Perhaps even more chilling is the Washington Star’s conclusion of the matter.

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

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

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

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

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

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

THE REAPPORTIONMENT DECISIONS

It is somewhat late in the day for hand-wringing over the leading role assumed by the Supreme Court in deciding how we are to live in. It is no longer for surprise that the Court makes its decisions, not on the basis of an interpretation of the Constitution, but on the practical and moral judgment of nine very powerful men.

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

And, as with that earlier decision, to say that there is danger in the one is not to say that the effects of the application of this power will be evil. That depends, in particular case, on the practical and moral judgment of nine very powerful men.

ADJOURNMENT

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

The motion was agreed to; according to the Speaker’s desk, 5:55 p.m., under its previous order, the House adjourned until Monday, June 22, 1964, at 12 o’clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

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

2191. A letter from the Comptroller General of the United States to the President, transmitting a report on a review of unnecessary payments to local housing authorities owning former Federal land to be used for low-rent housing, project sites, Public Housing Administration, Housing and Home Finance Agency; to the Committee on Government Operations.

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

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

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. KING of New York:

H.R. 11676. A bill to protect American Indians from the flooding of their lands by any department or agency of the United States before suitable provision has been made for their relocation; to the Committee on Interior and Insular Affairs.

By Mr. UDALL:

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

By Mr. SENNER:

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

MEMORIALS

Under clause 4, of rule XXII.

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

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII.

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

PETITIONS, ETC.

Under clause 1 of rule XXII.

940. The SPEAKER presented a petition of the people of the State of Michigan, petitioning the Congress of the United States to pass a bill to provide for an adequate supply of lead and zinc for consumption in the United States from domestic and foreign sources, and for other purposes; to the Committee on Ways and Means.

SENATE

Friday, June 19, 1964

(Legislative day of Monday, March 30, 1964)

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

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

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

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

And now, as—after the wearying strife of tongues—each Member of this body of governance standing in the valley of decision, saying with comforting and strengthening reassurance—

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

Amen.

THE JOURNAL

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

ORDER FOR TRANSACTION OF ROUTINE BUSINESS

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

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

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

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

The Chief Clerk proceeded to call the roll.

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

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

EXECUTIVE COMMUNICATIONS, ETC.

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

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

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

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

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

REPORT ON UNNECESSARY PAYMENTS TO CERTAIN LOCAL HOUSING AUTHORITIES

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

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

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

DESCRIPTION OF EXECUTIVE PAPERS

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

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

PETITIONS AND MEMORIALS

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

By the ACTING PRESIDENT pro tempore:

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

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

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

The petition of Henry Stoner, Avon Park, Fla., relating to the conduct of business and having no permanent value or historical interest, and requesting action looking to their disposition; to the Committee on Government Operations.

The petition of Henry Stoner, Avon Park, Fla., relating to the preservation of peace in Mississippi; to the Committee on the Judiciary.

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

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

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

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

BILLS INTRODUCED

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

By Mr. SALTONSTALL:

S. 2966. A bill for the relief of Manuel D. Karoghlanian; to the Committee on the Judiciary.

By Mr. MUNDT:

S. 2927. A bill to amend the Communications Act of 1934 in order to prohibit certain broadcasts of Federal election results until after the closing time of polling places in all the States; to the Committee on Commerce. (See the remarks of Mr. Muntz when he introduced the above bill, which appears under a separate heading.)

UNDESI RABILITY OF ADVANCE BROADCAST OF ELECTION RESULTS

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

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

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

Mr. MUNDT. Since it is short and deals with a highly important subject, I shall not add it. It is my bill to amend the Communications Act of 1934 in order to prohibit certain broadcasts of Federal election results until after the closing time of polling places in all the States. I shall read the new section:

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

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

The election of a President is a serious exercise in self-determination and self-government. It was never designed primarily to become a television spectacle.
I am fortified in my conviction that something needs to be done in this area by the fact that James E. Hagerty, Editor of the American Broadcasting Co., former White House Press Secretary under President Eisenhower, said on June 17 that he would welcome legislation to prevent television networks from announcing presidential election returns in an Eastern State while any west coast polls are still open.

To indicate that this is not merely one man's opinion, I should like to quote also from what Governor Sawyer of Nevada, said on June 17. He pointed out that he would very much favor having a system which would eliminate the announcing of election results in any area while other areas of the country are still voting.

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

"The announcement of the voting was on both sides, and he believes some persons changed their votes to catch the winners just as the State delegations do at the conventions when the trend becomes strong."

Mr. President, let me say that I introduce the bill with somewhat of an unusual feeling. Normally when a Senator or Representative introduces a bill, he is dead sure that he has found the final answer to some problem. However, I have no such certainty in my own mind in this case. I am not certain I have proposed the optimum solution. I introduce the bill, however, in the hope that some hearings will be held, that some other solutions will also be discussed. The problem and solution will be considered among others. I emphasize, I am not sure in my own mind that this is the proper or the best approach, but I am perfectly sure that it is a serious-minded Americans should devote attention. I welcome other suggestions. I hope introduction of this bill will help stimulate constructive thought on the merits of it deals. I introduce this suggestion as a starter, perhaps as a focal point around which hearings should be held. I repeat, I am not sure this is the proper answer, but I am sure there is a problem here which merits further consideration. The Senator from Arizona [Mr. Goldwater] has talked with campaign aids of both candidates just as the State delegations do at the conventions. I earnestly solicit discussion of this problem and other suggestions for its solution.

Mr. President, I ask unanimous consent to have included at this point in the RECORD an article containing the statement by Mr. James Hagerty from the New York Times of June 18, 1964; also an article containing a statement by Governor Sawyer, of Nevada; and also an article from the Associated Press, the headline of which is "Hagerty Recalls Efforts To Sway West's Voters," in which Hagerty deplored television predictions, based on early returns, of the outcome of this Republic.

Mr. Hagerty's topic was the influence of commercial radio and television in the east coast cities. He said campaign aids of both candidates, based on early returns, of the outcome of this Republic. Mr. Hagerty addressed the students and faculty of the Army's information school here. The school trains officers and enlisted men to staff the Army's radio and television division, an important function of the Armed Forces."
when a Goldwater victory was announced more than half an hour before the polls closed, many voters in both parties refused to vote. There was "panic among the precinct workers on both sides, he said, and he believes that some persons changed their votes to suit. The amendments do at conventions when a trend becomes strong.

[From the Washington Star, June 18, 1964] HAGERTY RECALLS EFFORTS TO SWAY WEST'S VOTERS

NEW ROCHELLE, N.Y., June 18.—James C. Hagerty, broadcasting executive and former White House press secretary, told yesterday how Republicans claimed victory in some Eastern States on the basis of early returns in the 1964 election. He was among those in the hope of influencing west coast voters.

Mr. Hagerty, vice president of American Broadcasting-Paramount Theaters, Inc., addressed students and the faculty of the Army's Information School at Fort Slocum, N.Y. Mr. Hagerty, who was White House press secretary in the Eisenhower administration, said he approves the proposal for legislation to prevent television networks from announcing presidential election returns in the hope of influencing west coast voters.

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

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

"We were sure Eisenhower would win before we actually knew he was winning."

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

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

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

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

Mr. HARTKE submitted an amendment, intended to be proposed by him, to the bill (H.R. 8456) to amend subsection (b) of section 512 of the Internal Revenue Code of 1954 (dealing with unrelated business taxable income), which was referred to the Committee on Finance and ordered to be printed.

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

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

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

Mr. KEATING. Mr. President, I introduce, for appropriate reference, three amendments to H.R. 11576, which is a bill to provide a 1-year extension of certain excise tax rates and ask that they be appropriately referred.

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

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

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

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

The Acting President pro tempore. The amendments will be received, printed, and appropriately referred. The amendments were referred to the Committee on Finance.

SENIOR HARTKE'S ACCEPTANCE SPEECH AND LETTER FROM THE PRESIDENT

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

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

ACCEPTANCE SPEECH OF SENATOR VANICE HARTKE FOR RENOMINATION TO MEMBERSHIP IN THE INDIANAPOLIS DEMOCRATIC STATE CONVENTION, INDIANAPOLIS, June 12, 1964

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

No nation can be healthy and strong if any one part is ill. Now, you can achieve true greatness unless the whole body of all its people is employed. This is our mission. This is our purpose to which we here today rededicate ourselves.

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

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

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

You know me—my family—my record.

Do you believe in me, that is the issue.

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

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

The waters around us are not calm. It is the experienced navigators of the Democratic party, steering us through rough waters. Now is not the time to change helmsmen.

In this year's campaign we will be working from the Democratic Platform, which is a good one, but will be working to insure steady prosperity, to insure a frugal economy, to insure responsible control of the Government, adaptable to the wants of all the people, and to preserve and encourage the free enterprise system.

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their elected representatives. I believe I have been close to all the people of Indiana. I shall continue to be that close link. We cannot possibly perfect that dream to be realized by men who choose to neglect the public, by men who are oblivious to the world situation, from poverty to the use of atomic energy, and to the present and in too many areas of our society, local and conservation interests.

In view of the unprecedented damage created by the flooding on the Sun River this year, I feel that we should again approach the probability of constructing this flood-control project. I also ask for, and received, comprehensive reports and analyses from both the Bureau of Reclamation and the Corps of Engineers. This is an area in which the Bureau of Reclamation and the Corps of Engineers must be proud of, which generations not yet born will use.

Ours is an appeal to reason, an appeal to concern. Our record and our future is prudence and progress dedicated to peace and prosperity. Hate and violence find no food on which to feed in our party. Those who would turn back the clock have no place on our ticket. We seek men of good will who recognize the problems and the needs, the issues of the day, who are dedicated to solving them. We ask that all people who are of good will and seek to solve problems with programs considered, reason with us, debate with us, work with us, and try to give all of us in the victory that can come for all the people.

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

THE WHITE HOUSE

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

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

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

The recent visit of the leaders of the Indian Affairs, conducted a thorough survey of the activities in Montana. These reports are additional evidence of the excellent cooperation that has been received from all Federal agencies in bringing relief to the victims of this disaster.

I ask unanimous consent to have these two documents printed, printed at the conclusion of my remarks in the Congressional Record.

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

U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF RECLAMATION,

Hon. Mike Mansfield,
U.S. Senate, Washington, D.C.

Dear Senator Mansfield: In response to your suggestion, the writer, in company with Commissioner Philleo Nash of the Bureau of Indian Affairs, conducted a thorough survey of the activities of the Bureau of Reclamation in the Missouri River Basin and on the Flathead River in the Columbia River Basin.

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

In the Marias River watershed, the overflow from two upstream dams which failed during the flood, was totally absorbed by the Tiber Reservoir. During the height of the flood, Tiber Reservoir's effect was illustrated by the fact that it was filled to the brim and could contain remaining floodwaters of the South Fork of the Flathead River from 55,000 cubic feet per second to 600 cubic feet per second, and this reservoir is still being filled. The reservoir, Tiber Reservoir, was included as an element of the Missouri River Basin project authorized by the Flood Control Act of 1944.

It is a road for all Americans to travel together, and I am proud to have you at my side.

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

Sincerely,

Lynnden B. Johnson.
CONGRESSIONAL RECORD — SENATE

June 19

U.S. DEPARTMENT OF AGRICULTURE

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

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

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

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

Please call on us whenever we can be of service.

Sincerely yours,

FLOYD F. HIILE, Acting Administrator.

U.S. DEPARTMENT OF COMMERCE

Hon. MICHAEL MANSFIELD, U.S. Sen., Washington, D.C.

Dear Senator MANSFIELD: I appreciate receiving your letter of June 11 containing estimates of the extent of the damage due to the recent floods in Montana. Montana people met with the Governor on June 9 to brief him on procedures that are being used by the Montana State Highway Commission and Bureau of Public Roads, working together to assess damage to roads and bridges, to authorize temporary emergency repairs to go forward as permanent repairs or reconstruction. We understand that the State Highway Commission flew over the area on June 11 and is giving high priorities for the emergency repair work.

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

Roads and bridges not eligible for repair or reconstruction under section 125 may be eligible under Public Law 975 by the Office of Emergency Planning. The Bureau of Public Roads assists the Office of Emergency Planning by providing such other technical assistance as may be required. Some roads not on the Federal-aid highway systems but within national forests or Indian reservations would have the option of repair under either law.

You may be assured Public Roads will fully cooperate with the Montana State Highway Commission in the restoration of travel at the earliest opportunity and the financing...
of reconstruction to the extent permissible under the controlling legislation.

Sincerely yours,

REE M. WHITTON,
Federal Highway Administrator.

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

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

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

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

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

LONG ISLAND PROGRESS

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

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

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

Commissioner McHugh also gave some very encouraging facts and figures on New York's export expansion office. Mr. President, I ask unanimous consent to have printed, following my remarks in the Record, the text of Commissioner McHugh's address, as follows:

What Can Long Island Do To Strengthen Its Economic Base?

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

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

For a great many years, I have been deeply interested in Long Island, its extraordinary growth record and its great future potential. It gives me great pleasure to say that I have been impressed by the community and the people and by the growth and an ever more influential voice in the national and world affairs.

To meet the telephone and communications requirements of the people on the Island, during those 10 years, we authorized capital expenditures of $772 million for communications plant and equipment. That is a lot of money; it is an investment and an indication of growth; frankly, there were moments when I wondered if we were not overbuilding. But, happily, the Island kept growing and, today, has more telephones than 43 of the 60 States.

Long Island, indeed, has had a proud rate of growth, both of people and industry and its employment and unemployment records have generally been excellent. During the last 5 years, when, as State Commerce Commissioner, I had the special interest in the economic growth of the State's economy, total employment in Nassau and Suffolk Counties has increased from 260,000 at the end of 1958 to 320,000 at the end of 1963. Each of the first 4 months of this year shows gains in total employment over the corresponding months of the last 4 years. From January 1963 through April, the rate of unemployment in the two counties has been quite favorable and better than the national average. Since the State average rate of unemployment is generally better than the national average, the Long Island record is indeed an impressive one.

While this is gratifying, it is natural that thoughtful leaders on the Island want to do more. They want to work with the Towns and the County to foster stability and prosperity. This problem is important, not only to the thousands now employed on the Island and others dependent on the Island for their livelihood, but also to the thousands of stockholders and entrepreneurs who have their investments here. These two great communities, having a long record of stability and business success, are working together to help strengthen your economy for the future. That is obviously a very large and important task if one were to explore the subject in minute detail, but there can be no doubt that, to a few observations which I hope will prove useful.

At the outset, I must say that I do not intend to speculate on the magnitude and rate of growth of possible defense cutbacks—or the possible effects of such cutbacks on the economy. As I have pointed out before, such a subject is obviously of deep concern to many on the Island as, indeed, it is to others elsewhere. I will only say that, as desirable as it may be for all of us who pay Federal taxes to reduce the national cost of our defense effort, I hope that the executive and legislative branches of the Federal Government will be wise enough to phase out any prospective cuts over a period of years, and provide adequate advice as early as possible to the companies and communities particularly affected.

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

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

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

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

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

Your present Long Island Association, of course, encompasses membership in and interest concerning the whole of the two counties. Both Nassau and Suffolk Counties have persons or groups charged with industrial development. The towns of Islip and Brockhaven and the area of Brentwood within Islip, have separate industrial development agencies. The Nassau-Suffolk County Chamber of Commerce and the Freeport Industrial Committee are both working actively. No doubt there are others that I have not mentioned.

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

Far from deeming this multiple action by many people and organizations, I applaud it, for it shows an active interest in the growth of the problem. One's natural desire is, understandably, to secure all expansion, new industrial growth establishments, and vacation travelers for one's own area. But if this...
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Desire can be subordinated a bit and if pertinent information common to both industrial and tourism promotion is currently exchanged between all working groups, I believe group efforts to be too important to result. Site possibilities, labor, available market studies to pinpoint location of new research and development facilities can be pooled by all groups interested in the promotion of both industrial development and tourism which will come into being as the underdeveloped countries of the world begin to improve their economies. I, therefore, urge all manufacturers to take a hard look at the export possibilities.

There is another good reason for doing this, not only because we have tough times all over the world, but also because our competitors are doing this.

The results of this new State effort have been extraordinary. We have received over 1,800 such inquiries. Each letter inquiry, we conclude, was instrumental in selling $30 million worth of goods in 1962. To produce results of this type, we believe that a careful study of approximately 9,500 manufactur- ers abroad if we reduce our tariffs. By the same token, we ought to take a harder look at increased export possibilities since, pre- sumptively, all countries involved in the agreement should be reducing their tariffs on our goods.

If you businessmen, or your organizations in Nassau-Suffolk, therefore, think well of this plan, or find yourself especially interested in export possibilities, my Nassau-Suffolk regional office and international promotion people will be happy to assist in any possible way.

I think this area of opportunity could mean much more business and many more jobs and help you to pay your taxes.

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

At the moment, for example, you and we are concerned about the economic effects of the current recession. This is the time when the businessmen of Long Island have an opportunity to grow, to speak of prosperity and progress in a way that will be believed—that this indeed can happen when we have it, and can be an aweful headache when you lose it. But, more important, it is the time when the businessmen and workers can figure out a way to get out of these depressions more quickly, so that the manufacturers was only mailed last week, and we will have to make sure our supplies last.

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

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

Fourth. My final suggestion today is that I believe this to be helpful to the future growth of industry to make a joint effort combining the best resources of business, labor, your great universities and colleges, and of county government.

I cannot stress too strongly my personal belief that the best way to attract the new industry of tomorrow is to combine in this region the finest possible college and university facilities, including, especially, advanced degree courses in engineering. In my opinion, it is essential to have productive research and development laboratories. This probably should be a joint effort combining the best resources of business, labor, your great universities and colleges, and of county government.

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

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

We are completing a revised and updated statewide directory of such laboratories and the total will be, approximately, 1,200. In 1960 our directory showed 128 such laboratories in Nassau and Suffolk counties, and a careful study of these shows that nearly as many have come into being since then.

Based on a careful survey of the firms on our list last year, we are confident that our sales leads were instrumental in selling $30 million worth of goods in 1962. To produce results of this type, we believe that a careful study of approximately 9,500 manufacturers which either could make more export sales with profit or are not in foreign markets at all and hence missing substantial profit opportunities. A relatively small number of firms in the State do a very large part of the total dollar volume of New York exports; there should be a much larger number.

Conversely, manufacturers which could make more export sales profit or are not in foreign markets at all and hence missing substantial profit opportunities. A relatively small number of firms in the State do a very large part of the total dollar volume of New York exports; there should be a much larger number.
business. It is always with us. It comes from new competition in products or materials, from changing markets and, obviously, as in the case of defense contracts, from the changing requirements of the customer. Those who anticipate change from all causes, plan for it and are prepared to meet it, survive and grow and prosper, adding to their wealth and to the general welfare. Those who either fail to anticipate change or are unable to cope with it have a very bad time, give many other people a very bad time. Carefully, the business goes the way of all mortals.

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

In the long run, labor does best in those businesses which are growing and prospering. No one in his senses wants to work for a business which is going down if he can help it. I close, therefore, with the hope that the wise labor leader of organized labor will also see these problems of survival under change, and understand labor's problems. But both have a completely common interest in fundamental changes in the business, for if the industries in competition are not to be lost to everybody—the shareholders, the employees and the public generally.

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

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

THE FIRST LADY HAS PERSONIFIED THE BEST POLITICS

Lady Bird Johnson has returned to Washington after her triumphal tour of eastern Kentucky, leaving in her wake thrones of admiring crowds and a few frustrated critics. The First Lady came and saw, said the critics, but she conquered nothing beyond a few headlines. The property, the improved, the stubborn problems of the hills, they say, remain the same. They are not quite right.

True, the same problems beset the region that plagued it before she came—the same historic lack of roads, the same substandard schools, the floods-prone creeks and overcut mountains, the same lack of jobs, the same lack of health and sanitary facilities. But it is no gimmick when a Chief Executive is just being himself and giving free and undignified folksy offices to all of his people and their problems. That is the kind of folksiness President Johnson exudes and he does it so easily because it is natural and he can't help it. He likes the occasion, he has great dignity.

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

This is genuine rapport with the people with the stiff collars misinterpret and decry as undignified folksiness. But the only thing about it that really bothers them is the fact that it wins for Johnson too many loyal and substantial friends.
the modern school its children want and need. It will not turn the rocky road up Warshoal Branch into a hard-surfaced highway.

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

There are lives, too, that will not be quite the same again. For hearts are kept warm by memories as the body is warmed by central heating. Wonder nourishes the spirit by memories as the body is warmed by central heating. Wonder nourishes the spirit.

MRS. JOHNSON'S PERFORMANCE IN OFFICE

Mr. MUSKIE. Mr. President, President Johnson's leadership. How much he has done, and how gratifying and willingly Lady Bird gives of her time and energy to restore this vital human element to some of our less fortunate states. As the editorial states, it may be some time before we achieve the ultimate solution of the problems which beset the east Kentucky region, but I know the warmth of her smile and her presence in that region has done much to lift the pall of defeat and hopelessness that pervades and destroys the normal incentives toward a better way of life. Her gift of hope to the people of Breathitt County is a priceless one, bringing with it a reassurance that they are indeed not forgotten, and this in itself will generate a stronger desire to overcome their unfortunate deficiencies.

TRIBUTE TO PRESIDENT JOHNSON

Mr. MORSE. Mr. President, President Johnson represents the best of President Kennedy, and he does not have to think of new policies yet. He shrewdly chose to be the man public relations firm—but in blue jeans and man of confidence in himself which he still has. His speeches are still more pep talks than declarations of policy.

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

Nothing seems to nonplus Mr. Johnson, and wherever he has aroused criticism he has shown a touch of genius for turning it into his own advantage. His white dogs to him in the crowd to have their ears pulled. "I found out," the President says to them, "that beagles have a constituency and I am glad to be out of the doghouse." His answer to the reporters' early complaints that he did not hold enough press conferences and that he was too detached to seize every possible or impossible opportunity. Their cry now is "freedom from information." Meanwhile it is not surprising for him to ask the New York editorial writer, "Don't you think I am quite a President?"

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

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

LBJ. CAMPAIGNS WITH AN OBJECT

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

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

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

It seems to be agreed that Goldwater might make the going hard for the Democrats in Florida and New York, and New West. What Alabama did in going 4 to 1, and in some districts 10 or 20 to 1, for the Democratic Convention, had some significance for Democratic campaign managers. It is not that the vote of Alabama, or such other Southern states, as may follow suit, should be a Johnson problem in the convention. But it might mean, in conjunction with Governor Wallace and Senator Goldwater, that come November too many Democratic votes may be found slipping over into the Republican Goldwater column if he is the Republican nominee.

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

[From the Nashville Tennessean, May 5, 1964]

SECOND JOHNSON VISIT CAN ONLY MEAN: MOVE

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

The story of political Appalachian States caught in the throes of chronic poverty. He will stop in Knoxville for an hour
or so, possibly to confer with Tennessee Val­ley Authority officials.

Though such trips always have political overtones, there is little to be gained by them. In this instance, the gain is the region's. This will be the President's second visit to Appalachia in a very short time. It is his second visit in 6 months, and the first time he's been to Washington, a comparative stone's throw away, that it is not all politics; Mr. Johnson means what he says.

The chances for bureaucratic footdragging, frequent enemy of progress, are immeasurably reduced. The President is his own enemies, to be sure. Senator Goldwater thinks it foolish to invest Federal dollars in public works for stricken mountain counties. The President knows the sort of public welfare that has sustained the people of this region too long already. But when the economic base to make them self-sufficient—a base of dams and roads and other public works—is proposed, administration critics deplore this too as a doleful waste of dollars.

There are unthinking Americans who oppose the sort of program Mr. Johnson proposes on grounds that it is an experiment, and the people within it are not worthy of the expense entailed to salvage both. Those in need should just move elsewhere and get them­selves a job. Second thoughts, of course, when those jobs might be found for unskilled men and women confronting alien lives in urban centers crowded already with unemployed. And this force grows as automation cancels more and more job opportunities.

The President's argument is that the Nation has engaged in foolish economics in dealing with Appa­lachia. It has watched disastrous floods pour through and level such cities as Hazard, Ky. It has then rushed in with millions of dol­lars—an estimated $25 million after the 1955 floods—to return the people to their in­sured homes and to acres and miles of fields and pastures. Then the Nation has allowed that agency to spend its coal-purchasing policies to sustain the stricken and build back overtones, there is much to be gained by this wisdom. This is the sort of program Mr. Johnson pro­poses and Congress is beginning to give it its deserved support. This is the President's mission in Appalachia.
to college, for any one of a number of reasons, apply for admission and then drop out, and for some, a lack of determination in philosophy * * * will have poor plumb­ ing and poor philosophy. Neither its pipes nor its theories will hold water.

When the college opened, the community college was free to develop, and its curriculum is notable for its excellence within diversity. This blend of excellence and diversity in philosophy is far reaching. It assures the Nation of a well­ trained force of citizens ready to serve in a variety of roles. It erases the fear of having a large mass of unemployed citizens who lack skills to compete in modern­ day industry and business. It helps to re­ solve a social and economic problem in­ duced by the awareness that of individual significance in a massive and impersonal world. Men and women who are well trained for a specific profession, and who have readily available to them the means of further education, will never be unneeded.

As citizens of this changing world, we must be constantly aware of the direction and the quality of change. Such awareness can come from educated citizens—from citizens who have a source of information, culture, and craftsmanship upon which to build. For higher education, other society.

I was impressed to learn that, in addition to the 200 full­time students registered here in 1945, the college had 400 part­time students. Many of both groups are adults. This indicates to me that this college is serving as a center for continuing education for all ages, and for people of diverse educational goals.

At the national level, the community college plays an increasingly crucial role in our complex educational scheme. All aspects of American life require a higher degree of education, of training, and of general awareness than was common a century ago. We are discovering, as George Meany, president of the AFL–CIO has said, that "modern technology, not to speak of the computer, will require on the job re­ trained to be prepared for the unforeseen—for changes in methods of manufacture in materials, for new process requiring new skills.

Education is always a continuing process. The existence of an institution such as this assures the members of its community that they will always be up to date, for the key to future success is knowledge and adaptability.

Allow me to recall the words of President Johnson when he spoke a few weeks ago at the University of Virginia. "We are bor­rowed to settle and to subdue a continent. For half a century we called upon unbound­ ed invention and untried industry to create order out of chaos. The challenge of the next half century is whether we have the wisdom to use that wealth to advance the quality of our American civiliza­ tion."

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

My congratulations and best wishes go with you.

TRIBUTES TO PRESIDENT JOHN­ SON'S HANDLING OF HIS ADMIN­ISTRATION

Mr. McGOVERN. Mr. President, the press of the Nation continues to pay tribute to the activities of President Johnson who, by his unconcerned desire to have an editorial published in the Philadelphia Inquirer on May 25, 1964, entitled "The Active Pursuit of Peace," relative to the President's activities in promoting the peace of the world printed in the RECORD, together with two articles—one from the Topeka Capital Journal, of May 10, 1964, entitled "President Manages To Turn Foibles To His Own Account," and written by Alvin Spivak, and one written by John Vandenburgh Humane Society of Evansville, and Johnson with a straight face announced that the "right cooling­off period—is to joke about such inci­dents. We get a good many of these jokes. We do not look for instant miracles, but we do think that this daring, quick, and most likely, in the long run, to provide durable peace—even as George Catlett Marshall's plan made peace possible.

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

PRESIDENT MANAGES TO TURN FOIBLES TO HIS OWN ACCOUNT

(Alvin Spivak)

WASHINGTON.—Backstairs at the White House:

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

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

"We get about 100,000 letters a week, and we get a good many criticisms—everything from the President's driving, to his beagles and of how he pulled their ears, to the President's fury. So did Republican taunts about "Lighthearted Johnson" keeping the White House in darkness.

The society which scorns excellence in any one of a number of reasons, apply for admission and then drop out, and for some, a lack of determination in philosophy * * * will have poor plumbing and poor philosophy. Neither its pipes nor its theories will hold water.

This blend of excellence and diversity in philosophy is far reaching. It assures the Nation of a well-trained force of citizens ready to serve in a variety of roles. It erases the fear of having a large mass of unemployed citizens who lack skills to compete in modern-day industry and business. It helps to resolve a social and economic problem induced by the awareness that of individual significance in a massive and impersonal world. Men and women who are well trained for a specific profession, and who have readily available to them the means of further education, will never be unneeded.

As citizens of this changing world, we must be constantly aware of the direction and the quality of change. Such awareness can come from educated citizens—from citizens who have a source of information, culture, and craftsmanship upon which to build. For higher education, other society.

We do not look for instant miracles, but we do think that this daring, quick, and most likely, in the long run, to provide durable peace—even as George Catlett Marshall's plan made peace possible.

[From the Topeka Capital Journal, May 10, 1964]
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think they enjoy me. I would like for the people to enjoy both of us."

Over the previous week, Johnson twice took newsmen for walks around the White House grounds. He would scratch the beagles along each path, scratching their stomachs, and stroking their ears to show he never really hurt them. It is a well known fact that Lyndon B. Johnson has uttered quips about his fast driving—including one about his wife, Lady Bird, being willing to ride with him after lighting up a cigarette while driving. The work for the last 10,000 miles, visiting 10 States. He made 30

President Roosevelt used to claim a rela­tionship that "we are going to have a civil rights bill."

To display such intimate knowledge of the people who uttered both quota­tions. The President's strength is his inherent feel for domestic politics.

He has quickly grasped his awesome task and taken order to carry on the job.

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

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

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

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

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

[From the Salt Lake City Tribune, May 16, 1964]

JOHNSON SHOWS HE CAN GROW

Making the rounds of the usual conserva­tive journals is a quote from former Senator Lyndon B. Johnson, now President: "If the law can compel me to employ a Negro, it can compel that Negro to work for me."

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

Actually, now prevailing by Senator John­son is at best only an oblique rebuttal to the civil rights bill in today's Senate.

Nothing in that bill compels the employer to hire a Negro. What the bill forbids is discrim­i­nation against the individual on grounds of skin color. There is a difference, although subtle, between oppressing one opposed to equal rights for all Americans.

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

As a Senator, Johnson spoke for Texans, the majority of whom at that time (March 9, 1949) probably did hope to keep the Negro preserved in his condition of servitude. As President, however, Johnson must speak for every American, and most Americans recognize the Negro as a fellow citizen, and a Negro being forced, because of color alone without regard to his capabilities, to endure an inferior, second-class existence from the moment of birth— and in the case of segregated graveyards, even beyond death.

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

Mr. MAGNUSON. Mr. President, along the same line, I ask unanimous consent to have the privilege of having printed in the Record two succinct editorials commenting on President John­son's recent tour of office. The first, published in the Miami News of May 15, 1964, entitled "L.B.J., the People's Choice," which points out the result of the polls and how the people of the United States have put their definite stamp of approval upon the way the President has handled his vast responsibilities.

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

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

FIRST HALF YEAR IN OFFICE SEES PRESIDENT FIRMLY IN COMMAND

Texas' first occupant of the White House house marked his first 100 days in office, President Johnson has moved swiftly and forcefully, playing the strengths of his office with confidence and sureness that comes with six years of study he has brought to the job.

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

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

Lyndon B. Johnson's "albatross" is foreign af­fairs, but so it has been with every other President since World War II. The problem lies not in the man himself, but in the efforts made to win outright failure. The problems we deal with involve other nations where we do not hold sway, with untrustworthy foes and unhappy allies. The alternatives are often less than delight­ful.

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

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

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

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

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

This is not to attribute political motives to the busy life he is leading, but certainly his program will be reflected in the election result.

One inherent potent issues from his predecessor and he is showing a canny realiza­tion of their political effect.

In recent weeks he has traveled more than 10,000 miles, visiting 34 States. He made 30
speeches in less than a month. He talked to the Nation's editors, to the U.S. Chamber of Commerce, to Chicago Democrats, to the League of Women Voters and to audiences in the poverty areas of Appalachia, to mention some. As the first President from the South since Reconstruction he has not hesitated to voice his strong support of civil rights as President of all the people.

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

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

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

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

MINNESOTA AND CALIFORNIA POLLS SHOW DEMOCRATIC VICTORY THIS NOVEMBER

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

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

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

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

[From the Minneapolis Tribune, May 24, 1964]
SEVENTY-EIGHT PERCENT IN STATE SEE DEMOCRATIC VICTORY

More than 3 out of every 4 Minnesotans (78 percent) believe the Democratic Party would win “if a national presidential election were being held today.” That what the Minneapolis Tribune’s poll finds in a statewide survey of voting-age residents. Premonition of a Democratic victory this fall is felt:

By more than a 10 of 10 supporters of the Democratic-Farmer-Labor Party.

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

By more than 6 out of 10 Republicans (82 percent).

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

“Which party would you personally prefer to see win the presidential election?”

The replies:

<table>
<thead>
<tr>
<th>[in percent]</th>
<th>Prefer to see</th>
<th>Prefer to see</th>
<th>Other or no</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>Demo-</td>
<td>Demo-</td>
<td>other and</td>
</tr>
<tr>
<td></td>
<td>crats win</td>
<td>crats win</td>
<td>no opinion</td>
</tr>
<tr>
<td>All adults</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Men</td>
<td>55</td>
<td>31</td>
<td>17</td>
</tr>
<tr>
<td>Women</td>
<td>55</td>
<td>31</td>
<td>17</td>
</tr>
<tr>
<td>D.F.L.</td>
<td>62</td>
<td>30</td>
<td>8</td>
</tr>
<tr>
<td>Republicans</td>
<td>59</td>
<td>50</td>
<td>8</td>
</tr>
<tr>
<td>Independent</td>
<td>54</td>
<td>46</td>
<td>10</td>
</tr>
<tr>
<td>Southern Minnesota</td>
<td>41</td>
<td>47</td>
<td>12</td>
</tr>
<tr>
<td>Twin Cities</td>
<td>42</td>
<td>36</td>
<td>22</td>
</tr>
<tr>
<td>Northern Minnesota</td>
<td>60</td>
<td>25</td>
<td>15</td>
</tr>
</tbody>
</table>

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

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

[In percent]

<table>
<thead>
<tr>
<th>Prefer to see</th>
<th>Prefer to see</th>
<th>Other or no</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Demo-</td>
<td>Demo-</td>
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<tr>
<td></td>
<td>crats win</td>
<td>crats win</td>
</tr>
<tr>
<td>April 1960</td>
<td>44</td>
<td>46</td>
</tr>
<tr>
<td>May 1960</td>
<td>48</td>
<td>37</td>
</tr>
</tbody>
</table>


The question asked first in the survey was:

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

The answers:

[In percent]

<table>
<thead>
<tr>
<th>Total</th>
<th>Men</th>
<th>Women</th>
</tr>
</thead>
<tbody>
<tr>
<td>Democrats will win</td>
<td>73</td>
<td>81</td>
</tr>
<tr>
<td>Republicans will win</td>
<td>54</td>
<td>13</td>
</tr>
<tr>
<td>Other</td>
<td>0</td>
<td>7</td>
</tr>
<tr>
<td>No opinion</td>
<td>7</td>
<td>6</td>
</tr>
</tbody>
</table>

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

When paired against Senator Barry Goldwater, President Johnson holds a 23-percent lead over Lodge.

