn. Said Dr. Courtenay in his sermon:

> So unbalanced are we in much of our current thinking that we now propose to pass laws forcing employers to hire people they neither want nor need; to force others to serve people they do not want to serve; to force others to work with people they do not want to work with; and to threaten honest citizens with fines, jail sentences,

and the loss of their livelihoods for enjoying what they have been trained to believe are the privileges of our American democratic, free enterprise system. We now propose to reshape the life of the entire Nation to suit the needs of one minority group and at the cost of depriving other groups of just rights under our Constitution.

Mr. President, I pray for a return to reason in the United States while there is still time, while the American people still have some of their freedoms.

Mr. President, how much time have I used?

The PRESIDING OFFICER. The Senator from Georgia has used 28 minutes.

Mr. TALMADGE. Mr. President, I reserve the remainder of my time.

I yield the floor.

The PRESIDING OFFICER. The substitute is open to further amendment.

Mr. THURMOND. Mr. President, I call up my amendment No. 1030 and ask that it be stated.

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

The LEGISLATIVE CLERK. On page 70, lines 15 and 16, delete "Attorney General" and insert in lieu thereof "court wherein the suit was originally filed determines and".

Mr. THURMOND. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. THURMOND. Mr. President, I yield myself one-half minute.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for one-half minute.

Mr. THURMOND. Section 902 of the Dirksen-Mansfield substitute allows the Attorney General to intervene in any suit in which it is alleged by the complainant that he is being deprived of equal protection of the laws when the Attorney General certifies that the suit is of "general public importance." This amendment would require that the Court, rather than the Attorney General, determine and certify that the case is of "general public importance."

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Carolina [Mr. THURMOND]. On this question the yeas and nays have been ordered; and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD (after having voted in the negative). Mr. President, on this vote I have a pair with the distinguished Senator from Virginia [Mr. ROBERTSON]. If he were present and voting, he would vote "yea." If I were at liberty to vote I would vote "nay." I withdraw my vote.

Mr. HUMPHREY. I announce that the Senator from Arizona [Mr. HAYDEN] the Senator from Virginia [Mr. ROBERTSON] are absent on official business.

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

I further announce that, if present and voting, the Senator from California [Mr. ENGLE] would vote "nay."

Mr. KUCHEL. I announce that the Senator from Arizona [Mr. GOLDWATER] and the Senator from Illinois [Mr. DIRKSEN] are detained on official business.

If present and voting, the Senator from Illinois [Mr. DIRKSEN] would vote "nay."

The result was announced—yeas 29, nays 65, as follows:

[No. 424 Leg.]

YEAS—29

Byrd, Va.	Holland	Simpson
Cotton	Hruska	Smathers
Curtis	Johnston	Sparkman
Eastland	Jordan, N.C.	Stennis
Ellender	Long, La.	Talmadge
Ervin	McClellan	Thurmond
Fulbright	Mechem	Tower
Gore	Morton	Walters
Hickenlooper	Mundt	Williams, Del.
Hill	Russell	

NAYS—65

Aiken	Fong	Monroney
Allott	Gruening	Morse
Anderson	Hart	Moss
Bartlett	Hartke	Muskie
Bayh	Humphrey	Nelson
Beall	Inouye	Neuberger
Bennett	Jackson	Pastore
Bible	Javits	Pearson
Boggs	Jordan, Idaho	Pell
Brewster	Keating	Prouty
Burdick	Kennedy	Proxmire
Byrd, W. Va.	Kuchel	Randolph
Cannon	Lausche	Ribicoff
Carlson	Long, Mo.	Saltonstall
Case	Magnuson	Scott
Church	McCarthy	Smith
Clark	McGee	Symington
Cooper	McGovern	Williams, N.J.
Dodd	McIntyre	Yarborough
Dominick	McNamara	Young, N Dak.
Douglas	Metcalf	Young, Ohio
Edmondson	Miller	

NOT VOTING—6

Dirksen	Goldwater	Mansfield
Engle	Hayden	Robertson

So Mr. THURMOND'S amendment was rejected.

Mr. KUCHEL. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. HUMPHREY. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

Mr. THURMOND. Mr. President, I call up my amendment No. 1031, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 70, between lines 18 and 19 insert the following new subsection:

"Provided, however, That no such action shall be classed as a class action, but the order therein shall be limited to the individuals named in the complaint."

Mr. THURMOND. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. THURMOND. Mr. President, I yield myself one-half minute on this amendment.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for one-half minute.

Mr. THURMOND. Mr. President, this amendment would add a new provision to title IX. Title IX as it is now worded would allow the Attorney General to intervene in any case in which the complainant has alleged denial of equal protection of the law because of his race, color, religion, or national origin. The provision contained in this amendment would prevent these suits from being turned into class actions. It is necessary to limit these cases to the specific individuals who originally filed suit.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Carolina. On this question the yeas and nays have been ordered; and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD (when his name was called). Mr. President, on this vote I have a pair with the distinguished Senator from Virginia [Mr. ROBERTSON]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

The rollcall was completed.

Mr. HUMPHREY. I announce that the Senator from Arizona [Mr. HAYDEN] and the Senator from Virginia [Mr. ROBERTSON] are absent on official business.

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

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

I further announce that, if present and voting, the Senator from California [Mr. ENGLE] and the Senator from West Virginia [Mr. RANDOLPH] would vote "nay."

Mr. KUCHEL. I announce that the Senator from Arizona [Mr. GOLDWATER] and the Senator from Illinois [Mr. DIRKSEN] are detained on official business. If present and voting, the Senator from Illinois [Mr. DIRKSEN] would vote "nay."

The result was announced—yeas 25, nays 68, as follows:

[No. 425 Leg.]

YEAS—25

Byrd, Va.	Holland	Smathers
Cotton	Hruska	Sparkman
Curtis	Johnston	Stennis
Eastland	Jordan, N.C.	Talmadge
Ellender	Long, La.	Thurmond
Ervin	McClellan	Tower
Fulbright	Mechem	Walters
Gore	Russell	
Hill	Simpson	

NAYS—68

Aiken	Gruening	Morse
Allott	Hart	Morton
Anderson	Hartke	Moss
Bartlett	Hickenlooper	Mundt
Bayh	Humphrey	Muskie
Beall	Inouye	Nelson
Bennett	Jackson	Neuberger
Bible	Javits	Pastore
Boggs	Jordan, Idaho	Pearson
Brewster	Keating	Pell
Burdick	Kennedy	Prouty
Byrd, W. Va.	Kuchel	Proxmire
Cannon	Lausche	Ribicoff
Carlson	Long, Mo.	Saltonstall
Case	Magnuson	Scott
Church	McCarthy	Smith
Clark	McGee	Symington
Cooper	McGovern	Williams, N.J.
Dodd	McIntyre	Williams, Del.
Dominick	McNamara	Yarborough
Douglas	Metcalf	Young, N. Dak.
Edmondson	Miller	Young, Ohio
Fong	Monroney	

NOT VOTING—7

Dirksen	Hayden	Robertson
Engle	Mansfield	
Goldwater	Randolph	

So Mr. THURMOND'S amendment (No. 1031) was rejected.

Mr. THURMOND. Mr. President, I call up my amendment No. 924 and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The Chief Clerk read as follows:

On page 72, line 20, change the period to a colon and add the following: "*Provided, however,* That nothing in this section shall be construed as making it unlawful for any employee to give any such information to any duly authorized committee or subcommittee of the Congress."

Mr. THURMOND. Mr. President, on this amendment, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. THURMOND. I yield myself 1 minute.

Title X, which would establish a Community Relations Service, makes it a criminal offense punishable by fine and imprisonment for any officer or employee of the Service to make public any information which comes to his knowledge by virtue of his employment with the Community Relations Service. This amendment states that an officer or employee of the Service may give any such information to any duly authorized committee or subcommittee of Congress without being guilty of a criminal offense. I believe it to be necessary that Congress have access to any pertinent information gained by the Community Relations Service at any time without jeopardizing any of the employees of the Community Relations Service.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Carolina. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD (when his name was called). On this vote, I have a pair with the distinguished junior Senator from Virginia [Mr. ROBERTSON]. If the Senator from Virginia [Mr. ROBERTSON] were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

The rollcall was concluded.

Mr. HUMPHREY. I announce that the Senator from Virginia [Mr. BYRD], the Senator from Arizona [Mr. HAYDEN], and the Senator from Virginia [Mr. ROBERTSON] are absent on official business.

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

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

I further announce that, if present and voting, the Senator from California [Mr. ENGLE] would vote "nay."

On this vote, the Senator from Virginia [Mr. BYRD] is paired with the Senator from West Virginia [Mr. RANDOLPH]. If present and voting, the Senator from Virginia would vote "yea," and the Senator from West Virginia would vote "nay."

Mr. KUCHEL. I announce that the Senator from Arizona [Mr. GOLDWATER] is detained on official business.

The result was announced—yeas 38, nays 55, as follows:

[No. 426 Leg.]

YEAS—38

Allott	Hill	Russell
Bennett	Holland	Simpson
Carlson	Hruska	Smathers
Cooper	Johnston	Sparkman
Cotton	Jordan, N.C.	Stennis
Curtis	Lausche	Talmadge
Dominick	Long, La.	Thurmond
Eastland	McClellan	Tower
Ellender	Mechem	Walters
Ervin	Miller	Williams, Del.
Fulbright	Monroney	Yarborough
Gore	Morton	Young, N. Dak.
Hickenlooper	Mundt	

NAYS—55

Aiken	Gruening	Morse
Anderson	Hart	Moss
Bartlett	Hartke	Muskie
Bayh	Humphrey	Nelson
Beall	Inouye	Neuberger
Bible	Jackson	Pastore
Boggs	Javits	Pearson
Brewster	Jordan, Idaho	Pell
Burdick	Keating	Prouty
Byrd, W. Va.	Kennedy	Proxmire
Cannon	Kuchel	Ribicoff
Case	Long, Mo.	Saltonstall
Church	Magnuson	Scott
Clark	McCarthy	Smith
Dirksen	McGee	Symington
Dodd	McGovern	Williams, N.J.
Douglas	McIntyre	Young, Ohio
Edmondson	McNamara	
Fong	Metcalf	

NOT VOTING—7

Byrd, Va.	Hayden	Robertson
Engle	Mansfield	
Goldwater	Randolph	

So Mr. THURMOND's amendment (No. 924) was rejected.