Johnson’s plurality over Nelson Rockefeler, Richard Nixon, and William Scranton, also, is substantial:

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

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

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

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

LATEST SOUNDING

The latest California poll sounding of public opinion throughout the State is based on a scientifically designed cross section sample of 2,000 registered voters. Proportionate numbers of members of both parties in all parts of the State and from all walks of life were interviewed. The question was put this way:

“Suppose the presidential election were being held today, which of these candidates would you personally vote for?”

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

<table>
<thead>
<tr>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Johnson</td>
</tr>
<tr>
<td>Goldwater</td>
</tr>
<tr>
<td>Undecided</td>
</tr>
<tr>
<td>Johnson</td>
</tr>
<tr>
<td>Lodge</td>
</tr>
<tr>
<td>Undecided</td>
</tr>
<tr>
<td>Johnson</td>
</tr>
<tr>
<td>Scranton</td>
</tr>
<tr>
<td>Undecided</td>
</tr>
<tr>
<td>Johnson</td>
</tr>
<tr>
<td>Rockefeller</td>
</tr>
<tr>
<td>Undecided</td>
</tr>
<tr>
<td>Johnson</td>
</tr>
<tr>
<td>Nixon</td>
</tr>
<tr>
<td>Undecided</td>
</tr>
<tr>
<td>Johnson</td>
</tr>
<tr>
<td>Romney</td>
</tr>
<tr>
<td>Undecided</td>
</tr>
</tbody>
</table>
Eugene Carson Blake, stated clerk of the United Presbyterian Church, for his forthright actions in the civil rights movement. However, this notion of censure was tabled and, instead, the general assembly adopted by an overwhelming margin a motion commending Dr. Blake for his contribution to the cause of civil rights and his public witness.

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

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

Mr. President, I urge every Senator to ponder the significance of these historic developments in the United Presbyterian Church. They indicate the church's ultimate importance and urgency of making civil equality a living fact in America.

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

The Reverend Mr. Callender's sermon at the conclusion of his sermon:

"We are witnessing all over America today is the story of 22 million black Americans who are tired of injustice and oppression and who are willing to substitute the ballot for the ballot. We are witnessing the Negroes but the Negro masses. We wanted hamburgers in 1960. In 1964 we want our civil rights now."

"The people against us say that we are going too fast; they say that we are violating law and order. Well, for a long time we have had order in the South but no law. The law was for some people. It protected them and guaranteed their rights, but it worked only against us.

This so-called order is false, one sided, and negative. In the New Testament, Jesus said that he came to bring not peace but a sword. The sword to destroy the unjust order. We have used against evil and unjust orders such as ours. We cannot sacrifice truth for a peace that is destructive to Negroes and good for the whites only. We have a spiritual sword and should aim at becoming inside agitators."

"Those of us in the Christian Church should be happy, feel happy, to be called agitators. Agitation is a device that is used in washing machines to clean clothes. We are engaged in agitation to cleanse and purify the church of its evil internal diseases. Over 50,000 of us have been arrested, mistreated, beaten, illegally, jailed, assigned evil names, marked for our iniquity, our iniquity to destroy such a false order and to upset such an unreal peace. We must turn this Nation upside down in order to set it right side up. It is long past time when all of us must become involved."

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

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

It was announced that the constitutional amendments forbidding racial criteria in academic and denominational qualifications of the church had been ratified by the presbyteries of the denomination.

In the complicated matter of segregated schools, the Reverend Mr. Callender, a young pastor expressed himself out of a deep frustration and despair—that the performance of so many church members is so fractional and so divided. He could not understand why they would feel resentful, having been so little prepared for what the church has been to realize.

This mysterious language means that every church within the geographical boundaries of a presbytery will be a functioning part of the movement toward better balance in its racial composition, thus ending a scandal that has plagued nine previous general assemblies.

Commissioners from the Presbytery of Birmingham, the existing Negro presbytery that presently lies within the geographical boundaries of the Southern Association, "A," an all-white presbytery, expressed sorrow at the recalcitrance of their white brothers, but they persuaded their denomination to continue the action which would finally complete and formalize the desegregation that had already begun.

On Saturday morning, the Reverend Mr. Callender spoke in the church of the Master in New York City, conducted the morning devotions and roused the sensibilities of the assembly with these words:

"For 400 years Negroes in America have suffered all sorts of abuses, indignities, and injustices. The story of these numerous injustices is too well known to mention. But there comes a time when people get tired of being trampled over by the iron feet of oppression. People get tired of being plunged across the abyss of exploitation, where they experience the bleakness of nagging despair. There comes a time when the people get so fed up, so turned off, that when the shining sun of life's July and August days begins to fade, they begin to question that eternal sunshine of democracy."

"What we are witnessing all over America today is the story of 22 million black Americans who are tired of injustice and oppression and who are willing to substitute the ballot for the ballot. We are witnessing the Negroes but the Negro masses. We wanted hamburgers in 1960. In 1964 we want our civil rights now."

"Let us not too quickly consider ourselves in the right because of our illustrious moderator or our famed stated clerk. Let us not point too quickly with pride to our commission on religious liberty. We have no reason to be proud of the NAACP, but its words are peculiarly relevant to a denomination such as ours that too quickly has begun congratulating itself before our world, and would you believe it, before God, for its advanced position in the contemporary struggle for racial justice.

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feel—that the ground rules had been switched on them in the middle of the game. "It was almost as if they had been called in to play hopscotch, and now they were being asked to dismantle the game."

Standing committee on national missions."

Perhaps not all United Presbyterianists have attended meetings where at the end people stand, join hands, and sing, "We Shall Overcome." The Reverend Geddes Orman, of the Norwood Presbyterian Church, Knoxville, Tenn., and the Reverend Alexander M. Stuart, Jr., of First Presbyterian Church, Oak Ridge, Tenn., were introduced to the assembly on Monday morning, May 25, during the report of the Standing Committee on Bills and Overtures.

The two ministers described to the incredulous assembly how they had gone to Camden, a Deep South Alabama county seat, in order to continue their work among four small Negro churches in that area who belonged to the Presbyterian Board of Missions. Their visit was "purely ecclesiastical" and had nothing to do with civil rights as ordinarily conceived.

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

The assembly at that moment did not have to be told explicitly that this single story of irritation and violence is not necessarily representative of all Negro rights workers and Negro citizens of the South who have been invited to address the general assembly on "human rights" became more than a slogan, or an issue, or an ecclesiastical matter that worries the folks back home; the reality of the struggle for civil rights came crashing into the superquiet gathering.

Commissioners and guests attended a popular meeting on Monday evening, May 25, to hear the Reverend Martin Luther King, Jr. "and all others who share his personal commitment to the civil rights movement and the civil rights laws" to speak at sessions of the general assembly. (2) To refrain from allowing demonstrations, marches, or sit-ins. (3) The most substantial matter of all concerned the stated clerk of the general assembly. The West Tennessee Presbytery, under the leadership of Eugene Carson Blake that by virtue of his office, his actions reflect on the United Presbyterian Church in the United States of America during such time as he is known as "the chief executive officer of the denomination.

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

Because of the delicacy of the issues involved, and because so much material on the docket had bearing on the issues it raised, the Standing Committee on Bills and Overtures announced that it would report on overture 22 on the last morning of the assembly. It had hoped to reserve some anticipatory presentation for the last session of the assembly.

When finally the chairman of the standing committee, Dr. George Worthington, placed the overture 22 on the calendar, the report he had promised the previous evening was not forthcoming. "Mr. Moderator, our stated clerk has been praised and honored for his moral and spiritual leadership in the struggle against various abjections, but he has not had the opportunity to offer any recommendations in this field."

"And this, of course, is incarnate in your witness, Mr. Speaker, as we spread on the minutes of this general assembly, which he gave at a breakfast on Tuesday morning. Dr. Cotte said:

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

"And this, of course, is incarnate in your leaders. I know many of them. And you
would permit me, I'm sure, to say a per­sonal word about your own stated "clark,"

personal word about your own stated "clark," and seconding speeches over, the commission­seen him at work, now, in councils of the assembly then voted to make the balloting

ers proceeded to ballot. Result: 368 votes for

of the general assembly, the moderator's appointment to underscore a call to the whole, to open the door to the possibility of coalition, to the presiding officer, to the inner city ministry or overseas missions. Never before, however, has some­one been called upon to symbolize a major decision, and to define the parameters of the civil rights. Edler Hawkins, a Negro, is that man, whether he likes it or not.

Frankly, he says: "I realize the subject of race relations is uppermost at present in both our church and our cul­ture. It is frightening to think that I may be the kind of man who may have to organize politically.

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Frankly, he says: "I realize the subject of race relations is uppermost at present in both our church and our cul­ture. It is frightening to think that I may be the kind of man who may have to organize politically. Hawkins, although he keeps those tabs on all these programs, credits his staff of three men and one woman with their suc­cess. (Some salary assistance is provided by the board of national missions.) Even before he was elected moderator, Dr. Hawkins spent most of his time hurrying to board meetings or shore of church or community organizations.

Currently, his chief interest is civil rights. He is a member of the Commission on Re­ligion and Race of the presbytery, of the United Presbyterian Church, U.S.A., and of the National Council of Churches. Speaking on civil rights, most of them in local churches, can average 200 a week. This winter he addressed all the area meetings of the United Presbyterian men. Invariably, he is asked to speak on the same theme—civil rights.

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

Dr. Hawkins' gentle conversational pace ac­cords with his emphasis on the job problem areas on the fingers of one hand:

Schools: Teachers either are inexperienced or not competitive; students attend classes in two or three shifts a day so that no one is in school more than 2 1/2 hours; dropouts are high.

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

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

Housing: Fair housing laws do not elimi­nate the multiplicity of conditions which force Negroes to ghettos.

Health services: Community services don't begin to meet the urgent need for assistance in many forms. Dr. Hawkins feels that churches must help bridge the chasm between white and Negro America. This is the reason he seldom re­fuses speaking engagements. In the inevi­table question-and-answer session, he is of­f en told that whites favor civil rights but are tired of being annoyed with demonstra­tions. He is patient but forthright. "I say they may well be annoyed, but they can't overlook the deep deprivation— the more annoyance— endured by an entire race. They don't necessarily agree that every demonstration is wise strategy. But let us never lose sight that Negroes are bearings the brunt of civil rights struggle in a debate over tactics."

To his members and neighbors, Edler Haw­kins is more than a spokesman for a cause, he is their pastor. On every trip he folds a copy of the sick list into his ticket envelope. He is willing to make calls at any hour and appears unfailingly to venture onto dimly light­ed side streets after dark. Hospitalized mem­bers aren't surprised to see him at 7 in the
morning. One thing she has done. Dr. Hawkins failed to return for a funeral; that time he was in Europe.

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

His split-second timing for trains and planes is legendary. Miss Cindy Hawkins Kirk, a chauffeur for the church, often trails him to the door to complete his dictation or give him last-minute papers. Since he habitually carries with him the duffel for short flights, Mrs. Hawkins is his chauffeur. One might question whether any she should continue climbing stairs two at a time or selecting 4 or 5 hours a night or skipping meals to attend meetings. But Dr. Hawkins seems to thrive on an accelerated tempo.

All it takes to halt him in full flight is for someone to ask, "Could I speak with you a moment?" He takes what time is necessary, and tries to make it up later. It's no wonder that when he was called the 'self-made man,' Dr. Hawkins and his company, St. Augustine Church are practically indistinguishable.

The simple sanctuary of St. Augustine is well filled every Sunday, the last Sunday of April, there is standing room only. Former members return from consideration. The church members often get to hear Dr. Hawkins preach on the text he traditionally uses for this occasion. He has based 26 sermons on 1 Corinthians chapter 13: "For a great door • • • is opened. • • • all it takes is to be strong. Let all your things be done with charity."

For a man who is to be both spokesman and moderator, Dr. Hawkins could hardly have chosen a more appropriate text as his guide for the 14 months which are to follow.

The anniversary will be celebrated with reverent power and the other American republics as well, for Artigas was a figure of truly international stature, whose idealism and democratic fervor inspired patriots everywhere in Latin America during the wars of liberation of the early 19th century. Artigas ranks with Bolivar and San Martin, with O'Higgins and Sucre, among the great leaders of South America in the same heroic pattern, and history has acclaimed his manliness and courage. That, undoubtedly, is why they later chose him as their leader and followed him with such devotion in the long struggle to free Uruguay from colonial rule.

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

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

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

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

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

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

Uruguay, from that time on, has enshrined freedom and democracy as its most cherished ideals. It is a model democracy, in which the utmost respect exists for the rights and dignity of the individual. It is a land of equality before the law, of freedom of thought, speech, and religion. It is a staunch and traditional friend of the United States, and has consistently supported the principles of our collective security within the United Nations, the Organization of American States, and in many international articles, may be printed in the Record. There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Federal Bar Journal, Winter 1964]

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FOREWORD

(By Conrad D. Philos)

During the debates and discussions on the civil rights bill the word "accommodations" is heard more often than any other. In fact, it seems to synthesize the whole subject—what is that approach to this unexplored problem, fancied or real, is confronted with the threshold problem of making accommodation? It is a philosophy of tolerance, accommodation, constitutional and principles, and between social and economic forces.

All in all, the planners of this issue also had to make accommodations. In the past, symposium issues have not been devoted to legislation which was still under consideration; however, in the case of the
right bill. It was concluded that the Federal Bar Association would not be discharging its responsibility to the public, to the profession, or to its membership, if it limited itself solely to an after-the-fact contemplation and dissection of a completed product. It was self-evident, also, that our association had a unique capability for playing a more vital and current function in connection with the present bill, for our membership, of course, is the very people who are engaging in the day-to-day decision-along with the formulation of the law—where the issue is by no means closed. It was also the very people who have designed the structure and the foundation of the bill, or who are engaging in the day-to-day, decision-making process and shaping it.

Still another accommodation was inevitably involved, and it, too, required an adjustment with the present bill, for our membership, of course, is the very people who are engaging in the day-to-day decision-making process and shaping it. It was apparent that some of the articles could utilize footnotes to set forth cases and precedents in the orthodox law journal manner. Other articles, or portions thereof, could not, for they do not involve the scholar's attempt to state what the law is in the light of existing precedents. Instead, the articles involve the statement of the lawyer's or legislator's view of what the law should be or what it is going to be. In other words, the articles will set forth our conclusions and precedents. They will make them.

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

May 11, 1964.

Introduction

(See Stanley Reynolds)

The events of the last year with mounting interest in the tax law, the resulting legislation, and the need for a clear understanding of the Federal Bar Board of Editors to choose civil rights as the topic of this symposium. Now more than 300 years old, the problem has had so many international overtones. No problem has been more difficult to solve than the American problem. The Congress is wrestling with this spring.

It was somewhat less easy to decide how this symposium would attack the problem. Before plans had progressed very far, it became clear that the vehicle for debate in Congress would be H.R. 7152, the administration's civil rights proposals. Should H.R. 7152 also be made the vehicle for the symposium, with one article written on each title, as proposed, or should a larger group of articles be written on each topic, or would the symposium be a collection of authors who were known to have somewhat differing points of view without trying to tie them to any particular issue? The success of this symposium is to some extent determined by its effect upon its readers who are not the audience we might have had for our symposium articles. The audience for this symposium was not the lawyers in the Treasury, the Federal Bar member who had not been to a symposium, the Federal lawyers, the private practitioners, and others who read the articles might have a better insight into the broad implications of a law or a measure. But the articles might lend variety to the symposium and give the audience more precise solutions to the narrower ones.

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

Depreciation Guidelines and Reserve Ratio Test

Mr. Hartke. Mr. President, in the 87th Congress I introduced a bill, S. 2231, to amend the Internal Revenue Code to provide that in the case of automobiles, machinery, and to simplify administration of the Treasury's depreciation guidelines. The same proposal was embodied in my amendment No. 319 to the tax bill passed this year, H.R. 5935, but was not adopted by the Finance Committee, despite a good deal of favorable testimony.

It has been Federal Government policy in recent times to try to provide incentives to business through the 7 percent investment tax credit, and by other means. These observations are stimulated by the Pacific Labor Expenditure Bureau's report, "The Rate of Capital Spending," which circularizes business issues on the basis of more liberal depreciation guidelines set by the IRS. The result of these guidelines is to encourage new investment, some of which would not have been made at all if the old rules had been in effect. Should the Treasury extend the present moratorium on the so-called reserve ratio test for the present and for the future? It is in the interest of business to determine whether depreciation charges turn out to be excessive in relation to new investments under the liberalized depreciation guidelines it laid down in 1963.

Since the Treasury apparently has some questions about the feasibility of the proposed rules, it may be possible to determine whether or not these rules might be more favorable to business in the short run. If they are, and if the Reserve Ratio Test serves as an incentive to new investment, it might well have a long-run beneficial effect. Even if these figures were as good as they look on its face, however, they may not be the complete story. One other tax credit, the 7 percent investment tax credit, undoubtedly stimulated new investment, which has accelerated this year to the point that total outlays will probably come very close to $44 billion by December 31. This would mark a new record, well above the record of $39.2 billion established last year.

If these figures were as good as they look and if the Reserve Ratio Test serves as an incentive to new investment, new investment would generate a heavy head of steam, they might in themselves suggest extreme caution in planning any extension of this moratorium. The same type of liberalization of the Reserve Ratio Test trend might be anticipated. In the course of it, any artificial stimulus of capital investment by the federal government would serve only to overheat the economy and pave the way for a subsequent tailspin punctuated by overcapacity and more unemployment.

It could also be argued that if implementation of the Reserve Ratio Test is going to
put a damper on capital investment—eventually even more than on so-called “boom” in boom times, when it will only slow the rate of acceleration, than in quieter periods when it might actually drive down the whole operation.

But the present investment “boom” is not in any sense the hot-and-heavy affair it is sometimes described as being. The mainstream of the economic thinkers, and the Wall Street press, too, have noted that on several occasions in recent months, and we are glad to see that the New York Times, among others, also believe that the present boom has not reached the $44 billion mark this year at all. But in 1957 the economy was smaller by nearly 25 percent than it is today. Only if total capital investment reaches the level of 1957 could a boom be said to beat the 1957 rate on the basis of this type of comparison.

Actually, business expenditures for new plant and equipment have tended to lag in recent years when subjected to the much more significant measure of their relation to the gross national product. In the early postwar years these exceeded 8 percent of the GNP, then they began to recede. From 1950 to the end of 1958 it had accounted for less than 7 percent of the GNP.

Allowance must, of course, be made for the considerable investment that was made in 1956 and the end of 1945 and that consequently the immediate postwar years could hardly be regarded as a normal period insofar as capital investment was concerned. Even so, a total outlay of $44 billion this year would not constitute a major investment boom. In its relation to GNP, as the Chase Manhattan Bank notes, it would still run below 12 of timespan and exceed the other 5 by not more than a “hairbreadth.”

The present boom is most impressive in terms of total spending. It was better last year than in 1957. But in 1957 the economy reached the $44 billion mark this year at a time when the public authorities, in increasing the budgetary deficit, were supplementing their tax falls by interest on government bonds. The present boom is more than a “hairbreadth.”

In the new Executive Service Corps, the conditions specified by the late Pope John XXIII, each private company operating in conjunction with other in various ways for the public authorities.

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

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

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

This effort must be expanded.

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

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

The program that we are launching today—

He said—

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

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

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


The President. Ladies and gentlemen, we are delighted to have this talented group of businessmen visit us in the White House this morning. I have the great privilege and pleasure of introducing to you President C. D. Jackson of the New York City firm of D. C. Jackson and Company.

Mr. Jackson will be our host here today. I think, in the course of a few moments he will point out the Children’s National Medical Center, and the text of a short brochure about the corps.

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Mr. Rockefeller. Mr. President, on behalf of Sol Linowitz, C. D. Jackson, and Ray Eppert, the members of our newly constituted International Executive Service Corps, the affiliate organizations, and our three first voluntary candidates, I should like to express how grateful Mr. President, for your gracious and encouraging remarks.

Of course, we have had wonderful government interest in the concept of this movement and connection with the launching of this program. Everybody from Mr. Bell, for whom I have other enthusiasm, Mr. President, and all of his associates, and others we have had the fullest cooperation, also, of course, from Secretary Harrace and from the people who are the enterprise of Government, and most heartening of all was your endorsement in the AID message.

Of course, we are aware that Government for a long time has been working in the developing areas and has been encouraging private enterprise to do what it can in this area. It is an area where I am hopeful we can make a contribution.

Managerial experience and talent in our just society and in our international society are more urgently needed than capital itself. We have a big reservoir of managerial talent in the United States, and it could be tapped for the potential service and have dual interest, both of great benefit, and I think ours also, and it is here that we find the origin of the concept of the International Executive Service Corps.

The efforts of my associates on the organizing committee, the corps was very ready to have the first three candidates that we have sent to start on their tasks in the very near future. We hope they are only the beginning of a corps of perhaps several hundred who can be interested in taking part in this project in the years ahead.

We have great faith in the first three volunteers and in those who will come after them. The task is a difficult one, and I am sure that we will probably make our mistakes—most of them, and I am sure that with your help, Mr. President, and that of your administration, we will make as few as we possibly can. This is because of the faith that you have shown in the program, because we do know, as you know, that the executive ability of the executive of the Aid for the Development of the International Executive Service Corps offers an opportunity to shift for the development of the executive from the Government into a people-to-people operation.

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

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

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

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

Mr. Rockefeller. Mr. President, on behalf of Sol Linowitz, C. D. Jackson, and Ray Eppert, the members of our newly constituted International Executive Service Corps, the affiliate organizations, and our three first voluntary candidates, I should like to express how grateful Mr. President, for your gracious and encouraging remarks.

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

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

GROUP'S MEMBERS PRAISED

Mr. Johnson said those who were joining in the businessman's service corps were "candles whose light he hoped would set an example for other men and women in private life.

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

David Rockefeller, cochairman of the Executive Service Corps, told Mr. Johnson he hoped the group would help stimulate the progress of those from 3 months to 2 years.

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

The service corps delegation went to the White House looking for its head and selection of the first overseas volunteers.

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

FIRST BUSINESSMAN'S PEACE CORPS VOLUNTEERS SELECTED FOR OVERSEAS

(By David Fouquet)

The first two businessmen who will lay the groundwork for the fledging Businessman's Peace Corps program to aid progress in the world's developing nations, was introduced by Mr. Rockefeller.

Called the International Executive Service Corps, the organization is a private, nonprofit, counterpart to the Peace Corps.

The corps will recruit its members at the outset largely from the ranks of retired executives who will go overseas on assignment from 3 months to 2 years.

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

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

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

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

Lunsford, 58, who has been a troubleshooter as well as an executive and consultant, and being considered for an assignment in Panama, was wondering how to spend his retirement years after an active career. He said, "I am looking for continuing opportunities and I thought it offers an opportunity to be productive and aid the free enterprise system."

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

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

These men and others who will be assigned overseas as received a warm sendoff from President Johnson.

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

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

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

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

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

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

He will be assigned to Asia, but the country has not yet been selected from among the developing nations which need assistance.

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

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

The corps is carrying out its organizational work with a $100,000 fund which came largely from the organizations represented on its board, but it hopes eventually to become self-supporting through money provided from private sources.
IESC concerns itself not only with the careful screening and selection of foreign companies requesting experienced volunteers but also with their training and replacement of these two businessmen. In each country where it operates, IESC will establish a local contact to which the volunteer will be assigned. This contact will provide a liaison between the foreign companies and IESC. The representative will initially screen requests for volunteers and will also assure the smooth progress of relationships.

FINANCING

The International Executive Service Corps will be supported by voluntary contributions from private businesses and foundations. However, to enable IESC to begin operation as soon as possible, the Agency for International Development assists Industry, and Marketing. Areas of interest include manufacturing, merchandising, commerce, and financial services. Each volunteer will work as consultants or in operational management positions. They will be sent overseas, each volunteer will be well versed in the history, culture, and business affairs of the country in which he has been assigned. Before arriving on the scene, he will be as familiar as possible with the nature of the assignment, the employing company and the people with whom he will work.

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

The volunteer will work with enterprises in need of executive assistance that are not able to obtain American executives. They will work as consultants or in operational management positions. They will be sent overseas, each volunteer will be selected primarily by the requirements of the specific assignment to be filled. Generally, the volunteer will be chosen on the basis of his managerial experience, his availability, and the sincerity of his desire to contribute time and energy to the program. IESC's operation will begin modestly—but soundly. Only a small percentage of applicants can expect to be selected initially. It is anticipated that within 3 years there will be at least 1,000 IESC volunteers working abroad.

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

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ADDITIONAL DIRECTORS

8. Mr. Eugene R. Black, director and consultant, the Chase Manhattan Bank.
10. Mr. Sidney Boyden, Boyden Associates, Inc.
11. Mr. Marion B. Boyer, executive vice president, Standard Oil Co. of New Jersey.
12. Dean Courtney Brown, Columbia University Graduate School of Business.
13. Mr. Frank M. Cruger, senior executive, Indiana University.
15. Mr. James M. Gavin, president, Arthur D. Little, Inc.
16. Mr. Eldridge Haynes, president, Business International.
17. Mr. Harry M. Hopkins, vice president, the Tool Steel Gear & Pinion Co.
18. Mr. Norman O. Houston, president, Golden State Mutual Life Insurance Co.
20. Mr. Donald M. Kendall, president, Pepsi-Cola Co.
22. Mr. States M. Mead, vice president, the Chase Manhattan Bank.
23. Mr. John J. Powers, Jr., former chairman of the board, General Dynamics Corp.
24. Mr. H. Bruce Palmer, president, National Industrial Conference Board.

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

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

Mr. President, I ask unanimous consent to have the text of that letter printed in the Record.
We realize S. 2490 is very similar to S. 580 of last session. Our association supported that bill, likewise. We believe passage of No. 2490 will greatly strengthen the American educational program and the defense of our country. Of course, we realize this is a beginning and would like to see the student assistance program much stronger.

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

Respectfully,

KENNETH E. DAWSON,
Executive Secretary.

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

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

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

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

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

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

RECENT DEVELOPMENTS IN ROMANIA AND OTHER IRON CURTAIN COUNTRIES

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

I would like to call the attention of my colleagues to an important contribution to this discussion which appeared in the New York Times of last Friday, June 12, in the form of a letter to the editor written by Mr. Brutus Coste, secretary general of the Assembly of Captive European Nations, which is the central body of the various European liberation movements in exile. Mr. Coste, in a letter written on May 24, was recognized as one of the ablest members of the Rumanian foreign service. I consider Mr. Coste one of the most knowledgeable and original political thinkers we have in our country today; as I believe the many Members of Congress who have come to know him in his present capacity as secretary general of the Assembly of Captive European Nations share this opinion of him.

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

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

"From the New York Times, June 12, 1964"

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

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

INTERNATIONAL OBLIGATION

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

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

In view of the general terms of this international obligation of Rumania, there can be no question of specific rights and freedoms in article 3 of the peace treaty not being exhaustion. It is merely intended to indicate an absolute standard as one given in the only authoritative definition of human rights, the Universal Declaration of Human Rights.

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

SOVIET ENFORCEMENT

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

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

BRUTUS COSTE,
Secretary General, Assembly of Captive European Nations.


ONE HUNDREDTH ANNIVERSARY OF ARLINGTON NATIONAL CEMETERY

Mr. DODD. Mr. President, this week marks the 100th anniversary of the burial of a single American soldier at Arlington National Cemetery, Gen. Robert E. Lee and his wife.

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

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

Since Americans of all races, religions, and nationalities are buried at Arlington National Cemetery, indeed 231 out of the first 3,819 buried there were Negro soldiers, it is believed that this 100th anniversary should be observed during the same week that we are going to give final Senate approval to a historic civil rights bill.

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

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

CIVIL RIGHTS ACT OF 1964

The Senate resumed the consideration of the bill (H.R. 7153) to enforce the equal protection of all citizens throughout the United States, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the
Mr. GORE. Mr. President, I send a motion to the desk and ask to have it stated.

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

The PRESIDING OFFICER. The motion will be stated for the information of the Senate. The legislative clerk read as follows:

"Mr. GORE. I move that the bill H.R. 7182 be referred to the Committee on the Judiciary for an appropriate report."

Mr. KUCHEL. Mr. President, may I ask unanimous consent that the amendment H.R. 2027 as reported be stricken and that a substitute amendment No. 1052 as follows:

"SEC. 606. No action shall be taken pursuant to this title which terminates, reduces, denies, or discontinues Federal financial assistance for education or which has the effect of terminating, reducing, denying, or discontinuing Federal financial assistance for public education or which has the effect of terminating, reducing, denying, or discontinuing Federal financial assistance to the school lunch program in any school district unless such school district, or official thereof, shall have been brought to bring about desegregation of public schools."

Mr. KUCHEL and Mr. HUMPHREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota?

Mr. HUMPHREY. Mr. President, is the pending business now the GORE motion?

The PRESIDING OFFICER. Will the Senator ratify his point?

Mr. HUMPHREY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senator from Tennessee has made a motion to commit the bill to the Committee on the Judiciary with instructions. That motion is now before the Senate.

Mr. HUMPHREY. Mr. President, I make the point of order that the motion of the Senator from Tennessee is out of order because the cloture rule provides that no amendment shall be received which has not previously been presented and read, and as the motion of the Senator from Tennessee directs the bill to be referred and reported with an amendment, it would be out of order if that amendment had not been previously presented and read, before the vote on cloture.

I believe the motion is subject to a point of order—anyway, it is a point of order because the cloture rule provides that no amendment shall be received which has not previously been presented and read, before the vote on cloture.

The motion is not debatable.

Mr. GORE. Mr. President, I should like to be heard on the point of order.
In Nashville, Tenn., the court-approved plan of desegregation provided for desegregation to begin with the 11th grade. The schools are now desegregated up to the seventh grade. But Nashville still has some grades which are not yet desegregated.

It seems reasonable that aid would not be denied to a school by almost every Senator—would prefer perhaps the people in States represented by those Senators to have their case determined by some crusader from afar, perhaps from the Civil Rights Commission.

This is not a plea in abatement. I expect and hope that my State will comply with the law. I know many citizens, many public officials were reluctant to consider the Supreme Court decision affecting school desegregation in 1954 as the law of the land. They felt that the Supreme Court had, in essence, exercised a legislative function. I did not so assert. From the beginning, I have accepted that decision as the law of the land. In my limited way, I have encouraged people in my State to begin to comply. But as their representative in Washington I have pleaded and fought for time for my people to make the adjustment and accommodate to this change, in the light of the social mores and customs which have prevailed for many years. I plead now for this amendment.

The race problem will not be solved by riots in the streets, or wrestling matches in swimming pools. It must be solved in the hearts, the minds, and the conscience of the American people of both races. This will come only through tolerance, education, understanding, and good will.

I believe that my amendment would promote good will. I believe the people of almost any State would accept with greater grace an order of a Federal district judge, before whom they have gone to submit their plan for approval or disapproval, than they would accept an order from some source with which they are at least not as well acquainted.

This is not a complicated amendment. I do not wish to prolong the debate. I would like to state that, although many people oppose exactly the 1954 Court decision as the law of the land, I believe that wishes of the people will be harmonized. I believe that wishes of the people will be carried out, and the amendment will be agreed to.

Mr. PASTORE. First, Mr. President, let us remember that we shall be passing this bill today to allow the Negro woman who carried our good friend, the Senator from Louisiana, in her right arm, if ever she is thirsty, to go to a soda fountain in a drugstore and get a glass of water, in the way any white person can. That is why we are passing this bill; and fundamentally that is the moral thing we should do.

Mr. President, I am proud to state that my father, when he was Governor of South Carolina, instituted a free schoolbook program, which increased the school enrollment by 20 percent. About 80 percent of the additional number who then were able to go to the schools were Negro children whose families could not afford to buy them schoolbooks. Prior to that time, those children had not been able to attend school. That free schoolbook program helped the whites, but it helped Negroes a great deal more.

Mr. President, if the motion and the amendment of the Senator from Tennessee are rejected, I know the vote to reject may think they are hurting the South again and are drawing more blood from the southern people; but most of those who will be hurt will be the same Negroes who the proponents of the bill claim to be helping.

Mr. President, I hope the motion and the amendment will be agreed to.

Mr. PASTORE. Mr. President, I yield myself whatever time I need to make an explanation.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

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Mr. SMATHERS. If the Senator has a point that he wishes to make, I do not want to interrupt him, but the Senator from Florida, Mr. SMATHERS, is now speaking on the amendment to the school-lunch program, and the Senator from Louisiana, Mr. PASTORE, wishes to speak on the same subject. Would the Senator from Louisiana, Mr. PASTORE, yield his time to the Senator from Florida, Mr. SMATHERS, for 1 minute?

Mr. SMATHERS. Of course he does; of course he could; of course he could go there.

Mr. PASTORE. But if she went there, she could not get a glass of water. That is the point. It is the point; it is the point.

Mr. SMATHERS. Mr. President, the Presiding Officer. The Senator from Florida.

Mr. SMATHERS. Mr. President, it irritates me considerably to hear someone from Rhode Island, who knows nothing about this particular problem—begin to tell us what is happening in Louisiana, Florida, Georgia, and other Southern States when he does not know what he is talking about.

Not one word does he understand of what he is talking about.

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

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

Mr. SMATHERS. I was born in New Jersey and raised in North Carolina and Florida. I can tell the Senator that I have never in my life seen any colored person go into a drugstore, who could not get anything that any white person could get.

Mr. PASTORE. Could he be served at the counter?

Mr. SMATHERS. He could be served at most of the counters.

Mr. PASTORE. Then I have been reading the wrong newspapers.

Mr. SMATHERS. That is the trouble with the Senator; he has been reading only the wrong newspapers.

Mr. PASTORE. I do not know about that.

Mr. SMATHERS. If the Senator would actually see what is happening, the Senator would learn something. The trouble is that he reads only articles which have been published by prejudiced people, whose minds are already closed. They have made up their minds as to what kind of discrimination is going on.

Mr. PASTORE. Mr. President, the time has come when people are becoming tired of seeing a few isolated cases built up as though they represented a general pattern in Florida, Georgia, and Louisiana, and all the other States of the South.

Mr. SMATHERS. That is not the case; and I challenge any Senator to find that that is true anywhere. He cannot do it. There has been some discrimination. There has been discrimination in the Senator’s State. There is discrimination in New York. There is more discrimination in the cities I have mentioned than any other cities in the United States. The Senator’s holy, mighty, and majestic statements when he is talking about his love and his concern for the colored people do not even begin to measure the love and concern expressed by the Senator from Louisiana [Mr. Long] and most of the white people who have lived with colored people all their lives.

Mr. PASTORE. The time has come for hypocrisy to stop.

Mr. PASTORE. Mr. President, I yield myself 1 more minute.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 1 minute.