Mr. CASE. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. HUMPHREY. I move to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

Mr. LAUSCHE. Mr. President, I yield myself 15 seconds; and before my time begins to run, I ask for order.

The PRESIDING OFFICER (Mr. MCINTYRE in the chair). The Senate will be in order.

Mr. LAUSCHE. Mr. President, I wish to explain my vote on this amendment. I voted for the amendment.

We know what happened in the Otepka case; we know he has been punished unjustly and has been relegated into oblivion because he appeared before a congressional committee and gave testimony.

The amendment of the Senator from South Carolina provided nothing more than the following: that when a committee or subcommittee of Congress calls upon a member or employee of the Commission to testify, nothing in this section shall be construed as making it unlawful for him to give such testimony, and he shall have no justification for refusing to give it.

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

Mr. LAUSCHE. Then, Mr. President, let me ask whether some Senator will ask me why I voted as I did—so I shall be able to save some time.

Mr. CHURCH. Mr. President, on my time, will the distinguished Senator from Ohio explain, at such length as he desires, the reasons which led him to vote as he did?

The PRESIDING OFFICER. On whose time will that be done? Will it be done on the time of the Senator from Ohio?

Mr. MORTON. Mr. President, I rise to a point of order: A question cannot be asked by a Senator who yields time.

The PRESIDING OFFICER. The point of order is well taken.

Mr. LAUSCHE. Mr. President, it seems to me that some Members of the Senate are not receptive to intelligent advice.

Am I allowed to speak?

The PRESIDING OFFICER. The Senator from Ohio can speak on his own time.

Mr. LAUSCHE. But I have no time left. [Laughter.]

Mr. DOMINICK. Mr. President, I yield myself 1 minute.

Mr. LAUSCHE. Mr. President, a parliamentary inquiry.

Mr. DOMINICK. Mr. President, I yield myself 1 minute.

Mr. LAUSCHE. Mr. President, the Senator from Nevada [Mr. CANNON] today, under the same circumstances, yielded unlimited time to the Senator from Minnesota [Mr. HUMPHREY].

Mr. HUMPHREY. Oh, no. The time was charged to me. I am sorry.

Mr. DOMINICK. Mr. President, I hope this is not on my time.

The PRESIDING OFFICER. The time is being charged to the Senator from Colorado.

Mr. DOMINICK. Mr. President, as the senior Senator from Ohio knows, I have great affection for him, and I agree with his position on this question 100 percent. I spoke on the same subject earlier today in relation to the same amendment. I tried to point out that the one thing that Congress has been trying to do, both in the House and in the Senate, namely, to enable employees of the executive department who can give information to Congress, so that Members of the Congress can form a basis for future proposed legislation, to give such information so that more problems will not be created in the overall governmental structure. I talked about it. The Senator from Ohio talked about it. We have talked about the Otepka case. We have talked about the McLeod case. We have had all kinds of reports in relation to that subject.

The other day I had printed in the RECORD an article——

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

Mr. DOMINICK. Mr. President, I yield myself another minute. I have a great deal of time remaining.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 1 minute.

Mr. DOMINICK. I put into the RECORD at that time an article showing that those who had given information to the Congress had been downgraded, or at least not promoted in the ordinary course of their work, and that those who had been trying to prevent others from giving information to Congress had been upgraded.

It seems to that when we have a provision, particularly in the pending bill, which states that person shall not make information public, we ought to make it crystal clear in the RECORD that when we talk about not making information "public"—and I am saying that an executive or an employee of the executive branch shall not make the information public—we are not referring to committees of Congress. It ought to be crystal clear in the RECORD that we shall still welcome the information that such employees may have. We still want it. We think it is necessary, we would like to have it. The word "public" does not include Congress.

As the distinguished Senator from South Carolina knows, I voted for the amendment on purpose in order to make it crystal clear, in case it is not now crystal clear, because the defeat of the amendment——

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

Mr. DOMINICK. Mr. President, I yield myself another minute.

The PRESIDING OFFICER. The Senator from Colorado is recognized for an additional minute.

Mr. DOMINICK. I attributed that solely to the fact that we are engaged in the business of trying to get a bill through. I should say that at least we ought to have the RECORD show that we do not include Congress within the meaning of the term "public."

Mr. CANNON. Mr. President, will the Senator yield for a question?

Mr. DOMINICK. I was given to understand that I may not yield.

The PRESIDING OFFICER. The Senator from Colorado may yield for a question on his own time.

Mr. DOMINICK. On my time, I am delighted to yield.

Mr. CANNON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CANNON. Do I correctly understand the Chair's ruling to be that a Senator having time available may not ask a question of some other Senator and yield his own time for the answer to that question?

The PRESIDING OFFICER. The Parliamentarian informs the Chair that last night a ruling was made that the Senator who has the floor may yield for a question, but it must be on his own time.

Mr. CANNON. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CANNON. The Chair did not answer my question. My question is—since I have been recognized at this moment—If I ask a question of any other Senator, may I not yield from my own time to that Senator for the purpose of enabling him to answer my question?

The PRESIDING OFFICER. Last night the Chair ruled that that could not be done. The Senator from Colorado has the floor. He may yield to the Senator from Nevada his own time, but he is not permitted to yield to the Senator from Nevada or to any other Senator on the time of any other Senator.

Mr. DOMINICK. I am glad to yield on my own time.

Mr. CANNON. The Chair made that statement or so decided last night. Who decided it? I would like to know what the ground rules are. Is that a fact or is it not a fact?

The PRESIDING OFFICER. Last night I believe the Senator from North Dakota [Mr. BURDICK] was in the Chair at the time. The Chair ruled that the Senator who has the floor may yield—but it must be on his own time—for a question. The Senator from Colorado was willing to yield.

Mr. CANNON. The question which I directed to the Chair still has not been answered. Have I the floor at the present time?

The PRESIDING OFFICER. One Senator has the floor at the present time.

Mr. CANNON. Have I the floor at the present time?

The PRESIDING OFFICER. The Senator from Colorado [Mr. DOMINICK] has the floor.

Mr. DOMINICK. Whose time is the present discussion coming from?

Mr. MORTON. Mr. President——

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

The PRESIDING OFFICER. The Senator from Colorado has the floor.

Mr. DOMINICK. Mr. President, I now ask the Senator from Ohio a question on my own time.

The PRESIDING OFFICER. The Senator who has the floor may not interrogate another Senator.

Mr. LAUSCHE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. LAUSCHE. The Senator from Minnesota [Mr. HUMPHREY] stated that he answered a question of the Senator from Nevada [Mr. CANNON] and the time was charged to the Senator from Minnesota. I challenge the correctness of the statement made, and I wish the clerk to check the record and report tomorrow whether the time was charged to the Senator from Minnesota [Mr. HUMPHREY] or to the Senator from Nevada [Mr. CANNON].

Mr. HUMPHREY. Mr. President, will the Senator yield to me on my time?

Mr. DOMINICK. I yield.

Mr. HUMPHREY. I used 9 minutes of my time earlier today on the point which the Senator is now making. It was time of the Senator from Minnesota [Mr. HUMPHREY]—9 minutes. I went to the desk afterward and said, "How come?" The clerks at the desk said, "The time was used by you, Senator."

Mr. LAUSCHE. Mr. President, with due deference to the Senator from Minnesota, my recollection is that the time was charged to him, because I sat here seething, asking him to accord to me the same privilege that he gave to the Senator. I wish the clerk to check the record.

Mr. MORTON. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. MORTON. I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 5 minutes.

Mr. MORTON. As I understand the parliamentary situation, I can be questioned by one who has exhausted his time. Is that not correct?

The PRESIDING OFFICER. On the time of the Senator from Kentucky.

Mr. MORTON. I suggest to my good friend who comes from across the river—Kentucky owns the river, but he is just across the river—that if he wants any time, my time is available. I yield myself 10 minutes. Any Senator who wishes to ask me any question may use that time.

Senators may ask me any question they wish. If they do not wish to ask any questions, I shall take my seat.

The PRESIDING OFFICER. The Senate will be in order.

Mr. LAUSCHE. Mr. President, I would rather express my views than have the Senator from Kentucky express his.

Mr. MORTON. I take it that the Senator does not wish any time, so I withdraw my statement.

Mr. MANSFIELD. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Montana is recognized for 1 minute.

Mr. MANSFIELD. I hope that it will be possible to get on with the business at hand and see if it is not possible to make some progress tonight toward a culmination of a measure which has been with us for more than 3 months. I realize that Senators are tired. It is quite possible that some of us may become irascible as time goes on. I join the distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN], in saying that the best thing we can do is to consider the three, four, or five amendments yet to be offered. The sooner we get on with them, the better off we shall be.

Mr. HOLLAND. Mr. President, I yield myself 30 seconds.

The PRESIDING OFFICER. The Senator from Florida is recognized for 30 seconds.

Mr. HOLLAND. We are now sustaining the unalloyed bliss of proceeding after having voted cloture under the cloture rule, and I do not wish any Senator to forget that fact.

The PRESIDING OFFICER. The question is on agreeing to the Mansfield-Dirksen substitute, amendment No. 1052, as amended.

Mr. THURMOND. Mr. President, I call up my amendment No. 1033 and ask that it be stated.

The CHIEF CLERK. On page 71, line 5, between the words "personnel" and "as" it is proposed to insert a comma and the following: "not to exceed 10,".

Mr. THURMOND. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. THURMOND. Mr. President, I yield myself one-half minute.

The Mansfield-Dirksen substitute contains no limitation on the number of employees of the Community Relations Service.

This amendment would limit the number of employees of the Community Relations Service, which is established by

title X of the substitute, to 10. The original House passed version of H.R. 7152 limited the number of employees to six. I believe that Congress should limit the number by statute and I think that 10 is reasonable.

Mr. DIRKSEN. Mr. President, the answer to this argument is very patent. The Appropriations Committee can limit it by the amount of money it is willing to devote to this purpose. That is an automatic limitation in itself.

The amendment ought to be rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Carolina (No. 1033). The yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. MANSFIELD (when his name was called). On this vote I have a pair with the distinguished Senator from Virginia [Mr. ROBERTSON]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I therefore withhold my vote.