Mr. HOLLAND. Mr. President, will the Senator yield for a question?

Mr. PASTORE. In a moment. We have reached a sorrowful ending when we begin to hear now, at the 11th hour, as we are ready to pass the civil rights bill, that there is no segregation in the world, whereas we have been wasting our time.

Mr. SMATHERS. There is segregation in the Senator’s State.

Mr. PASTORE. We have all been reading the wrong newspapers. We have been debating in the Senate for 3 months to do what? To waste our time.

Of course there is segregation. There is as much of it in the North as there may be in the South.

Mr. HOLLAND. Justifying it in the North. There is nothing holy and mighty about the Senator from Rhode Island. Naturally the question must be answered in the sanctuary of people’s hearts. The Senator from Rhode Island understands that completely.

But we must make a beginning by enacting a law that will give the fundamental rights to these people so that they can enjoy them, like all other citizens. When we say that we are so free that if a person is denied these rights in Florida or in Rhode Island, he will be brought to account, because today we shall say that, as a matter of policy, everyone is entitled to equal rights. That is why we are here. If there is no discrimination in the South, Senators from that area of the country will have no worry about the bill and will have nothing to fear.

I am beginning to think that Senators are trying to project what is called a way of life. And what is that way of life that we have been talking about on the floor of the Senate if it does not exist? Senators wish to give the Negro what they think they should give the Negro. Senators wish to be noble to the Negro on Christmas Day, and we wish to be noble to Negroes and all Americans 365 days a year. We wish to give those that we like or the ones under our charge but all of them, every child, man, and woman, regardless of the color of his or her skin. Those are the people we are trying to protect—not only the mammy who carried the Senator, but everyone’s mammy.

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

Mr. PASTORE. I yield.
Mr. HOLLAND. What I am trying to do is get a little more light and a little less heat.

Mr. PASTORE. The Senator asked me to remind the Senator from Rhode Island that when the Senator from Rhode Island speaks, he speaks not only for the benefit of the Senator from Florida, but for all of his people, and he speaks not only for the benefit of the Senator from Florida, but for all of his people, and he speaks so that even down in Florida he can hear.

Mr. HOLLAND. Mr. President, I hope they are listening. If the Senator will listen to my question, I assure him that it is a respectful one. The Senator has dwelt entirely on the school lunch features of the amendment and not at all on that part which disturbs me most. I wish to ask the Senator whether or not, without that amendment, funds from the Federal Government to help operate the agricultural departments in high schools all over the country and the ROTC departments high schools all over the country which are not completely integrated, but which are being integrated under court orders, so the complete integration will be accomplished in 2, 3, 4, or 5 years, according to the program that has been laid down, could be cut off at the whim of the bureau that is handling the distribution of those funds?

Mr. PASTORE. The word I do not like is "whim." First of all, those charged with the administration of these programs are not monsters. I believe that any locality which is making a good attempt in good faith to carry out the spirit of the law will not be hurt in any way. But we are declaring it to be public policy today that all the money of all the people of the United States cannot be used for the benefit of only a section of those people. It must be used without discrimination for the benefit of all.

There are safeguards in the measure to make sure that no capriciousness will rule the land—that no whims will rule the land—for that is the word that is customary. We hear about the whim of the individual.

Mr. President, who are those individuals? Is the Attorney General a monster? Is Secretary Celebrezze a monster? Those are men who have achieved prominence in our community because of public service. They will make sure that the law is observed, and they will give people a reasonable opportunity to come into compliance.

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Mr. PASTORE. I shall not say for 5 or 6 years. That is too long a time. I do not believe we can trust our public officials in the spirit of the proposed legislation could be cut off from such a school?

Mr. PASTORE. I shall not say for 5 or 6 years. That is too long a time. I do not believe we can trust our public officials in the way the amendment directs the Federal Government to help operate the agricultural departments in high schools all over the country and the ROTC departments high schools all over the country which are not completely integrated, but which are being integrated under court orders, so the complete integration will be accomplished in 2, 3, 4, or 5 years, according to the program that has been laid down, could be cut off at the whim of the bureau that is handling the distribution of those funds?

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Mr. HOLLAND. Mr. President, I yield. My present address is my valedictory. The decision was accepted as the judgment of the Senate.

Mr. HOLLAND. Mr. President, I yield. My present address is my valedictory. The decision was accepted as the judgment of the Senate.
The thing to be done, if there are any wounds that have come from the debate, is to heal them, in the interest of the future of our country.

Mr. MORSE. Mr. President, I yield myself 2 minutes, if I need that much time.

We can all take judicial notice that there is a great deal of racial discrimination in the South of the country. In the long debate of the last 2 months or more, there has been constant discussion of discrimination that exists in public accommodation facilities throughout the country. Recently a dramatic example of secession was played up in the press in regard to serving Negroes in a public accommodations facility. One cannot read the accounts of a great American, Dr. Martin Luther King, without knowing that segregation still exists.

I invite attention to the amendment, and point out what I think is a serious defect that would result from its adoption.

When the bill becomes law there will be procedures for ultimate decision. If a proposal of an administrative body provided for in the bill or a finding of a court in the process of adjudication is unfair, there can be an appeal. But under this amendment, there must be compliance with the finding of the district court.

It would be a great mistake to adopt this amendment. We are in the process of passing a bill that provides, as was stated by the distinguished Senator from Rhode Island (Mr. Pastore), for procedures of mediation, conciliation, and in conclusion, if the amendment is printed. Senator from Tennessee (Mr. Gore) has referred, and in which his amendment is printed. Section 506 reads:

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

What this means is that under no circumstances could the provisions of title VI be brought into play until such time as each and every school district in the United States, where it was sought to enforce the provisions of title VI, had been brought into court and the proceeding terminated and decision or judgment rendered.

Mr. President, I am trying to say is that the people will obey a court order, but they will not integrate just to get Federal help or Federal tax money. Mr. President, I am proud that my uncle started the school lunch program in Louisiana. I suspect that Louisiana was the first State in the Union to have a school lunch program, for all children in public schools. This program was started without any Federal aid. If Federal aid should be cut off, we should try to feed those children without Federal aid.

Mr. HOLLAND. Mr. President, will the Senator from Colorado yield to me for 10 seconds?

Mr. ALLOTT. I am glad to yield to the Senator from Florida at any time.

Mr. HOLLAND. I wish to express my appreciation to the Senator from Colorado for his responsiveness, and for his courtesy. I am sorry we are not receiving any kind of treatment from other sources.

Mr. LONG of Louisiana. Mr. President, when Senators vote on any amendment, they should understand what it means. I believe the vote of the Senator from Tennessee is being made against the amendment by the Senator from Colorado (Mr. ALLOTT) and the Senator from Rhode Island (Mr. Pastore) to the effect that the amendment is not really necessary, that the school lunch money would not be cut off from the little children because the school was segregated.

Yet that is an obvious purpose of the title. Senator from New York (Mr. Javits) spelled this out to the Senate, if the Senator from Rhode Island did not, that the whole purpose of the title is to cut off all Federal aid in any program with respect to which there is compliance. It is clearly understood that the Supreme Court ruled any segregation of a school is discrimination.

We should understand that let us look at the situation in my State, there are two parishes—Orleans, where the great city of New Orleans is located, and East Baton Rouge—only 2 parishes out of 64 where there has been any desegregation in schools at all, and even those 2 parishes are not completely desegregated.

New Orleans has desegregated the first few grades of its public schools, and East Baton Rouge has desegregated the 11th and 12th grades. Even those two parishes could be held to have complied with this title. The whole purpose of the title is to cut off all Federal aid, which means that people will be told in 62 parishes, and possibly 61, that they may be, but pride as they are, that they must swallow their pride in order to get a hot lunch for their schoolchildren with the help of the Federal Government, or their children will have to go without insofar as Federal help is concerned.

Mr. ALLOTT. I am glad to yield to the Senator from Florida at any time.

Mr. HOLLAND. Mr. President, will the Senator from Colorado yield to me for 10 seconds?
poor. But, we are proud. We shall not swallow our convictions merely to seek Federal money.

Mr. KEATING. Mr. President, this point may have already been made. If so, everything that has been said on the floor has already been said on this point. I believe it should be made. In effect, we have already voted on this same question.

Three days ago, we voted down the amendment offered by the distinguished Senator from North Carolina [Mr. Enzor], which would have required a court order before Federal funds could be cut off under title VI.

We defeated the amendment with the jury trial provision by a 68-to-16 vote, and the amendment with the court trial provision by a 65-to-19 vote.

Those amendments were quite similar to this one. They were somewhat broader, but the principle involved was the same, and I hope the result will be the same today.

Mr. ELLENBERGER. Mr. President, in my speech yesterday I attempted to reemphasize some of my objections to the bill before the final vote. I am amazed to note that at this late hour some of the proponents of the bill are still filled with emotion when discussing it. They seem to permit their emotions to override their reason. They attempt to make an issue when raised but they resort to a discussion of other parts of the bill. This is plainly an attempt to divert attention from an indefensible position.

My good friend, the Senator from Rhode Island [Mr. Pastore], instead of relegating his remarks to the issue raised by the senior Senator from Tennessee, alleges that Negroes in the South are refused a drink of water if they go to a drugstore or to a motel or to a restaurant. That is the kind of claptrap that is printed all over the Nation and shown on television.

The South acted within the law with respect to school segregation. It has done so since the Supreme Court decided the case of Plessy against Ferguson in 1892 which provided that separate but equal facilities be provided for both races strictly in accord with the law. It has been pointed out here on many occasions that Congress, in 1875, I believe it was, passed a law similar to title II that we are now attempting to enact, and which deals with public accommodations. The 1875 statute was litigated in the courts. It was not only unpopular, but the Supreme Court in 1883 declared it unconstitutional. That is still the law today.

Senators take the position that the "great" Dr. King is acting within the law. I do not associate with people not of their choosing. I believe he should be made. In effect, we have already voted on this same question.

There is still such a thing as private property. The people who participate in sit-ins on privately owned property are in violation of the law and the owners of such establishments have the right to have them prosecuted for trespass.

Many Senators do not seem to understand the problems with which the South is dealing. They have been quoting here and there too much on newspapers and other new media for their information. Newspapers, television, and radio are always eager to provide a big story. I saw a picture in the newspaper yesterday that showed the Washington Post, showing a policeman in St. Augustine, fully clad, minus his shoes, jumping into a swimming pool in order to arrest seven or eight Negroes who were swimming in defiance of the law. I would not be surprised to learn that the officer was induced to take the plunge by some photographer in order to obtain a dramatic shot. I know that the same sort of thing happened in Louisiana on two or three occasions. I saw pictures of cameramen from one of the national networks egging on a crowd, telling little children to scream and shout and wave their arms, when officers were attempting to clear the streets and maintain order.

There is no doubt in my mind—that fact I was told on two or three occasions—that some of the law enforcement officers were asked by a photographer to do such things to get a more sensational picture. That is the kind of claptrap that is printed all over the Nation and shown on television.

The South acted within the law with respect to school segregation. It has done so since the Supreme Court decided the case of Plessy against Ferguson in 1892 which provided that separate but equal facilities be provided for both races strictly in accord with the law.

The Plessy case was followed by at least 30 other cases from that date until the Brown case of 1954.

Since then, if we have considered the separate but equal facility doctrine, we have from the South have been attempting to find a satisfactory solution to the problem of racial antagonism brought about by the Court. It will come in time, I hope. We are not going to have any more serious things to get a more sensational picture. That is the kind of claptrap that is printed all over the Nation and shown on television.

I believe my good friends in the Senate yesterday were asking the Senators from Tennessee that I do not think the amendment will be adopted. I still believe that the title embodies the element of coercion and strikes at the innocent as well as the guilty. I shall not vote for the motion to recommit after all the many days of debate and discussion that have been held on the bill.

Mr. KEATING. Mr. President, when the Senator from Tennessee offered his amendment a few days ago, to strike from the bill title VI, I voted for the amendment, and I spoke in favor of it. I said then that the reason that I voted to strike title VI was that I believe title VI carries with it an element of coercion and an element of force which is alien to our system of government. I also supported the amendment of the Senator from Alabama [Mr. Hill], which would have assured that hearings consistent with Administrative Procedure Act requirements would be held under this title. That amendment also was defeated.

The Senate has expressed its will. The Senate will not amend the title, and it will not strike it out.

I must say to my friend from Tennessee that I believe his efforts will bear fruit when regulations under title VI are issued and when the Congress passes on them. I have expressed my position in this debate and also by my votes on this title, but I cannot vote for the bill.

Mr. GRUENING. Mr. President, I yield myself such time as I may need to ask a question of the Senator from Tennessee. If the people of Memphis, in the example which he cited, are obeying the order of the Federal court, and are desegregating their schools, and have only 2 years to go to comply with the court's order, does he really believe that the Department of Justice would move in and override the judge's decision, which is being complied with by the people of Memphis, and penalize the city or the school district and the recipients therein of Federal aid? What has the court ordered to be done? I wonder whether the legislative history that is being written here would not obviate the problem. I hope it would.
Mr. GORE. Mr. President, in response to the question of the Senator, I would like to make the record quite clear. The present administration or of any future administration would be cruel, partial, or arbitrary. However, I seem to recall what a great American statesman said—I forget I must be able to quote him exactly: "Where power is involved, trust no one!"

We are writing a law. I am asking only for a simple amendment which would provide that in case the people of Memphis, or any other community, are content with a court order, they will not be subject to this provision in the bill since as their schools are concerned. I should like to read the provision in the bill:

Each Federal department and agency which is empowered to extend Federal financial assistance to any program or activity, by way of grant, loan, or contract other than a contract of insurance or guarantee, is authorized and directed—

This is the bill we are about to enact—to effectuate the provisions of section 601 with respect to such program or activity.

The bill before the Senate, to be voted upon, authorizes and directs every Federal agency and department which provides financial assistance to any program or activity to proceed to issue rules and regulations providing for the discontinuance of aid if there is discrimination. Please understand, I do not support discrimination. This is not a perfect world in which we live. I did not rise to raise again the old flag of civil rights issues. The adoption of an amendment which would give the people whom I represent some time to prepare their plans, go into court, and submit their plans for desegregation to the judge. Then if the court enters a proper order, which is subject to an appeal—if an appellate court does not agree with the order, it remands the case with instructions which then become the order—they would have time in which to carry out the court order which would have time in which to carry out the court order. I am not here attempting to kill the bill or obviate the entire program about which we have been debating.

Have I answered the Senator’s question?

Mr. GRUENING. Yes. I thank the Senator from Tennessee.

I would hope that his fears prove to be groundless and that if a school district was, in good faith, carrying out the orders of a Federal judge, who is a part of the machinery of Federal enforcement, no penalty would be imposed. I am not here attempting to kill the bill, nor to ovibrate the entire program about which we have been debating.

Mr. GORE. Mr. President, how much time have I remaining?

The PRESIDING OFFICER. The Senator from Tennessee has 7 minutes remaining.

Mr. GORE. Mr. President, I yield myself the remainder of my time.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 7 minutes.

Mr. GORE. Mr. President, I had intended to await the President’s signature upon the bill, thus enacting it into law, before saying some of the things that I have said today, and some of the things that I am about to say.

The Senator from Minnesota [Mr. HUMPHREY] has advised his people that the bill would not affect them. I tell my colleagues that the bill will affect almost every single school district in Tennessee.

Mr. GORE. Mr. President, I must prove their plan for desegregation, they would have better good fortune. If, instead of arbitrarily voting down practically all amendments, I am disposed to consider each amendment on its merits, I am confident that I would now be making a speech in favor of passage of a much better civil rights bill. However, that may be, that is now irrelevant.

Mr. GORE. Mr. President, I must admit, I am disposed to amend the Bill with a view to take a decision. Is it true that the people of my State undertake to comply with the law?

Mr. GORE. Mr. President, I say to my neighbor from Kentucky [Mr. COOPER], whom I love as a neighbor and a friend, that my people would prefer to submit to a Federal judge whom they know, and who has some knowledge of the circumstances that prevail, their plan for school desegregation, for approval or disapproval and the ultimate entering of an order. If they comply with the final order of the court, they should not be subject to denial, or the threat of denial of Federal aid.

Mr. GORE. Mr. President, I suggest the absence of a quorum. The PRESIDING OFFICER. The Senator from Tennessee has exhausted his time.

The question is on agreeing to the motion of the Senator from Tennessee. The yeas and nays have been ordered. Mr. YARBOROUGH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Mr. BARRETT, the chairman of the committee. The Chair will call the roll.

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

[No. 434 Leg.]

Aiken Gruening Morse
Allen Hart Morton
Anderson Hartke Moss
Allott Hartke Murkowski
Bayh Hickenlooper Needleman
Bennett Holland Neuberger
Bible Hruska Pastore
Breyer Humphrey Pell
Burke Jackson Pryor
Byrd, Va. Johnston Randolph
Carlson Jordan, Idaho Robertson
Case Keating Russel
Casey Kennedy Santallan
Clark Kuchel Scott
Cooper Lanche Simpson
Curtis Long, Mo. Smathers
Davis Long, La. Smith
Dodd Magnussen Snow
Dodd Mansfield Symington
Dodd Edmondson Thompson
Dodd Dominick Torrey
Dodd Dominick Torgerson
Dodd Eastland Thurmond
Dodd Edmondson Tower
Dodd Edmondson Walter
Dodd Ervin Williams, Del.
Dodd Failey Williams, Del.
Dodd Fulbright Wilson
Dodd Goldwater Young, N.Dak.
Dodd Dirksen Young, O.

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

The PRESIDING OFFICER. A quorum is present.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. YARBOROUGH. Mr. President, I yield myself 5 minutes on the motion.

The PRESIDING OFFICER. The Chair recognizes the Senator from Texas.

Mr. YARBOROUGH. Mr. President, I desire to point out that all the single motion that has been made by the Senator from Tennessee would do would be to provide that no program for aiding a school district or Federal financial assistance to public education and the Federal lunch program shall be cut off from the school district unless such school district disobeys the order of a Federal Court.

The question is not primarily one of civil rights; it is primarily an educational matter. I have reached that conclusion after 6 years’ service on the Educational Subcommittee and experience...
in my own State. I have listened carefully to the arguments on both sides of the question of the core motion. They have been primarily civil rights arguments, but I think they have failed to touch what is going on in school districts in my State and in many other States.

This is an educational amendment, not a civil rights amendment. In my opinion most of the argument on this motion has been directed at the bill itself, or broader questions than Federal aid to a halffull school district.

In my State many of the richest districts will not accept and do not use the school lunch program. The city of Dallas does not use it and will not have it. Many school districts over the State will not accept any Federal monies for anything. The ultraconservatives control many of the school boards, and they say that the school lunch program, or any program of Federal aid to a school district, is not for the South. They say, "Federal money is involved and we will not have it." Moneys are cut off and students do not get the benefit of the school lunch program.

Now we hear the ultraliberals on the other side saying, "We will cut the money off from local school districts for another reason." The result will be that the poor schoolchildren will be caught between the upper and nether millstones and their educational opportunities will be ground down.

The amendment would help education. A vote for the amendment is a vote for education, and a vote against the amendment is a vote against education. The schoolchildren are being squeezed between the contending social forces. If the bill goes into effect, a threat to cut off monies will only give encouragement to that portion of the community that is now fighting Federal school aid programs in practically every district in my State. They are saying—and they have said over and over, when this question has been the issue in school board elections—"If you take this Federal money, the next thing you know they will be trying to tell you how to operate the schools."

Mr. President, I have visited school districts in my State and begged them to accept the school lunch money so that the poor children in the district could get a lunch.

In many districts, they have refused. They have said:

If we take the lunch money, the next thing we know they will be telling us how to operate the schools.

So the passage of the bill with these punitive provisions will not result in a change of attitudes of school boards. It will only give encouragement to that minority on the school boards or in the communities that have been fighting all kinds of Federal aid to schools all the time.

As a member of the Subcommittee on Education, I am a coauthor of the National Defense Education Act of 1958. Two years ago I visited the superintendent of one school district in my State.

Do you have the science laboratories and the foreign language laboratories in your high school that are provided under the National Defense Education Act in your high schools?

The superintendent said: Certainly not. We take care of our own. We will not accept that Federal money.

That is the fight which those of us who have been working for education for years have on our hands. We have been going to those communities and begging them to accept the school lunch money and the National Defense Education Act teaching aids so that the poor children in the district who are hungry can get a lunch each day in schools. Some of the largest and richest cities in my State will not accept the school lunch program. Most of the richest school districts will not accept it. But there are poor children in those districts who are going hungry every day.

To reject this amendment would weaken education, because rejection would not result in a change in attitude on the question of segregation or integration. Such a change in attitude would have to come through persuasion, through court actions, or by other means. Whatever our legislation, if we have been fighting Federal programs for years will have their hands strengthened by the proposed legislation. More schoolchildren will be going hungry to bed every night. There will be more schools without equipment and teaching aids in the sciences and foreign languages under the National Defense Education Act. More schools will be without scientific equipment. The poor school districts will lack the electronic facilities and tape recorders that are provided under the National Defense Education Act program with which students can learn foreign languages. The net effect of rejecting the amendment would be to weaken education, particularly in those States that need the assistance the most.

The vote of this limited amendment is an education or an antieducation vote. I repeat that it is not a civil rights or an anti-civil rights vote. It is a vote for education or an antieducation vote.

The schoolchildren are being squeezed between the contending social forces. If the best interests of the schoolchildren is the only consideration, they will not be neglected, hungered, and deprived because of the disagreements of their parents. If we think only of the educational interests of the schoolchildren, all schoolchildren, black and white, we will feed them and give them the best teaching aids we can and not right over civil rights is being settled. When two women each claiming to be the true mother of a child brought it before King Solomon for solution, he rejected the claim of the woman who would see the child cut in twain before giving it up, and awarded the child to the true mother who would surrender it before seeing it killed. As one who taught school for years, I put the interest of schoolchildren and education first. I see that I am in front of the schoolchildren, deny them teaching and learning aids, deny them a nutritious meal at noon, leave them hungry and dejected, and tell them that the children and of education. Those who treat small schoolchildren in this manner are like the false mother before King Solomon, if she couldn't get her way, she would kill the child.

In many schools, not in all, that is wrong, because it would defeat the purpose we are trying to accomplish. If there is one thing upon which the States and localities are going to accept Federal money and Federal support, they must not engage in any kind of discrimination which is contrary to Federal policy. Therefore I intend to vote against the motion of the Senator from Tennessee.

Mr. TOWER. Mr. President, the motion is merely another assault on title VI, which I believe is a good provision of the bill. I think that if we had enacted it a year ago many of the provisions in title VI some time ago, we would not be asked to enact some of the other measures which we are asked to enact today. I believe that if people in the States and localities are going to accept Federal money and Federal support, they must not engage in any kind of discrimination which is contrary to Federal policy.

Mr. JAVITS. Mr. President, I yield myself 2 minutes and ask that the Chair notify me when I have used that time.

The PRESIDING OFFICER. The Senator from New York is recognized for 2 minutes.

Mr. JAVITS. The difficulty with the amendment is that it would mean that title VI would not reach the schools in the enforcement gap. The schools in the gap are those which are not already subject to court orders to desegregate, or those which the Attorney General will not for a time catch up with by bringing desegregation suits under title IV of the bill. If we extend the amendment in such districts would simply continue until suits finally caught up with them. A school district which is actually in good faith beginning the desegregation process is fully protected by the present language of title VI because a district can get judicial review of any order to cut off Federal aid, whether or not the aid statute itself calls for judicial review; if it does not, the district could get review without act of Congress. If the amendment in such districts would simply continue until suits finally caught up with them. A school district which is actually in good faith beginning the desegregation process is fully protected by the present language of title VI because a district can get judicial review of any order to cut off Federal aid, whether or not the aid statute itself calls for judicial review; if it does not, the district could get review without act of Congress. If the amendment in such districts would simply continue until suits finally caught up with them.

As the Senator from Rhode Island has properly pointed out, the following protective words, with which I do not agree but which nonetheless are in the bill, will be enforced by the courts; that is, that an order cutting off funds shall be consistent with the achievement of the objectives of the statute under which the aid is authorized. Where the objective of the statute is to feed children rather than to educate children, those funds will not be cut off if there is good faith compliance with the other parts of the law with relation to desegregation.

The danger of the amendment is that schools in which I have called the enforcement gap, which may last for 5, 6, 7, 8, 9, 10 years, will not be cut off if there is no court order. That is wrong, because it would defeat the purpose we are trying to accomplish. If there is one thing upon which the States and localities are going to accept Federal money and Federal support, they must not engage in any kind of discrimination which is contrary to Federal policy. Therefore I intend to vote against the motion of the Senator from Tennessee.
or any other activity which is supported by public money. Therefore, the motion should be voted upon.

Mr. FULBRIGHT. Mr. President, I yield the floor while whatever time is necessary.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. FULBRIGHT. First, I agree with the statement of the Senator from Texas (Mr. Yazzie) about the significance of a delay in the proceedings. I believe that one of the most unfortunate effects of past actions in this field has been its effect upon education. Basically, the whole civil rights controversy goes back to the neglect of our education in this country for 75 or 100 years. We have done a miserable job, both at the national and the local level, in the field of education. The backlog of neglect has caught up with us. I think that is one of the reasons for the 1964 Supreme Court decision.

But the particular amendment to which reference has been made should be judged upon its own merits. In that connection, and in order to clarify the record, I wish to propose a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. FULBRIGHT. Is it not a fact that if the motion were agreed to by the Senate, a substantial delay in the proceedings and the ultimate vote would result? Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. FULBRIGHT. In other words, that Members of the Senate can consider this particular motion on its merits without entailing any delay whatever to a final vote. Therefore it should be considered entirely on its merits, and not in the context of a delay of a final vote upon the measure.

I think it was wise of the Senator from Tennessee to put the proposal in the context of a delay of a final vote. Therefore it should be considered entirely on its merits, and not in the context of a delay of a final vote upon the measure.

It has been stated that this proposal was voted on a few days ago and rejected. That statement is quite irrelevant to this issue, because we know, under the parliamentary situation that developed, with the great many amendments being offered under a limitation of time, most of those amendments were voted upon because of the absence of the amendments, but because of those who offered them. Senators came into the Chamber and asked, "Who offered it?" and made up their minds on that basis, not knowing what was involved.

Now, because there is a little more deliberate approach in the last minutes, and because this is the only motion I know of—there may be one more—to come up, the Senate can review this question.

I cannot understand why, in the important area of education, the Senate should not be willing to restrict this drastic provision of the bill—one of the most objectionable—to conditions which the Senator from Tennessee has incorporated in his motion: that is, where a school district is in violation of a decree of a U.S. district court.

It has already been stated very eloquently by the Senator from Tennessee and other Senators that this is one of the most delicate areas of all, and one that cannot only cause great difficulty and trouble, but involve imposition upon innocent victims, and interfere with the orderly administration of our educational system. This is the heart of the controversy.

It is tragic that this very difficult social problem has been focused on education. There is no question that for the past 10 years our educational system has suffered with, or not in violation of, an order of the court, they may proceed in the development of their educational system.

In connection with what the Senator from Louisiana said, many areas of my State we are making very satisfactory progress, in an orderly and quiet and effective way, toward the solution of the problem in the schools. There are problems of good education, but not where it should not, because it would cause a great deal of trouble if forced prematurely. But on the whole, the progress is very satisfactory.

Mr. GORE. Mr. President, will the Senator yield for a question?

Mr. FULBRIGHT. I yield for a question.

Mr. GORE. Is it not correct that a parliamentary inquiry, a referendum procedure, is the instant procedure? If the motion to commit with instructions is agreed to, the pending business before the Senate will then be the amendment. Some Senators apparently believe that a motion to commit to a committee with instructions to report forthwith involves a recess of the Senate while the committee considers the matter.

Is that the case?

Mr. FULBRIGHT. It is my understanding that that is not the case.

In order to make it very clear, I will ask the Chair, as a parliamentary inquiry, to rule as to exactly what would happen if the motion should carry. Would it not result in making the substance of the motion the business of the Senate, so that there would be no delay? Or would it be agreed to by other Senators if the present proposal is accepted by the Senate; namely, to commit, and to report forthwith, the matter will come back to the Senate immediately on the question of agreement to the amendment?

Mr. FULBRIGHT. Immediately?

The PRESIDING OFFICER. Immediately.

Mr. FULBRIGHT. Therefore, there would be no delay in the acceptance—assuming the Senate wishes to accept—of the motion. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. AIKEN. Mr. President—

Mr. FULBRIGHT. Does the Senator wish to ask me a question?

Mr. AIKEN. I want to ask a question of the majority leader.

Mr. FULBRIGHT. I am willing to yield for a question.

Mr. AIKEN. So long as the Senator yields, I will ask the majority leader, through the Senator, if some of us are trying to make plans for the evening, how long the majority leader contemplates keeping us in session.

Mr. FULBRIGHT. I yield for that reason.

Mr. MANSFIELD. Mr. President, on my own time, I will answer that it is the intention of the leadership to remain in session until a final vote is taken. At the present time, the best guess I can make is that we will possibly finish by 4 o'clock. My judgment is it will be closer to 7 o'clock. But if disposition is not made by then, the Senate will remain in session.

Mr. FULBRIGHT. Mr. President, I hope the Senate will give this proposal serious consideration, because the situation now is quite different from the one which existed when similar amendments were offered a few days ago.

I see no reason why only Senator—even those who strongly favor the bill, and who wish to see it enacted as soon as possible—among whom I do not count myself—since they would not encounter any delay could not accept a vote in favor of the motion, and then vote on the question of accepting the amendment as reported by the committee, without in any way jeopardizing the bill itself, or even the time by which it would be voted finally.

So I urge my colleagues in this particular case to at least accept the motion, after which, of course, I would hope they would approve the amendment.

Mr. GORE. Mr. President, will the Senator yield for a question?

Mr. FULBRIGHT. I yield for a question.

Mr. GORE. Since the Senator represents a State in which this question is a serious problem, is it his opinion that the acceptance of this amendment, and the respective communities of Arkansas, would accept an order of a court which had resulted from the submission of plans by leaders of the community with greater willingness and better grace than an order of a Federal official in Washington terminating Federal aid?

Mr. FULBRIGHT. The Senator is correct. It would be very assuring to the people. It would make the whole bill much more acceptable. There are other features in the bill which are not acceptable, but on the question of education, which is certainly one of the most sensitive areas, and has been since 1854, the acceptance of this amendment would make the bill much more palatable.
The PRESIDING OFFICER. The question is on the passage of the bill. Mr. HUMPHREY. Mr. President, I ask for the yeas and nays on the passage of the bill.

Mr. HUMPHREY. As I understand, I have 13 minutes remaining. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. MORTON. Mr. President, will the Senator from Minnesota yield me 3 minutes on my time?

Mr. HUMPHREY. I am glad to yield.

PERSONAL STATEMENT BY SENATOR MORTON

Mr. MORTON. Mr. President, I thank the Senator.

In today's issues of the Washington News there appears an article under the byline of Jack Steele, an able reporter and an old friend, but I wish to make a few clarifications of his observations.

He states that I was infuriated with my friend from Arizona in regard to the constitutionality of titles II and VI, but I was not infuriated.

The article further implies that I had been urging Senator GOLDWATER to vote for the bill. I have had no conversations with my friend from Arizona on the matter of this bill.

The article further states that I was absent from the floor when the Senator from Arizona made his speech indicating his position.

That is true. I understood that we would have no more votes. We had had plenty already. As many of my colleagues in the Senate know, my lady is unable to go out very much any more, but an old friend who had been in our wedding, was in town. I left the Hill, picked up my lady and was on my way to Senator GOLDWATER's house and overhearing the news on the radio.

My wife's comment was, 'I'm proud of Barry.' My comment was, "He is causing me trouble, but I am proud of him, knowing that this decision is 99 percent Barry GOLDWATER and 1 percent politics."

I merely wished to set the record straight.

A REPLY TO SENATOR GOLDWATER

Mr. JAVITS. Mr. President, yesterday my distinguished colleague, Senator GOLDWATER, to whose every word the country now properly gives its attention, announced that he would vote "no" on this bill. I regret very much his decision and wish very much he had decided otherwise.

This legislation has been before Congress for a year. Members of the Senate have labored long and hard for this bill under the leadership of Senator Dirksen, Senator Mansfield, Senator Kuchel, Senator Humphrey, and others. During the past 3 months, they have examined every word and every comma.

Certainly any fear expressed by Senator GOLDWATER that emotion has ruled should be dispelled. In all that debate, in all that analysis, and in all that opportunity to amend, Senator GOLDWATER made two points with respect to this bill which I believe unanimously and beyond all reasonable doubt, are important.

First, he stated that there is "no constitutional basis for the exercise of regulatory authority in" titles II and VII of the bill, dealing with public accommodations and equal employment opportunity, but that such action required a constitutional amendment; and, second, he stated that "to give genuine effect to the prohibitions of this bill will require the creation of a Federal police force of mammoth proportions" but he said, result "in the development of an informer psychology."

I rise to state my disagreement with both conclusions.

The material element in the arguments against this bill has been recognition that as to constitutional rights, we are a nation, not a collection of States; that there are national rights and national responsibilities just as sacred, just as vital as States' rights and just as fully entitled to protection by all the people.

The constitutional basis for both titles II and VII is sound; as a distinguished name, that of my friend from Arizona made his speech indicating his position.

The public accommodations provision, title II, is squarely based on both the commerce clause and the 14th amendment to the Constitution. The equal employment opportunities provision, title VII, is generally based on the same clause. The 14th amendment basis for the public accommodations provision was reaffirmed by the Supreme Court as recently as last year, in the decision which struck down State-enforced discrimination in restaurants and lunch counters.

To challenge the commerce clause basis for either title II or title VII at the same time necessarily challenges the constitutionality of the entire range of existing Federal statutes based on that clause, such as the child labor and minimum wage laws, the pure food and drug laws, the labor-management laws, including the recent Landrum-Griffin Act and the Equal Pay for Women Act, the false labeling acts, and the antitrust laws, all of which also regulate the economic activities of individuals and private enter-prises, and their relations to other individuals and all of which also are deeply founded upon public morality.

All have been repeatedly upheld by the Supreme Court against constitutional attack. It is to these that I refer. We have the wide range of existing State legislation covering both the subject matter of title II and the subject matter of title...
1964

CIVIL RIGHTS ACT OF 1964

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

Mr. HUMPHREY. Mr. President, 83 days ago the Senate began consideration of the Civil Rights Act of 1964. The longest debate in the history of this body and House of Representatives conclude with the passage of this measure.

These have been difficult and demanding days. I doubt whether any Senator can recall a bill which so tested our attitudes of justice and equity, our abilities as legislators, our sense of fairness as individuals, and our loyalty to the Senate as an institution of democratic government. In these historic circumstances, it is inevitable we should ask the question: Have we fully met our responsibilities in this time of testing?