The rollcall was concluded.

Mr. HUMPHREY. I announce that the Senator from Arizona [Mr. HAYDEN], the Senator from Ohio [Mr. LAUSCHE], and the Senator from Virginia [Mr. ROBERTSON], are absent on official business.

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

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

I further announce that, if present and voting, the Senator from California [Mr. ENGLE], and the Senator from West Virginia [Mr. RANDOLPH] would each vote "nay."

Mr. KUCHEL. I announce that the Senator from Arizona [Mr. GOLDWATER] and the Senator from Iowa [Mr. HICKENLOOPER] are detained on official business.

The result was announced—yeas 25, nays 67, as follows:

[No. 427 Leg.]

YEAS—25

Byrd, Va.	Johnston	Sparkman
Cotton	Jordan, N.C.	Stennis
Curtis	Long, La.	Talmadge
Eastland	McClellan	Thurmond
Ellender	Mechem	Tower
Ervin	Mundt	Walters
Fulbright	Russell	Williams, Del.
Hill	Simpson	
Holland	Smathers	

NAYS—67

Aiken	Dominick	McGee
Allott	Douglas	McGovern
Anderson	Edmondson	McIntyre
Bartlett	Fong	McNamara
Bayh	Gore	Metcalf
Beall	Gruening	Miller
Bennett	Hart	Monroney
Bible	Hartke	Morse
Boggs	Hruska	Morton
Brewster	Humphrey	Moss
Burdick	Inouye	Muskie
Byrd, W. Va.	Jackson	Nelson
Cannon	Javits	Neuberger
Carlson	Jordan, Idaho	Pastore
Case	Keating	Pearson
Church	Kennedy	Pell
Clark	Kuchel	Prouty
Cooper	Long, Mo.	Proxmire
Dirksen	Magnuson	Ribicoff
Dodd	McCarthy	Saltonstall
Scott	Williams, N.J.	Young, Ohio
Smith	Yarborough	
Symington	Young, N. Dak.	

NOT VOTING—8

Engle	Hickenlooper	Randolph
Goldwater	Lausche	Robertson
Hayden	Mansfield	

So Mr. THURMOND's amendment (No. 1033) was rejected.

Mr. KUCHEL. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. HUMPHREY. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The substitute is open to further amendment.

Mr. THURMOND. Mr. President, I call up my amendment No. 1034 and ask that it be stated.

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

The LEGISLATIVE CLERK. On page 71, line 20, delete "or may affect".

Mr. THURMOND. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. THURMOND. Mr. President, I yield myself 45 seconds.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 45 seconds.

Mr. THURMOND. The Community Relations Service, which would be established by title X, is empowered to provide assistance to communities which experience difficulties which affect "or may affect" interstate commerce. This amendment would delete the phrase "or may affect" and thereby limit the Community Relations Service intervention to cases which affect interstate commerce. It prevents the Service from making a prior arbitrary judgment that some difficulties may affect interstate commerce.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Carolina [Mr. THURMOND]. On this question the yeas and nays have been ordered; and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD (when his name was called). Mr. President, on this vote I have a pair with the distinguished Senator from Virginia [Mr. ROBERTSON]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

The rollcall was concluded.

Mr. HUMPHREY. I announce that the Senator from Arizona [Mr. HAYDEN] and the Senator from Virginia [Mr. ROBERTSON] are absent on official business.

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

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

I further announce that, if present and voting, the Senator from California [Mr. ENGLE] and the Senator from West Virginia [Mr. RANDOLPH] would each vote "nay."

Mr. KUCHEL. I announce that the Senator from Arizona [Mr. GOLDWATER] and the Senator from Iowa [Mr. HICKENLOOPER] are detained on official business.

The result was announced—yeas 25, nays 68, as follows:

[No. 428 Leg.]

YEAS—25

Byrd, Va.	Holland	Smathers
Byrd, W. Va.	Hruska	Sparkman
Cotton	Johnston	Stennis
Curtis	Jordan, N.C.	Talmadge
Dominick	Long, La.	Thurmond
Eastland	McClellan	Tower
Ellender	Mechem	Walters
Ervin	Russell	
Hill	Simpson	

NAYS—68

Aiken	Gore	Morse
Allott	Gruening	Morton
Anderson	Hart	Moss
Bartlett	Hartke	Mundt
Bayh	Humphrey	Muskie
Beall	Inouye	Nelson
Bennett	Jackson	Neuberger
Bible	Javits	Pastore
Boggs	Jordan, Idaho	Pearson
Brewster	Keating	Pell
Burdick	Kennedy	Prouty
Cannon	Kuchel	Proxmire
Carlson	Lausche	Ribicoff
Case	Long, Mo.	Saltonstall
Church	Magnuson	Scott
Clark	McCarthy	Smith
Cooper	McGee	Symington
Dirksen	McGovern	Williams, N.J.
Dodd	McIntyre	Williams, Del.
Douglas	McNamara	Yarborough
Edmondson	Metcalf	Young, N. Dak.
Fong	Miller	Young, Ohio
Fulbright	Monroney	

NOT VOTING—7

Engle	Hickenlooper	Robertson
Goldwater	Mansfield	
Hayden	Randolph	

So Mr. THURMOND's amendment was rejected.

Mr. HUMPHREY. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. PASTORE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. THURMOND. Mr. President, I call up my amendment No. 1035.

The CHIEF CLERK. On page 71, line 22, delete "in its judgment", and insert in lieu thereof "in the judgment of the community involved".

Mr. THURMOND. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. THURMOND. Mr. President, I yield myself 1¼ minutes.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 1¼ minutes.

Mr. THURMOND. Mr. President, this is the last amendment I shall offer. Some Senators have given careful consideration to the amendments that I have offered. I express my appreciation to them. These amendments were calculated to improve the bill and I think they would have, but the steamroller was too strong.

As to amendment No. 1035, the Community Relations Service, which would be established by title X, is empowered to offer its services to a particular community when, "in its—Community Relations Service's—Judgment" peaceful relations among the citizens of the community involved are threatened. This amendment would substitute the judgment of the community involved in place of the judgment of the Community Rela-

tions Service as to when peaceful relations are threatened. I think in each of the instances which may arise, the people of the communities are better able to exercise their judgment concerning the situation than is any employee of the Government whose home office is in Washington.

The PRESIDING OFFICER. The question is on the amendment of the Senator from South Carolina. The yeas and nays have been ordered.

Mr. DIRKSEN. Mr. President, the only trouble with the amendment is that before we can ascertain the spirit of a community, we must have an instrumentality with which to work. That is exactly what is provided in the bill. The Senator proposes to talk about the spirit of the community; and no instrumentality is provided with which to ascertain it.

The amendment ought to be voted down.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Carolina. The yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. MANSFIELD (when his name was called). I have a pair with the Senator from Virginia [Mr. ROBERTSON]. If he were present, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

The rollcall was concluded.

Mr. HUMPHREY. I announce that the Senator from Arizona [Mr. HAYDEN], and the Senator from Virginia [Mr. ROBERTSON] are absent on official business.

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

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

I further announce that if present and voting, the Senator from California [Mr. ENGLE] and the Senator from West Virginia [Mr. RANDOLPH] would each vote "nay."

Mr. KUCHEL. I announce that the Senator from Arizona [Mr. GOLDWATER] and the Senator from Iowa [Mr. HICKENLOOPER] are detained on official business.

The result was announced—yeas 20, nays 73, as follows:

[No. 429 Leg.]

YEAS—20

Byrd, Va.	Holland	Smathers
Byrd, W. Va.	Johnston	Sparkman
Eastland	Jordan, N.C.	Stennis
Ellender	Long, La.	Talmadge
Ervin	McClellan	Thurmond
Fulbright	Mechem	Walters
Hill	Russell	

NAYS—73

Aiken	Cooper	Jackson
Allott	Cotton	Javits
Anderson	Curtis	Jordan, Idaho
Bartlett	Dirksen	Keating
Bayh	Dodd	Kennedy
Beall	Dominick	Kuchel
Bennett	Douglas	Lausche
Bible	Edmondson	Long, Mo.
Boggs	Fong	Magnuson
Brewster	Gore	McCarthy
Burdick	Gruening	McGee
Cannon	Hart	McGovern
Carlson	Hartke	McIntyre
Case	Hruska	McNamara
Church	Humphrey	Metcalf
Clark	Inouye	Miller
Monroney	Pearson	Symington
Morse	Pell	Tower
Morton	Prouty	Williams, N.J.
Moss	Proxmire	Williams, Del.
Mundt	Ribicoff	Yarborough
Muskie	Saltonstall	Young, N. Dak.
Nelson	Scott	Young, Ohio
Neuberger	Simpson	
Pastore	Smith	

NOT VOTING—7

Engle	Hickenlooper	Robertson
Goldwater	Mansfield	
Hayden	Randolph	

So Mr. THURMOND'S amendment (No. 1035) was rejected.

Mr. HUMPHREY. Mr. President, I move that the Senate reconsider the vote by which the amendment was rejected.

Mr. DIRKSEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. MCINTYRE in the chair). The amendment in the nature of a substitute is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the Dirksen-Mansfield-Humphrey-Kuchel amendment, as amended, as a substitute for the bill.

Mr. HUMPHREY. Mr. President, on this question, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. TALMADGE. Mr. President——

The PRESIDING OFFICER. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. At the time the clerk was beginning the call of the roll——

Mr. TALMADGE. I was standing on my feet, seeking recognition.

The PRESIDING OFFICER. The Senator from Georgia was addressing the Chair. The clerk will now call the roll for a quorum.

Mr. TALMADGE. I thank the Chair.

The legislative clerk proceeded to call the roll.

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

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

The question is on agreeing to the Dirksen-Mansfield - Humphrey - Kuchel amendment in the nature of a substitute for House bill 7152. On this question, the yeas and nays have been ordered.

Mr. MONRONEY. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 2 minutes.