One must hesitate to attempt an answer when only history can be the authoritative judge of our efforts in this great debate. But if we are willing to look for more tentative answers, I suggest we consider the wisdom found in a little known address of Benjamin Franklin delivered to the closing session of the Constitutional Convention, meeting in Philadelphia in 1787, had labored for many months—from May to September—just as we have labored many months. The Convention considered delegations of many persuasions and opinions regarding the question of Federal union—just as the Senate has been a body of divergent opinion on the issue of civil rights. Despite profound disagreements among the delegates, the Convention persevered—just as we have persevered—and eventually reached an agreement on a Constitution to unite the several States.

At the conclusion of these months of bitter debate and frequent discouragement, Dr. Franklin addressed these remarks to the assembled delegates:

"Mr. President, I confess that there are several parts of this Constitution which I do not at present approve, but I am not sure I shall never approve them. For having lived long, I have experienced many instances of being obliged, by better information, or fuller consideration, to change opinions even on important subjects, which I once thought right but found to be otherwise. It is therefore that I am apt to pay more respect to the judgment of others, and to more easily adopt what concurs to my own judgment, and to pay more respect to the judgment of others. I doubt, sir, whether any man ever composed, or even拟 put in his head, a perfect production; or that any man can a perfect production be expected? I therefore astonish me, sir, to find this system approaching so near to perfection as it does. Thus this Constitution, because I expect no better and because I am not sure, that it is not the best. I will consent to this measure, because for the first time in recent history the Congress of the United States has placed before the American people a measure to which Mr. Humphrey—his prejudices, his passions, his errors of opinion, his local interests, and his selfish views. If this is the case, each Senator must be expected to doubt the perfection of the measure we are about to adopt. But this situation prevails with any political decision of historic magnitude.

Yet this Senator stands with Dr. Franklin in also asserting that I am confident to the test of time. I expect no better and because I am not sure it is not the best. I will consent to this measure, because for the first time in recent history the Congress of the United States has placed before the American people a measure to which Mr. Humphrey—his prejudices, his passions, his errors of opinion, his local interests, and his selfish views. If this is the case, each Senator must be expected to doubt the perfection of the measure we are about to adopt. But this situation prevails with any political decision of historic magnitude.

We shall demonstrate once again that the constitutional system bequeathed to us by such men as Benjamin Franklin remains a viable and effective instrument of government, and a bulwark against the designs of those local purdahs who smugly proclaimed that Congress would never enact a meaningful and comprehensive civil rights bill. We have heard the extremists on both sides call for the defeat or emasculation of this measure. We have experienced our own moments of doubt as to whether or not the Senate would be equal to this momentous task.

So having heard these predictions of doom and collapse and having experienced these moments of doubt and concern, let us now acknowledge that democracy truly lives in the United States of America. The Senate has been equal to this mighty challenge.

What have we sought to do in the Civil Rights Act of 1964—the greatest piece of social legislation of our generation. First, we have dealt with the major problem areas in this Nation's struggle for human rights. We have attempted to fashion a bill which we feel will and reason can seek to resolve these difficult and emotional issues of human rights. We have attempted to place the burden of this task upon the resources of our local communities and our States, providing for Federal action only when necessary. We have attempted to provide a basis for the full and complete implementation of the rights of all Americans, and have attempted to make the resources and opportunities set forth in this Act. We have placed emphasis on voluntary conciliation—not coercion. We have, in short, attempted to fashion a bill which is just, reasonable and fair to all persons.
In seeking the objectives, we have also sought to guarantee that the rights and prerogatives of every Senator would be fully protected at every state of this debate. We have attempted to work by the methods we have always found to be best—conducted ourselves with dignity, courtesy, patience, and understanding. Whether we have won or lost on this particular issue, we have acquired ourselves in a manner which speaks for the character of our Government in the 20th century.

As the Senate approaches the rollcall on final passage, we must also recognize that this rollcall signifies not only the element of responsibility to this measure. We know that only law now provides a framework to which must be added the bricks and mortar of public opinion and acceptance. In this sense, the observations of Benjamin Franklin to the Constitutional Convention contained one final bit of wisdom:

Much of the strength and efficiency of any government, in pronouncing and securing happiness to the people, depends upon—on the general opinion of the goodness of the Government as well as the wisdom and integrity of its leaders. We therefore, for that of our own sakes, as a part of the people, and for the sake of posterity, we shall act heartily and unanimously in recommending this Constitution ** and wherever our influence may extend, and turn our future thoughts and endeavors to the means of having it well administered.

The delegates who left Philadelphia in 1787 had the responsibility of fostering the favorable public sentiment necessary to transform the Constitution from a mere political document into the living compact binding diverse States and people into a true commonwealth. If we are to succeed in pronouncing and securing the happiness of the people in 1964, we have the similar responsibility of encouraging the public support which will make civil equality a living fact as well as a written law.

In accomplishing this objective a mighty burden will be placed upon our elected leaders—our Governors, our mayors, and our local representatives. We challenge them to do their public duty and to carry out the law with the sense of justice and equity which is so vital to a democratic community. Our public officials, however, will only be able to do this if the religious leaders, the businessmen, the men of the professions, and the leaders of labor dedicate themselves to a total effort to create a nation of true opportunity.

To this end I have proposed that Governors' conference be convened in every State—north, south, east, and west—and that the U.S. Conference of Mayors and the U.S. Civil Rights Commission organize similar meetings. I am confident that the conferences on civil rights would also serve a most constructive purpose.

We have before us a great opportunity to strive for a true community of peoples, where all are fully and freely members of our rich, diverse society, in harmony and good will. We must go to the people of America with the message that men are needed to seek peaceful, constructive, and positive responses to the blight of discrimination, segregation, and prejudice. We must call upon every American—from the President in Washington to the schoolchild in Minnesota—to be an protagonist in this crusade for human dignity.

There are political theorists who claim that the essence of politics is power. They are wrong—even though power is a necessary element in the process of politics. The essence of politics in a democracy is the search for just solutions to the fundamental problems of society. The essence of politics is the asking and reasking of the most difficult of all questions: What is justice? What is right? Men of good will seldom differ about ultimate goals, but these men do differ vigorously about means, timing, and priorities. These differences are the stuff of enduring political discourse.

The search for the public interest is an adversary proceeding among men of equal dignity. Deeply imbedded in our knowledge of the rightness of our present course are the sentiments of the twain—of the formation of our own minds and the evil in our own hearts. If the time ever comes when, in our single-mindedness of purpose, we transfer the hatred of injustice to a hatred of the unjust, we will break the strands of political community which bind us together.

Those of us who are privileged to bear some of the burdens of this struggle must demonstrate by example that we can fight with a firmness and a courage and, on occasion, lose without bitterness. Surely it would be one of the ironies of history if inequality were purchased at the expense of the community. We must solemnly pledge that this will never come to pass.

What we are involved in, as Lincoln once said in an earlier conflict, is too vast for bitterness. We are engaged in the age-old struggle within all men—a struggle to eradicate the blight of human slavery, a struggle to escape the bondage of ignorance and poverty, a struggle to create a new and better community where "justice rolls down like waters and righteousness like a mighty stream." So much remains to be done in America. We must bring economic dignity and hope to the lives of the poor, the aged, the homeless, whether Negro or white. We must work together to bring the blessings of education and enlightenment to every American, regardless of race or color. The war against poverty and illiteracy must be waged and won.

As we enact the Civil Rights Act of 1964, then, let us be exalted but not elated. Let us mark the occasion with sober rejoicing, and not with shouts of victory. And in the difficult months ahead, let us have no fear in the presence of oneness, our attitude of mutual dependency, and our need for mutual forgiveness. For this is the eternal paradox of freedom. This is the message of the day. Let it be an anthem the world will agree to canzone. This is the only true hope for a joyful and just community of men.

Mr. SMATHERS obtained the floor.

Mr. SMATHERS. Mr. President—

Mr. KEATING. Mr. President, I was seeking recognition, in order to speak in my own time.

Mr. SMATHERS. Mr. President, I have the floor; and I wish to speak at this time.

The PRESIDING OFFICER. The Senator from Florida may proceed.

Mr. SMATHERS. Mr. President, few realistic persons would deny that the Civil Rights Act of 1964 will shortly be enacted into law. While taking this action, the Congress will again be attempting to solve a human, social, and racial problem in America by bringing to bear legal solutions.

I point out that I have participated in this task for 48 days, discussing the undesirable and dangerous features of the bill and offering some few amendments to the bill, motivated, not by prejudice or by a desire to discriminate, as has been claimed or suspected in some few; for, so far as I can honestly assess myself, there is none in my heart. But there is in my heart and my mind a genuine, deep-rooted fear that this bill will violate and destroys the American dream of a just, individualistic system of government and the principles of individual choice and freedom so important to the men who founded this Government, and so important to those who would keep it alive today.

A free society by its very definition leaves man free to make his own choice as to whom he wishes to employ, to work with, to worship with, and to live with. One cannot sometimes call freedom a discriminatory or call him prejudiced; but in a free society of free men, this is his essential freedom of choice: to live his life as he determines, so long as he does not trespass on the rights of others; to make up his own mind, even at the expense of being wrong. That is his decision, that is his freedom, that is his privilege under our system.

To the extent that we intrude into the personal lives of individual citizens, we shall contribute to the blighting of freedom in America, for the hand that seeks to eradicate the blight of human prejudice by coercive measures is not easily stayed from coercive measures to eradicate other disman freedom.

Some of the proponents of this civil rights bill were among those who represented to us that the 1957 Civil Rights Act would be the cure for the racial tension and prejudice that was so prevalent at that time. "Pass that bill," they said, "and we shall solve this long-unsolved and difficult problem." And it was passed.

But in 1960, back they came, and said, "The 1957 act did not provide the panacea we hoped for. The race problem and its many attendant problems are still with us. Give us the 1960 Civil Rights Act, and we shall finally solve this agonizing problem." And after the debate and considerable anguish, that bill was passed.

And now once again, the proponents of civil rights legislation have come back to the Halls of Congress and have, in effect, admitted that their statements and hopes in 1957 and in 1960 for the solution of the race problem in America were not
South, in relation to the total population, there is in the South than there is in the major cities and more dispersion of nonwhites in the southern cities. The report goes on to state that in New York City much the same situation prevails.

The conditions of intense segregation exist despite the fact that there have been more laws put on the books in the cities of Chicago and New York and in the States in which they are located than in any other cities in the Nation.

The discrimination is extreme, not through a dearth of existing law, but rather because human beings will always cherish their right of choice, their right to associate with whom they please, their right to work and to worship with whom they choose, and their right even to be wrong in their judgment of their neighbors.

It seems to me that these rights of choice and decision are the very cornerstones of individual freedom in our free society. To attempt to legislate these rights away from the majority of our people in an effort to gain some rights for the minority is one of the most dangerous and barking on a dangerous course that will, if pursued, change the course of liberty, and finally strangle individual freedom in America.

This right to act as a free individual in a matter of private affairs is the philosophical basis of our Nation and our way of life. It is the freedom for which the American colonies rebelled, and fought, to throw off the yoke of British Government directed from across the sea.

It is the freedom which the disfruntied States hoped to preserve when they united and ratified a constitution based on the dual system of Federal-State powers.

It is the freedom for which Americans have lived, and died when necessary, and for which they have labored to build the American dream of freedom wherein we endanger now by enacting legislation to further the rights of one minority group at the expense of the individual rights of all Americans.

Mr. President, for one who believes deeply and sincerely in all the implications of freedom—and as a personal matter stands against prejudice and discrimination where it exists—this civil rights bill, to me, poses a terrible threat. For I wish to see all Americans, irrespective of race, color, or creed, enjoy all of their constitutional rights, to the limit of their abilities.

But this bill, Mr. President, goes further than that. It blackens the heavy hand of the Federal Government into a fist; crushes the dual system of Federal-State division of powers; and seeks to impose absolute equality among men, which is, I believe, an evil thing.

We are not all born equal. By reason of our heritage, our physical and mental capacities, we are separate and distinct individuals, with separate and distinct abilities. The discrimination of legislation can make us otherwise.

For us to try, through legislation, to deny a man's color, to equate his abilities, or to ignore his political and religious beliefs, is to make a mockery of our American dream of individual freedom of which we have, up to this point, been so proud.

Mr. President, despite my strong objections to this bill, there are portions of it which I could support. Certainly, I believe that every citizen, regardless of his race, color, or creed, should vote. Throughout my lifetime I have always held that goal in the States where I have lived and to which I moved as a child.

And in the State today all citizens do vote—if they wish to. I could support that provision of this bill which has to do with community relations services, for I believe that we must recognize that there do exist problems between citizens of different races and creeds; and these problems can usually be ameliorated, and with more certainty solved, on a voluntary basis, rather than by the use of force or coercion.

However, the major provisions of this bill, Mr. President, are so dangerous and far reaching in their implications that this Congress, and Congresses throughout the years, may not be able to support them. I could not let this final opportunity pass without voicing my strong objections to them in the few minutes remaining to me under the gavel.

Title II, the public accommodations title, is basically wrong in many respects, but its essential evil lies in the fact that this will be only the second time in the history of this Nation that the Federal Government has reached its long, strong arm into the operations of hotels, motels, boardinghouses, restaurants, barbershops, and so forth, in an effort to regulate their customers and the activities of those concerned.

In 1883 the Supreme Court struck down the last attempt that was made by the Congress to do this, but in a realization of what the present Court would do, I do not look with hope to the expectation that it would strike out title II of the bill.

The fact that some 34 States have already adopted public accommodations laws does not justify this assumption of power by the Federal Government. In the first place, we are supposed to be operating under a dual system of the separation of Federal and State Governments. According to the 10th amendment of our Constitution, the States have retained all powers not specifically granted to the Federal Government. The States can properly legislate in certain fields, which the Federal Government cannot, or should not, invade.

Furthermore, in those States which already have public accommodations laws, either they do not have a racial problem of any consequence—they have a small percentage of nonwhite citizens—or, if these laws are operating, the State is not applying them. If one looks to the use of force or coercion, for example, in connection to our own discretions and judgments...
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as we attempt to make a living for ourselves and our families.

To now say, as we do in title II, that we no longer have the human right to own and acquire property and to operate it in a manner which we decide, is to stretch the interpretation of Federal power under the commerce clause far beyond that point ever dreamed of by those who framed and ratified our Constitution.

Let us not delude ourselves into believing that title II, in an effort to satisfy the demands of some of the spokesmen for 10 percent of our citizens, will not result in the destruction of the basic and long cherished rights of all Americans to operate their own businesses free of Government dictation.

Title VI is probably the most dangerous and far-reaching provision of this so-called civil rights bill.

If a man should ever aspire to become a dictator in this land of ours, this title, and the authority it gives to a President, will be the simple expedient that he can vaunt over the bar of democracy into the seat of the tyrant.

For, in fact, title VI rewrites the terms and conditions of every joint Federal-State program which Congress has adopted in the past 25 years.

It endangers the Federal-State impacted school area program, the Federal-State school-lunch program, the hospital building programs, the road programs, and all the rest. But, Mr. President, more than that, it represents for us legislators a complete abdication and capitulation of the power and authority of the legislative branch of the Government to the executive.

I prophesy without hesitancy, Mr. President, that we will rue the day we ever passed this particular section.

Even the late, great, much lamented President John F. Kennedy, at a press conference in November 1963, referred to it as a police state government, or soon to be. Mr. President, any President who proposed to be greater than the President under which he can vaunt over the bar of democracy into the seat of the tyrant, that is a police state government, or soon to be. We must not allow ourselves to delude ourselves.

I do not believe, Mr. President, that it represents for us legislators a complete abdication and capitulation of the power and authority of the legislative branch of the Government to the executive.

I prophesy without hesitancy, Mr. President, that we will rue the day we ever passed this particular section.

The answer is, "No one." As the debate progressed and the inequities were pointed out, it was finally agreed that the bill was so raw and brutal in its original form that provisions would have to be changed in order to get cloture. So the simple expedient was adopted of excepting and excluding from the harshest provisions of the bill those States now having public accommodations or FEPC laws, at least for a while, so that its power could be used gradually and only directed at the Southern States.

For example, the Senate rejected an amendment to the public accommodations title that would have postponed its effective date until 1965, even though the employment title has a 1965 effective date. This time is badly needed in the South to prepare for the adjustments which will be needed when the public accommodations title goes into effect. But the time was not given, because the South did not have the votes.

On the other hand, the bill was amended to provide that there can be no busing of children to relieve racial imbalances in schools, because this would create a hardship upon northern communities. But the South, where there is less segregation to be ended, is left to bear the brunt of the Attorney General's efforts.

Since it seems that this bill, despite its many undesirable features, is shortly to be enacted into law, we have the opportunity to make clear to the Senate and to the American people the basic inequities and injustices in the bill.

Where we get printed and quoted, primarily in the South, we have been successful. In the North and West, where our statements, unless they are ridiculous, are usually blacked out—only the proponents' case has been presented. And in those areas, we have obviously failed. The people cannot understand why we are resisting so vehemently, because they do not yet understand what is in the bill—but they will.

We are preparing for the enforcement of this bill once it is enacted, and the North and West will be the scene of the most vigilant enforcement. In the South, enforcement is likely to be considerably less vigorous.

The emotions of this moment will have passed and when reason once again prevails, the so-called civil rights bill of 1965 will be either shelved, ignored, or repealed.

I think Shakespeare put it most appropriately when he wrote:

"Time's glory is to calm contending hearts, To unmask falsehood and bring truth to light."

Mr. President, now that my time is just about up I would like to express my thanks to those Senate colleagues with whom I was privileged to join in opposing this civil rights bill.

It was a privilege, not only because my heart, mind, and conscience tell me I was right, but also because it permitted me to associate with such a valiant and courageous group of Senators who fought to the fullest extent of their abilities against the adoption of this legislation.

We were overwhelmed by the brute strength of numbers, but we have not been defeated.

I will always consider it a matter of great honor to have served under the leadership of the distinguished senior Senator from Georgia [Mr. Russell]. His tactics and strategy throughout this contest have been superlative. His capacity to bring divergent views together, so convincingly that almost outside of limited numbers, has been magnificent. The personal effort which his leadership required has been unsurpassed, and he will long be remembered, by those who cherish freedom and believe in the dual system of government, as one of its greatest spokesmen and champions.

I would just like to take a moment to salute my own division commander, my own general, if you please, the senior Senator from Alabama [Mr. Lister]. I have never known a more able or charming or effective man who has never graced this Chamber. His constancy and tenacity in this fight have been unparalleled. He has provid-
ed for his group a leadership far above and beyond the call of duty.

And, finally, to all others who have shared in this fight I want to congratulate them for a job well done in the certain knowledge that time and history will fully prove that the dedications shared with them in this last-ditch effort to preserve the Jeffersonian type of democracy and individual freedom will be long remembered and applauded by future generations.

Mr. President, I want to join the distinguished Senator from Florida in the fine and richly deserved tribute which he paid to our leader, the great Senator from Georgia, Richard B. Russell.

I express my deep appreciation to him for his generous words about me. I deeply appreciate those words, not only because of the high esteem in which I hold the Senator from Florida, but also because no Senator could have been more able, more indefatigable, or more effective in waging the battle against the bill than was the distinguished Senator from Florida.

I think him so.

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

Mr. HILL. I am glad to yield to the Senator from Georgia.

Mr. RUSSELL. Mr. President, having no time of my own, I am grateful to the Senator from Alabama for permitting me to express my appreciation to the Senator from Florida.

With the best I should like to express my profound appreciation to the Senator from Alabama for the very kind words he said about me yesterday.

Throughout history, more generals have been made by the fighting power and the courage of the privates and subalterns who served under them than by any other single factor, including the ability of those who, by circumstance, were put in the role of leadership. That is what has certainly been the case in this instance.

While I am grateful for all these flowery tributes, I realize, after all, that the fight would have been made only by the dedication of Senators who served under the three team captains. The three team captains who led them will continue in the forefront of the parade.

Mr. HILL. All Senators who served under the distinguished Senator from Georgia realize the greatness and the magnificence of our leader.

Mr. DOUGLAS, Mr. President, I yield myself such time as I may require.

The PRESIDENT pro tempore (Mr. McIntyre in the chair). The Senator from Illinois may proceed.

Mr. DOUGLAS. The bill which the Senate will shortly pass is a substantial measure of atonement for the harsh, punitive policies committed by a large section of the white race against those of darker skins.

For two and a half centuries slavery was practiced and characterized by such unmitigated horrors that we do not like to talk about them, or even think about them; but which, nevertheless, are deeply imbedded in the consciousness of the Negro race, and which, therefore, are still a part of the forces which are moving today.

We cannot escape history. We of the white race cannot escape responsibility for the acts of our ancestors or for the acquiescence of our ancestors in the practices of our ancestors. That is why we will provide means to guarantee the passage, and for the brutalities of the slavery system and all that went with it.

Following the great Civil War, we emancipated the slaves with the 13th amendment to the Constitution. Following the 14th amendment in order to protect the newly emancipated freedmen, the 14th and 15th amendments to the Constitution were enacted.

The 15th amendment prevents citizens from being denied or abridged their right to vote, either by the United States or by any State, on account of race, color, or previous condition of servitude, and gives to Congress the power to enforce the provisions of the amendment by appropriate legislation.

The 14th amendment, which is all too commonly ignored, provides:

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States, and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

This provides that citizenship is a national as well as a State matter and that all are citizens on equal terms. None are to be second-class citizens. Moreover, the States are forbidden to deprive any person of the equal protection of the laws or to lessen his privileges or immunities. These provisions are specifically authorized to be implemented by appropriate legislation.

The United States Constitution is studiously ignored by most Southern politicians, but it is an integral part of the Constitution and has been for nearly a century.

Beginning about 1877, the provisions of the 14th and 15th amendments were disregarded over wide sections of the country, particularly in those Southern States where slavery had formerly prevailed. A series of measures was passed which in effect disqualified Negroes, and in some cases poor whites, from the suffrage. Segregation laws were also enacted, making distinctions on grounds of color. The North lost its early enthusiasm for Negro freedom, and acquiesced in the enforcement of those laws which declared the public accommodations law of that time to be unconstitutional, on the ground that the amendment applied to acts of States and not to acts of individuals. Even Justice John Marshall Harlan dissented.

In 1896, the Supreme Court upheld the segregation laws under the delusively so-called separate-but-equal doctrine. Harlan again dissenting, and this decision remained in the land until comparatively recently.

In the past 25 years there has been an increase in the awareness of the fundamental immorality of these practices by the American people. So gradually the 14th amendment has been brought to life, notably in the 1954 decision of the Supreme Court in the Brown or Topeka case, which declared that segregation as such in the public schools is a violation of the equal protection of the laws in drawing distinctions on extrinsic grounds which abridged the liberties of individuals, and that these were acts by the State and hence unconstitutional under the 14th amendment.

In 1957 and in 1960 we in Congress went on to protect the voting rights of citizens under the 15th amendment.

Now we deal with a bill which aims not only to protect the 15th amendment but also to protect the right to desegregated education under the 14th amendment. I have not heard the constitutionality of those titles seriously challenged.

Titles II and VII which seek to prevent certain places of public accommodation from refusing service on the ground of race, creed, or color, and prevent businesses, ultimately employing thousands of Negroes, from discriminating in hiring on the grounds of race, creed, color, religion, or sex, are the ones which seem primarily to be attacked on constitutional ground.

In preceding days I have listened to arguments that titles II and VII are unconstitutional, and also to the charge, which has either been stated or implied, that the whole bill is motivated either by sourmindedness or vindictiveness toward the South.

I should like to try to answer both those charges.

Titles II and VII, dealing with public accommodations and fair employment practices are morally desirable and are constitutionally justified under the commerce clause. While these provisions would probably not have been held constitutional by the Supreme Court 35 years ago, because the commerce clause was then interpreted to refer merely to the movement of goods and persons moving across State lines; now, after the Labor-Management Act, the Fair Labor Standards Act, and the other provisions, which have been upheld by the Court, it is perfectly clear that the commerce clause can cover conditions of employment and conditions of service within States which affect commerce.

Mr. MORSE. Mr. President, will the Senator yield for a question?

Mr. DOUGLAS. I yield.

Mr. President, is the Senator going to base his discussion of the public accommodations title on the brief reply to the argument made by a Senator earlier today, in answer to the Senator from Rhode Island that of course in the South there were Negroes who might want to go into a restaurant and get something to eat?

Mr. DOUGLAS. I heard that, and I was startled when I heard it, because I thought the whole South—where I was quartered in the South for a year when I was in the military service. A few minutes later, that speaker was followed by my good friend, the Senator from Louisiana [Mr.
First, the reality admitted but justified. declaring it to be an unfair act to discriminate against men in employment or promotion because they are active in union affairs. Congress can also say it is an unfair act to discriminate against a person in certain respects because of the color of his skin. If the first is upheld as constitutional, as it has been, I predict that the other will be upheld as constitutional. And that does not depend upon the complexion or the political views of any set of people who are likely to be members of the Supreme Court.

Incidentally, this proposed act conforms to the meaning of the term "commerce" which was in common use at the time the Constitution was framed.

Prof. Walton H. Hamilton, formerly of the University of Chicago Law School, prepared, in past years, a thorough discussion of the meaning of the word "commerce" in the 18th century. As he indicated, the evidence is conclusively etymology, the evidence is conclusive that commerce at that time did not mean the exchange of commodities from one place to another, but referred to the whole range of economic activity.

If one wishes to base one's argument on etymology, the evidence is conclusive that the original founders and framers of the Constitution intended to grant very broad powers to the Federal Government when they said that Congress could regulate commerce among the several States, or between a State and foreign nations. And notice that the Constitution regulates commerce among the several States and not "between" as is sometimes assumed.

Let us upon the narrowing of the meaning of the term "commerce," the Supreme Court was led to restrict the application of the commerce clause.

But in addition to the commerce clause, there is the 14th amendment itself. While the Public Accommodations Act of 1875 was declared unconstitutional on the ground that it referred to the acts of individuals rather than to the acts of States, nevertheless, I should like to congratulate the Senate in refusing the fact that many, and perhaps most, of the businesses which are singled out for the nondiscrimination principle in the bill before us operate under licenses granted regardless of color. The right to be served by a hotel, motel, or a restaurant, or to enter a theater or a filling station, is the right to be given a fair break in employment. These are basic rights which we say every citizen should have; nor shall any State deprive any citizen of the equal protection of the laws.

We can confidently leave the constitutionality of these sections to the courts, which will hand down their decisions, and can rest on the assurance that we have not legislated wildly or without due consideration of the confines of the Constitution itself.

Let me now deal with the charge, which has been flung around the Senate floor, that we who do not live in the South and who are supporting the civil rights bill are motivated by hostility to the South, or at least by vindictiveness toward the South.

I deny this in the most solemn terms. I do not believe that any northern Senator, in the 16 years that I have been in the Senate, has ever made a bitter reference to any single member of the South. I certainly never have.

Historically it is true that slavery flourished in the South and did not flourish in the North. Two and a half centuries of a system of slavery assumed on the farther side of the Mason-Dixon line left the North with a legacy of second-class citizenship to Negroes. It was not superior virtue on the part of northerners which caused them to not have slavery. It was merely because in the North it was colder, the snow was deeper, and the soil was poorer; therefore, slavery was not a paying enterprise. If it had been a paying enterprise, I have no doubt that northerners would have had slavery to as great an extent as did the southerners.

One of the worst features of slavery was the slave trade, in which the slaves were purchased in Africa and crowded onto ships as the result of second-class citizenship to Negroes. It was not superior virtue on the part of northerners which caused them to not have slavery. It was merely because in the North it was colder, the snow was deeper, and the soil was poorer; therefore, slavery was not a paying enterprise. If it had been a paying enterprise, I have no doubt that northerners would have had slavery to as great an extent as did the southerners.

The churches at this time have gotten solidly behind the civil rights bill which is now pending before the Senate. Does the Senator not have faith that the impetus of the religious organizations that are united as a whole will carry over after the legislation has passed and help to accomplish the very things that the Senator is now separating us from Michigan. I believe that the active participation of the church people, which is really a new venture, and the decisive venture in the civil rights struggle, will be of tremendous aid in the years ahead, provided they do not go to sleep, as they did after 1877.

I take great heart in the fact that there is a strong body of opinion in the South which does not agree with the southern policy of segregation. I was greatly heartened some weeks ago when 335 Presbyterian ministers and laymen from the South presented a petition to some of us asking that the civil rights bill be approved with or without a recommendation. I am assured that the South has turned the page of second-class citizenship and come out into the broad sunlight of human equality, respect, and dignity.

I compliment the legislative leaders of both parties, on both the north and south sides of the Capitol, who have
worked through the years for this measure, or a measure substantially similar. Some cases can be cited in this regard. But all have helped immeasurably. I pay tribute to them. I pay tribute to the organizations which have helped. But most of all, the passage of this bill has been assured by the hundreds of thousands of people who have risked their businesses, social esteem—and in some cases, lost their lives, in order that this principle might be established.

It is invidious to single out specific individuals. But I should like to mention a few names of those who symbolize the great change that has come about through the acts and sacrifices of the great masses of the people of this Nation.

Mr. President, Mrs. Daisy Bates, of Little Rock, heroically faced the power of a mob organized to segregate the high schools of Little Rock against enormous obstacles. We may have noticed in the newspaper a day or two ago that a Negro girl, Miss Evie Darby, was expelled from the integrated high school of Little Rock—and who has not had a very pleasant experience in that high school—was chosen as the presidential scholar for the State of Arkansas. In spite of all the obstacles which that girl faced, she went on to be judged as the ablest girl student in the State of Arkansas by an impartial committee who did not know her color. That gives hope that as we open up more opportunity for Negro students, just like this girl will emerge from what would otherwise be a state of suppression into the full development of their faculties, not merely for their benefit, but for the benefit of the Nation.

I mention Medgar Evers, shot and killed last year for his struggle that the right to vote might be extended to those of black color. No one has been convicted for his murder as yet. I mention John Greenleaf Whittier, which I believe are applicable to the present hour:

The clouds which rise with thunder, slake our thirsty souls with rain;
The star that has no light, breaks the chains, to free us from our limbs a chain;
And wrongs of man to man but make the love of God more plain.

This bill is a work of love, not of hate; a measure which does not stimulate prejudice and not to marshall the law behind prejudice. It is a measure to furnish a standard beyond which individuals can go but below which they should not fall. It will help make some of the most distinguished lawyers in the country—men who have decided that they want to move forward; and I hope and believe that the American people works these things out which are determined to prove the right to demonstrate, but not to initiate or willfully provoke violence.

If we can have such cooperation from the white South and from the Negro race, we shall shoot the rapid's and move into a better period.

I can offer a word of consolation, perhaps, to my southern white friends. They say they are fearful of what will happen. I say to them, do not be afraid of justice, or of truth, or of the fundamentals of the American system. Ultimately, the good sense of the American people works these things out in a way which is not likely to be the means of destroying the existence of the fundamental order of our existence.

Mr. President, this morning, as I was thinking of what I should say this afternoon, I came across some lines from the gentle Quaker poet John Greenleaf Whittier which I believe are applicable to the present hour:

The blow most dreaded falls, to break from the grasp of evil;
With God's love to the chains of reason, and of freedom.

Mr. President, in making that statement, the junior Senator from Arizona either overlooked or expressed disagreement with the remarks submitted to the Senator from Minnesota [Mr. HUMPHREY] and the Senator from California [Mr. Kucyzni], and signed by more than 20 of the most distinguished lawyers in the Nation, including 2 former Attorneys General who served under President Eisenhower—Herbert Brownell and William Rogers, and another former Attorney General; by 4 former presidents of the American Bar Association, and 3 deans of prominent law schools—men for whom all in the legal profession have the deepest respect, both for their integrity and for their legal acumen.

There is ample precedent for Federal action in these areas covered by titles II and VII. For example, food sold in restaurants throughout the Nation is subject to the quality regulations issued by the Food and Drug Administration. Meat is inspected by the Department of Agriculture.

As to title VII, employers throughout the Nation must comply with Federal minimum wage laws, health and safety standards, child labor laws, and Federal regulations relating to conditions of employment. They must pay social security taxes and must withhold employee income tax payments. One could continue almost endlessly to speak of the precedent for and constitutionality of various measures similar to the provisions of title VII of the pending bill. Businesses are subject to the antitrust laws and to Federal laws and regulations pertaining to...
unfair labor practices. All the laws pertaining to these matters and to many others which are similar have been tested in the courts, and have been found to be constitutional.

Mr. President, let me read a short excerpt from the letter signed by Mr. Harrison Tweed and Mr. Bernard G. Segal, and endorsed by other distinguished figures. In their letter of transmittal to the Senator from Minnesota (Mr. Humphrey) and the Senator from California (Mr. Kuchel), who had addressed to them this very question in regard to the constitutionality of these two titles of the bill, they replied, in part, as follows:

Upon careful consideration of the established judicial precedence in this area and constitutional law and in full recognition of the vital importance of the legal issues which are the subject of this letter—

The PRESIDING OFFICER. The time of the Senator from New York has expired.

Mr. KEATING. Mr. President, may I have 1 more minute?

Mr. MUNDT. I yield 1 more minute to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 1 more minute.

Mr. KEATING. I continue to read from the letter:

We conclude that title II and title VII are within the authority of Congress under the Constitution.

And they point out in detail the reasons why they reach that conclusion.

I believe it fair to say that their opinion and conclusion on this legal question of constitutionality can justifiably be plighted against that of any Member of the Senate. I do not question the sincerity or good faith of the junior Senator from Arizona (Mr. Goldwater) or, indeed, the popularity of his views in some quarters; but, Mr. President, in light of the opinion and the legal opinion of the vast majority of the Members of the Senate, on both sides, I do question the accuracy of the statement of the junior Senator from Arizona. Senator Kuchel's passage of the civil rights bill will be a vindication of the hopes and dreams and work of millions of Americans.

It is not a victory for sectionalism or for one race alone, but a triumph for all America. It is not, as its opponents have claimed, an instrument for oppression, but a tool for building a better, more unified nation. Today is not the beginning of the end for America, but the end of the beginning. It is now the time to extend equal justice to all our citizens.

The PRESIDING OFFICER. The time of the Senator from New York has again expired.

Mr. KEATING. Mr. President, I seek unanimous consent to have printed in the Record the letter and memorandum of the lawyers referred to, in regard to title II and title VII.

Mr. President, objection, the letter and the memorandum were ordered to be printed in the Record, as follows:

IDENTIFICATION OF SIGNERS OF LETTER

Joseph A. Ball: Ball, Hunt & Hart, Long Beach, Calif., past president, State Bar of California.


Herbert Brownell: Lord, Day & Lord, New York City, former Attorney General of the United States; president, Association of the Bar of the City of New York.

Homer D. Crotty: Sullivan & Cromwell, New York City, president, American Law Institute.


Albert E. Jenner, Jr.: Thompson, Raymond, Mayer & Jenner, Chicago, Ill., past president, American Judicature Society; past president, American College of Trial Lawyers.

John C. Kaye: Kaye, Petchek & Freund, New York City, former special counsel to President Franklin D. Roosevelt and President Harry S. Truman.