Mr. MONRONEY. I wish to propound an inquiry, in order to keep the record straight in connection with the situation which will exist at the time when the amendment in the nature of a substitute is adopted. It is my understanding that when the Senate votes in favor of the pending Dirksen-Mansfield amendment in the nature of a substitute, the Senate will be voting in, as title XI, section 1101, the so-called Morton amendment, which provides for a jury trial in connection with all titles of the bill from I through VII, and provides, in connection with title I, which deals with voting rights, that, upon conviction of criminal contempt, the person so found guilty shall not be fined more than $1,000 or not imprisoned for more than 6 months.

Is that a correct statement of the substitute for the original bill on which the Senate is about to vote?

The PRESIDING OFFICER. Did the Senator from Oklahoma include title I in his question?

Mr. MONRONEY. Does title I provide for punishment, in case of conviction, by a fine not to exceed $1,000 or for imprisonment for not more than 6 months?

The PRESIDING OFFICER. The Parliamentarian informs the Chair that that is not a question for the Chair to answer.

Mr. HUMPHREY. Mr. President, I should like to respond to the question of the Senator from Oklahoma. The Senator from Oklahoma and other Senators may recall that when the so-called Hickenlooper package of amendments was before the Senate, I said that if any of that group of three amendments were adopted, we would feel honorbound to include it in the substitute package known as the Dirksen-Mansfield-Humphrey-Kuchel amendment in the nature of a substitute.

We did do that; and the Senator from Illinois incorporated the so-called Morton amendment into the substitute; he substituted it for the Mansfield-Dirksen so-called jury trial amendment, so that section 1101, on page 73 of the package substitute, now the pending question, is the Morton amendment, and reads as follows:

TITLE XI—MISCELLANEOUS

SEC. 1101. In any proceeding for criminal contempt arising under title II, III, IV, V, VI, or VII of this Act, the accused, upon demand therefor, shall be entitled to a trial by jury, which shall conform as near as may be to the practice in criminal cases. Upon conviction, the accused shall not be fined more than $1,000 or imprisoned for more than six months.

This section shall not apply to contempts committed in the presence of the court, or so near thereto as to obstruct the administration of justice, nor to the misbehavior, misconduct, or disobedience of any officer of the court in respect to writs, orders, or process of the court.

Nor shall anything herein be construed to deprive courts of their power, by civil contempt proceedings, without a jury, to secure compliance with or to prevent obstruction of, as distinguished from punishment for violations of, any lawful writ, process, order, rule, decree, or command of the court in accordance with the prevailing usages of law and equity, including the power of detention.

So the jury trial amendment, about which many Senators have been concerned, is in the pending amendment in the nature of a substitute.

Mr. MONRONEY. Mr. President, I wish to ask another question: In the original amendment in the nature of a substitute, the Mansfield-Dirksen jury-trial amendment was included. Later, the Morton amendment, of the Hickenlooper package of amendments, was substituted for the Mansfield-Dirksen jury-trial amendment. But the amendment

which was in the original substitute package would have provided for a jury trial in all cases involving punishment exceeding a $300 fine or imprisonment for more than 30 days in jail; is that correct?

Mr. HUMPHREY. That is correct.

Mr. MONRONEY. So the choice was not between whether a jury-trial amendment would be included or would not be included; but the choice was as to which of the two jury-trial amendments would be included; is that correct?

Mr. HUMPHREY. That is correct.

Mr. MONRONEY. The Senate in its wisdom decided not to agree to the Mansfield-Dirksen jury-trial amendment, which provided that a jury trial could be had in all cases involving a fine of more than $300 or imprisonment for more than 30 days. Instead, the Senate adopted the Morton amendment, which provides for jury trial under all these titles except title I, and provides that in all such cases the fine shall not be more than $1,000 or imprisonment for more than 6 months. Is that correct?

Mr. HUMPHREY. Mr. President, on my time, I say that is a correct statement.

Mr. YARBOROUGH. Mr. President, will the Senator from Minnesota yield for a question?

Mr. HUMPHREY. I yield.

Mr. YARBOROUGH. Where in the Morton amendment is the provision in regard to title I?

Mr. HUMPHREY. The Morton amendment does not apply to title I; the Morton amendment applies only to titles II, III, IV, V, VI, and VII.

Title I was excluded from the application of the Morton amendment; and title I remains as it was under the 1957 act.

Mr. YARBOROUGH. But in the first draft of the Dirksen-Mansfield-Humphrey-Kuchel amendment, the jury-trial amendment applied to all of the first seven titles of the bill, did it not?

Mr. HUMPHREY. That is correct; the original Mansfield-Dirksen jury-trial amendment applied across the board to all the titles of the bill. But that amendment was eliminated as a result of the action by the Senate in adopting the Morton amendment; and, on the basis of the understanding which was arrived at, the Morton amendment was incorporated in the substitute, which was resubmitted by the Senator from Montana [Mr. MANSFIELD] and the Senator from Illinois [Mr. DIRKSEN].

Mr. YARBOROUGH. And that left the jury-trial amendment, under title I, as provided under the 1957 act, did it?

Mr. HUMPHREY. That is correct.

Mr. RUSSELL. Mr. President, I yield myself 2 minutes.

Mr. WILLIAMS of Delaware. Mr. President——

The PRESIDING OFFICER. The Senator from Georgia is recognized for 2 minutes.

Mr. RUSSELL. Mr. President, I understand that the Senator from Delaware [Mr. WILLIAMS] was attempting to propound a question to the Senator from Minnesota. Therefore, if my time may be postponed, I am glad to defer to the Senator from Delaware.

Mr. WILLIAMS of Delaware. I thank the Senator from Georgia.

Mr. President——

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. WILLIAMS of Delaware. I wish to ask the following question of the acting majority leader: Is it true that by adopting the so-called Mansfield-Dirksen amendment in the nature of a substitute, the Senate will, in effect, be amending the House version of the bill with approximately 80-odd amendments?

Mr. HUMPHREY. That is correct.

Mr. WILLIAMS of Delaware. I thank the Senator from Georgia for permitting me to ask this question.

Mr. RUSSELL. Mr. President, if there can be a way to choose between two evils so great, I must say that I find the Dirksen-Humphrey substitute more obnoxious to me than I did the original House version of the bill.

It is true that some provisions of the substitute tighten up some of the provisions of the House version of the bill; but, in addition, the two principal provisions of the amendment in the nature of a substitute, titles II and VII, have been carefully drawn so as to confine their impact to the Southern States and to make of this measure a solely sectional one.

They are designed that way in order to afford a safe harbor for Senators from States that have some kind of public accommodation law, however weak it may be and however slightly it may be enforced, or some kind of employment law, however weak it may be, in order to give those Senators a safe harbor to come into so that they could be induced to vote for cloture.

But that procedure makes the bill a purely sectional bill. The Southern States have not had public accommodation laws. They do not have fair employment laws. Today's newspaper states that the civil rights section of the Department of Justice will move aggressively to enforce the bill. I predict that when they move to enforce the bill, they will send all of their enforcement officers into the Southern States.

Mr. President, I say that it is not fair. It is un-American. It is unjust deliberately to design a measure of this kind, as far reaching as it is, to the point at which the heavy hand of the Federal power will be applied only to the Southern States. We deserve better than that at the hands of the Members of the Congress.

Mr. CURTIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CURTIS. After the substitute is voted upon, and, if it prevails, after third reading of the bill, would a motion to recommit the bill with instructions for an amendment to be reported forthwith be in order?

The PRESIDING OFFICER. A motion to recommit would be in order at any time prior to the passage of the bill.

Mr. CURTIS. Would a motion to recommit with instructions be in order?

The PRESIDING OFFICER. The Senator is correct.

Mr. CURTIS. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CURTIS. Suppose the motion to recommit is with instructions to report back forthwith. Should that motion be agreed to, when the bill is reported back to the Senate, would the Senate operate under cloture?

The PRESIDING OFFICER. The Chair is informed by the Parliamentarian that the answer to the question of the Senator from Nebraska is "No."

Mr. CURTIS. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CURTIS. The Senator from Nebraska understands that a motion to recommit, with instructions to report back forthwith may be made, and if the motion is agreed to, when the bill is reported back to the Senate, the Senate will still be under cloture.

The PRESIDING OFFICER. The Parliamentarian informs the Chair that the Senate would still be under cloture.

Mr. RUSSELL. Mr. President, not after the bill is reported back.

Mr. MANSFIELD. Mr. President, I would appreciate it if the Presiding Officer would discuss the question a little more fully with the Parliamentarian.

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

The PRESIDING OFFICER. The Chair is informed by the Parliamentarian that cloture is in effect until the bill is disposed of.

Mr. KUCHEL. Good.

Mr. HUMPHREY. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 1 minute.

Mr. HUMPHREY. I do so solely for the purpose of saying that it was with a heavy heart that I heard that the bill was a sectional bill, because it is not. I believe in one country, and I look upon the United States of America as one country, North, South, East, and West. What we sought to do in this particular measure was to provide for cooperation of the local and State governments with the Federal Government. The Senator from Minnesota was indeed well pleased with the House bill. The process of legislation requires accommodation. It is my view that it is better that we should seek the cooperation of State and local governments on a question of human rights in which people are involved than merely to have it done at the Federal level.

Mr. President, I will speak on the question when the bill comes before the Senate for final passage, because the bill will depend for its ultimate effectiveness upon Governors, mayors, local officials, and the people at the local level. There was not one scintilla, I say on my honor as a Senator, of sectionalism or regionalism of any sort in any action which the Senator from Minnesota has taken. I do not believe in discrimination by race, color, religion, or region.

Mr. RUSSELL. Mr. President, have I any time remaining?

The PRESIDING OFFICER. The Senator from Georgia has 20 minutes remaining.

Mr. RUSSELL. Mr. President, I yield myself 30 seconds.

The PRESIDING OFFICER. The Senator from Georgia is recognized for 30 seconds.

Mr. RUSSELL. Tomorrow I shall offer for the RECORD the newsletter which the Senator from Minnesota sent to his people assuring them that they were not under the bill, and that under no stretch of the imagination could they be placed under the bill. Any way we look at it, it is a second effort at reconstruction.

Mr. MUNDT. Mr. President, I yield myself 1 minute for the purpose of propounding a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from South Dakota is recognized for 1 minute.