Eugene V. Rostow: New Haven, Conn., dean, Yale University Law School.

Samuel I. Rosenman: Rosenman, Colin, Kaye, Petchek & Freund, New York City, former special counsel to President Franklin D. Roosevelt and President Harry S. Truman.

Charles E. Sawyer, Jr.: Sawyer & Sawyer, New York City, president, American Bar Association; former chairman of board of delegates, American Bar Association.


Charles P. Taft: Taft, Lavercome & Fox, Cincinnati, Ohio, former mayor of Cincinnati.

Harrison Tweed: Milbank, Tweed, Hadley & McCloy, New York City, chairman of council and past president, American Law Institute; chairman, Joint Committee on Continuing Legal Education (ALI and ABA).

Charles W. Vann, Jr.: Vanderbilt University School of Law.

MEMORANDUM

TITLES II

Title II enunciates policy of the right of all persons to the full and equal enjoyment of service in hotel facilities, in eating places, in gasoline stations, and in premises offering accommodations or segregation in the access to such establishments on the ground of race, color, religion, or national origin.

The kind of prohibited activity contemplated by the terms "discrimination" and "segregation" is sufficiently clear to withstand challenge in any court. The courts have dealt with the concept of discrimination in the context of similar legislation, Federal and State, so as to fashion guidelines that are not directly constitutional but which constitutes discrimination and segregation on the grounds set forth in title II. For example, in United States v. Darby, 342 U.S. 200, 72 S. Ct. 294 (1952), the Supreme Court concluded that the segregation of seating facilities at a bus terminal serving interstate travelers was in violation of Title II, which proscribes discrimination against any persons in the context of similar legislation.

The use of the commerce clause as one of the grounds for framing the public accommodation legislation of the States, Congress has adopted laws applicable to a wide variety of commercial transactions. The mere enumeration of some of the better known statutes which have become accepted as part and parcel of our national economic structure demonstrates the broad range of the commerce clause.

In attempting to maintain free competition in the marketing of goods, in striving to assure the health of our people, in eliminating abuse of the railroads, airlines, and others in the labor force, and in responding to many other economic and social needs, Congress has passed the Sherman Antitrust Act, the Interstate Commerce Act, the Fair Labor Standards Act, the National Labor Relations Act and its supplement, the public accommodations acts, the Federal Trade Commission Act, laws regulating rail, motor, and air transportation, the Agricultural Adjustment Act, and countless other measures whose constitutionality is now beyond question.

Congress may select the objects of regulation or the method of regulation that will be best adapted to carry out the purpose of legislation enacted under the commerce clause.

In the case upholding the constitutionality of the National Labor Relations Act of 1935, N.L.R.B. v. Jones & Laughlin Steel Corp., 301 U.S. 1, 36 (1937), Chief Justice Hughes, speaking for the Court, said:

"The fundamental principle is that the power to regulate commerce is the power to enact all appropriate legislation for its protection and advancement. The power and the duty to adopt such measures to promote its growth and insure its safety * * * to foster, protect, control and regulate commerce as the nation shall deem wise and necessary."
ticipating artists or athletes normally move in interstate commerce. Proceeds in this case are abundant. By way of example, the courts have held such proceeds as derived from the sale of new and used tickets for admission to a bus terminal serving interstate travelers (Boytton v. Virginia, 304 U. S. 644 (1939)), and, substantially the same action, the sale and advertising of the right to possess or consume any article or commodity which is a necessary intermediate step toward such commerce (Mitchell v. Sherry Corin Corp., 364 F. 2d 531 (4th Cir.), cert. den., 360 U. S. 894 (1959)).

The problem involved by the decision in the Chicago case was the freedom of action of any one of the establishments covered by title II adversely affect interstate commerce. It follows that if Congress so desires, it should be able to forbid an individual refusal to deal just as it now prohibits individual discrimination in prices under the Robin­son-Patman Act.

Although racial discrimination may or may not be the same commercial ob­struction as the economic restrictions involved in antitrust and similar violations, a legisla­tive judgment on the question of the discrimination on the freedom or volume of the interstate movement of people and goods cannot, under the decided cases, be subject to serious doubt. Whatever its na­ture, a practice which has a detrimental or limiting effect on commerce may be reached by the commerce clause. The extent to which the discriminatory action of any one of the establishments covered by title II adversely affect interstate commerce, Congress in its indisputable control over interstate commerce and the conduct of such sales is subject to constantly recurring abuses which are a burden and an incentive to interstate commerce in grain" (325 U.S. at 36).

Many small businesses comparable to those within the scope of title II are today subject to the 14th amendment as a state regulation of commerce clause. The corner general merchandize store is deeply immersed in regulation under the congressional commerce power. In the customary pattern of State and congressional power was restated by the Su­preme Court last year in N.L.R.B. v. Reliance Fuel Corp. (371 U.S. 224, 225 (1963)).

The purpose of a regulation of interstate commerce is matters for the legislative judgment upon the exer­cise of which the Constitution places no re­striction and over which the courts are given no control. Whatever its motive and purpose, a provision of any law which, itself, does not infringe some constitutional prohibition are within the plenary power conferred on Congress by the commerce clause" (315 U.S. at 115).

We have dwelt at length on the com­merce clause basis for title II because this approach is suggested by the law as it has been developed by the pending legislation. The second source of constitutional power cited in considering the validity of title II protection clause of the 14th amendment.

Reliance upon the 14th amendment is consistent with the Civil Rights Cases, 109 U.S. 3 (1883). The Civil Rights Act of 1875 was declared invalid because it was not aimed at obstructions to interstate commerce. The defect found by the Supreme Court in the 19th century legislation would seem to be of the same nature as involved by title II upon discriminatory conduct sup­ported by State action.

In our considered judgment, the commerce clause basis for title II is the correct one. If the provision that the 14th amendment are sound constitutional bulwarks supporting the validity of title II of the 14th amendment.
I have received a great deal of mail from lawyers in my own State and from other States dealing with the constitutionality of the measure as discussed by Senator Goldwater yesterday and it is my desire today to present the argument on which the best legal minds of America disagree.

I have received numerous letters from able lawyers around the country who feel that the third practice especially would violate the Constitution and others are dubious about title II. I have also received letters such as the junior Senator from New York has read into the Record, from eminent lawyers. To the effect that this is not within the confines of the Constitution.

Mr. President, the constitutionality question is one over which apparently lawyers of equal ability will argue for many years, and it ultimately will have to be decided by the higher courts. But it is certainly not a one-sided question, and it is not a question on which all the legal talent of America is on one side and on the other.

I believe no one, even a Solomon if he were in our midst today, could say with finality whether title II and title VII are in violation of the Constitution.

Each Senator, each lawyer, and each citizen is entitled to his educated guess, but no one can know for sure unless the question has been decided by the courts. In the meantime, the debate among those of equal talent and sincerity will continue as well. Except for the happy, carefree disciples of the easy answer and the simple solution, there can be no question but what serious constitutional questions are involved.

However, I rise to speak on a subject on which I have more intimate knowledge than on which I have been taught or upon which I have even studied as a law student.

I do not believe that the third house approach was necessary in the proposed legislation. In all events, I believe it is a bad practice, to be avoided in the future. I believe that bicameral legislatures are good, but that unicameral legislatures are unwise, especially when they proceed on the basis of discriminatory federal and state laws and the legislative branches—putting appellate executive officials and Cabinet officers at work in the legislative body working with elected legislators to write the laws.

I believe that our constitutional forefathers were wise when they provided for a separation of powers. The legislative branch is one thing; the executive branch is another; the judicial branch is still another. And I believe that we shall keep them that way.
ica if we develop the precedent and follow the habit of the executive departments sitting in with members of the legislative branch to write the laws in committees and to keep oversight of the two-party legislative committees of Congress.

The imposition of cloture is something else to which I wish to allude. I believe that the Senate had no tie to vote for cloture on the issue, and that had we never brought the legislation to a head. I think it is extremely difficult to have even the most important and as basic to the operation of the Senate. I shall vote for cloture on final passage, Mr. President. Sometimes bad methods can achieve good ends.

While I have had some earnest and harsh words to say about the "third house" complex and the roughhouse techniques of cloture which were used to put the bill together and advance it, I think in the main some good results will flow therefrom. I pay tribute to those who sat in the "third house." But I point out that the victories they gained were not as important or as meaningful as would have been if the Senate had a two-party system operated in the "third house," even though the second party had a minority no larger than the Republicans have in the Senate, namely, six, whereas in the House it would have been a voice of caution and of criticism. There would have been a call for more careful scrutiny. There would have been less need for changes that were added on the floor of the Senate and for some that were rejected here.

The "third house" eliminated some repugnant and distasteful features of the proposed legislation which were in the House-passed bill. I pay tribute also to the minority leader, the senator from Illinois (Mr. Durkin), who probably knows more about what is in the bill than does any other Member of the Senate, who worked at it harder, who worked at it longer, employed by the devotees of cloture and its own best argument against an easy curtailment of debate by easy-to-obtain, the proposed legislation was carefully scrutinized. At this time more than 85 amendments have been added to it, because the Senate is a deliberative body, because cloture was not something that it is the body to keep rule XXII as it is, undiluted, unweakened, and unchanged, because our present rule on cloture and the fact that it was hard to get provided in this instance an opportunity to have a long, sustained debate on a highly controversial measure.

Had cloture been easy to obtain, I suspect that after the first 30 days or 6 months, it would have been, and in all probability the House bill would have been adopted without most of the more than 80 corrective and salutary amendments being approved. But together they have brought about a vast improvement in this legislation from its enactment. I shall vote for cloture, held the Senate in continuous session, more than was normally given to those who are here then can look back to see what happened to those of us who are not here before the cloture something as important and as basic to the operation of the Senate.

I make these observations in this connection, Mr. President, not to complain, but merely to caution, because the Senate is a deliberative body, and the same arguments for cloture, for speed, for "gagging the skids," will be made again. And it will be well that those who are here then can look back to see what happened to those of us who are not here before the cloture something as important and as basic to the operation of the Senate.

AS WE LIVE WE LEARN

But as we live we learn. One lesson that I hope we learn is the obnoxious feature of a third house operating in this legislative body. The other thing I hope we learn is the undesirable ramifications which inevitably flow from any legislative situation in which cloture is involved. Almost inevitably when cloture is invoked, we have a ramping majoritarian attitude tending to flaunt power, tending to deny the minority viewpoint adequate opportunity to make its case and to plead its cause.

We had an example of that tendency on this floor, Mr. President, this very week, when, on last Tuesday night, the leadership, which had won its vote for cloture, held the Senate in continuous session for more than 13 hours, voting more than 30 times on individual amendments. I think the leadership was justified. It was not until after midnight that some of us arose on the floor to call attention to the roughhouse tactics being employed by the devotees of cloture and pointing out how difficult it might be again to convince the Senate that this cloture could produce an orderly legislative process, with that kind of example written into the records of the Journal of the Senate.

I am happy to record for the permanent Record and for historians that our majority and minority leaders are reasonable, prudent and considerate men; and when the situation was summarily called to their attention, when it was pointed out that the abuses of the priv-leges and power given under cloture would bring their own dire dividends, the Senate was promptly recessed, and the straitjacket cloture we place ourselves in an iron vice choking us and gagging us, and have little cause to complain about the results which eventuate.

We have also learned to understand, that it is extremely difficult to have a body to keep rule XXII as it is, undiluted, unweakened, and unchanged, because our present rule on cloture and the fact that it was hard to get provided in this instance an opportunity to have a long, sustained debate on a highly controversial measure.

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Some of the amendments are minor in nature. Some are very major in nature. Such major amendments would have brought about a vast improvement in this legislation from the standpoint of what the bill was when it passed the House. We can give the present nature of rule XXII credit for that.

I regret that many amendments were turned down which I thought might have been added. But, under the restrictions of cloture, having all discovered that it is extremely difficult to have one of the best amendments receive adequate debate, careful scrutiny, and devoted intelligent attention.

I have no observations, Mr. President, on the amendments to which the president pro tempore has referred. Mr. President, sometimes bad methods can achieve good ends.

I pay tribute also to the minority leader, the senator from Illinois (Mr. Durkin), who probably knows more about what is in the bill than does any other Member of the Senate, who worked at it harder, who worked at it longer, employed by the devotees of cloture and its own best argument against an easy curtailment of debate by easy-to-obtain, the proposed legislation was carefully scrutinized. At this time more than 85 amendments have been added to it, because the Senate is a deliberative body, because cloture was not something that it is the body to keep rule XXII as it is, undiluted, unweakened, and unchanged, because our present rule on cloture and the fact that it was hard to get provided in this instance an opportunity to have a long, sustained debate on a highly controversial measure.

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I am convinced that, in the ordinary legislative process, affecting 10 or 15 amendments, is a minimum—good amendments and important amendments—should have been added to this bill. I shall not seek to enumerate them. I shall not seek to enumerate them, but as a rough guide for those who study and analyze the Record, I suspect that many of the amendments that received 35 or more votes on the long rollcall might well have been adopted had we been confronted with hard votes on them. We quickly turned them down which I thought might have been added. That is one of the reasons for cloture, because cloture was not something that it is the body to keep rule XXII as it is, undiluted, unweakened, and unchanged, because our present rule on cloture and the fact that it was hard to get provided in this instance an opportunity to have a long, sustained debate on a highly controversial measure.

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I was unwilling to vote for a “civil rights bill” as a slogan or a label on a bottle, although every time a civil rights bill has been offered in Congress, I have voted for civil rights bills. I wanted to see how much progress we could make toward having a workable, reasonable, constructive piece of legislation.

While, in my opinion, we have not moved in that direction as far as we should have, we have definitely moved in that direction and a wise and prudent and dispassionate administration of the bill can make it a vehicle for good instead of something that will be resented by some people.

I support wholeheartedly the concept of “one citizen, one vote.” It is not quite so simple, however, as the good Senators both from the South and from the North have opposed this bill persistently; and good Senators also have supported it. There certainly have no quarrel with any Senator on his vote on this measure where each of us must conscientiously do our best to arrive at a decision with which we can live. Each Senator has his own good light, provided by his conscience, his convictions, and his constituency—all of which I believe should be considered in a decision of this kind—will, I am sure, vote for what he believes to be the best interests of his country.

As I have indicated with many missives, especially title VII, and a few misgivings about other areas, I shall vote for the bill in an effort to provide the direction of providing greater equity and greater harmony of association between the races.

I shall vote for the bill because I feel it is necessary to take certain actions to correct certain distasteful and unconscionable situations which exist in certain areas of America today.

I shall vote for the bill because I believe it will set a standard for better public behavior on the part of everyone regarding racial problems.

VIOLENT VOTING RIGHTS

Now, Mr. President, I turn to a subject which is unrelated to the text of this bill, but is closely and intimately related to the philosophy and purpose of this bill as expressed in the title dealing with the voting rights of citizens.

I turn to a discussion of the most repugnant discrimination and the most ignominious violations of the voting rights of citizens which exist in America, both before and after the passage of this bill.

A FLAGRANT VIOLATION OF CIVIL RIGHTS

I invite attention to the most flagrant violation of the voting rights of individual citizens existing today in this Re-
These States have petitioned Congress by resolution for redistricting arrangement to the States for ratification: South Dakota, Montana, Utah, Kansas, Colorado, Texas, Arkansas, Mississippi, Maine, and New Hampshire. Others will follow and Congress is compelled to submit.

We advocate the adoption of the district plan as the solution. I hope the next time they will remember this fact in their scheme of district plan. If one person in each of those States votes in favor of a certain candidate, the capacity of those States in the electoral college is so strong as to nullify and overcome the unorganized votes cast by every voting citizen, moving in the same direction, in all of the following States: Florida, Georgia, Alabama, Mississippi, Louisiana, Texas, Oklahoma, Arkansas, Tennessee, South Carolina, North Carolina, Kentucky, Virginia, and West Virginia.

**VITAL IMPORTANCE OF THE BIG CITY VOTE**

**Introductory note:** The election of 1960 was lost by Republicans in the relatively few big cities of the Nation. The following data represent how these cities can determine the outcome of the vote in the electoral college.

<table>
<thead>
<tr>
<th>State</th>
<th>Votes</th>
</tr>
</thead>
<tbody>
<tr>
<td>New York City, Los Angeles, Chicago, Newark, and Philadelphia</td>
<td>618</td>
</tr>
</tbody>
</table>

The above five cities are the key to the electoral vote of their respective States. Total electoral vote of these States is 156, equal to total of the 14 States listed below.

The same principle is true in schedules I, II, and III.

Philadelphia alone (total 36 votes) or Detroit and Newark (total 36 votes), is equal to Arizona, Idaho, Montana, New Hampshire, New Mexico, North Dakota, Utah, Arizona, Colorado, Montana, New Mexico, and Oregon.

I hope the next time they will remember that the philosophy which motivates us to vote for the pending bill also motivated us in voting to eliminate the unfair, discriminatory, anti-American, anti-civil rights operation of the electoral college as it functions in this country today.

Let me give the Senate another illustration of what is wrong. Eight large cities in this country have 217 electoral votes, which they control because they predominate in the voting of their States. They are New York, Los Angeles, Cleveland, Detroit, Boston, Chicago, Newark, and Philadelphia.

If just one additional citizen—eight ordinary people—in each of these States vote a tie-breaking vote in each of these cities making it a tie-breaking vote within each State for the presidential candidate, those eight citizens alone, under our current college voting system, have more authority in the election of a President of the United States than every citizen voting unanimously in the following States for a different choice: Delaware, Arizona, Idaho, Montana, New Hampshire, New Mexico, North Dakota, Maine, Oregon, Colorado, Nebraska, and Rhode Island.
Tennessee, South Dakota, Utah, Arkansas, Connecticut, Kansas, Mississippi, South Carolina, West Virginia, Kentucky, Iowa, Louisiana, Alabama, Minnesota, Oklahoma, and Virginia, a total of 32 States.

We talk about having universal franchise in America. We concern ourselves, and rightly so, with a black man having the same vote as a white man. We should. We should also concern ourselves about a tie-breaking vote in eight vast cities, cast by a black man or a white man, which gives more authority to eight such citizens than is possessed by all the citizens in 32 States.

In this iniquitous situation, embodied in the greatest violation of civil rights of all Americans, except those living in California and New York, we find the taproot of almost every evil movement and policy developing in America today. It nullifies the processes of self-governance. It allows pressure groups, which do not have to move outside the city limits of the great metropolitan fleshpots in this country to control and dominate American policies, determines presidential nominees in both our major parties, and determines who will win the presidential election and, indeed, dictates to the President after his victory what his policies must be if he intends successfully to seek reelection.

I am happy to say that there is a solution to this problem, that there is an answer to it. I refer to Senate Joint Resolution 12. I ask unanimous consent for the insertion of the joint resolution printed in the Recess at this point in my remarks.

There being no objection, the joint resolution was ordered to be printed in the Recess, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein): That the following article, in addition to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the States, shall be entitled in the Congress; but no Senator or Representative to which the State may be entitled by virtue of its Representatives in Congress, shall be chosen an elector.

"SEC. 1. Each State shall choose a number of electors of President and Vice President equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be chosen an elector.

"The electors to which a State is entitled by virtue of its Senators and Representatives shall be elected by the people thereof, and the electors to which it is entitled by virtue of its Representatives shall be elected by the people within single-elector districts established by the legislature thereof, composed of compact and contiguous territory, containing as nearly as practicable the number of persons to which the State is entitled to one Representative in Congress; such districts when formed shall not be altered until another census has been taken. Before being chosen, however, each candidate for the office shall officially declare the persons for whom he will vote for President and Vice President, and if in any such case there be no such binding on any successor. In choosing electors of President and Vice President the votes in each State shall have the qualifications required by the Constitution of the respective States. Each State shall have a number of electors equal to the whole number of its Senators and Representatives to which the State may be entitled in the Congress, but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be chosen an elector.

"SEC. 2. The Congress may by law provide for the case of the death of any of the persons from whom the Senate and the House of Representatives may choose a President or a Vice President whenever the right of choice shall have devolved upon them, or in any other case, shall provide for choosing the President or the Vice President, after the death of any of the persons so chosen, or if any person chosen be deceased, which lists they shall sign and certify, and transmit sealed to the seat of government of the United States, directed to the President of the Senate; the Congress may by law provide for the case of the death of the President during his term of office. The Congress shall assemble at such time and place as they may determine by law. When the death of the President shall have occurred in the recess of the Congress, and the Congress shall not have assembled within twenty days after the happening of the event, then from the persons having the three highest numbers on the lists of persons voted for as President, and of the number of votes for each, excluding those of any person or persons than those named by an elector before he was chosen, unless one or both of the persons so named be deceased, which lists they shall sign and certify, and transmit sealed to the seat of government of the United States, directed to the President of the Senate; the Congress may by law provide for the case of the death of the Vice President during his term of office. The Congress shall assemble at such time and place as they may determine by law. When the death of the Vice President shall have occurred in the recess of the Congress, and the Congress shall not have assembled within twenty days after the happening of the event, then from the persons having the three highest numbers on the lists of persons voted for as Vice President, and of the number of votes for each, excluding those of any person or persons than those named by an elector before he was chosen, unless one or both of the persons so named be deceased, which lists they shall sign and certify, and transmit sealed to the seat of government of the United States, directed to the President of the Senate; the Congress may by law provide for the case of the death of any of the persons chosen, unless one or both of the persons so chosen be deceased, which lists they shall sign and certify, and transmit sealed to the seat of government of the United States, directed to the President of the Senate; the Congress may by law provide for the case of the death of any of the persons so chosen, unless one or both of the persons so chosen be deceased, which lists they shall sign and certify, and transmit sealed to the seat of government of the United States, directed to the President of the Senate.

"SEC. 3. This article shall take effect on the first day of July following its ratification.

Mr. MUNDT. Mr. President, this amendment is a return to true democracy to the system of electing Presidents that was used in the first three great national elections in this country, with one man equal to one vote, and would provide for electing presidential electors from pre-determined electoral districts, each of equal size and of equal importance. Each person would vote for a presidential elector representing his Representative in Congress, because he has one, and for two Senators, because he has two, and having as many electors as he has Representatives and Senators combined, with each equally important electoral district reporting that those three electors went pro or con, A or B, or Republican or Democratic.

Every candidate would have to appeal to America as a whole, not to the determinative voters in the major cities which are won by casting the tie-breaking numbers, can determine the policies of America.

I share with the editors of the Washington Evening Star the concern about this problem, recognizing what the Supreme Court decision today may mean if Vermont, Delaware, Rhode Island, or some other small State will have its attorney general take to the Supreme Court a challenge to this flagrant violation of the franchise of America.

I believe the Supreme Court will have to rule in conformity with its rulings in other cases that this kind of rigged, stacked electoral college system is unconstitutional.

Let me quote one sentence from the editorial:

"Why should not every vote, for example, have the same value when it comes to election of the President, who is President of all the people of the United States? The raising of this old issue, as a matter of law, may not be too far off.

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

Mr. MUNDT. I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator from South Dakota is recognized for 2 additional minutes.

Mr. MUNDT. Mr. President, may I point out one further illustration for those who read the Record, for those who really trust the people, for those who believe that the people should select the President, rather than have him selected by unfair electoral devices, and rigged systems of counting in the electoral college.

Permit me to show just how unjustly this system operates. Imagine with me, if possible, twin baby boys born in Omaha, who after graduating from a fine prep school and winning scholarships to attend Harvard University, they then graduate from the law school of Harvard University, graduating in a tie for the top of their class. All their family and friends believe the same two boys are tied at the top of their class, summa cum laude. The twin boys are still equally and identically intelligent, able, and skilled.
They then part company for the first time in their lives, brother Joe going to New York, and brother John going to Wilmington, Del., to practice law. Flip the calendar with me for 40 years. At the end of 40 years, each of them is a supreme court judge in his respective State—John in Delaware, Joseph in the State of New York. They are both still equally able, equally conscientious, and equally successful. They are equal Americans.

But when they go to vote on the first Tuesday following the first Monday in November, all semblance of equality goes down the drain. Brother Joe at 3 o'clock in the afternoon, voting anywhere in New York State, pulls an election lever which casts 43 votes for President. His brother John, voting in Delaware, at the same time pulls an election lever which casts a mere three votes for President. There is nothing fair, nothing right, or nothing just about such an election system. As a consequence, a system as wrong as that can lead only to trouble in America. In fact, it is already producing many deplorable results in America.

I solicit the support of my colleagues and the country for Senate Joint Resolution 12, which would put the election of Presidents back in the hands of the people, all the people of America, with equal voting rights regardless of where they live.

That, to me, would be giving civil rights to all Americans, not merely civil rights to some Americans.

Mr. MORTON. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 3 minutes.

Mr. MORTON. Mr. President, I commend my friend and colleague from South Dakota for a very clear exposition of the obvious injustices which prevail in our present electoral college system. The Senator has made the case and stated the case today so clearly as I have never heard it. Furthermore, it was an appropriate time to make such a statement. For, as the senior Senator from Vermont [Mr. Aiken] stated yesterday, "The matter is too vast for 3 minutes."

We are passing an historic bill which includes in title I the entire provision with respect to voting rights. Also, the highest Court of the land in the beginning of this week rendered a decision with regard to representation among the State legislatures—both the State senates, as well as the lower houses—which brings this matter home.

I personally do not see how, if a case such as was described by the Senator from South Dakota—involving such a State as Delaware, Rhode Island, or another State with a small electoral vote—should go to the highest tribunal, it could conclude that there was one among the conditions that there should be equality, that each citizen should be equal in his choice in the selection of the President. That only means that each should be able to vote three members of the electoral college.

I again commend my friend the Senator from South Dakota on an excellent exposition. I was here hoping to help him if he needed help. But he did not need any.

I reserve the remainder of my time.

Mr. JOHNSON. Mr. President, this is indeed the blackest day in the U.S. Senate since 1875, when the Congress passed the Civil Rights Act. This is a little more similar to that one. It was 80 years ago that the Congress passed the nefarious Reconstruction era civil rights laws, identical with what we are now discussing, which were later declared unconstitutional by the U.S. Supreme Court. The Senate, if it passes this measure before us, will be compounding that unconstitutional error made back in 1875. I predict that this bill will never be enforced without burning our way through every amende and without the cost of bloodstream and violence.

Ten years ago, in 1954, the Supreme Court took it upon itself to amend the Constitution of the United States and declare that segregation—that is, required separate but equal school facilities for the races—was illegal. Instead of promoting peace and harmony between the races, a solution of this deep-rooted racial violence, intolerance, bigotry, and hatred compounded and multiplied. Whenever Government decrees a social policy for people when the people are not behind such a policy, one can only expect as a result such violence and trouble.

Those who advocate passage of this civil rights bill need not expect this legislation to do anything for our country except cause discontent and rekindle the hatreds and prejudices of 100 years ago, to be perpetuated into the future for at least another 100 years. Contained in this legislation is not just a so-called framework for engendering equality among people of different races. This bill contains the equipment, tools, temptation, and power to establish a vast social policy for people when the people are not behind such a policy. It is not only expected as a result such violence and trouble.

There is no question in my mind but that the spirit of Thaddeus Stevens was present in this Senate Chamber when proponents of this civil rights measure burned to death every amendment offered by the opposition. The prejudice against all amendments, regardless of legislative merit, was obvious throughout our days of deliberation here.

And now, no Member of the U.S. Senate that really knows what will happen after this bill is passed into law. It is a Pandora's box filled with unknowns that will return to haunt our countryside. It is a paradise of loopholes and unanswered questions which will wind up in the hands of the Supreme Court to be used in its obvious drive to become the oligarchic rules of this Nation. This entire bill has been amended, together, revised, and substituted in the Senate floor without benefit of hearings and without benefit of proper legislative record.

When one talks of eliminating discrimination by this piece of so-called legislation, if it were not such a serious matter it would be fit for a good joke. For every ounce of discrimination eliminated under this bill, there is a pound of discrimination heaped upon the people by this bill. This bill sets up a prejudicial form of judicial proceedings in civil rights cases. It discriminates in civil rights cases. It brings a truly for­mal form of so-called justice into our judicial system in the case of civil rights matters.

Proponents of this bill talk in terms of protecting the rights of the individual, but they do not mention the fact that for every right that the Federal Government has guaranteed a person, there are a hundred rights being stripped from the people and their States.

If we sweep away the center of emotion and the clutter of these detractors and look at the legal aspect of this legislation, we can only come to the realistic conclusion that it is unconstitutional and will be recorded in history as the greatest robber of the rights of individuals and States and the most tremendous hoax ever perpetrated upon the people of the United States.

I want to discuss some of the unconstitutional sections of this bill, and to point out specifically why I am against it.

**TITLE I**

The substitute bill now before us makes some changes in title I, pertaining to voting rights, but still unconstitutionally encroaches the Federal arm and Federal jurisdiction over the State right to determine qualifications for voting. The Constitution clearly gives to the States the right to establish voting prerequisites; but this title of the bill would take away this State right. This bill is so prejudiced that it gives to Federal officers the right to determine what States may give written examinations and what States must give written examinations. The political power in such a bill can open the door in some areas for people to vote, and close the door in other areas. This section is an unnecessary extension of the Federal authority over the State, county, and local affairs of our citizens, and an unconstitutional grab for power. It violates at least three clauses of our Federal Constitution. It is a radical concept of the balance of powers between separate and coordinate branches of Government. This is a terrifying assault upon our Constitution and our States rights, and is but one reason why I am opposed to this bill.

**TITLE II**

Title II of the bill is a bold attempt by the Federal Government to regulate the local customs and social practices of the people at large. Everyone realizes that the Federal Government cannot determine who shall go to movies, restaurants, theaters, and all other places of public accommodations in their own communities will be under the doctrine of forced integration.

This section will cause nothing but strife, frustration, emotionalism, and all of the other bad things that go to make up a disturbed population. The enforcement of this section will require a great army of officers, bureaucrats, and personnel. In uniform. If the executive branch of Government is determined to place it into full force and effect, I consider it utter foolishness for the Federal
Government in Washington to attempt to tell the owners of restaurants, gasoline stations, drugstores, theaters, and all of the many other establishments covered by this title that they must suddenly open their doors to any and all comers. I can see no purpose to title II other than a grab for Federal power. It is an invasion of the privacy rights of all citizens by the Federal Government, and it constitutes an extremely dangerous thrust of Federal power into the normal and traditional domain reserved to State and local governments.

Title III

Title III of this bill gives to the Attorney General the power to bring suit, and where the Attorney General considers that such a suit would materially further the public policies favoring the orderly achievement of desegregation in public education.

Mr. President, there can be no doubt that title IV, like title III before it, sets up a special category of privileged people with privileged interests. Legislative provisions providing for this type of discrimination are completely out of keeping with American tradition and American law and the laws of our 50 States.

Title IV of the substitute bill demonstrates the vicious approach of its authors in their attacks against the South. Not satisfied with pressing this desegregation of public schools section, they have included new language that prohibits the integration of schools in the North. In the South, our people live interspersed, or, if you please, integrated, in population areas all across the rural countryside, and even in our cities, white neighborhoods mixed with Negro neighborhoods. In the North, the whites have fled from many areas populated by Negroes, and have moved into the suburbs, segregating themselves. The Negroes live segregated in the metropolitan cities of the North, not in the rural areas. Therefore, this bill establishes a basis resulted in school districts that are segregated by virtue of geographic position. The authors of this substitute bill incorporated section 407(a), which now establishes prohibition against the busing of students, to achieve racial balance or integration, if you please, in northern areas not desiring integration. This section now states:

That nothing herein shall empower any court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils from one school or any school district to another in order to achieve such racial balance, or otherwise enlarge the existing power of the court to insure compliance with constitutional standards.

In other words, this bill is saying to the Supreme Court that, as much as it may like to enforce integration, or the 14th amendment, or whatever one wants to call it, it is the will of this Congress by this bill to continue to guarantee segregation in the North and to press integration in the South. I have said before, and I repeat now, this is a North-South bill, for the North and against the South. Again, this is a cause of my adamant and complete opposition to this bill.

Title V

Mr. President, title V deals with the Civil Rights Commission. Under this title, the Civil Rights Commission would be made a permanent body and would be given new and sweeping authority.

This new authority would convert the Civil Rights Commission from a temporary agency into a national clearinghouse for information concerning details of the equal protection of the laws.

The Civil Rights Commission really amounts to an Executive Commission with judicial powers. It will make investigations concerning violation of our Federal laws. I see no reason why the Attorney General should be dissatisfied with the work of the Federal Bureau of Investigation along these lines. I see no reason why an investigative agency such as the Civil Rights Commission, as proposed under this bill, should have the authority to subpoena witnesses to testify and to hold hearings and to gather information into individuals—without any protection being extended to any American.

Mr. President, the implications and dangers of these new, far-reaching powers under title V are such that the Civil Rights Commission are all too obvious. Surely not even the most zealous proponents of this bill can realize what they are doing. I am compelled to be against such unconstitutional, unwarranted and prejudicial legislation.

Title VI

Mr. President, title VI, "nondiscrimination in federally assisted programs," concerns me as much as any other section of this bill. It gives unlimited power to the President, and, of course, by delegation to his subordinates, to cut off funds from practically every program enacted by Congress for the benefit of our citizens. Title VI grants a power we should be very reluctant to give any man. Surely not one of the provisions of this bill can realize what they are doing. I am compelled to be against such unconstitutional, unwarranted and prejudicial legislation.
Title VII

In my opinion, title VII, which would create an Equal Opportunities Commission, is one of the worst sections of the bill. The whole purpose of offering equal employment opportunities to certain classes, it infringes on many of the liberties enjoyed by all Americans, regardless of race, creed, or color.

Title VII sets up an Equal Employment Opportunities Commission to police and investigate all industries affecting commerce, which includes any activities, business or industry in commerce, and all persons, labor unions, partnerships, associations, corporations, and unincorporated associations, trustees, in bankruptcies and receiverships and even churches. The wide range exercised in this title will affect virtually everyone doing business in the United States, limited in its scope only by the exclusion of businesses hiring small numbers of people, changing this number slightly over the early years of the law's function. Any of these are covered under other sections of this bill.

This title removes from the businessman the right to pick his associates, hire, fire, promote, or grant benefits according to his personal judgment or the judgment of his subordinates. When fully implemented, this Commission will have $10 million a year to create a big brother bureaucracy to meddle in the affairs of virtually every business or industry, labor union, organization or activity in the United States.

The passing of legislation such as this under the banner of equal rights is a mockery. Throughout the history of our country, the concept of liberty has passed from one generation to the next has been that of liberty, not the right to any specific job. Under the proposed terms of granting the right to specific jobs, this legislation removes much of the liberty Americans have associated with property since the acceptance of the Bill of Rights.

Many times in our history it has been pointed out that without property rights discrimination is paltry. In a general way, a stroke, many of the property rights long held dear by the American people will be diminished for an objective which I believe will not be forthcoming if this legislation is enacted.

Title VIII

Mr. President, title VIII is a comparatively short provision pertaining to registration and voting statistics, adding provisions to the Census Act.

Mr. President, the mere fact that a section in the bill of this type is short does not necessarily mean that there are not boobytraps lurking in the dark recesses of the weird conceptions behind every word. But as far as I am personally concerned, I believe that title VIII is no longer than the more lengthy sections of this bill.

There are, however, several possibilities for misuse inherent in this simple title. As originally appearing in the bill, title VIII pertains to a period taken—and was not restricted to any areas designated by the Commission on Civil Rights. The very fact that the title has been changed to provide for censuses only in those areas recommended by the Commission on Civil Rights proves the possibility that this provision can be used as a tool or lever to embarrass any particular area the Commission may desire to intimidate and coerce, for race or politics or racial or both.

If we need a survey, or a census on registration voting, we should have a national survey. An area or regional survey may indicate voter patterns that seem discriminatory on their face, but it may actually be attributable to non-discriminatory factors. Under such circumstances, it is certainly unfair, to say the least, to compel the Congress to commission to single out any area in order to publicize, denounce, or commend it.

Title VIII is probably the least obnoxious section of this bill, but the way in which it is drafted, like the rest of the bill, could very easily lead to abuses against the people. Title VIII should be struck down along with the rest of the bill.

Title IX

Title IX of the original bill was bad enough until the substitute bill authors added into this section the "intervention by the Attorney General" section that was deleted from title III of the bill. In addition to this, though, title IX of the substitute bill contains probably the most radical departure from Federal rules and procedures of the entire bill.

Under our present law, certain actions brought in bond, jurisdiction is taken away from the State court when one party can proceed in the State court. No depositions can be taken. Any scheduled hearings or hearings underway must be suspended and the matter is completely removed from the State court until such time as remanded by the district court.

Any lawyer can easily see that jurisdiction of any given State court could be judicially staked while endless litigation was carried forth in the Federal courts appealing adverse decisions all the way to the Supreme Court of the United States.

This radical departure from our orderly procedure in our Federal courts would place litigants bringing action in civil rights cases in a preferred position held by no other parties seeking redress of their grievances.

The advantage to be given to civil rights litigants under this proposed change is unfair to our State courts, our Federal district judges and all the litigants with matters pending that do not have similar rights, advantages, and protections.

Title X

Title X establishes in the Department of Commerce a Community Relations Service. The Director, as already stated, shall be appointed by the President, and additional personnel to be appointed by the Director.

This exaggerated superstructure of all human relations, service is charged with assisting communities and persons therein in resolving disputes, disagreements, or difficulties relating to discriminatory practices, based on race, color, or national origin.

Mr. President, here again we see a weird, perverted design of the interstate commerce clause to allow the Federal Government to enter into a new field affecting the very relationship of neighborhoods on the local level—and with the Congress imposing virtually no restrictions on the jurisdiction of the new Community Relations Service.

Despite all the difficulties objections to this section of the substitute bill, the simple construction of a new Federal bureau with nothing more to do than to pry into the lives of our people is sufficient grounds for me to be completely opposed to it.

Title XI

Mr. President, title XI, of course, is the miscellaneous section, aimed at tying up loose ends. It contains the usual proviso which would allow this legislation to continue in force even if parts of it are declared unconstitutional.

The authors of this bill, I must admit, were farsighted enough to provide that such funds as may be needed, and not a specific amount, be appropriated to carry out this law, because no one on the face of the earth could determine with any accuracy how much money this gigantic grab for power will cost the American taxpayer.

Furthermore, if all the insidious provisions of this civil rights bill were enforced to the letter, the appropriation for the other personnel of the appropriations contained in title XI could very easily exceed the national defense budget in coming years.

At this very time racial violence is flaring up only in the South, where our well-founded institutions were removed by judicial decree, but all over the North where protection gimmicks similar to
those contained in this civil rights bill are already in force. These Northern States that have attempted to solve the racial problem with civil rights legislation have themselves suffered more and more racial violence; and I feel even as this bill is now before the Senate, an increase all across the North in racial violence.

This law we are about to pass—although I shall certainly vote against it—is no solution. The very advocates of this legislation who strongly urged its passage months ago to get the demonstrators off the streets and into the courts are now saying, with the bill's passage imminent and assured, that this is no solution but merely a framework within which differences must be resolved.

Mr. President, this is the very statement those of us opposed to this bill made from the beginning—that this bill was no solution to the racial problems confronting America today, but, indeed, would only multiply these problems.

Now that we are in the final hours of debate on this legislation and it is in fact about to become the law of the land, I must say that little is heard from the proponents about the "magic effect" it would have in reducing the racial tensions of this Nation.

It amused me to listen to the Senator from Minnesota a few moments ago when he said nobody knew what was going to happen, or words to that effect.

Mr. President, in addition, this bill has had a most unusual trip in its journey through the legislative halls. Not one Senate or House hearing was held on this piece of legislation to allow the citizens of this great country of ours to bear witness to the far-reaching effects this bill would have on their homes, schools, businesses, neighborhoods, associations, or to call attention to the many rights that are actually being taken away by this bill.

When the proponents of this legislation spoke at length as to why they wanted it and refused to be interrupted for enlightening debate and no questions were allowed to be asked, not a word was uttered in the press claiming "filibuster, talkfest, or delaying tactics." But as soon as the Senators who are opposed to this legislation started point by point to clarify the provisions of this legislation and let the people know just exactly what was at stake, a great clamor arose to cut off debate.

I predict this bill is not going to solve the racial differences but will amplify and cause more racial unrest in the months ahead than any of us have ever witnessed in our lifetime.

As the months pass and the bill is shown to be obviously unenforceable, as racial hatreds increase and racial violence multiplies, when the racial situation becomes so explosive that it is no longer acceptable as to be intolerable, I remind my friends in the North that force legislation such as is being forced into law here, is not the way for a peaceful America. History will undoubtedly regard this bill as the "Unlawful Rights of 1964."

Mr. HOLLAND. Mr. President.

The ACTING PRESIDENT pro tempore. The Senator from Florida.

Mr. HOLLAND. I yield myself my remaining time, which is 15 minutes, as I understand.

In the beginning, I ask unanimous consent to have printed at this point in the Congressional Record the 106 amendments which were rejected by the Senate in the course of this debate.

There being no objection, the list was ordered to be printed in the Record, as follows:

AMENDMENTS TO H.R. 7152 REJECTED BY THE SENATE ON JUNE 9, 1964

Hickenlooper amendment to eliminate special training for school officials to deal with school integration problems.

Cotton amendment to eliminate all across the North in racial violence.

Ervin amendment to strike language in the bill entitled "Equal Employment Opportunity."

AMENDMENTS TO H.R. 7152 REJECTED BY THE SENATE ON JUNE 10, 1964

Russell amendment providing that November 15, 1965, shall be the effective date of title II of the bill respecting public accommodations.

Further amendment to eliminate title VI of the bill respecting nondiscrimination in federally assisted programs.

AMENDMENTS TO H.R. 7152 REJECTED BY THE SENATE ON JUNE 11, 1964

Cooper amendment to extend from 5 to 12 months the period of time that an operator of a transient lodging establishment may refuse to render any personal service to an individual because of his will.

Ervin amendment to eliminate language allowing Attorney General to enter into consent decree with local authorities for conduct of voting tests.

Ervin amendment to strike language allowing Attorney General to intervene on certification of its general public importance in any Federal court action seeking relief from denial of equal protection of the law under the 14th amendment to the Constitution.

Ervin amendment to eliminate language under title IX that would bar review on appeal or otherwise of an order remanding a case to the State court from which it had been removed.

Long amendment barring Federal action to require any person in sale, lease, or other disposition of residential housing to negotiate or enter into any contract for employment practice of any employer covered by the title.

Ervin amendment outlining rights under existing law protecting ownership, enjoyment, and disposition of private property and providing for appeal of any laws inconsistent with such rights.

Ervin amendment providing that nothing in title II (public accommodations) shall be construed to require any operator of such a place to render any personal service to another against his will.

Stennis amendment requiring any employee covered by the title to provide, at its discretion, special training for school officials to deal with school integration problems.

AMENDMENTS TO H.R. 7152 REJECTED BY THE SENATE ON JUNE 12, 1964

Sennel amendment to make it a Federal offense to cross State line for purpose of violation of any State law.

Thurmond amendment to eliminate from the literacy test provisions in the bill the requirement that the voter must have been educated in the English language.

Thurmond amendment to eliminate the inclusion of public accommodations and to substitute criminal penalties therefor.

Tower amendment respecting agreements requiring membership in a labor organization.

Tower amendment providing that title VII will not create the situation whereby the Federal Government may grant or seek relief from any remedy respecting any employment practice of any employer covered by the title.

Russell amendment to provide that the legislation shall take effect only after the governing body of any entity that has approved thereof in a national referendum.

Sparkman amendment to exempt from title II certain lunch counters, soda fountains, etc., operated within owner's own residence.

Sparkman amendment to make clear that under title II any person may take lawful action to protect or enforce any right, privilege, or remedy guaranteed by the Constitution or a Federal statute or a valid State law.

Thurmond amendment providing that coverage in title II of an inn, hotel, etc., shall be only as to interstate transient guests.

Sparkman amendment providing that in certain cases the court, upon request by defendant charged under the legislation, shall assign counsel and at its discretion allow a reasonable attorney fee to the defendant, or the Consti­ tution or a Federal statute or a valid State law.

Thurmond amendment to eliminate coverage in title II of an establishment within premises of any establishment otherwise covered by the title.

AMENDMENTS TO H.R. 7152 REJECTED BY THE SENATE ON JUNE 13, 1964

Johnson amendment to exempt child care and foster homes from provisions for cutoff of Federal funds in cases of discrimination.

Johnson amendment to exempt from provisions of the Equal Employment Opportunity Commission to identify himself when serving in official capacity as an investigator therefor or there can be no unfair employment practice finding.

Bill amendment to exempt from title I, public accommodations such places as churches, cemeteries, or fraternities.

Hill amendment to require in hearings under title II, such guarantees in the Administrative Procedure Act as timely notice, right to counsel, subpoena of witnesses, etc.

Stennis amendment to eliminate all of title I (voting rights).

Ervin amendment to eliminate from title I bars against nonuniform voting tests or certain nonmaterial errors or omissions.

Johnston amendment providing that proceedings under title I shall be before the district judge before whom the proceeding had been instituted rather than before any one of the district judges before whom instituted.

Ervin amendment eliminating from title I the provision that would make completion of an upgrade education a rebuttable presumption of literacy.

In addition to the actions above, Senate voted to sustain decision of the Chair in upholding the vote of the Committee of states and Indian tribes or group except pursuant to legislation hereafter enacted.

Nine record votes were taken Saturday, June 19, 1964.

AMENDMENTS TO H.R. 7152 REJECTED BY THE SENATE ON JUNE 16, 1964

Ervin amendment to make the entire language in title I (voting rights) providing for proceedings to be instituted by the United States
States in any district court when Attorney General requests findings of a pattern of discrimination.

Byrd (West Virginia) amendment to eliminate Thurmond amendment (modified) providing that it shall not be an unlawful employment practice to hire anyone employer believes to be most beneficial to the particular enterprise, nor an action individual without regard to race, color, religion, sex, or national origin.

Ervin amendment in bloc, requiring Attorney General when he institutes suits for designation of public facilities to establish by evidence rather than by certification that on which he acts is meritorious.

Johnston amendment to eliminate all of title I (voting rights) except for the creation of three-judge courts.

Thurmond amendment to title II to eliminate requirement that for the operation of an establishment to affect interstate commerce, the meaning of the legislation, a substantial portion of the products sold have moved in commerce.

Smathers amendment to exempt all barber and beauty shops from title II of the legislation.

Thurmond amendment to delete language that would authorize the giving of evidence or testimony that would authorize investigation of citizen in intervention by Attorney General in any case.

Hill amendment to exempt from title II any business with more than five employees.

McClure amendment to provide that title VII (equal employment opportunity) shall not be discrimination in employment cases.

McClellan amendment to authorize the giving of evidence or testimony that would authorize investigation of citizen in intervention by Attorney General in any case.

Thurmond amendment to provide for the enforcement of State or local trespass laws by State or local police upon request of the Attorney General, that a privately owned establishment shall not be deemed to be discrimination or segregation supported by State action.

Ervin amendment providing that when an employer is a person engaged in interstate commerce, to delete language that would give Attorney General power to require a close and substantial relation to commerce, to delete language that would cover, in the legislation, those who own a private establishment to define further the product sold and entertainment presented which move in commerce.

Smathers amendment to title III to include sex among the conditions the Attorney General may protect by institution of suit in event of segregation.

Thurmond amendment to delete language to authorize Attorney General to institute suits in public school cases.

Long (Louisiana) amendment to provide that a substantial portion of the patronage of an inn, hotel, or other public lodging, to be included in public accommodations title must be inter-state travel.

Long (Louisiana) amendment to provide that a place of public accommodation is one "regularly engaged in the business of serving the public" rather than "serves the public."

Thurmond amendment to title IV to eliminate from definition of a public school the language "or operated wholly or predominantly from or through the use of governmental funds or property derived from a governmental source."

Long (Louisiana) amendment providing that in intervention by Attorney General in suits that the ends of justice require such intervention.

Thurmond amendment to provide that the enforcement of State or local laws the Attorney General must certify, and the judge must determine, that the ends of justice require such intervention.

McClure amendment barring Equal Employment Opportunity Commission from withholding any evidence, or testimony, or records from any court or congressional committee.

Thurmond amendment to title II to provide that an employer is a person engaged in commerce, to delete language that would provide that for trial by jury, with the burden on the Government to establish that the funds should be cut off.

Ervin amendment providing that whenever equal employment opportunities are being practiced it will transmit the question to the Attorney General for investigation, the result of which shall not be a basis for trial by jury, with the burden on the Government to establish that the funds should be cut off.

Thurmond amendment to title VII to provide that an employer is a person engaged in an industry, to define further the product sold and entertainment presented which move in commerce.

Thurmond amendment to provide that the Equal Employment Opportunity Commission shall elect its own Chairman and Vice Chairman rather than for the President to designate them as such.

AMENDMENTS TO H.R. 7152 REJECTED BY THE SENATE ON JUNE 16, 1964

Long (Louisiana) amendment to exempt from title on public accommodations places of exhibition or entertainment located in the residence of the owner or operator.

Ervin amendment to include religion in the prohibitions against discriminations that may cause cutoff of Federal assistance in certain programs.

Ervin amendment to allow any taxpayer to sue in Federal court for use of Federal funds other than in pursuance of the Constitution.

Ervin amendment to deny any taxpayer to sue in Federal court for use of Federal funds other than in pursuance of the Constitution.

Ervin amendment to authorize taxpayer suits to test the constitutionality of loans and grants to religiously affiliated institutions, or suits by publicly owned institutions to determine title.

Thurmond amendment to delete language authorizing Attorney General to intervene in cases involving denial of equal protection of the laws and for2ion of Federal funds in order transferring a civil rights case to a State court.

Byrd (West Virginia) amendment to delete authority for court to allow payment of a reasonable attorney fee to the prevailing party, other than the United States in a public accommodations suit.

Sparkman amendment to exempt doctors' offices, cemeteries, mortuaries from public accommodations title.

Long (Louisiana) amendment exempting all social relations of the public accommodations title.

Smathers amendment to exempt all barber and beauty shops from title II of the legislation.

Thurmond amendment to conform with other statutes in requiring that administrative remedies be exhausted before resort to court action.

Ervin amendment providing that in intervention by Attorney General in suits that the ends of justice require such intervention.

McClure amendment barring Equal Employment Opportunity Commission from withholding any evidence, or testimony, or records from any court or congressional committee.

Thurmond amendment to title II to provide that an employer is a person engaged in commerce, to delete language that would provide that for trial by jury, with the burden on the Government to establish that the funds should be cut off.

Ervin amendment providing that whenever equal employment opportunities are being practiced it will transmit the question to the Attorney General for investigation, the result of which shall not be a basis for trial by jury, with the burden on the Government to establish that the funds should be cut off.

Thurmond amendment to title VII to provide that an employer is a person engaged in an industry, to define further the product sold and entertainment presented which move in commerce.

Thurmond amendment to provide that the Equal Employment Opportunity Commission shall elect its own Chairman and Vice Chairman rather than for the President to designate them as such.
Mr. Lippmann stated this principle well in a 1949 column from which I ask unanimous consent to have excerpts printed in the Record as part of my remarks:

"The American idea of a democratic decision has always been that important minorities must not be coerced.

When there is strong opposition, it is neither wise nor practical to force a decision. It is necessary to be better to postpone the decision • • • to respect the opposition and then to accept the burden of trying to persuade it.

For a decision which has to be enforced against the determined opposition of large communities and religions of the country will, as Americans have long realized, almost never produce the results it is supposed to produce.

The opposition and the resistance, having been overridden, will not disappear. They will merely find some other way of avoiding, evading, obstructing, or nullifying the decision.

For that reason, it is a cardinal principle of the American democracy that great decisions—agreements that will not be taken by vote of the majority until the consent of the minority has been obtained. Where the consent of the minority has been lacking, as for example in the case of the prohibition amendment, the democratic decision has produced hypocrisy and lawlessness.

The issue has been raised in connection with the civil rights legislation. The question is whether the vindication of these civil rights requires the sacrifice of the American limitation on a majority rule. The question is a painful one. But I believe the answer has to be that the rights of Negroes will in the end be made more secure, even if they are vindicated more slowly, if the cardinal principle—that rights are not be coerced by majorities—is to be preserved.

For if that principle is abandoned, then the great limitations on the absolutism and predominance of the majority of the Congress will be gone, and the path will be much more open than it now is to the demagogic dictator who, having aroused a mob, destroys the liberalism of Congress.

MR. HOLLAND. Mr. President, I quote Mr. Lippmann’s words briefly:

"The American idea of a democratic decision has always been that important minorities must not be coerced • • • for a decision which has to be enforced against the determined opposition of large communities and regions of the country will, as Americans have long realized, almost never produce the results it is supposed to produce. The opposition and the resistance, having been overridden, will not disappear. They will merely find some other way of avoiding, evading, obstructing, or nullifying the decision.

For that reason, it is a cardinal principle of the American democracy that great decisions on issues that men regard as vital shall not be taken by vote of the majority until the consent of the minority has been obtained.

Please keep in mind that these are the words of Mr. Lippmann and not my own, but they are based on his wide knowledge of American history.

In spite of the fact that my own advice must be always that the laws which are passed should be obeyed, I believe that Mr. Lippmann was sound in his statement that a great area of the country should not be coerced and that such coercion would prove futile. That situation becomes even worse in the present case because the decision in the pending bill under titles II and VII which is given to the Southern States and which has been so ably discussed by other Senators during this debate.

My second observation is that such a law as this in many of its contents is doomed to failure before it is enacted because it involves an attempted coercion of men’s minds and hearts in a field where persuasion, education, good will and experience must prevail in the effort to determine what adjustments will be regarded as tolerable by citizens of both races in the solution of our difficult bipearlacial problems. Coercion and compulsion in such a field will not work.

My third observation is that apparently we do not learn from experience. In the tragic era of Reconstruction, nearly 100 years ago, the last Southern President of the United States, prior to November of last year, was ignored by an inflamed majority of the Congress who repeatedly overrode the ve陀es of President Andrew Johnson. The two other Presidents who have been committed against that overwhelming majority of the Congress were these: He insisted, steadfastly, on following the conciliatory approach to Reconstruction which had been laid down by Abraham Lincoln and was shown by his Cabinet and to November of last year, was ignored by an inflamed majority of the Congress which repeatedly overrode the ve陀es of President Andrew Johnson. The two other Presidents who have been committed against that overwhelming majority of the Congress were these: He insisted, steadfastly, on following the conciliatory approach to Reconstruction which had been laid down by Abraham Lincoln and was shown by his Cabinet.

Fourth, passage of this bill ignores the very great progress that has been made and would have continued to be made in the South through the efforts of moderates of both races within the last 3 decades. Much of this progress has been made almost wholly by the southern people themselves and under southern leadership. The lynchings which were such a blot on the record of Reconstruction have ceased. The leadership came from southerners and I remind the Senators that the senior Senator from Virginia, Harry Byrd, as Governor of that great Commonwealth, led the way by insisting that the poll tax law and the lynching bill which ended that crime in that State. Other Southern States followed. The poll tax system has largely been eradicated. In all but five Southern States it has been abolished. In most of these five, it has been greatly softened.

Nationally, as to Federal elections, it is now accomplished by constitutional amendment offered and insisted upon by southern leadership. In education, the top leadership—Mr. Holland—have commanded the notice of educational leaders throughout the Nation. The use of public facilities is now generally open to citizens of all races as a matter of both
law and practice. As to so-called public accommodations under biracial leadership in many southern areas, a course of trial and error experimentation is underway under which both races are finding out what they can tolerate on a permanent basis. Most of the adjustment has come about through the efforts of moderates in both races whose continued leadership and service will be made vastly more difficult by the passage of this bill. It is much less can zealots be? Why should we hopelessly handicap the moderates?

Those who read the history of our Nation will note that in many matters our philosophy has swung like a pendulum, back and forth, and such seems to be true in this case. The pendulum has swung far to the side of too great haste, too great coercion, too little persuasion, too little tolerance and understanding. It will swing back, inevitably, to something more moderate and in the meantime, all good Americans will have to summon all of the patience within us. In the effort to head off disasters which may later be less tolerable than the passage of this bill. If I may speak for a moment about the area which I represent in part—the great Southland—which for the first three-quarters of a century of our Nation's formation, so much of its leadership—would say that we will not only survive this experience, but we will come through with flying colors, with continued development and prosperity, with continued leadership, heretofore sadly lacking, to discrimination to our fellow men. That will be the real standard different basis. Most of this change and adjustment has come about through the efforts of moderates in both races whose continued leadership and service will be made vastly more difficult by the passage of this bill. It is much less can zealots be? Why should we hopelessly handicap the moderates?

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costs which we ourselves incur by such practices? Discrimination permanently sears the soul of the individual. It scars him, as well as those upon whom it is practiced. No man's psyche can escape this brush of tar. Racial bias creates abnormal individuals and patterns of society for which all must ultimately pay. Costs which we ourselves incur by such habits ingrained and attitudes solidified out some pain and adjustment. We will have to do less would have been unconscionable.

But we should also remember that habits ingrained and attitudes solidified through history cannot be broken without some pain and adjustment. We will need the patience of Job and the perseverance of Ruth to see to it that we succeed in minimizing the dislocations and disruptions which are inevitable when changing the area of equality for all. If change we must, we must use understanding and restraint to insure its permanence—for more than once in history have the gains of reasonable men been nullified by the vindictive few.

Yes; the trumpet summons us all—no! as a call for personal revenge against the wrongs of the past, though many have suffered and much of today's justice is a small claim to trample upon the rights of others in correcting these long-endured wrongs—but as a plea to all men of good will to undertake the challenge of the long twilight struggle with understanding and a sense of justice for all.

Mr. HART. Mr. President, I yield myself 4 minutes. There is a truism in America, that America is where a man is judged for what he is as an individual, not by the way he spells his name, or according to the side of the railroad tracks he lives on, or which church he worships in, or by the accident of his color. In America he is judged only on his merits.

The only trouble with the truism is that it has not been true. But just how far short of truth it fell none could agree. It was in 1957 that Congress determined to put the facts on discrimination in this country.

The Civil Rights Act of 1957 established a Commission on Civil Rights to which were appointed distinguished Americans to learn and to report. The charge given to the Commission was to: First, investigate allegations in writing under oath or affirmation that certain citizens of the United States are being deprived of their right to vote and have that vote counted by reason of their color, race, religion, or national origin; second, to study and to report on the problem of concerning legal developments constituting a denial of equal protection of the laws under the Constitution; and, third, to appraise the laws and policies of the Federal Government and of the several States with respect to equal protection of the laws under the Constitution.

The Commission was instructed to submit to the President and the Congress a comprehensive report on its activities, findings, and recommendations. Under the distinguished, patient, and able leadership of its Chairman, Dr. John Hannah, of Michigan, who has now served under three Presidents, the Civil Rights Commission faithfully and diligently has carried out its assignments.

The bill we shall pass today is shaped, in large measure, by the comprehensive hearings, findings, and recommendations made to the Congress by the U.S. Commission on Civil Rights.

The subject matter of every title of this bill—from voting to employment, from public accommodations to education, and the expenditure of public moneys—has thoroughly and carefully been appraised by the Commission. Few major enactments by the Congress have been preceded by such careful and extensive hearings as those conducted by the Civil Rights Commission.

It is noteworthy that the debate on this bill has not been marked by a dispute over the basic facts concerning the denial of equal protection of the laws to many American citizens. This is due in large measure to the mass of facts the Civil Rights Commission has placed before the President, the Congress, and the American people over the past 7 years.

The Commission's recommendations for legislative action have, in some instances, gone beyond what we will enact in the Civil Rights Act of 1964. Yet no major area of concern identified by the Commission in its 7 years of work remains unanalyzed by us. The act we are about to send to the President.

For the Congress to have done less in the light of the Commission's work, the record of hearings held by the House and Senate committees, and the unprecedented debate and discussion—yes, to have done less would have been unconscionable.

The bill on which we are now to vote is clearly within the traditions of our laws and our Constitution. It is a bill which the vast majority of us believe to be a Magna Carta which unconstitutionality distracts us from the real reasons for much of the opposition to this bill.

The public policy this bill will establish is clear. It seeks to make true the truism which says America is where a man is judged for what he is as an individual, not by the way he spells his name, or according to the side of the railroad tracks he lives on, or which church he worships in, or by the accident of his color. Americans from all sections of the Nation are being deprived of their right to vote and be judged just as each of us ask to be judged. And how is that? As an individual who is either good or bad, qualified or unqualified, by our individual merits—and not by our religion, our birthplace and not, while we are still 50 feet away, by the color God gave us.

Mr. President, many persons have been interested in the Civil Rights Newsletters that the managers of the civil rights bill have distributed to Senate offices during the debate on the bill. The first 25 issues of the newsletter may be found in the Record for April 8, 1964, on pages 7472 to 7475. The last issue contains a resolution that the remaining issues of the newsletter be printed in the Record at this point.

There being no objection, the newsletters were ordered to be printed in the Record, as follows:

BIPARTISAN CIVIL RIGHTS NEWSLETTERS 26 THROUGH 33

THOMAS

JHUMPER

KUCHEI,

CIVIL RIGHTS

NEWSLETTERS 26

(Thomson, Sunday, April 4, 1964, the ninth day of debate on H.R. 7152)

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senators HUBERT H. HUMPHREY and THOMAS H. OAKSTEDT, sent this newsletter to the officers of Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant—daily, if necessary.)

Quorum scoreboard: Because of ceremonies honoring General MacArthur, the Senate recessed for 2 hours Wednesday afternoon, and only two quorums were called during the day. Each was met in less than 20 minutes.

2. Today's schedule: The Senate will convene at 10 this morning and will be in session until late evening. Live quorum calls can be expected at any time during the day. Title II, the public accommodations section of the bill, will be discussed by proponents of the bill. Senators MAGNUSON and HAWS have been assigned responsibility for this title. Floor debates for this day: Democrats: CoT (4 to 7 p.m.); BAYH (1 to 4 p.m.); MUSKIE (4; 7 p.m. to 7 p.m.). Republicans: JAVRIS (all day), ALLCOY (all day).

3. The following story is reprinted in its entirety from the Greenville, S.C., Democrat-Times of April 3, 1964:

"Senate gives money for civil rights bill fight

"JACKSON.--The State senate gave unanimous and quick approval Thursday to an appropriation bill providing $50,000 for use in fighting the civil rights bill pending in the U.S. Senate.

"The measure was passed a few minutes after 5 o'clock. There were no floor objections to the bill, at which the bill was approved. The funds were earmarked for the State sovereignty commission.

"Authoritative sources indicated the grant would be a donation to the Coordinating Committee for Fundamental American Freedom. It is headed by Attorney John C. Esterfield, of Yazo City."

4. More information on Negro voting: Opponents of the civil rights bill often claim Negroes have no interest in voting and other civic duties.

Yesterday we presented some evidence on Negro voting: Opposition of the bill has been financed in part by the North Carolina to predominantly Negro areas in States where voting discrimination does not exist. These figures compare the percentage
of citizens actually voting in these three states with the average population in the two assembly districts in Harlem and three wards on the South Side of Chicago.

Only 14 percent of the total population of Mississippi voted in the 1960 presidential election, compared to 30 percent of the 14th assembly district, located in the middle of Harlem. Only 18 percent of the Negroes of South Carolina voted, compared to 40 percent of Chicago's fourth ward. The official voting records show that in the Negro areas in New York and Chicago the Negroes were the first to vote, and that their voting rate was about twice as high as in Georgia, Mississippi, and South Carolina. These states would have been better off with Negro voting if Negro citizens were allowed to exercise their constitutional rights. The complete official voting figures are listed below:

<table>
<thead>
<tr>
<th>State</th>
<th>Total Population (1960)</th>
<th>Total Vote in 1960 Presidential Election</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Georgia</td>
<td>4,943,116</td>
<td>723,240</td>
<td>10</td>
</tr>
<tr>
<td>Mississippi</td>
<td>2,178,141</td>
<td>206,171</td>
<td>10</td>
</tr>
<tr>
<td>South Carolina</td>
<td>2,362,594</td>
<td>300,635</td>
<td>13</td>
</tr>
<tr>
<td>11th assembly district, New York</td>
<td>90,318</td>
<td>42,344</td>
<td>47</td>
</tr>
<tr>
<td>14th assembly district, New York</td>
<td>135,440</td>
<td>37,344</td>
<td>28</td>
</tr>
<tr>
<td>2d ward, New York</td>
<td>53,160</td>
<td>25,172</td>
<td>47</td>
</tr>
<tr>
<td>3d ward, Chicago</td>
<td>53,160</td>
<td>25,172</td>
<td>47</td>
</tr>
<tr>
<td>4th ward, Chicago</td>
<td>53,160</td>
<td>25,172</td>
<td>47</td>
</tr>
</tbody>
</table>

1964 CONGRESSIONAL RECORD — SENATE 14465

1. Quorum scoreboard: There were two quorum calls yesterday. The first took 10 minutes and the second was made in 20 minutes.

2. Today's schedule: The Senate will convene at 10 a.m. and will stay in session until about 10 p.m. Live quorums should be expected throughout the day. Senator Douglas will speak on the background and precedents for contempt of court without jury trial. Other than this, it is expected that the opponents of the bill will speak at length. The floor captains for the day:

Democrats: Pastore (10 a.m. to 1 p.m.); Kennedy (1 to 4 p.m.); Pressman (4 to 7 p.m.); Long of Missouri (7 to 10 p.m.); Williams of New Jersey (7 p.m. to recess).

Republicans: Hartka (all day); Miller (all day).

3. Quote without comment: "Mr. EASTLAND. The Senator from Illinois is talking about the unjust, illegal, and economic discrimination in the South." (Congressional Record, Apr. 8, 1964, p. 7269.)

4. Religious groups oppose racial discrimination: At a hearing on a fair employment practices bill held by the Subcommittee on Employment and Manpower of the Committee on Labor and Public Welfare, a statement was presented on behalf of the churches and synagogues of America. We reprint excerpts from this important document:

"The religious conscience of America condemns racism as blasphemy against God. It recognizes a moral obligation to combat the racial discrimination that flow from it are a denial of the worth which God has given to all persons. We hold that God is the Father of all men. Consecutively in every person there is an innate dignity which is the basis of human rights. These rights constitute a moral claim, and every citizen has a claim to have them respected by all persons and by the State. Denial of such rights is immoral."

"We hope that this committee will report favorably on bills for guaranteed full and fair employment without regard to race, color, religion, or national origin. We hope also that Congress will enact into legislation as a necessary step in the process of securing for all people the opportunity to exercise the rights guaranteed by the Constitution of the United States." The following are among the dozens of religious organizations that endorsed this statement of principle:

American Baptist Convention.
Christian Methodist Episcopal Church.
Disciples of Christ.
Mount Zion Church in America.
The Right Reverend Arthur C. Lichtenberger, presiding bishop, Protestant Episcopal Church.
United Church of Christ.
United Presbyterian Church, U.S.A.
The National Catholic Conference of Interracial Justice.
The Newman Club Federation.
Union of American Hebrew Congregations.
National Women's League, United Synagogue of America.
Union of Orthodox Jewish Congregations of America.

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 28
(April 11, 1964, 11th day of debate on H.R. 7153)

1. Quorum scoreboard: There were three quorum calls yesterday. All three were made in 20 minutes.

2. Today's schedule: The Senate will convene at 10 a.m. with the usual live quorum call. It is hoped that the second live quorum will not come before 12:30 p.m. It is expected that the opponents will speak at length. The floor captains for the day:

Democrats: Humphrey, Douglas (10 a.m. to 1 p.m.); McCormack (1 to 4 p.m.); Long of Missouri (4 to 7 p.m.); Williams of New Jersey (7 p.m. to recess).

Republicans: Jordan of Idaho (all day).

3. Brief description of title VII:

Unlawful employment practices: It would be an unlawful employment practice in industries affecting interstate commerce to discriminate on account of race, color, religion, sex, or national origin in connection with the recruitment, examination, referral for employment, union membership, or apprenticeship or other training programs. It would apply to employers of more than 25 persons, employment agencies, labor organizations, and labor unions of 100 or more employees. Governmental bodies, bona fide membership clubs and religious organizations would be exempted. Also exempted are situations in which religion, sex, or national origin is a bona fide occupational qualification, or in which a church-affiliated educational institution employs persons of a particular religion. Employers may refuse to hire atheists.

The Civil Rights Commission Equal Employment Opportunity Commission would have power to investigate written complaints filed by individuals or by a member of the Commission to determine whether the charge is true. If it decided affirmatively, it would then attempt to secure compliance with the law through conciliation and persuasion. It would have power to issue enforcement orders.

Enforcement: If efforts to secure voluntary enforcement of the act are not successful, the Commission may bring suit in a Federal district court where a full judicial trial would be held in which the Commission would have the burden of proof. If the court by summary judgment determined that the individual complainant could bring a private suit only with the written consent of the attorney general, the case would not be possible under this title.

Under title VII, not even a court, much less the Commission, could order racial quotas or the hiring, reinstatement, admission, or employment of persons by the act as a bar to anyone who is not discriminated against in violation of this title. The recommendation of the hearing examiner in the Motorola case was not binding upon this title. The only requirement of title VII under the act is that employers apply the qualifications or standards that the plaintiff would have had because of race, color, religion, sex, or national origin.

State laws: The Commission is directed to utilize existing State fair employment laws to the maximum extent possible, which would assure that State law would remain in effect except to the extent under which it would apply initially to employers of 100 or more employees and labor unions of 100 or more members. The coverage would increase year by year until, 4 years after enactment, the act would apply to employers of 25 to 49 employees and labor organizations of 25 to 49 members.