Mr. MUNDT. I think we have established that if the Mansfield-Dirksen substitute is adopted, it includes the so-called Morton jury trial amendment. We have also established that it contains 60, 70, or 80—I am not sure of the exact number of changes—amendments which are included in that bill as compared with the House bill. I think we can also understand that all amendments which were added in the course of the debate during the cloture period are a part of the substitute package and will be a part of the bill if adopted.

Mr. HUMPHREY. The Senator is correct. It was made clear by the Presiding Officer that whether the amendments are to the original text of the bill as it came from the House or to the substitute, they will be included in the final bill.

Mr. President, I yield myself an additional minute.

HUMPHREY STATEMENT ON CERTAIN PROVISIONS OF TITLES II AND VII

Mr. President, in the course of discussion of the package substitute for H.R. 7152, questions have arisen concerning two provisions of the substitute and a number of requests for additional explanation of these provisions have been received.

Concern has been expressed because the Attorney General must show "resistance to the full enjoyment of any of the rights secured by this title" before prevailing in cases brought by him under titles II and VII. This concern is unfounded. This language is adopted to conform with the change that limits the Attorney General to cases involving a pattern or practice of violations of rights protected by these titles. It is meant to exclude action in sporadic instances of violation of rights, which will be left to correction by individual complainants under other sections of these titles. It would be clear that an establishment or employer that consistently or avowedly denies rights under these titles is engaged in a "pattern or practice of resistance."

Section 703(g) of the bill has been widely misinterpreted. Some statements have been made indicating that employers could, merely by invoking national security, exempt themselves from coverage of the equal employment provisions of the act. This, of course, is not so. This provision must be applied equally without regard to race, color, religion, or national origin. An employer could not deny employment to a qualified Negro on the ground that he does not have security clearance and employ a white person without clearance. Nor could an employer prefer one employee or applicant over another by seeking security clearance for him while refusing to request clearance for another, if such preference is based on discriminatory considerations. Since it is not likely that the Government will process a security clearance request except for a person who has been hired, the employer would generally make his decision as to whom he will employ before the security issue can be raised, and the issue of discrimination can be decided on the basis of the facts at that time. This amendment, in effect, is basically one of a clarifying nature. Even without it, employers would not, and could not, ignore valid national security regulations if they are engaged in governmental work involving the application of these regulations.

As floor manager of this bill, I thought this clarification of these two sections of titles II and VII would be helpful and appropriate.

The PRESIDING OFFICER. The question is on agreeing to the Mansfield-Dirksen substitute, amendment No. 1052, as amended. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD (when his name was called). On this vote I have a pair with the distinguished Senator from Virginia [Mr. ROBERTSON]. If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withhold my vote.

Mr. TOWER (when his name was called). On this vote I have a pair with the distinguished junior Senator from Arizona [Mr. GOLDWATER]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore I withhold my vote.

The rollcall was concluded.

Mr. HUMPHREY. I announce that the Senator from Virginia [Mr. ROBERTSON] is absent on official business.

I also 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 "yea."

Mr. KUCHEL. I announce that the Senator from Arizona [Mr. GOLDWATER] and the Senator from Iowa [Mr. HICKENLOOPER] are detained on official business.

If present and voting, the Senator from Iowa [Mr. HICKENLOOPER] would vote "yea."

The pair of the Senator from Arizona [Mr. GOLDWATER] has been previously announced.

The result was announced—yeas 76, nays 18, as follows:

[No. 430 Leg.]

YEAS—76

Aiken	Anderson	Bayh
Allott	Bartlett	Beall
Bennett	Hayden	Moss
Bible	Hruska	Mundt
Boggs	Humphrey	Muskie
Brewster	Inouye	Nelson
Burdick	Jackson	Neuberger
Byrd, W. Va.	Javits	Pastore
Cannon	Jordan, Idaho	Pearson
Carlson	Keating	Pell
Case	Kennedy	Prouty
Church	Kuchel	Proxmire
Clark	Lausche	Randolph
Cooper	Long, Mo.	Ribicoff
Cotton	Magnuson	Saltonstall
Curtis	McCarthy	Scott
Dirksen	McGee	Simpson
Dodd	McGovern	Smith
Dominick	McIntyre	Symington
Douglas	McNamara	Williams, N.J.
Edmondson	Mechem	Williams, Del.
Fong	Metcalf	Yarborough
Gore	Miller	Young, N. Dak.
Gruening	Monroney	Young, Ohio
Hart	Morse	
Hartke	Morton	

NAYS—18

Byrd, Va.	Holland	Smathers
Eastland	Johnston	Sparkman
Ellender	Jordan, N.C.	Stennis
Ervin	Long, La.	Talmadge
Fulbright	McClellan	Thurmond
Hill	Russell	Walters

NOT VOTING—6

Engle	Hickenlooper	Robertson
Goldwater	Mansfield	Tower

So the Mansfield-Dirksen substitute (amendment No. 1052), as amended, was agreed to.

Mr. HUMPHREY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KUCHEL. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

ORDER OF BUSINESS

Mr. HUMPHREY. Mr. President, may we have order? I ask for the yeas and nays on final passage.

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

Mr. MANSFIELD. Mr. President, will the Senator withhold his request?

If I may have the attention of the Senate, I should like to state, if I may, that it is anticipated there will be talks, both pro and con, on the Dirksen-Humphrey substitute, which is now the pending business.

It is not anticipated that there will be any further voting tonight. I am sure that we shall have no trouble getting the yeas and nays on final passage. I should like to urge, in view of the fact that we are all a little tired, because we have been under quite a strain for some time, that we take it easy and go home and get a good night's sleep, and come back in the morning at 11 o'clock.

Mr. SMATHERS. Mr. President, will the Senator yield for a question?

Mr. MANSFIELD. I yield.

Mr. SMATHERS. Has the Senator any idea when we might anticipate a vote on final passage?

Mr. MANSFIELD. I would hope tomorrow, although I am doubtful. I

would be more hopeful of some time on Friday. I would be grateful for any time this week.

Mr. President, I should like to put the Senate on notice that there will be quorum calls tomorrow because speeches of a very important nature will be made on both sides.

Mr. MORSE. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield to the Senator from Oregon.

Mr. MORSE. I could not understand everything the majority leader said. Is the Senate about to recess?

Mr. MANSFIELD. There will be no further votes tonight. If any Senator wishes to put something in the RECORD and make a few remarks, we shall recess after that.

Mr. MORSE. Will the Senate recess momentarily?

Mr. MANSFIELD. The Senator is correct.

SENATOR MUSKIE'S ADDRESS BEFORE POLISH-AMERICAN VETERANS OF MASSACHUSETTS ON CIVIL RIGHTS

Mr. HART. Mr. President, I yield myself 1 minute.

I am sure that many Senators have been asked, as have I, why the rights of one-tenth of our population are so important—why the securing of these rights should receive so much of our time and attention.

The answer, of course, is both simple and profound. That answer is that freedom is indivisible—that no man is free until all are free, that the dignity of none of us is assured as long as some of us are humiliated.

Recently, the Senator from Maine [Mr. MUSKIE], in a speech before the Polish-American Veterans of Massachusetts, developed this theme of civil rights for Negroes as a necessity for all Americans. In doing so, he made unmistakably clear the case, in both moral and constitutional terms, for the bill before us. In these weeks of debate there have been many speeches, but none more effectively or movingly speaks to the conscience and heart of America than does this.

Because I believe it is important that this speech, reflecting as it does the deep convictions of our distinguished colleague, Mr. MUSKIE, be widely read, I ask unanimous consent that it may be printed in the RECORD.

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

CIVIL RIGHTS: A NECESSITY FOR ALL AMERICANS

(An address by U.S. Senator EDMUND S. MUSKIE, Democrat, of Maine, to the Polish-American Veterans of Massachusetts in Springfield, Mass., June 6, 1964)

The U.S. Senate is engaged in a debate on the future of our society. In its examination of the civil rights legislation now pending, it is determining the ability of the United States to achieve at home the goals of freedom for all men so boldly outlined in the Declaration of Independence and in the Constitution.

That debate is not taking place in a vacuum. The discussion in the Senate Chamber is an extension of the debate which permeates all America. In local political contests, in votes on local ordinances, in discussions of school policies, in sit-ins, picketing, interracial committees, and street encounters the American people are wrestling with the problems of equality and opportunity. We are gripped by a crisis which was not entirely of our making, but which is ours to solve.

Civil rights has a special significance for those of us whose forebearers recently sought freedom and opportunity on these shores.

My father's father was a farmer in Russian-occupied Poland prior to the turn of the century. He shared the intense patriotism and love of liberty which has preserved the identity of our ancestors as a people through centuries of oppression. He early determined that his youngest son, my father, should have an opportunity to build a better and freer life than appeared possible under the czarist tyranny.

In his early teens my father was apprenticed to a tailor. At the age of 17, having learned his trade, he left his home, embarking on a new life—preferring the bright prospect of the unknown and unfamiliar freedom to his oppression-darkened homeland.

What he found here forever justified his hopes and his father's faith. What he had lost in leaving the warmth of his family had been more than offset by what he had gained—for his father's dreams, for himself, and for his children.

Here, if a man had ability, he could apply it in a manner of his own choosing. Here, if a man had an opinion, he could express it without fear of reprisal. Here, if a man disagreed with governmental policy, he could say so, and, more than that, he could do something about it by casting his ballot at the polls. Here, a man was completely free to reap the fruits of his own integrity, intellectual and physical capacity, his own work. There were not heights toward which he could not strive. It mattered not what might be his national background, his religious or political beliefs, or his economic status in life.

In 1789, Benjamin Franklin described the America which was my father's life, when he wrote: "God grant, that not only the love of liberty but a thorough knowledge of the rights of man, may pervade all the nations of the earth, so that a philosopher may set his foot anywhere on its surface, and say, 'This is my country.' "

Everyone in America is a member of a minority group. It may be economic, social, political, religious, racial, regional, or based on national origin. It may not make us subject to discrimination today, but it could tomorrow.

The character of our minority status may vary in its impact upon our effective enjoyment of dignity, equality, security, and opportunity. It may not today constitute a disability in any of these respects, but it could tomorrow.

To those who say—and there are such—that certain national and ethnic groups are better and more desirable as Americans than others, let us ask: "Who is to make the selection, and at what point in history, and is the selection subject to revision as the majority coalition changes?"