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 29
(April 14, 1964, 11th day of debate on H.R. 7153)

1. Quorum scores: The Senate will convene at 10 a.m. and will stay in session until about 11 p.m. Live quorums should be expected at any time. It is expected that the bill's opponents will talk at length. The floor captains for the day:

Democrats: Doze (10 a.m. to 1 p.m.); Nested (1 to 4 p.m.); McCormack (4 to 7 p.m.); Pell (7 p.m. to recess).

Republicans: Keating (all day); Domnick (all day).

2. Today's schedule: The Senate will convene at 10 a.m. and will stay in session until about 11 p.m. Live quorums should be expected at any time. It is expected that the bill's opponents will talk at length. The floor captains for the day:

Democrats: Humphrey (10 a.m. to 1 p.m.); Nested (1 to 4 p.m.); McCormack (4 to 7 p.m.); Pell (7 p.m. to recess).

Republicans: Keating (all day); Domnick (all day).

3. The quorum record: "Mr. HUMPHREY. During the week we could have used at least two more sets of doors in this Chamber, because of the large number of people who came through the doors with such alacrity and speed that we have broken all records. Senators have set a new historic record in answering quorum calls. On one occasion a quorum was obtained in less than 5 minutes. That requires jet propulsion." (Congressional Record, Apr. 11, 1964, p. 7677.)

4. Another concession.

"Mr. EVIN. I am in agreement with the Senator from Illinois that there is no constitutional right to a jury in criminal contempt proceedings.

"Mr. DOUGLAS. Or in civil contempt proceedings.

"Mr. EVIN. In civil contempt proceedings, or in criminal contempt proceedings.

"Mr. DOUGLAS. Either in the presence of the judge or in the presence of the court.

"Mr. EVIN. The Senator is correct. I entertain the opinion that the majority decision of the Supreme Court in the recent appeal of former Governor Barnett and present Governor Johnson of Mississippi, holding that the right of a trial by jury did not exist in criminal contempt proceedings, accords with the precedents filed by the late Mr. Justice Frankfurter for the foundation of our Republic." (Congressional Record, Apr. 11, 1964, pp. 7693-7694.)
5. Selections from the "Educational debate":

"Mr. EASTLAND. The Senator would now set up a dictatorship in this country.

"Mr. HUMPHREY. I do not believe the elected President is a dictator.

"Mr. EASTLAND. Then these powers would have a 'Ja, Ja' election. That is what it would be. It would be a 'Ja, Ja' election. No one will see these powers which were seized the powers that would be granted under the bill. * * * The Federal bureacratism is tyrannical. The Federal bureacratism is tyrannical. The Federal bureacratism is tyrannical. The Federal bureacratism is tyrannical. The Federal bureacratism is tyrannical. The Federal bureacratism is tyrannical. The Federal bureacratism is tyrannical. The Federal bureacratism is tyrannical. The Federal bureacratism is tyrannical. The Federal bureacratism is tyrannical. The Federal bureacratism is tyrannical. The Federal bureacratism is tyrannical.

2. Schedule for Thursday: The Senate will convene at 10 this morning and will stay in session until at least 11 p.m. Live quorum calls should be expected at any time during the session. It is expected that the bill's opponents will have the floor (see Item 4). The floor captains for the day:

Democrats: Hart (10 a.m. to 1 p.m.); Pastore (10 p.m. to 1 a.m.); Ruskoff (7 p.m. to recess).

Republicans: Javits (all day); Morton (all day).

3. Quote without comment: "The 19 southerners, under the leadership of Senator Richard B. Russell, of Georgia, exhausted most of the day fighting the bill during their initial 16-day battle to prevent the Senate from taking it up formally. The southerners are now making their third attempt to defeat the bill by accumulating that they are finding it weary going." (New York Times, Apr. 14, 1964, p. 25.)

4. Equality in Mississippi:

"Mr. EASTLAND. I know of no discrimination on the basis of race. I disagree with the Senator on the definition of discrimination, of course.

"Mr. HUMPHREY. The unconstitutional part, the un-American part, of the whole proposal is that the taxes are collected from citizens of the United States without regard to race, color, or creed, while the benefits of the taxes are not provided on an equal basis with discrimination based upon race or creed.

"Mr. EASTLAND. Do not look at me. That does not apply to me.

"Mr. HUMPHREY. I look right at the Senator.

"Mr. EASTLAND. That statement does not apply to me or to my State." (Congressional Record, Mar. 21, 1964, p. 5865.)

As an aid to our readers in assessing the foregoing debate, we repeat some data from newswires No. 29 on the administration of the Federal Housing Act in Greenwood, Miss. Forty-three percent of the average daily attendance in the Greenwood schools is Negro, yet the Negro students receive only 20 percent of the free lunches. On the other hand, the white students comprise just over half of the total student body, but receive 80 percent of the free lunches. (Source: Department of Agriculture.)

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 31

(April 16, 1964, 15th day of debate on H.R. 7162; 32d day of debate on civil rights)

1. Quorum scoreboard: The civil rights supporters continued to meet quorum calls with amazing speed on Wednesday. At press time (9 p.m.) four calls had been met in a day. The Senate averaged 19 minutes when a quorum was called at 7:52 p.m. Do we have to wait for the midnight settlement to see who will win this bill? The Senate will convene at 10 this morning and will stay in session until at least 11 p.m. Live quorum calls should be expected at any time during the session. It is expected that the bill's opponents will have the floor.

2. The Senate will convene at 10 this morning and will stay in session until at least 11 p.m. Live quorum calls should be expected at any time during the session. It is expected that the bill's opponents will have the floor.

Floor captains for Saturday: Democrats: Hart (10 a.m. to 1 p.m.); Bayh (1 to 4 p.m.).

Republicans: Fong (all day); Smith (all day).

A short course in American history:

"Mr. LONG of Louisiana. Would it not be fair to ask what kind of fix the colored folks in this country is in if they had not been born to this country, but had been allowed to roam the jungles, with tigers chasing them, or been subjected to the ot of temperatures they would have to contend with, compared with the fine conditions they enjoy in America? Mr. THURMOND. Of course, the Negroes are much better off as a result of their coming to this country. The progress they have made has not been the result of activities of any person, including votes by defending the so-called civil rights legislation. The people who are primarily responsible for the progress of the Negroes are the white people, and I can tell you which is where most of the Negroes have lived until recent years. The South has had this problem, ever since the Civil War, and has had to bear it. The people of the South have borne it bravely. They have done much for the Negroes, especially in view of the economic condition brought about by Reconstruction.

"Mr. LONG of Louisiana. Would the Senator say that the Yankee slave traders were doing the work of God when they brought the Negroes to this continent and put them in chains?

"Mr. THURMOND. The British first brought Negroes to America. Then the Yankees found they could make money by selling them. The Yankees brought them to America to work in the factories, but they found that because of the language and other difficulties it was not practical to use them in northern industries. But they found that the Negroes could be used on farms, so they sold them to the southern farmers. That is how the Negroes got into the South.

"Mr. LONG of Louisiana. As far as the charge of discrimination, is it not true that the southern white, having been held down by the Negroes, has been discriminated against by the crooked car-pen-ters politicians out of the North for a great number of years, have had all they could do to educate their children, much less the poor Negro children?" (Congressional Record, Apr. 14, 1964, pp. 7809, 7904.)
BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 34, APRIL 21, 1964

(The 20th day of debate on H.R. 7152; 36th day of debate on civil rights)

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senators HUBERT H. HUMPHREY and Senator THOMAS KUCHEL, will distribute this newsletter to the offices of the Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant—daily, if necessary.)

1. Quorum scoreboard: We're doing well: Three calls; average time, 23 minutes.

2. Wednesday's schedule: The Senate will begin at 10 this morning and will stay in session until at least 10 p.m. The bill's opponents will have the floor again.

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 35, APRIL 21, 1964

(The 19th day of debate on H.R. 7152; 35th day of debate on civil rights)

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senators HUBERT H. HUMPHREY and Senator THOMAS KUCHEL, will distribute this newsletter to the offices of the Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant—daily, if necessary.)

1. Quorum scoreboard: We did well yesterday, making three quorums in 20 minutes each.

2. Tuesday's schedule: The Senate will convene at 10 a.m. and will stay in session until at least 10:30 p.m. Live quorums should be expected at any time. The bill's opponents will have the floor again.

Floor captains for: President: MAGNUSON (10-1); McCARTHY (1-4); McGovern (7-close); Senator KUCHEL, will distribute this newsletter to the offices of the Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant—daily, if necessary.)

1. Quorum scoreboard: There was only one quorum call on Saturday. It was made in the middle of the evening and was dismissed.

2. Monday's schedule: The Senate will convene at 10 a.m. and will stay in session at least 12 hours. This bill's opponents will have the floor again.

Procedural rules will be enforced somewhat more strictly this week. It is anticipated that some amendments will take "drop in the week.

3. New items:

(a) "In Canton, Miss, a crowd of 260 Negroes waited in line all day to register to vote. Only seven of them managed to get inside the registrar's office to take the literacy test.

(b) "Mr. STENNIS. I ask unanimous consent that there be a 60-minute period to discuss the bill's opponents will have the floor again.

Floor captains for: Thursday: BURROUGHS (1-4); WILLIAMS of New York (1-3); MORON (1-3); THOMAS KUCHEL, will distribute this newsletter to the offices of the Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant—daily, if necessary.)

1. Quorum scoreboard: We're doing well: Three calls; average time, 23 minutes.

2. Wednesday's schedule: The Senate will begin at 10 this morning and will stay in session until at least 10 p.m. The leadership will propose a unanimous consent for a 1-hour morning hour. The bill's opponents will have the floor again.

Floor captains for: Democrats: DOON (10-1); NELSON (1-4); MCCARTHY (7-close); MOSS (7-close); Republicans: COOPER (all day); MORON (all day).

A short course on title V

A. The need for title V: Information is always necessary for legislation; the more the better. An important reliable information becomes. This need was recognized and met in the 20th century's first civil rights legislation, the Civil Rights Act of 1957. This bill established the Civil Rights Commission, which has provided an enormous amount of useful intelligence through the exercise of its racial discrimination. For the first time Government officials and interested citizens had access to authoritative and comprehensive studies of prejudice in all parts of the country. The civil rights bill of 1960, H.R. 7153, and many policies made by executive action have been based on data supplied by the Commission. The need for such information has not diminished, and experience and changing conditions have suggested new ways in which it can be met.

B. The major provisions of title V: The title recognizes the value of the Civil Rights Commission for executive purposes. Since many private and public agencies are now collecting material on civil rights, the Commission is also authorized to act as a clearinghouse for information, in order to facilitate the most widespread dissemination and use of such knowledge.

The Commission is proposed to investigate charges of denial of voting rights, when such charges are made in writing under oath.

The Commission is a bipartisan, independent agency. Far from being a bureaucratic octopus, it has only 78 employees and its 1964 budget amounts to less than a million dollars. There are State advisory committees in every State and the District of Columbia. In addition to its own activities, the Commission has held a number of hearings for the purpose of gathering opinions, facts, and recommendations from interested parties and to get clarification of Federal and State laws and regulations concerning problems related to civil rights. Its recommendations have been reflected in legislative and executive actions.

C. Objections to title V: The chief objection to this title seems to be that the Commission is unnecessary. But as even a casual observer of the civil rights debate can testify, there is a continuing need for information in this field, and it is reasonable and logical that a government agency should do this job.

Opponents of civil rights also criticize the Commission's authority to subpoena witnesses and return to Congress. The fact is that many State and local officials have refused to appear before the Commission voluntarily, there is no other way to obtain their testimony than by subpoena. This is hardly unusual in American law.

Finally, the Commission's authority to testify in executive sessions is attacked as a "star chamber proceeding." Closed sessions may be held when it is determined that "nay more damage to defend, degrade, or incarcerate and pervert the purposes of this title is the reasonable and customary procedure, designed to give every protection to individual rights. The facts of this outrage of this title's opponents if the Commission were to hear potentially incriminating testimony in public, the cries of outrage would be heard all the way from Yukon City.

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 36, APRIL 22, 1964

(The 20th day of debate on H.R. 7152; 37th day of debate on civil rights)

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senators HUBERT H. HUMPHREY and Senator THOMAS KUCHEL, will distribute this newsletter to the offices of the Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant—daily, if necessary.)

1. Quorum scoreboard: We're doing well: Three calls; average time, 23 minutes.

2. Wednesday's schedule: The Senate will begin at 10 this morning and will stay in session until at least 10 p.m. The leadership will propose a unanimous consent for a 1-hour morning hour. The bill's opponents will have the floor again.

Floor captains for: Democrats: DOON (10-1); NELSON (1-4); MCCARTHY (7-close); MOSS (7-close); Republicans: COOPER (all day); MORON (all day).

A short course on title V

A. The need for title V: Information is always necessary for legislation; the more the better. An important reliable information becomes. This need was recognized and met in the 20th century's first civil rights legislation, the Civil Rights Act of 1957. This bill established the Civil Rights Commission, which has provided an enormous amount of useful intelligence through the exercise of its racial discrimination. For the first time Government officials and interested citizens had access to authoritative and comprehensive studies of prejudice in all parts of the country. The civil rights bill of 1960, H.R. 7153, and many policies made by executive action have been based on data supplied by the Commission. The need for such information has not diminished, and experience and changing conditions have suggested new ways in which it can be met.

B. The major provisions of title V: The title recognizes the value of the Civil Rights Commission for executive purposes. Since many private and public agencies are now collecting material on civil rights, the Commission is also authorized to act as a clearinghouse for information, in order to facilitate the most widespread dissemination and use of such knowledge.

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BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 37, APRIL 23, 1964

(The 31st day of debate on H.R. 7152; 38th day of debate on civil rights)

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senators HUBERT H. HUMPHREY and Senator THOMAS KUCHEL, will distribute this newsletter to the offices of the Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant—daily, if necessary.)

1. Quorum scoreboard: The civil rights express is really going strong. We made four quorums in an average time of 22 minutes. Continued.
REPUBLICANS: JAVITS (all day); PEARSON (all day).

2. A case study of voluntary desegregation: Some of the more moderate opponents of the civil rights bill admit that racial discrimination exists and that efforts are being made to eliminate discrimination by means of voluntary action at the local level. But they say that the law, if adopted, will quickly put an end to the problem and bring about racial equality. If only no trouble is caused by "Federal interference." Proposals of this type have been vague in their remarks; specific examples of this commendable approach are not often cited.

Now, however, this lack of evidence is at an end. James V. Prothro, a nationally known professor of political science at the University of North Carolina, an experienced scholar, has prepared a scholarly and detailed study of the remarkable efforts of voluntary desegregation made in Chapel Hill, N.C. Here is a chance to judge the success of the voluntary method and to see whether legislation is necessary.

It would be difficult to find a town in which the above commendable conditions for community action than there are in Chapel Hill. It has a population of 17,000, most of whom are college students. Many of the older inhabitants at the University of North Carolina, an institution with a national reputation. If the city is a typical example of what can be done anywhere, it would be in Chapel Hill.

There has been a civic group actively promoting integration in Chapel Hill since 1954, and in the last seven years important leaders in the city have taken a firm public stand in favor of integration. The leadership at the University has included students, school board, church, and other community groups. There is an official mayor's committee on integration, and local governmental agencies practice racial equality.

Some of the sit-ins occurred in Chapel Hill in the fall of 1960. A group of whites important leadership group in the city has taken a firm public stand in favor of integration. This group includes business leaders, school board, and other community leaders. They have resulted in the integration of movie theaters, lunch counters, and other facilities. The local newspaper supported and encouraged such peaceful demonstrations, and the police department had been scrupulously fair about the demonstrators' rights. In short, there was a wholesome atmosphere everywhere conducive to successful voluntary action.

Prothro tells what happened next:

"Chapel Hill has not reversed the trend in the integration recognized the impossibility of achieving an open city without a law requiring the few compliers to adopt the community's policy of good will on all sides, a real solution to the problem of civil rights is possible only with a help of a Federal statute."

"The principal lesson to be learned from Chapel Hill is that, even with a maximum of good will on all sides, a real solution to the problem of civil rights is possible only with the help of a Federal statute."

**CONGRESSIONAL RECORD—SENATE June 19**

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 39,
(The 22d day of debate on H.R. 7132; 29th day of debate on civil rights)

The bipartisan Senate leadership supporting the civil rights bill, H.R. 7132, headed by Senator Prothro and Senator THOMAS KUCHEL, will distribute this newsletter to the offices of the Senators who support the legislation. This newsletter will be distributed up to the full Senate. It will be informed on the civil rights bill. It will be distributed whenever circumstances warrant, daily, if necessary. Excerpts:

1. Quorum scoreboard: The record continues well, with three quorum calls met in an average time of 23 minutes.

2. Friday's schedule: The Senate will convene at 10 this morning and will stay in session until at least 10 p.m. The leadership will propose a unanimous-consent agreement for a 1-hour morning hour. Once again the bill's opponents will have the floor.

3. Proponents: Prothro tells what happened next:

"There was a 5-to-6 decision in the committee that discrimination "shall include any act of discrimination..."

Proponent: "It does: a majority decision does represent the law of the land."

Opponent: "No. It does not."

Opponent: "** I know of many men who, the very moment that they are appointed to one office, are candidates for positions in the party to which the office belongs by the way that the U.S. Government wishes it decided in order to gain promotion. * * * That is the trouble with Federal judgships. That is one of the troubles in having trials by a judge. The average man does not get a square deal when his rights conflict with the rights of a wealthy employer."

Proposition: "Is the Senator convinced that Federal judges have the same sort of a man because of his race, color, religion, sex, or national origin."

Proposition: "It does; a majority decision determines nothing."
distributed whenever circumstances warrant, daily, if necessary.

1. Quorum scoreboard: Senate supporters of the civil rights bill had no trouble making the quorum on Saturday within 20 minutes.

2. Schedule for Monday: The Senate will convene at 10 a.m. today and remain in session until 1 a.m. The schedule for the evening: Floor captions for Monday:

- Democrats: PASSONE, 10 a.m. to 1 p.m.; MURROW, 1 to 4 p.m.; DUNN, 4 to 7 p.m.; CHURCH, 7 p.m. to recess.
- Republicans: ALLOT, all day; BENNETT, all day.

3. Pick and choose" police powers. The following article is reprinted in its entirety from the New York Times of April 29:

"MISSENSE SENSE VOTES BILL TO WIDEN SUFFRAGE"

"JACKSON, Miss.—The Mississippi Senate passed an amended bill today giving the Governor new police powers to deal with race relations.

The amendments, tacked on by administration leaders, specify that the Governor's police powers were extended primarily for dealing with race relations, and that they were not to be used for other purposes.

"The bill passed by a 36 to 13 vote. It will be referred to the Senate for concurrence in the senate amendments."

4. Court action under the 1957 Civil Rights Act: Opponents of the civil rights bill claim that the Justice Department has at hand all the legal tools needed to enforce voting rights of all Americans, and that no amendment of the 1957 act is needed to expedite these cases in the Federal courts. Gladden said "Justice delayed is justice denied." This then is the state of justice in the nation where voting cases have been filed: Since 1958, the Justice Department has filed 44 suits under the 1957 act. Injunctions have been obtained in 10 cases (eight under the 1957 act, two, taken over from the National Labor Relations Board and 21 cases are pending. Title I of the civil rights bill would give voting cases preference on court dockets, and specify the process of appeal by authorizing three-judge courts with direct appeal to the U.S. Supreme Court.

5. The National Council of Churches will give voting cases preference on court dockets, and other cases. The council states that the Senate amendments will tend to make the bill more palatable to the Senate, the House, and the country.

6. The House of Representatives has filed 44 suits under the 1957 Civil Rights Act. Last month and will pour in many more before the fight is over.

Since the Birch Society takes pride in its unrelenting tactics, perhaps it is responsible for the forged anti-civil-rights material which is circulating in the country.

"Our members are responsible for pouring more than half a million messages [against the civil rights bill] into Washington during the last month and will pour in many more before the fight is over."
stared at the floor. "They just don't seem to care about us and the civil rights movement."

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 44, MAY 1, 1964

(The 28th day of debate on H.R. 7152; 45th day of debate on civil rights)

1. Quorum scoreboard: Five for twenty-one.

2. Friday's schedule: The Senate will convene at 10 a.m. and will stay in session until at least 9 p.m. The bill's opponents will hold the floor again. Floor captains for Friday:
   - Democrats: Pasorne, 10 a.m. to 1 p.m.; Magnussen, 1 to 4 p.m.; Long of Missouri, 4 to 5 p.m.
   - Republicans: Kuchel, all day; Jordan of Idaho, all day.

3. Senate Floor: In the educational debate: "The Senator has given a fine illustration. If I were to set out to commmunicate America, I would first pass a Federal FEPC law and enforce it." (Congressional Record, Apr. 29, 1964, p. 9269.)

   "I do not know of a more effective step which could be taken to socialize this country and bring about what the Communists call equality, than what the bill would bring about. (Ibid.)"

4. One important identity: "All any friend of the great Moses Cone Hospital in Greensboro can hope is that the Institution, in refusing to give emergency treatment to a student who was later found to be a Negro, suffered from a momentary lapse of judgment and was not officially guilty of inhumanity and hypocrisy."

   "Yet the Associated Press reports that the director of the hospital says that nurses in this case 'were following directions and did not know' that this student who came with a broken and bleeding nose was an Indian and not a Negro. Such an excuse is worse than the refusal itself, since it is a more heartening thought to be a Negro, suffered from a momentary lapse of judgment and was not officially guilty of inhumanity and hypocrisy."

   "The count of New York State mail during the month of April—as of this morning—was 5,937 letters for the bill and 2,727 letters opposed."

   "He said most mail recently has been opposed to the measure pending before the Senate."

   "I am glad to report today that this trend appears to be changing dramatically, he said."

   "The count of New York State mail during the month of April—as of this morning—was 6,937 letters for the bill and 2,727 letters opposed."

   "He said this was new evidence countering claims that there is a so-called white backlash in the North that was supposed to be having an adverse effect on support of the pending legislation."  

6. More from the Floor: Civic, business, and religious leaders from Arizona, Colorado, and New Mexico will be in Washington today to express support for the civil rights bill to their Senators.

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 45, MAY 2, 1964

(The 29th day of debate on H.R. 7152; 46th day of debate on civil rights)

1. Quorum scoreboard: Five for twenty-one.

2. Saturday's schedule: The Senate will convene at 10 a.m. and will stay in session until the last part of the afternoon. There will be no floor action from 10 a.m. until 1 p.m.

   The bill's opponents will speak at length again. Floor captains for Saturday:
   - Democrats: Mansfield, 10 a.m. to 1 p.m.; Hart, 1 to 4 p.m.
   - Republicans: Case, all day; Cranston, all day.

3. The outlook for next week: It is likely that the Mansfield-Dirkensen substitute for the Talmadge jury trial amendment will come to a vote late Wednesday afternoon. Prior to this vote the Senate will pass the more perfecting amendments to the Talmadge amendment.

4. Regulations of private property: Opponents of this civil rights bill have often said that title II of public accommodations, and title VII, on equal employment opportunity, were regulations of private property. A big friendly pass to make his own decisions about how he will use his private property. As a matter of fact, of course, all regulatory legislation imposes such restrictions on private property. Zoning laws, sanitation laws, wages and hours legislation, and literally hundreds of other laws limit the individual's right to use his property as he wants.

   The Supreme Court has been very specific on the question of whether or not the Constitution guarantees the unrestricted privilege to engage in business or to conduct it as one pleases. (See Nebbia v. New York, 291 U.S. 502, 527, 528 (1934).) Since this opinion was stated 30 years ago, it should have extra authority for those persons who disregard all modern constitutional law.

5. Quote without comment: "The public debate on the civil rights bill, coinciding with the debate in the U.S. Senate, is being waged on the basis of distorted by exaggerated claims and charges. But much of the confusion arises because few people have actually read the bill itself.

   "A good example of the pitfalls of making claims without reading the bill was the situation in which the Appleton and Neenah newspapers in Wisconsin were basically wrong last week. Their criticism of the bill, in an advertisement in this newspaper, was based on the measures as it was originally proposed in the House.

   "Senator Nelson wired this newspaper pointing out that the advertisement was absolutely wrong from the very first. He wrote to Attorney General Robert Kennedy stating that the bill in its present form 'would in no way alter or limit the freedom of anyone to sell or rent his home as he chooses' and that no right to trial by jury is diminished in any way by any provision of this bill.'"

   "The two letters respond to the People's Forum of this newspaper retraction the charges published in the April 7 Appleton (Wis.) Post-Crescent, April 7, 1964."

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 47, MAY 5, 1964

(The 30th day of debate on H.R. 7152; 47th day of debate on civil rights)

1. The bills' opponents will have the floor again.

   "The bipartisan Senate leadership sponsoring the civil rights bill, H.R. 7152, headed by Senator HUBERT H. HUMPHREY and Senator STALL (all day).

   "The following newsletter to the offices of the Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant, daily, if necessary.)

   "Quorum scoreboard: 1 for 21 for Saturday.

2. Monday's schedule: The Senate will run from 10 a.m. until at least 9 in the evening. The bills' opponents will have the floor again.

   "The following editorial from the Washington Post illustrates two important truths about the opposition to the civil rights bill. The first step is that the State Department is so loud in their defense of "private property rights" when it comes to this bill have been strangely silent when Government power was invoked to eliminate discrimination against Mexicans imported to work on southern farms."

   "The second point is less obvious but just as important: discrimination against Mexican immigrants to work on southern farms."

   "The senators are less obvious but just as important: discrimination against Mexico had been part of community life for generations, yet when the Federal Government threatened to use its power to amend this way of life, there was an end to the
disadvantaged. There is a lesson here for those people who say that "you can't put an end to discrimination by law." This enlightening editorial is from the September 18, 1964, issue of the Wall Street Journal.

"A. SOUTHERN PRECEDENT"

"Of all the southern objections to the civil rights bill, one of the weakest is that the public accommodations provisions involve a wholesale invasion of the privacy of the authorized state courts; it is not limited to civil rights. The Morton amendment would apply this restriction to all criminal contempt proceedings in federal court, but it does not necessarily extend to public officials, except that the court could do so at its discretion. The Department of Justice has several times indicated that the novelty and practicality of the Cooper amendment."

When all perfecting amendments have been disposed of, the Mansfield-Dirksen substitute amendment will be considered. This substitute provides jury trials in criminal contempt cases arising under H.R. 7152 if the fines exceed $300 or 30 days. This is similar to the Civil Rights Act of 1957 except that the earlier law has limits of $500 and 45 days. The civil rights leadership and the administration support the Mansfield-Dirksen substitute.

In short, the Morton amendment comes first. Any other amendments to the Talmadge amendment will be considered next. Any other amendments to be voted on. If the Mansfield-Dirksen substitute is adopted, it will be the new Talmadge amendment, regardless of the outcome of votes on previous perfecting amendments.

"The Labor Department has used this power to act on a number of complaints. In Stamps, Tex., barbershops and beauty shops were charged with denying service to persons of Mexican ancestry. The complaint was resolved when the mayor agreed to take steps to remedy the problem. In Levelland, Tex., the shops refused to admit Mexicans, but the owner changed his policy when he was informed of the sanctions that could be applied under article 8. In Salt Lake City, Utah, this week by the Department of Labor led to the admission of Mexicans to a hitherto white-only city swimming pool."

"Yet the record does not disclose any outpouring of southern Democratic indignation over alleged infringements of property rights under the Public Law 86. On the contrary, southern legislators have been among the strongest proponents of this measure to provide a Federal power to protect the civil rights of foreign nationals—but that it is somehow un-American to protect the rights of citizens of the United States?"

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The present expectation is that the Mansfield-Dirksen substitute will be voted on late Monday or Tuesday.

4. "All discord, harmony not understood.

Opponent, page 7773: "The problem of racial and religious discrimination is a problem in morality. I do not believe in morally right. In my opinion it is morally wrong."

Another opponent, page 9836: "I am disappointed to see that many ministers and churchmen are more or less blindly advocating the passage of the bill, on supposedly moral grounds. The clergy should stick to their own knitting."

Alexander Pope, "The Dunciad": "Religious, blushings, veils her sacred fires, and unawares specifically precluded by statute-have the power to proceed summarily in contempt proceedings. However, any other perfecting amendments to the Talmadge amendment and prior to the vote on the Mansfield-Dirksen substitute. Two such amendments had been offered. The Mansfield amendment, the expectation is that the Mansfield-Dirksen substitute will be voted on late today or Tuesday.

5. We hear you, Duane—welcome to the club."

Opponent, page 10391: "Mr. President, I have been requested by a constituent named Duane, who lives in Manassas, Va., to have the Congressional Record show that he favors the passage of H.R. 7192."

6. A short course in jury trial "guarantees" of the Constitution:

- The trial of all crimes, except in cases of impeachment, shall be by jury (art, III, sec. 2, clause 3).

- In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved (seventh amendment).

- It has always been understood, both State and Federal, that the courts—except where specifically precluded by statute—have the power to compel obedience to its orders? It is for this reason that in practically all the States throughout the country. Such a proposal strikes at the enforcement of Federal law through the courts."

7. Hasty consideration? The RECORD, the integrity of the Federal courts and the public's confidence in them will be undermined if the Senate proceeds with any amendment to H.R. 7152 in anything but a deliberate and thorough manner.

8. Opponent, page 10209, contains a summary of the number of suits: 172 bills introduced by 86 Members, States—including all the States of the Union."

9. In 1955 Justice William Douglas and Harry A. Blackmun wrote in their dissenting opinion that the Federal Bureau of Investigation crime statistics indicate clearly that the streets of this country are not as dangerous as was once thought."

10. New York City's crime rate for serious offenses per 100,000 inhabitants was 1,797.6 in 1963. It has declined in every city that we visited there were those charged with criminal contempt have been requested by a constituent named Duane, who lives in Manassas, Va., to have the Congressional Record show that he favors the passage of H.R. 7192."

11. Quorum disaster: The first three quorum calls yesterday were made in 20 minutes each, but the fourth one was called after 6 o'clock, it took 1 hour and 11 minutes for 51 Senators to get to the Chamber. A fifth quorum, called at 10:16, required more than an hour and a half.

12. The parliamentary situation: The pending business in the Senate is that the Mansfield-Davis substitute provision for jury trial in criminal contempt proceedings. However, any other perfecting amendments to the Talmadge amendment and prior to the vote on the Mansfield-Dirksen substitute. Two such amendments had been offered. The Mansfield amendment, the expectation is that the Mansfield-Dirksen substitute will be voted on late today or Tuesday."

13. In 1955 Justice William Douglas and Robert F. Kennedy, then a Senate staff member, toured the Soviet Union. A year later Mr. Kennedy described one of their interesting discoveries in the Soviet Union: "In every city that we visited there were two different school systems. There was one set of schools for the local children—those of foreign extraction, and another set of schools for the European Russian children. State and Federal facilities were operated by one group or the other, rarely by a mixture of both."

14. More true crimes stories: The following remarks by a supporter of the civil rights bill made by the enemies of the bill to distract attention from racial discrimination by telling blood-curdling stories about crime in New York City:

"The Federal Bureau of Investigation crime statistics indicate clearly that the streets of this country are not as dangerous as was once thought."

"New York City's crime rate for serious offenses per 100,000 inhabitants was 1,797.6 in 1963. It has declined in every city that we visited there were those charged with criminal contempt have been requested by a constituent named Duane, who lives in Manassas, Va., to have the Congressional Record show that he favors the passage of H.R. 7192."

15. BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 51, MAY 11, 1964

16. BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 52, MAY 12, 1964

17. BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 53, MAY 13, 1964
be urged against the right of trial by jury in cases involving murder, arson, burglary, rape, larceny, treason, or any other offense known to the catalog of crimes. It is a surprise, indeed, to find the right being against position." (CONGRESSIONAL RECORD, May 8, 1964, p. 10425.)

The following is an opinion from the North Carolina Supreme Court: "Under North Carolina General Statutes, section 5-1 which supplants the common law in authorizing contempt proceedings, the proceeding is sui generis, criminal in its nature, and which may be resorted to in civil or criminal actions and entitles persons charged to no jury trial. In contempt proceeding authorized by section 5-1 of the general statutes of North Carolina arising out of defendant's failure to obey an order of the court restrained the illegal conduct of employees crossing a picket line the court had jurisdiction to render a judgment of fine and imprisonment without a jury trial."

(Safe M. G. Co. v. Arnold, 259 N.C. 375; 45 S.E. 2d 577.)

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 54, MAY 15, 1964

(The 38th day of debate on H.R. 7152; 56th day of debate on civil rights)

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senator Hubert H. Humphrey and Senator Thomas Kuchel, will distribute this newsletter to the officers of the Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant, daily, if necessary.)

1. Quorum scoreboard: Four quorum calls were made on Wednesday within the allotted time.

2. Schedule for Thursday: The Senate will convene at 10 a.m. and will be in session until very late in the evening. Floor captains for Thursday: Democrats: McIntire (10 to 1), Williams of New Jersey (4 to 3), Nelson (4 to 3), Church (7 to close). Republicans: Hruska (all day), Boggs (all day).

3. The first amendment in Mississippi: On April 8, 1964, Gov. Paul H. Johnson of Mississippi signed House bill 546 into law. It provides:

Section 1. It shall be unlawful for any person, singly or in concert with others to engage in picketing or mass demonstrations in State or county courthouses, city halls, public buildings or property.

Sections 2. Any person guilty of violating this act shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $100 or confined not more than 6 months, or both such fine and imprisonment.

On April 9, 1964, 52 people were arrested for picketing in Greenwood. This number includes five schoolchildren aged 9, 10, 11, 12, and 13, and a Negro minister who is a candidate in the June 3 primary congressional. On April 10, 1964, 55 persons were arrested for picketing in Hattiesburg.

4. Quote without comment: "The power to fine and imprison for contempt, from the earliest history of jurisprudence has been regarded as a necessary incident and attribute of a court, without which it could no more exist than without a judge. It is a power inherent in all courts of record, and coexisting with it by the wide provisions of the common law. A court without the power to do so would be a dangerous and dangerous to the legislative branch, and in which state, the African American, the Negro is about no three-quarter whites."

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 56, MAY 16, 1964

(The 39th day of debate on H.R. 7152—56th day of debate on civil rights)

(The bipartisan Senate leadership supporting the bill, H.R. 7152, headed by Senator Hubert H. Humphrey and Senator Thomas Kuchel, will distribute this newsletter to the officers of the Senators who support the bill. It will help to keep Senators and their staffs fully informed on the bill. It will be distributed whenever circumstances warrant—daily, if necessary.)

1. Quorum scoreboard: On Saturday, May 15, 1964, Senators met two quorum calls within the allotted time.

2. Schedule for Monday: The Senate will convene at 10 a.m. and will remain in session until late afternoon. Floor captains for Saturday:

Democrats: Clark (10 to 1), Douglas (1 to 4), Russell (10 to 1), Humphrey (10 to 1), Kuchel (10 to 1), Williams (10 to 1).

Republicans: Carlson (all day), Fong (all day).

3. Southern Negroes at the bottom of economic ladder: The individual income of Negroes in the South is only two-thirds that of comparable whites. In other regions, the income of Negro citizens is about three-quarters that of whites.