To those who say that there are superior and inferior citizens, depending wholly upon race, national origin, religion, or color, let us ask: Who is to make the selection, and how can you be sure what your status will be when the majority coalition takes shape?

I am not suggesting that the case for civil rights should be based upon fear of each other.

I am saying simply this: Our differences have made our country great. They have done so increasingly because creative ability, intellectual capacity and high moral and spiritual principles, wherever found, have been allowed to seek their highest attainable level.

I am also saying this: Our differences can destroy us; and the instruments for such destruction are prejudice, fear, indifference, hatred, and retaliation.

This is why I believe the achievement of equal opportunity for the American Negro is so important to all of us.

On January 20, 1961, in the course of one of the most stirring inaugural addresses ever made by an American President, the late John F. Kennedy accepted, for all Americans, the responsibilities of leadership in a time of troubles. He said: "In the long history of the world, only a few generations have been granted the role of defending freedom in its hour of maximum danger. I do not shrink from this responsibility—I welcome it. I do not believe that any of us would exchange places with any other people or any other generation."

Although he could not at that time have foreseen the precise nature of this current controversy, John Kennedy's words are fully applicable today. To the Members of the U.S. Senate and to all Americans has come the responsibility and the rare opportunity to act decisively for the common good in a time of crisis. Let there be no mistake about it, the civil rights bill can be, and will be, a major outpost in our defense of freedom in this, a time of maximum danger.

There is—in every corner of America, on every continent in the world—a seething restlessness. It is the impatience of those who for years—even centuries—have suffered unfairly under the crushing yoke of poverty, discrimination and exclusion. That restlessness, that impatience will not be dissipated by words of promise and counsels of yet more patience. It will disappear only when firm action is taken; action which will tear up and cast aside forever the roots from which have sprung this blight on the face and conscience of America.

I find it hard to believe that there is a single American who really believes, deep down in his heart and soul, that another American citizen should not have the right to vote just because he is a Negro, or that he should not have the right to eat in a public place just because he is a Negro; or that he should not have the right to equal job opportunities just because he is a Negro. All the torrent of words, all the legalistic arguments, all the appeals to the Constitution cannot obscure this basic, simple truth:

Every American citizen has the right to equal treatment—not favored treatment—not complete individual equality—just equal treatment.

If we can at least agree that all men are truly entitled to equal treatment, then the civil rights controversy is over methods, not goals. It is over how best to guarantee to each American his birthright, not whether he is entitled to it.

If that is the true meaning of the civil rights debate—and I believe that it is—then we should address ourselves to the real question: How can this society best provide a framework within which each and every American is free to engage in the pursuit of happiness to the fullest extent that his talents make possible? And is the civil rights bill the very best method for achieving that objective?

The very best method would be for each of us to voluntarily accept our fellow citizens for their worth—without regard for their race, creed, or national origin. The very best method would make unnecessary any legislation which seeks to compensate for man's innate feelings. The very best method would mean the universal application of the Golden Rule, in every aspect of our daily lives.

But, we do not yet live in a perfect country, or a perfect world. As long as this Na-

tion is made up of human beings, human failings will be with us. We know that in the harsh realities of the here and now—America in the spring of 1964—the very best method is not practical, because it is not possible.

Discrimination will not just disappear in time. It must be actively erased.

We must act—now—for those who should be acting in the States are simply not doing so. Too many of those who proclaim States rights are unwilling to insist upon the responsibility of the States to deal with the problem. The Constitution is not a warped shield behind which any State may acquiesce in any indignity upon its citizens, safely sheltered from the Central Government.

If we must act, is the civil rights bill a reasonable, responsible way to do so—not a perfect way, not the very best way, but a reasonable way, designed to provide effective legal guidelines without sacrificing any citizen's personal liberty?

I submit that it is. The bill is constitutional. The bill is responsible. The bill is reasonable.

I believe in the importance of strong State government. I believe in diffusing the base of power as broadly as possible in a democracy. I believe that the States should assume maximum responsibility in the protection of the rights of their citizens.

But I do not believe the Constitution of the United States was designed or intended to protect those who would block the doors of public educational institutions against the admission of qualified students because of race or color.

I do not believe the Constitution of the United States was designed or intended to protect those who would set different standards of qualifications for voters accorded to their race or color.

I do not believe the Constitution of the United States was designed or intended to protect those who would deny equal protection of the laws to individual citizens because of race or color.

I do not believe the Constitution of the United States was designed or intended to protect those who would discriminate against individuals in places of public accommodation because of race or color.

Discrimination exacts a terrible toll on our Negro citizens, in the deprivation of dignity, in inadequate education, in the loss of job opportunities.

Consider these facts:

1. Unemployment rates among nonwhites is double the rate among whites,

2. Forty-seven percent of all white workers hold white-collar jobs; for nonwhites the figure is 17 percent,

3. Twenty percent of all Negro women who graduate from high school can find only domestic work; for whites the figure is 2 percent,

4. Finally, the average Negro with 4 years of college will earn less in his lifetime than a white man who quit school after the 8th grade.

We must ask ourselves whether a person—otherwise qualified—should be refused a job simply because he happens to be a Negro?

Let me say, here, that I consider the question of job opportunities under the civil rights bill only part of our national problem. We need expanded job opportunities for all Americans, not just a redistribution and increased competition for existing jobs.

In words that will live as long as man cherishes freedom, the Preamble to the Constitution declares that "We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America." With these words our Founding Fathers formulated for us a standard by which our actions must be judged for all time. These men dreamed of creating a society which would provide its members with the basis for living their lives to the fullest. We now face a major challenge to this society to determine whether it is at long last ready to give to a significant segment the rights they were told were theirs 100 years ago.

If we are to make our Union more perfect, we must eliminate all obstacles to equal opportunity. If we are to establish justice, we must eradicate all injustices that deny men their dignity and human worth. If we are to insure domestic tranquillity, we must put an end to those practices which drive men into the streets in search of their rights. If we are to provide for the common defense, we must make all Americans proud to serve their country. If we are to promote the general welfare, we must make it possible for all Americans to gain the education and training necessary for them to find and obtain jobs utilizing their full potential.

And, finally, if we are to secure the blessings of liberty to ourselves and our posterity, we must take steps to guarantee the equality of all Americans, regardless of race, creed, or color.

McGEE SENATE INTERNSHIP CONTEST—ESSAYS OF TWO HONORABLE MENTION WINNERS

Mr. McGEE. Mr. President, I yield myself 1 minute.

Recently, I was pleased to have with me in my office for a week the winners of the McGee Senate Internship contest. It was an education in itself to watch these young people as they saw firsthand their Government in action.

My only regret in conducting this contest, Mr. President, is that I am able to bring back only two students, a boy and girl, each year. There are many wonderful entries in the contest, which is judged on the basis of an essay, "Making Democracy Work Better."

Mr. President, the understanding of the fundamental principles of our democracy shown by these young people is truly gratifying. To illustrate the quality of the work of these Wyoming students I ask unanimous consent to have the essays of two of the honorable mention winners, John Wyatt, of Greybull, and Gloria Leah Tracy, of Rock Springs, printed in the RECORD.

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

MAKING DEMOCRACY WORK BETTER

(By John Wyatt)

Although some of the basic ideas of democracy are very old, the practice of democracy on a large scale is relatively new in history. Furthermore, democracy did not just grow. It was formed from long centuries of hard work and bitter struggle.

If we are to help make democracy work better, we must more fully appreciate democracy's blessings. We need to be better able to appreciate the value of our rights and freedoms, and the importance of safeguarding them at any cost because we live under a minority form of government in a world where there are many forces determined to have other forms of government prevail.

We should realize that democracy is not something to be taken for granted. Democracy is a very rare and precious living force. Of all the many people who have lived on earth since the beginning of history, only a small part have enjoyed the blessings of democracy—a greater number have known only the harsh rule of despots.

We must broaden our view of democracy. Many Americans tend to assume that democracy and the American way of life are one and the same thing. Of course, democracy is an important and essential feature of life in the United States but we do not hold a monopoly on democracy. There are many other countries with democratic governments.

We must learn to distinguish between the essential and the nonessential features of democracy. In this way we can improve our own democracy.

In order to broaden our views the people in a democracy should be well informed on the facts about the rest of the world.

Because schools are supported by all the people and are in the service of the people, the schools occupy a particularly central position in our Nation's current struggle to make democracy work better in more places.

The school must be made the weapon of democracy. "Education is a weapon whose effect depends on who holds it in his hand and at whom it is aimed." This was voiced by Stalin but its same effect can also be used for democracy.

Moreover, since democracy requires education on a large scale if its citizens are to be well enough informed to be in a superior position to all others, sufficient wealth for a widely based educational system is necessary.

As a nation we must invest in our youth to remain strong. We need special attention for potential dropouts and out-of-work youths. The future of a country that is dependent on the will and wisdom of its citizens is hurt when any of its children are not educated to the fullest extent of their capacity.

We must become more effective citizens of a democratic society. Democracy is never perfect and never final. There will always be unfinished tasks to be done. In a democracy, these tasks are the responsibility of every citizen. We must try without stopping to make our democracy better.

One of the greatest dangers to any government is an "I don't care" attitude on the part of its citizens. If everyone says, "Let John do it," the job will never be done—by John or anyone else. And society will be that much the poorer as a result.

As a citizen, each one of us has certain responsibilities. We can hardly carry out these responsibilities to the best unless we know why they are so important. By studying democracy, we will learn what our responsibilities are and how we can best fulfill them. Democracy is different from other forms of government because it requires the active participation of citizens if it is to work well.

"Let us have faith that Right makes might; and in that faith let us to the end dare to do our duty as we understand it"—Lincoln address.

As effective citizens we must make use of the legal force of public opinion. We can send telegrams to our Congressmen. We can organize protest meetings and political rallies. We can contribute money to worthwhile organizations representing our views. We can write letters to our newspapers. All these activities are not merely allowed—they are fundamental to the good working of a democracy.

We must meet the challenge posed by antidemocratic forces. Today the most powerful enemy of democracy is communism. One-third or more of the world's population live under communism. The Communist leaders have made no secret of their ambition to bring the rest of the world under communism.

In the recent struggle against antidemocratic forces, it is as important to know what we are fighting for as to know what we are fighting against. Just as we must

know the basic doctrines of communism, so must we know the principles of democracy.

A thorough understanding of democracy will help us to counter misleading Communist propaganda at home and abroad. It will also help to prepare us for the sacrifices we may be asked to make in defense of democracy.

Opposition parties are among the best safeguards against the abuse of power by any one group. Only where power is shared by many different groups in society can democracy be furthered.

In the complex environment we live in, we must all take in a rather large amount of information in order to prepare for our part in promoting the success of democracy.

We live in a fast-changing world. Atomic energy, automation, space exploration—these and many other advances are offering new opportunities to man. They are also making new problems.

No one, I'm sure, can see into the future. But if you have the right information, you can at least make a well-informed guess about future trends.

In the midst of the nondemocratic nations we must keep on our feet to sustain the advantages and values that our democratic form of government has to offer no matter wherever or whenever they may be tested and attacked. And, at the same time, we must be of assistance to the less fortunate peoples of the world in achieving the better life that the democratic form of government has come to represent. In this world of dictatorship, no more is the narrowly democratic policy practical. We must keep our eyes and ears free from obstacles which may be of hindrance to our insight and judgment in order that we can survive for the benefit of mankind.

MAKING DEMOCRACY WORK BETTER

(By Leah Tracy)

Democracy. When I say this word, I speak it with reverence, pride, and thankfulness, for I know that this wonderful institution is the force that preserves freedom. I know that democracy is the flexible power existing for the protection and benefit of the individual—it is the set of ideals which says that each individual has a dignity and worth. Democracy promises to give meaning to a man's life; it bends to the will of the people, changing with the times, adjusting itself to meet new situations, and under it is the supreme ideal of the good of the demos, the people.

Knowing that since democracy exists for me, as a person, rather than my existing for democracy, then I must play a part in making it work better. The integral part of democracy is the people comprising it—those who live and work under it and those elected to its guiding offices. To them belongs the pleasure and effort involved in making and keeping a successful government. Each and every person who lives in a democracy must give his best effort to making his part function efficiently to form the whole. If one vital part of the whole falters, then the basic machinery loses its total effect. The first and perhaps the most vital step in making democracy work better is that every person in a democratic government must do his part. This means that when he is called on to give testimony to his convictions, he must stand and firmly and bravely state his ideas to those who question him. He must also be willing to listen to both sides of an argument and then be able to wisely choose the better side—the right side. In other words, he must keep those three precious freedoms—religion, press, and speech—burning brightly.

When every person has begun to do his part in the government, then the body as a whole begins to function. From there, the government itself must go into action. A democratic government must be the force that protects and guards the free world from all adversity. Since a democracy is a government of the people, then the people must be its first concern. This means the people of the entire world, not just those fortunate enough to dwell under a democratic form of government. A democracy should give aid and help to weaker nations, protect them from the evils of the world against which they are defenseless, and give them the light which will guide them on the path of freedom.

The sacred fire liberty must be preserved by democracy—and it can be done, because democracy stands for high ideals. The supreme task of democracy is the task of providing world leadership, and the ultimate survival of the world depends upon this all-important task. I believe that when democracy leads the world, as it does now, then every day that it uses its leadership with high aims and a just code, it is being improved. When democracy helps a starving nation to get back on its feet, or restores a destroyed country, or sends food to a disaster area, then it is a step closer to the highest goal of all—perfection. But when it looks the other way, and ignores people who need its help, then it loses a step and regresses. The democracy I know does not do this sort of thing. When a nation calls for help, it answers. When people cry for aid, it comes to their rescue. And when a question is being asked as to which form of government is best, democracy answers the question by showing the questioner the answer: the form of government which stands for justice and righteousness and actually applies these principles is the better form, and democracy quite ably fits this code. My belief is that every day that the people of a democracy hold their aims high and strive for something better than the day before, democracy is being improved. Every day that the countries of democracy desire to make the world a better place in which to live by their aid, their justice, and their good will, then that principle goes one step further toward immortality.

These steps are being taken every day. They need only be intensified and increased, and democracy will work better, because it will be better. This transformation cannot possibly take place in a month, or a year. It may come about in a decade; it may take even longer. But the struggle for something better and the ultimate result will most certainly add to the betterment of mankind.

CIVIL SERVICE TO PROBE CHARGES OF $100 TICKETS TO DEMOCRATIC PARTY DINNER

Mr. MILLER. Mr. President, I yield myself 1 minute.

In this evening's Washington Evening Star there is published an article written by Joseph Young, entitled "Civil Service To Probe Charges of $100 Tickets to Party Dinner."

This is a probe which is long overdue. I believe that many Members of Congress have been expressing increasing concern in the past year over what appears to be an undue amount of pressure on career employees of the civil service to purchase expensive tickets for fundraising dinners, I regret to say, by the Democratic Party.

The distinguished Senator from Delaware [Mr. WILLIAMS] and myself, along with other Senators, have been repeatedly calling attention to these abuses.

I hope that this probe will put an end to this practice. Some time ago, I called upon the President to repudiate such a practice, and I regret that my plea was not heeded; but perhaps it has been answered, at least, in the form of this probe.

Mr. President, I ask unanimous consent that a portion of the article to which I have referred may be printed in the RECORD.

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

THE FEDERAL SPOTLIGHT: CIVIL SERVICE TO PROBE CHARGES ON $100 TICKETS TO PARTY DINNER

(By Joseph Young)

The Civil Service Commission will investigate charges that Government career employees were pressured into buying $100 tickets for the recent Democratic gala honoring President Johnson.

It will be the first CSC investigation in history involving charges of this sort.

Such charges have cropped up in previous administrations, although the intensity of the pressure on Federal employees has seldom if ever equaled that of the past few years.

The CSC previously has said it would investigate if it got any specific complaints, but none were forthcoming. Employees were too afraid of losing their jobs by making such formal charges.

Now, however, Representative NELSEN, Republican, of Minnesota, is turning over to the CSC specific cases in which he charges that employees of the Rural Electrification Administration were coerced to buy tickets to the Democratic affair and that the sales were made on Government property, both violations of the law.

In reply, the CSC wrote Mr. NELSEN:

Consonant with the Commission's responsibilities under the Hatch Act, and within its jurisdiction over Federal employees in the competitive civil service, the Commission welcomes your cooperation. If you will furnish the Commission with the information in your possession, with appropriate identification of the persons and employing agencies, a thorough investigation will be made and you will be informed of the results.

Mr. NELSEN subsequently turned the information over to the CSC and the investigation will get underway.

Mr. NELSEN hopes that this will encourage other Federal employees who feel they were pressured to contact the CSC's legal division and furnish the necessary information. The investigation could then broaden into a governmentwide inquiry of such practices.

Persons found guilty of coercion in connection with political fundraising events could be ordered fired by the CSC, providing they are career employees. If the offending person is not under civil service, then the CSC would turn the case over to the agency with its recommendations for their dismissal.

Collecting funds on Government property for political events is a violation of the Corrupt Practices Act and subject to criminal penalties. Any information turned up in such cases would be turned over by the CSC to the Justice Department.

Recently, there was a report that President Johnson, after reading that General Services Administration employees complained of being pressured to buy tickets for his gala, wrote to GSA ordering that such tactics be stopped. GSA, however, denies that it ever received such a letter from Mr. Johnson.

TABULATION SHOWING AMOUNT OF TIME FOR DEBATE REMAINING TO EACH SENATOR

Mr. DIRKSEN. Mr. President, I ask unanimous consent that, under the order previously entered, the time remaining for each Senator under the cloture rule may be inserted in the RECORD.

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

The list is as follows:

	Minutes
Aiken	52
Allott	53
Anderson	59
Bartlett	59
Bayh	60
Beall	58
Bennett	57
Bible	59
Boggs	60
Brewster	60
Burdick	60
Byrd of Virginia	60
Byrd of West Virginia	31
Cannon	51
Carlson	60
Case	31
Church	59
Clark	58
Cooper	31
Cotton	41
Curtis	56
Dirksen	38
Dodd	51
Dominick	48
Douglas	49
Eastland	17
Edmondson	60
Ellender	59
Engle	60
Ervin	0
Fong	54
Fulbright	58
Goldwater	60
Gore	18
Gruening	60
Hart	50
Hartke	60
Hayden	60
Hickenlooper	57
Hill	9
Holland	15
Hruska	60
Humphrey	14
Inouye	60
Jackson	60
Javits	48
Johnston	40
Jordan of North Carolina	60
Jordan of Idaho	60
Keating	48
Kennedy	60
Kuchel	58
Lausche	13
Long of Missouri	60
Long of Louisiana	11
Magnuson	32
Mansfield	47
McCarthy	58
McClellan	41
McGee	58
McGovern	57
McIntyre	60
McNamara	53
Mechem	60
Metcalf	60
Miller	36
Monroney	24
Morse	24
Morton	57
Moss	57
Mundt	45
Muskie	51
Nelson	60
Neuberger	57
Pastore	26
Pearson	60
Pell	57
Prouty	60
Proxmire	60
Randolph	58
Ribicoff	56
Robertson	41
Russell	19
Saltonstall	55
Scott	59
Simpson	60
Smathers	39
Smith	59
Sparkman	26
Stennis	23
Symington	59
Talmadge	37
Thurmond	28
Tower	26
Walters	60
Williams of New Jersey	60
Williams of Delaware	60
Yarborough	55
Young of North Dakota	57
Young of Ohio	60

STUDENT ASSISTANCE ACT OF 1964—ADDITIONAL COSPONSOR OF BILL

Mr. WILLIAMS of New Jersey. Mr. President, I yield myself half a minute. At its next printing, I ask unanimous consent that the name of the junior Senator from Michigan [Mr. HART], may be added as a cosponsor of the bill S. 2848, the Student Assistance Act of 1964, introduced by me May 14, 1964.

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

KILLING THE GOOSE

Mr. WILLIAMS of New Jersey. Mr. President, I yield myself 1 minute.

I invite attention to an editorial advertisement entitled "Killing the Goose" published in the Washington Post on June 5, 1964, and written by Mr. A. N. Spanel the founder and chairman of International Latex Corp. This company presented it in paid space in the public interest.

Concerned with mounting unemployment in the midst of our booming economy, Mr. Spanel highlights the importance of independent inventors and their inventions in creating new employment opportunities with new products; and especially now if we are to counteract automation's growing threat.

The author's views cannot be easily dismissed. On the contrary, they are most compelling because Mr. Spanel is himself a creative inventor of long standing. His manufactured inventions currently give employment to 10,000 men and women. Thus, his presentation is not only persuasive, but authoritative as well.

Mr. Spanel pulverizes the false notion that independent inventors are a thing of the past and that only huge corporations and their hired brains are the fountainheads of inventions. His past writings clearly reveal a deep understanding of the dangers that growing unemployment pose to our society, and how important it is that we should not be influenced by those who treat America's unemployment problem with indifference or mistaken notions. One must agree with Mr. Spanel's concept that new business enterprises based on the inventions of America's independent inventors are bound to improve our pressing employment picture.

I therefore ask unanimous consent that this article by Mr. Spanel be printed in the body of the RECORD.

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

[From the Washington Post, May 5, 1964]

KILLING THE GOOSE

(By A. N. Spanel, founder-chairman, International Latex Corp.)

Growing unemployment on a continuous basis is as much an economic cancer for a nation as it is for its victims. Our country is plagued with 5½ million unemployed. This number is bound to swell as automation really takes over.

President Johnson deserves our gratitude for directing himself with such zeal to this grave problem. We applaud the President's plea to American business to assume some measure of responsibility toward these unemployed. This Nation can't afford to ease its conscience by giving handouts to people who need work; nor do we want to see the rebirth of an updated version of depression's WRA. For such "remedies" are certain to destroy morale, self-respect and human dignity of the workless.

If ever there was need for new enterprises for inventors and their inventions, if ever there was a time for encouraging inventors and the venture capital needed to manufacture new products that time is now, if we are to put the unemployed to work.

INVENTIONS CREATE WORK

Consider the millions of people working today because of inventors like Edison and his electric light; Morse, of telegraph fame; Bell and his invention of the telephone; Howe who dreamed up what became the Singer sewing machine; Goodyear, so famous in the rubber world; the Wright brothers and their flying machine; Zworykin and his television inventions; Marconi, De Forest, and hundreds of thousands of other inventors who gave birth to new ideas, resulting in new factories and the enormous employment needed to man them.

Are we today encouraging independent inventors in the United States? Judge for yourself. In 1962 the number of patent applications filed by U.S. citizens and foreigners in the U.S. Patent Office numbered 90,373. In Japan, having one-half the population of the United States, the number was 214,253 in the same year. And about 90 percent of these came from Japanese. Worse still, in our own country we are about to kill the goose that lays the golden eggs.

What does an invention mean and who benefits from inventors? It's as intriguing a story as you'll find anywhere, for our forefathers really understood and appreciated the enormous value of inventors and their brainchildren. So much so that when they framed the Constitution, they boldly put into article I (sec. 8) "The Congress shall have the power * * * to promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive rights to their respective writings and discoveries." What a wise provision that was. It helped make America great.

THE PUBLIC BENEFITS

As early as 1832 Chief Justice Marshall stated: "It [the patent] is the reward stipulated for the advantages derived by the public for the exertions of the individual (inventor), and is intended as a stimulus to those exertions." In short, the public benefits and therefore the inventor is rewarded with a patent the life of which is no more than 17 years, assuming the courts don't knock it out before that time; and more often than not our courts have done just that in recent years. If the inventor is lucky enough to enjoy the use of his patent for 17 years, anyone who wants to after that, can use it without paying a cent of royalties to anybody. Whether he wins or loses, the

public is enabled to enjoy anything from a washing machine to a computer with enormous saving in time and energy.

The Supreme Court has repeatedly made it clear that the public is the real beneficiary from the U.S. Patent System, yet there are many in the Congress who have been led to believe that it is the inventor who is the beneficiary (if not the sole beneficiary) of patents.

Thus, instead of encouraging the independent inventor, the imaginative fellow with the ideas that could result in more jobs for more people, the Congress in Washington is right now in the process of planning to hike Patent Office fees which will shut out most of the independent inventors from even applying for patents. This is being done under the guise of "economy" because the Patent Office is operating on a deficit of about $20 million a year, which is nominal compared to the billions of dollars pumped into relief for the unemployed.

HOW THE GOOSE WALKS

Today, if a man has an idea that he thinks is patentable and his income is that of an average wage earner, this is what he has to do to have his idea patented:

(1) He finds a patent lawyer to whom he shows his invention.

(2) The patent lawyer orders a patent search from another patent lawyer or searcher in Washington, D.C. This also costs money.

(3) If no one else anywhere in the world had that idea or a very similar one in all recorded history, then the patent lawyer advises him that he has a fair chance if he applies for a patent, barring unforeseen obstacles in our Patent Office.

(4) The patent application is then prepared by the lawyer but if there are drawings, these have to be ordered from a patent draftsman, which costs the inventor that much more.

(5) The patent lawyer then files this application in the U.S. Patent Office in Washington and the inventor has to attach his check for $30 as the filing fee.

(6) Then comes the bill from the lawyer, for all this. The cost? Several hundred dollars or more, depending on how simple or complicated the invention may be. When his patent application issues as a patent, he has to pay the Patent Office another $30. And he may have to pawn his wife's engagement ring or sell his car to build his first working model.

Now begins the real struggle, for usually after his patent issues he has to interest people in either financing him to start manufacturing his patented product or process; or try to sell or license it to others. That's how so many new businesses are born, giving work to so many. The average length of time it takes an inventor to put his patent to work is 7 years. This means that of his original 17-year Patent Office grant, he has only 10 years left in which to reap any reward. For the independent inventor, it's no bed of roses; and any benefits he derives he pays for in sweat, work, frustration, and persistence.

Yet at this very moment the Congress in Washington is planning to hike the filing fee to the inventor from $30 to $50 and the issuance fee to $75. In addition, they propose to hit him with a brand new class of fees so that 5 years after his patent issues, he will be obliged to pay $50 more and on the 9th year $100 more and on the 13th year $150 more, all of these payments referred to as maintenance fees. These new fees add up to $300. In sum, this means that the Patent Office will make the inventor pay $50 filing fee instead of $30 and $75 issuance fee in place of the present $30, plus the $300 in brand new fees, so that he will either have to have enough money to pay his patent lawyers, plus Patent Office fees of $425 or be forced to forget about his invention.

WE CANNOT AFFORD THIS LOSS

What a way to kill initiative. What a way to kill a great national asset. What a way to to discriminate against the creative little fellow, the independent inventor. Obviously, the rich corporations can afford these fees thus enabling them with their hired inventors to garner new inventions and harvest their patents, while the independent inventor and the small company will be forced to give up because they will be unable to jump the high-fee-fence of the Patent Office which Washington is planning to erect against them.

If we permit this to happen our patent system and its dedicated handmaiden, the Patent Office, will exist for the benefit of those who can afford it: only well-to-do inventors and rich corporations. Thus, what our Constitution wisely gave to all the people, the fee hikers will destroy for the independent inventor and for those who want jobs.

Remember that Japan racked up 214,253 patent applications in 1962 compared to our 90,373. What a revealing story.

Does this comparison worry you? It worries us, too. We are endangering our country's future, we are failing to provide for our growing need for jobs when we permit the pinching off of new ideas, new inventions that flow from the fertile minds of independent inventors by erecting cost walls that deny them the chance for the reward that patents may bring them.

Frankly, the implications alarm us.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, June 17, 1964, he presented to the President of the United States the enrolled bill (S. 718) for the relief of W. H. Pickel.

RECESS UNTIL 11 A.M. TOMORROW

Mr. HUMPHREY. Mr. President, if there is no further business to come before the Senate, I move, pursuant to the order previously entered, that the Senate stand in recess until 11 o'clock a.m. tomorrow.

The motion was agreed to; and (at 9 o'clock and 34 minutes p.m.) the Senate took a recess, under the order previously entered, until tomorrow, Thursday, June 18, 1964, at 11 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate June 17 (legislative day of March 30), 1964:

Comptroller of Customs

Stanley E. Rutkowski, of New Jersey, to be comptroller of customs at Philadelphia, Pa.

EXTENSIONS OF REMARKS

ARA's OEDP Program Was a Farce

EXTENSION OF REMARKS

OF

HON. BURT L. TALCOTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 1964

Mr. TALCOTT. Mr. Speaker, communities scrambling for ARA benefits lost no time in filing their overall economic development plans. By May 1, 1963, 81 percent of the designated areas—850 areas—had filed OEDP's. Most of them involved only limited thoughtful analysis of community resources and contained *little* that would provide a blueprint for future community economic development. Many were poorly conceived and failed to contain essential economic data. Most were choked with information having no bearing upon the purpose of the OEDP. Since many of the filing organizations were direct successors of the established local economic development groups—by 1961 there were more than 3,000 in existence according to SBA estimates—it was not surprising to find that the OEDP's followed the long-established tradition of such groups by basing the "plans" for future development on enticing new manufacturing plants from some far-off place. In short, most of the OEDP's were "pie in the sky" documents. Actually, manufacturing employment is declining. ARA could scarcely base sound economic planning for its customers upon expanding manufacturing plants.

The community OEDP's also emphasized the need for more public works and facilities. A good many of the "needed" public works projects had little relationship to the future economic development of the community. Few promoters paid any attention to the potential cost of the proposed projects even when they had relevance to economic development. Few bothered to compute a cost-benefit ratio to justify the proposed public works. The planning process was not taken seriously; it was just looked upon as a preliminary hurdle to obtaining Federal largess.

Local communities of State economic development agencies often ignored the congressional and ARA desire for "grassroots" preparation. For one example, most, if not all, of the OEDP's for Kentucky were prepared by the State area program office in Frankfort. They were in such general terms that without basic changes they could have described almost any area.

Incredibly, the ARA went along with this cavalier attitude. It faced the choice of either approving inadequate plans or disqualifying areas for receiving ARA cash until better plans were produced. The ARA was no less anxious to help than the communities were to receive help. So it accepted the plans. The ARA had developed neither the expertise nor the staff to appraise the validity of the local programs and to offer sound suggestions for the development of more comprehensive plans.

ARA and its staff are inexperienced in the crucial business of economic develop-