Median income of persons 14 years and over by income by region and color, 1959 and 1960

<table>
<thead>
<tr>
<th>Region</th>
<th>1959</th>
<th>1960</th>
</tr>
</thead>
<tbody>
<tr>
<td>White</td>
<td>Non-white</td>
<td>Dollar difference white and non-white</td>
</tr>
<tr>
<td>North Central</td>
<td>12,185</td>
<td>14,502</td>
</tr>
<tr>
<td>North central</td>
<td>11,652</td>
<td>13,926</td>
</tr>
<tr>
<td>South</td>
<td>5,973</td>
<td>7,089</td>
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<tr>
<td>Northeast</td>
<td>12,426</td>
<td>14,734</td>
</tr>
<tr>
<td>West</td>
<td>2,143</td>
<td>2,418</td>
</tr>
</tbody>
</table>

SOUTH AS A PERCENT OF OTHER REGIONS

<table>
<thead>
<tr>
<th>Region</th>
<th>1959</th>
<th>1960</th>
</tr>
</thead>
<tbody>
<tr>
<td>Northeast</td>
<td>74.1</td>
<td>74.9</td>
</tr>
<tr>
<td>North central</td>
<td>77.1</td>
<td>77.9</td>
</tr>
<tr>
<td>South</td>
<td>57.0</td>
<td>57.8</td>
</tr>
</tbody>
</table>

4. Knitting that won't be stuck to: The opponent of H. R. 7152 who was disappointed with the defeat of the bill was "The decision of May 1954... was a decision which, in my view, has not been annulling but..."

5. "William and Mary, the first college in the United States in May of 1954, there was a period of silence and hope. But much of that silence was silenced and we were soon to be rebuffed by defiance and demagoguery at high-decibel levels."


7. "Incomes of persons 14 years and over by race, 1959 and 1960."

CONGRESSIONAL RECORD — SENATE

June 19

until late evening. Quorum calls can be expected to be frequent.

Floor captains for Monday:

Democrats: Bartlett (10-1), Baxt (1-4), Birmingham (4-7), Inouye (7-close); Republicans: Cooper (6); thirtieth day of debate on civil rights.

United States Senate Chamber and the Republican conference will meet in the new Senate Conference Room, 207, to continue discussion of the civil rights bill.

The Senate will convene at 12 noon and will stay in session until well into the evening.

The floor captains for Tuesday:

Democrats: Kennedy (12-3), Hartke (3-6), Proxmire (6-9), Hart (9-close); Republicans: Carlson (all day), Scovill (all day).

Bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senator H. Humphrey and Senator Thomas Kuchel, will distribute this newsletter to the offices of the Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant, daily, if necessary.

1. Quorum scoreboard: No trouble with quorums on Monday.

2. Tuesday's schedule: At 10 a.m. the Democratic conference will meet in the Old Supreme Court Chamber and the Republican conference will meet in the new Senate Conference Room, 207. The subject of both meetings will be the package of amendments intended to be presented by Senator Dirksen with the concurrence of the bipartisan Senate leadership.

The Senate will convene at 12 noon and will stay in session until well into the evening.

The National Association of Real Estate Boards, speaking through a North Carolina realtor, has denounced the 'clear injustice' that threatens property owners' rights to use, rent, and dispose of property as they see fit. Anyone who has read the bill knows that this is a direct threat to every property owner's use of his property except in that it prohibits him from refusing to serve a customer because of race or religion. Since such laws are already in effect in more than 30 States and have been approved by the Supreme Court, it does not appear that this is an unconstitutional reiteration on personal property rights.

Finally, the realtors, or their southern spokesmen, should remember that owners of places of public accommodation already have their property rights impaired by a variety of laws, such as those pertaining to health and safety, hours of operation, women and child labor, combinations in restraint of trade, and numerous other subjects. Should we follow the logic of the realtors and repeal all these laws?

As we reported some weeks ago, the real estate boards in Appleton, Neenah, and Menasha, Wis., made the same mistake that their colleagues elsewhere made: They stated that the truth was pointed out to the Wisconsin realtors, they retracted their charges. We hope the national association will be as ethical.

The bipartisan civil rights newsletter NO. 55, MAY 20, 1964.

(36th day of debate on H.R. 7152, 60th day of debate on civil rights)

Bipartisan civil rights newsletter NO. 56, MAY 21, 1964.

(37th day of debate on H.R. 7152, 61st day of debate on civil rights)

(48th day of debate on H.R. 7152, 62nd day of debate on civil rights)

The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senator H. Humphrey and Senator Thomas Kuchel, will distribute this newsletter to the officers of the Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant, daily, if necessary.

1. Quorum scoreboard: Another 3 for 20.

2. Wednesday's schedule: The Republican conference will meet at 9:15 in the new Senate conference room, 207, to continue discussion of the civil rights bill.

The Senate will convene at 12 noon and will stay in session until evening. The bill's opponents will continue to filibuster on jury trial amendments.

Floor captains for Wednesday:

Democrats: Reed, Cover (all day); Bennett (fall); Republicans: Javits (all day), Morse (all day).

A rare discovery from Alabama: Most Senators and their staffs get their day-to-day news through local newspapers and The Birmingham News. This has the effect of depriving us of the true flavor of the State's legislative body.

In an effort to correct this deficiency and provide our readers with a more authentic picture of conditions in Alabama, we will present to them, in full, The Birmingham News. Today's selection is several years old, and may throw some light on the present political climate of Alabama. It comes from the July 21, 1955, issue of the Birmingham News:

"A legislative committee hearing brought to light recently a resolution to fire any Negro teacher in Macon County who supports a demand for nonsegregated schools.

"The disclosure came from Senator Sam Englehardt, who is himself an outspoken member of the separate school system which the Supreme Court has said must end. He has introduced legislation to preserve classroom segregation despite the Supreme Court ruling.

"Emphasizing the Senate Education Committee that a petition has already been presented to the Macon County Board of Education demanding admission of Negroes to white schools, Englehardt said: 'I got a call this morning from someone who said that his county is opposed to both of these proposals—only the chairman—and the board isn't scheduled to meet again until September.

"Englehardt's remarks came in support of a bill by Senator Albert Davis of Pickens County, which would let local school boards by unanimous vote fire any teacher for cause regardless of his standing under Alabama's tenure law.

"Davis, like Englehardt, a fiery advocate of white supremacy, emitted any mention of racial problems in explaining his bill. He said it would merely give school authorities a way to get rid of 'incompetent' teachers and save their jobs are protected now by the tenure law.

"He said the board in his county had to close one school because they couldn't fire the teacher.

"Englehardt disclosed that he plans to introduce a similar measure applying only to Negro teachers. Alabama's outback white residents four to one and where famed Tuskegee Institute is located.

"Davis' bill was sent to a subcommittee for further study.

(38th day of debate on H.R. 7152, 63rd day of debate on civil rights)

The bipartisan leadership supporting the civil rights bill, H.R. 7152, headed by Senator H. Humphrey and Senator Thomas Kuchel, will distribute this newsletter to the offices of the Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant, daily, if necessary.

1. Quorum scoreboard: Another 3 for 20.

2. Thursday's schedule: The Senate will continue to filibuster on jury trial amendments until early evening. The bill's opponents will continue to filibuster on jury trial amendments.

Floor captains for Thursday:

Democrats: McGee (12-3), Jackson (3-8), Long of Missouri (6-close); Republicans: Cooper (all day), Jordan of Idaho (all day).

3. Separate but equal in Alabama: The following is from the December 4, 1963, issue of the Birmingham News:

"A la ham continues for Alabama Negro high schools seeking full membership accreditation in the Southern Association of Colleges and Schools.

"The organization has adopted a resolution opening the way for such recognition to Negro schools, but the Alabama State conference turned thumbs down on this proposal until further study.

"The organization has adopted a resolution opening the way for such recognition to Negro schools, but the Alabama State conference turned thumbs down on this proposal until further study. This is clear the need for Federal intervention in civil rights.

"The first article revealed that Alabama State legislators proposed to override tenure regulations and fire any Negro schoolteacher.
who favored desegregation. This must have been quite an example of free speech for Alabama schoolchildren. The second article quoted below exposes a proposal to re-terminate a State contract with Tuskegee Institute to the Negro colleges if there was any desegregation of white colleges. This article is from the Birmingham News of May 25, 1964.

"A veteran black belt legislator proposed today that the State cancel a $375,000 a year grant to Tuskegee Institute if a Negro student should to remain permanently at an all-white college."

"Representative W. L. (Doc) Martin, of Greensboro, made his suggestion during a legislative committee session on school finance problems."

"He first asked Dr. A. R. Meadows, State superintendent of education, if he would be willing to terminate a State contract with Tuskegee should such a situation develop, then proposed to offer a bill in the legislature to require it.

"Dr. Meadows said he wasn't prepared to answer the question at this time."

"The State has for many years entered into a contract with Tuskegee to provide instruction in certain fields for Alabama Negroes. The contract can't get it at State-supported Negro colleges."

"Representative Martin, who represents a county in which Negroes outnumber whites about two to one, plans to offer a bill in an impending session of legislature to make the Tuskegee approval conditional on Negroes not breaking the color line at white institutions of higher learning."

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 61, MAY 22, 1964

(The 46th day of debate on H.R. 7152, 62d day of debate on civil rights)

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senators George W. ftarmer and Senator Thomas Kuchel, will distribute this newsletter to the offices of the Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant, daily, if necessary.)

1. Quorum scoreboard: Another 3 for 20.

2. Friday's schedule: The Senate will convene at noon and will stay in session until early evening. The bill's opponents, having refused to give in to the Senate's unanimous agreement to vote on the pending jury trial amendments, will continue to filibuster on this issue.

Floor captains for Tuesday:
Democrats: CHurch (12-8), McGovern (3-8), Mc Namenara (6-closed); Republicans: Keating (all day), Pearson (all day).

3. Quote without comment:
"The Alabama Federation of Labor has directed attention to a serious need in the State when it calls for establishment of State parks and recreational opportunities for Negroes. The State's lack in this regard has long been conspicuous."

"Alabama has no State parks. They are all for white people. It has seven minor parks. Negroes are not admitted to them, either. There are three public fishing lakes and many historical sites and recreational areas, but not one is open to Negroes. And yet Negroes comprise about one-third of the State's population."

"The situation is a crying injustice and a shame upon the State."

"The Alabama Federation cannot excuse itself on the grounds that the oversight has not been called to its attention. This is not the first time the Alabama Federation of Labor has urged the State to open up Negro parks. In 1948, the board recommended four State parks for Negroes, one in Jefferson County, one in the central Black Belt, one in the Mobile area, and one in the Mobile area.

"In establishing a park in the Tennessee Valley (a site near Florence is proposed) the State could probably get help from the Tennessee Valley Authority. In its 1951 report the Authority noted that during the year Kentucky opened a State park for Negroes on TVA reservoir lands, being the third State to do this. Counties within the TVA territory in 1951 were developing 15 park areas, including two for Negroes. The TVA has cooperated with Alabama in opening up and developing the new State park (for whites) near Guntersville."

"Public recreation has become an important concern of Government in encouraging a better citizenship. Alabama cannot afford to continue to neglect this obligation respecting one-third of its population." (Birmingham News, Jan. 23, 1952.)

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 62, MAY 25, 1964

(The 46th day of debate on H.R. 7152, 63d day of debate on civil rights)

"The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senators George W. ftarmer and Senator Thomas Kuchel, will distribute this newsletter to the offices of the Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant, daily, if necessary.)

1. Quorum scoreboard: Two quorums in 20 minutes each on Friday.

2. Monday's schedule: The Senate will convene at noon and will stay in session until early evening. The bill's opponents will continue to filibuster jury trial amendments.

Floor captains for Monday:
Democrats: KENNEDY (3-5), BATES (3-5), SYMONDS (6-9); Republicans: Keating (all day), Miller (all day).

3. The schedule for this week: The Senate will convene at noon Monday and will go out early each evening. There will be a recess from Thursday evening until Monday, June 1.

4. From Alabama: The news and editorial columns of the Birmingham News are an almost inexhaustible source of information on the Civil Rights Bill. The News has equal rights to Alabama Negroes. The selection we have quoted in the past few days show that in Alabama there is little willingness to keep Senate and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant, daily, if necessary.

Today's editorial from Alabama: The news and editorial columns of the Birmingham News are an almost inexhaustible source of information on the Civil Rights Bill. The News has equal rights to Alabama Negroes. The selection we have quoted in the past few days show that in Alabama there is little willingness to keep Senate and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant, daily, if necessary.

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 63, MAY 26, 1964

(The 47th day of debate on H.R. 7152, 64th day of debate on civil rights)

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senator Henry B. Humphrey and Senator Thomas Kuchel, will distribute this newsletter to the offices of the Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant, daily, if necessary.)

1. Quorum scoreboard: Another good day for our side.

2. Tuesday's schedule: The Senate will convene at noon and will stay in session until early evening.

Floor captains for Tuesday:
Democrats: Young of Ohio (12-8), Belews (3-6), Douglas (6-8); Republicans: Church (3-9); Mill (all day).

3. Parliamentary inquiry: The following colloquy took place in the Senate yesterday:

"Mr. Chair, I merely wish to summarize the situation which will exist in the event such amendments—as the proposed
package—are offered to the bill, and thereby become the pending business, and if closure is ordered.

“Is it correct that the Institute can be amended in two degrees, if the amendments have previously been offered and read?”

“The President Offers. That is correct.”

“Mr. Bearden, I believe, has included applications turned down by Bearden and the other two contained applications rejected by Mrs. Hunter and Gewin. This was then counted and that Millsap and Phillips both took notes. He said he could not see if any of the contents taken showed the race of the applicant.”

“Bearden also said that at the meeting ‘they were very much disturbed’ because the board was accused of ‘showing’ the rejected applicants to refill after 60 days instead of waiting for a year.”

“‘Well asked, Bearden replied, ‘Well, they said it was giving them [the applicants] too much leeway to come back too quick.’

“Bearden explained that since the meeting with State officials the board adopted a new policy requiring all three of the registrars to sign rejected applications. Under earlier policy, February 13, we said.

“‘Well after this came up and so much pressure got on me, I told them I wasn’t going to be a monkey hanging on a limb.’

“She told you this?” Bearden was asked.

“‘Yes, I told her that the Governor had called her to his office with her husband, Bill Frink, Irondale radio station owner, and two Wallace aids. She told you this?’ Bearden was asked.

“‘He quoted Mrs. Frink as saying, ‘Well, we didn’t do to suit them.’

“However, Bearden pointed out that the rejection rate had remained about 26 percent and that the rejection of white people had not changed substantially. "When these registrars were first contacted by State officials since the December meeting, Bearden said he was contacted by Mrs. Frink and she told me that they still meant to come back. I said I was a Swallow to change my way of doing Evidently, I wasn’t doing to suit them.”

“In addition to Bearden and the other registrars, Government attorneys subpoenaed Millsap for the deposit taking here today. ‘Mrs. Frink and Phillips have been sub­ poenaed by the chairman of the Jefferson County Board of Registrars, and he agreed that it was then he was told no assistance could be given applicants for fear of a discrimination suit.

“Under examination by Assistant Circuit Solicitor Burgin Hawkins, Bearden pointed out that he had never given assistance, and he said he did not consider pointing out minor errors as giving assistance.”

**CIVIL RIGHTS BILL**

“I hold that the issues here imperatively call for decision now. The case has been delayed since 1951 by resistance at the State and county level, by legislation, and by law­ suits. The case, along with others heard with it, to be considered as having been read in the case, along with others heard with it, to the district courts to enter such orders as the majority leader, and for the majority and minority whips, amendment No. 658 in the form of an amendment to the bill. The amendment has been sent to the desk, printed, and ordered to lie on the table, and will be considered as having been read in order that it may be called up after closure is invoked. Senator DMUARK indicated that he intends to speak at some length next week in support of the amendment. It was also indicated that Senators would be given an ample opportunity to study the proposal before the Senate closed.

**BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 65, MAY 27, 1954**

(The 49th day of debate on H.R. 7152, 66th day of debate on civil rights)

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senators HARRISTON HUMPHREY and THOMAS KUCHEL, will distribute this newsletter to the offices of the Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant, daily, if necessary.)

1. Wednesday’s schedule: The Senate will convene at noon. At 12:15, the Senators will...
go over to the House for a joint session to hear an address by President de Valera, of Ireland. The Senate will then be in session until midafternoon and will recess until Monday.

Floor captains for Thursday:
Democrats: McGovern (12-3), Church (5-6); Republicans: Allott (all day), Boggs (6-9).

2. The quality of integrated education: The following is an excerpt from an address by Senator William Proxmire, entitled "Children and Discrimination," delivered to the Church Assembly on Civil Rights on May 2, 1964:

"Actual studies of the effects of integration of Negroes in Louisville and Washington show academic improvement for the Negroes and no academic disadvantage for the white children involved. Segregation in education was anticipated, because a great majority of Negro schools in the past have been inferior—in equipment, in the level of training of their teachers, in the morale of teachers and pupils, as well as in the readiness of the pupils to learn. So integration provided better teaching and also new hope.

"As to why the school program of the white children was not slowed there are reasonable explanations:

"First, the work of the Negro children improved, the difference between them and the white children was minimized.

"Second, Negroes of limited educational background live are usually nearest to neighborhoods where whites of limited educational backgrounds live. But Negroes who are already advanced scholastically will usually be integrated into nearby schools where the white children have already advanced.

"Even when children with widely different aptitudes do go to the same school, as is true, for instance, of the single high school in a city it usually becomes separated into more advanced classes.

"In other words, the quicker children and the slower children—either Negro or white—will rarely be combined in the same classroom.

BIPARTISAN CIVIL RIGHTS NEWSLETTER No. 67, June 2, 1964

(The 51st day of debate on H.R. 7152; 68th day of debate on civil rights)

1. Tuesday's schedule: The Senate will convene at 9 this morning and will stay in session until early evening. Beginning Tuesday, the Senate will start a five-day debate on a cloture petition that will be filed on Saturday of this week and the vote will take place the following Tuesday, June 9.

2. Cloture: According to present plans, the cloture petition will be filed on Saturday of this week and a cloture vote will take place the following Tuesday, June 9.

3. News from the Mississippi front: Two recent reports from Mississippi reveal the continued resistance of some counties and official denial of civil rights in that State. There is no more persuasive argument for the civil rights bill than the news from Mississippi. The first of these articles is from the May 31, 1964, issue of the Washington Post. It describes another example of official indifference to lynching law.

"MISSISSIPPI MOB BEATS INDIAN"

"CANTON, Miss., May 30.—About 15 white men in 3 cars forced another vehicle to stop near Canton tonight, yanked an Indian student from the car and roughed him up, a white minister said.

"The student, who was not seriously hurt, was a member of a 13-man group from St. Louis, Missouri, which voted overwhelmingly against him, the Alabama Governor commented:

"Thumping the tabulations from the precincts, the Governor commented: "If we have a majority of the white vote. And, why, if the Republicans couldn't cross over, we'd have beaten the hell out of 'em, sure enough."

"Governor Wallace paused as if inviting anyone present to challenge his conclusion. When no one did, he added in a low voice to his wife and a reporter sitting beside him in the roadside diner:

"They can fool some of the people some of the time but not all of the people all of the time."

"To this paraphrase of Abraham Lincoln, he added: "The press is beginning to see that
they are not as influential as they think they are. For all the papers were against me. The church too. They brought in Ted Kennedy and 10 Senators and the unions. Look what happened.

"Governor Wallace made a candid and colorful comment about what would have happened in Alabama had his Maryland primary rival, Senator Eugene McCarthy, come here to campaign against him. Then, he quickly declared the remark off the record.

"It all depends on what you think about, not on what is. All the newspapers were against me. Then, and I note McCarthy's and that the Democrats of the Florida Advisory Committee. 'Could such a thing be true in this country?' he demurred.

"The 'such a thing' was the act of County Juvenile Judge J. Charles Mathis in St. Augustine taking seven juveniles from their homes, including four under 14, and sending them to the county jail. He did so because the parents refused to sign a form the judge presented that said they would keep their children from indulging in any more demonstrations against segregation until they were 21.

"Such an action as this is common under totalitarian systems. Fidel Castro has taken young children from their parents and sent them to Moscow for indoctrination. Dictators are the people who make it a moral prerogative to tell parents how to rear their children, or to restrict them in what knowledge they get or what actions they may perform.

"But to think that such tactics could be exercised in the United States—and in its oldest city. "This ancient cradle of the New World has no right to expect that it is going to escape the drive for equality of American citizens that is being pushed down every American thoroughfare. It is doubly a target because there all the harsh methods of denial are being practiced and maintained by a combination of political and business power.

"This fact intensified the determination of young Negroes to demand change.

"The demonstrations last week were made by 16 Negro teenagers who visited a lunch counter. Wanting to keep their protest peaceful, they responded to a signal of a watchman and left the counter before a deputy arrived. But they were arrested anyway—arrested on the street as they were walking away from the place, and charged with trespassing.

"These cases were set for last Tuesday, and it was their attorney's understanding that they would get a continuance until their regular attorney returned to the city. But, when they appeared for trial, the judge immediately recognized Senator HICKENLOOPER who, last week, appeared before a Federal court in Florida and succeeded in having the State law declared unconstitutional. "The law was declared unconstitutional because it is abhorrent for the State to interfere with local concerns. Their position seems to be that no higher government should be allowed to interfere with the law of the land."

"Florida is going to get a black eye over this. Florida is going to get the Nation's sympathy. Florida is going to get the Nation's applause. Florida is going to be a target for the Nation's attack. Florida is going to be a target for the Nation's vituperation, for the Nation's ridicule, for the Nation's ridicule.

"The Florida Advisory Committee which is composed of lawyers and the Nation's leading tax payers and the Nation's leading citizens, is going to attack the Florida Advisory Committee because it is going to attack the State of Florida. Florida is going to be a target for the Nation's attack. Florida is going to be a target for the Nation's ridicule, for the Nation's ridicule, for the Nation's ridicule, for the Nation's ridicule, for the Nation's ridicule.

"The 'such a thing' was the act of County Juvenile Judge J. Charles Mathis in St. Augustine taking seven juveniles from their homes, including four under 14, and sending them to the county jail. He did so because the parents refused to sign a form the judge presented that said they would keep their children from indulging in any more demonstrations against segregation until they were 21.

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New York Times article of May 30, describing the recent-summer voter-registration drive which has enlisted the support of student volunteers from outside the State: "Officials of civil rights organizations contend that a reign of terror has been instituted against Negroes in the Counties of Pike, Amite, Wilkinson, Adams, Franklin, and Jefferson. The witness was described as follows: "Five Negroes have been reported slain in that area in the last 6 months. Others have been killed. Still others have fled from the area after receiving threats." "Some homes have been fired into at night. A Negro cafe and a barbershop have been burned. "Economic sanctions have been imposed against Negroes and a few whites." Crosses were burned in 64 of this State's counties the night of April 24.

"There is something badly wrong here," observed E. W. Steptoe, Sr., as he sat in the tar-papered home on his 240-acre farm in the drive which has enlisted the support of students. Following is an incident related by Luther following is an incident related by Luther the coverage of title VII to employers with 100 or more employees.

BIPARTISAN CIVIL RIGHTS NEWSLETTER No. 72, JUNE 8, 1964

(The 57th day of debate on H.R. 7152; 74th day of debate on civil rights.)

1. Tuesday's schedule: The Senate will convene at 10 this morning. Thereupon there will be 1 hour of debate on the cloture motion, divided evenly between the majority and minority sides. A quorum call begins at 11 o'clock, and immediately after the quorum call there will be the vote on cloture.

2. What happens after cloture? If this morning's cloture vote is successful and cloture is imposed, the leadership expects that there will be voting on amendments and further debate on H.R. 7152; 76th day of debate on civil rights.

BIPARTISAN CIVIL RIGHTS NEWSLETTER No. 75, JUNE 11, 1964

(The 59th day of debate on H.R. 7152; 79th day of debate on civil rights.)

1. Thursday's schedule: The Senate will convene at 10 this morning and will stay in session until early evening. There will be numerous votes on amendments to the civil rights bill.

2. Holding the line on civil rights: Now that some, but not all, of the roadblocks have been removed, major Social Security amendments are likely to be considered. This will take place at the end of the session on Friday afternoon. If some amendments are dropped, the floor leaders will have to win the support of both the right and left wings of the Senate.

BIPARTISAN CIVIL RIGHTS NEWSLETTER No. 74, JUNE 10, 1964

(The 58th day of debate on H.R. 7152; 75th day of debate on civil rights.)

1. Wednesday's schedule: The Senate will convene at 10 this morning. Thereupon there will be 1 hour of debate on the cloture motion, divided evenly between the majority and minority sides. A quorum call begins at 11 o'clock, and immediately after the quorum call there will be the vote on cloture.

2. What happens after cloture? If this morning's cloture vote is successful and cloture is imposed, the leadership expects that there will be voting on amendments and further debate on H.R. 7152; 76th day of debate on civil rights.

BIPARTISAN CIVIL RIGHTS NEWSLETTER No. 76, JUNE 12, 1964

(The 60th day of debate on H.R. 7152; 80th day of debate on civil rights.)

1. Friday's schedule: The Senate will convene at 10 this morning and will stay in session until early evening. There will be numerous votes on amendments to the civil rights bill.

2. Holding the line on civil rights: Now that some, but not all, of the roadblocks have been removed, major Social Security amendments are likely to be considered. This will take place at the end of the session on Friday afternoon. If some amendments are dropped, the floor leaders will have to win the support of both the right and left wings of the Senate.
The bipartisan Senate leadership supporting the proposed Civil Rights Act of 1964, H.R. 7152, headed by Senators HUBERT H. HUMPHREY and THOMAS KUCHEL, has distributed issues of this newsletter to the offices of the Senators who support the legislation. Hopefully the newsletter has helped to keep Senators and their staffs informed on the bill and on the bill's detractors.

Now, joining the legions of other small rural dailies, we cease publication with our thanks to those who helped to produce it.

Mr. BYRD of West Virginia. Mr. President, how much time have I remaining?

The PRESIDING OFFICER. The Senator from West Virginia has 31 minutes remaining.

Mr. BYRD of West Virginia. Mr. President, I yield myself 25 minutes.

The PRESIDING OFFICER. The Senator from West Virginia is recognized for 25 minutes.

Mr. BYRD of West Virginia. Mr. President, last Wednesday I voted for the Mansfield-Dirksen amendment to the civil rights bill. The amendment was in the form of a substitute bill. In my judgment, the substitute represented a slight improvement over the bill passed by the House. For this reason, I chose the lesser of two evils and voted to displace the House bill with the substitute. The substitute having been accepted, I shall vote against the bill on final passage.

Any bill which bears a civil rights label automatically commands respect because every citizen of the United States has certain fundamental liberties and the right of amendment and of debate, main-
less morning. Meritorious amendments were defeated as a matter of course. Anyone who expects, other than mechanically and perfunctorily, it would seem; and not infrequently some of them rushed into the Chamber and down the aisle, and voted "no," only to find later that it was merely a quorum call.

Having made reference to the Supreme Court of the United States, Mr. President, I wish to say that I view with growing concern the apparent arrogance and con-
tentions which have increasingly seemed at times to view the centuries-old doctrine of stare decisis. The reasoning behind some of the Court's decisions over the past 10 years carries mischievous, when it is remembered that one's daily words of Daniel Webster, uttered 114

years ago, the whole. "Let the Supreme Court decide the con-

stitutional liberty which will surely con-

stitute them how you will, governments are always governments of men, and therefore are always subject to the influence and intelligence with which they apply it, if they apply it at all. And the courts do not escape the responsibility. The individual who is concerned, a constitutional government is as good as its courts; no better, no worse. Its laws are only its professions. It keeps its promises and stands in its courts. For the individual, therefore, who stands at the center of every definition of government, a constitutional government is a struggle for good laws, indeed, but also for intelligent, independent, and impartial courts.

This great former President, one of the names which are left no doubt as to the danger to American con-

stitutional liberty which will surely con-

front—if it does not even now confront—our people in the form of an all-powerful Supreme Court over which there is no check and which may be exercised by the members thereof themselves and which seems determined to complete the socialization of our soci-

cy and our form of government. I refer to Wilson again, in his book on "Constitu-

tional Government":

Moral and social questions originally left to the several States for settlement can be drawn into the field of Federal jurisdiction only at the expense of the independence and efficiency of the several communities of which our complex body politic is made up. Pater-

noster! may the morals enforced by the judgment and choices of the central authority at Wash-

ington, do not and cannot create vital habits or methods of life unless sustained by local opinion and custom. It is a prejudice and convenience—unoccupied by local convenience and interests; and only commu-

nities capable of vital action and control. You can-

not substitute the Federal Constitution for the StateConstitution: Deliberate add to the powers of the Federal Government by sheer judicial authority, because the Supreme Court can no longer remain independent and in the States, both saps the legal morality upon which a sound constitutional system must rest, and deprives the Federal structure as a whole of that vitality which has given the Supreme Court itself its increase of power. It is the alchemy of decay.

But the duty to protect the Constitu-

tion does not rest with the courts alone. It is the duty of the executive branch. It is the duty of the executive and judicial branches, and we as Senators bear an awesome burden. Too often we perhaps cavalierly, say, "Let the Supreme Court decide the con-

stitutionality of this or that." But the cup does not so easily pass from our hands. In the words of Benjamin Hill:

"Who saves his country, saves himself, and all things saved do bless him; who lets his country sink, sinks himself, and all things sink ignobly, and all things, dying, curse him."

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

Mr. BYRD of West Virginia. Mr. President, I yield myself 5 additional minutes.
The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. BYRD of West Virginia. For these reasons, Mr. President, I think that we are witnessing something on this floor which goes far beyond the issue of civil rights. As William Jennings Bryan once said:

"We are a child of liberty and purchased with blood, can be preserved only by constant vigilance. May we guard it as our children's richest legacy, for what shall it profit our Nation if it shall gain the whole world and lose the "spirit that prizes liberty as the heritage of all men in all lands everywhere"?"

I fear for that Government about which Bryan spoke, and I fear that it will not be preserved as our forefathers envisioned it. I have only the utmost respect, as a Member of this body, for other Senators, and I do not question the sincerity of purpose and the high loyalty to his Government with which every Senator has approached his duty. We are all but men, and we cannot all see alike. I do not wish to pretend that, while perhaps we do not see it clearly today and may not be clearly conscious of it even a decade away, the inroads which this legislative act will make into the cement of constitutional Government will accelerate the erosion that edifice though it be centuries away.

Mr. President, may I once again turn backward to recall that in the Senate Chamber, on March 2, 1805, Vice President Aaron Burr bade a formal farewell to his Government and to the Senate over which he had presided for 4 years. Probably no other address ever cast such a spell upon the Senate. One of its Members wrote that the whole Senate was in tears and so unmanned that it was half an hour after his departure before they could recover themselves sufficiently to come to order, choose a President pro tempore and then adjourn.

In closing that address which had so hypnotized his hearers, the Vice President spoke as follows:

"This House is a sanctuary; a citadel of law, of order, and of liberty; and it is here, in this exalted and sacred, but bestial and debased, existence be made to the storms of political phrenzy and the silent arts of corruption; and, if the Constitution be destined ever to perish by the sacrilegious hands of the demagogue or the usurper, which God avert, its expiring agonies will be witnessed on this floor.

If this bill were limited to the establishment, protection, and strengthening of personal responsibility-the system that has sustained this free economy and a free system.-I would applaud it and gladly accept amendments that would give equality of rights and representation to litigants as parties involved in disputes.

But in the scales of justice and law in this Republic, I must weigh the overall effect and potential—in other words—will this bill, while correcting certain deficiencies in our free system, at the same time create more overriding assaults and injustices on that system for the majority than it attempts to correct for a minority. I am compelled to conclude that the authority given to the Attorney General—forbidding, rather than raw power opposition will convince anyone that many of these proposals would help rather than hurt this program—but such was not the case. The die had been cast and the result foreordained.

Under this bill, I anticipate an ever-increasing flood of court and commission proceedings—most of which will not be based upon merit but which nevertheless will harass citizens and in the end may create cleavages in our people in areas where they do not now exist.

And this bill will not, in my view, settle anything or bring tranquility, but may well be the fires of an insurrection.

There is another slogan that one often hears to the effect that when moral
rights come in conflict with property rights, the property rights must give way. This has an appeal, but is it defensible as a proposition? I think not, because nowhere in history have inherent moral or personal rights been established except as the right of the individual to control and use his own efforts which have also been established coincidentally. Moral rights and property rights under our concept of freedom are and must remain inextricable.

In America a man must and should stand on his own feet—he should and must enjoy equality of opportunity, but beyond that he is not entitled to preferred treatment and his ability, ambition, and talents must measure his progress.

As I understand it, the FEP portions of this bill were not included in the measure sent up by the White House early in this Congress. Those provisions foreclose our several interests. So far as I know an administratorian FEP provision has never been sent to the Congress by any administration. The House action this year inserted it. But it is in the bill, and it is a mistake.

My decision in this matter has not been an easy one. Along with most of us here, I have supported civil rights legislation—limited to civil rights—in the past. I had earnestly hoped to support corrective legislation where necessary and provide for Federal authority where equality could not be attained otherwise. I believe I am as sincere in my beliefs as any Member, and all Members are sincere. The pattern is set, but, as I conceive my responsibilities, the pattern is set, but, as I conceive my responsibilities, the American people for the enactment of this civil rights bill. All in the Congress who vote for it and the President who signs it, of course, in the last analysis have the greatest credit, because they are the ones who bring the law into being.

However, the majority leader, Mike Mansfield, the majority whip, Hubert Humphrey, the minority leader, Everett Dirksen, the minority whip, Tom Kuchel, are the major legislative architects of the bill in the Senate, and all Americans who believe in equal rights for all as guaranteed by our Constitution, owe them a great debt of gratitude. I am sure that they would be the first to say that the able assistance they received from each of the assistant floor leaders they appointed to help carry the various sections of this bill through the Senate, the Senate minority, themselves a fine record of legislative statesmanship, was of great help during the course of the many weeks that this bill has been under consideration in the Senate.

Sometimes, I believe too frequently, we in the Senate are not so appreciative as we should be of the dedicated, able work of loyal staff members who serve, in fact, as the brain trust energizing every major legislative effort in the Senate. To a large degree, this bill in its final form is the product of many such able staff members.

However, when all is said and done, and I believe that the legislative history of this bill will record that the President of the United States deserves the major credit for it. If it had not been for his leadership, his courage, his determination, I am convinced that the Negroes of America would have seen the year 1964 pass into history without the passage of this civil rights bill delivering their constitutional rights to them. His speech of a few weeks ago to the Georgia Legislature, seemed to have been one of the factors that solidified support behind this bill both in the Congress and in the country. By making that speech where he did, he made it clear that there was to be no retreat on the civil rights issue. That was an act of presidential leadership that has rarely been equaled in the history of the Presidency.

I have said before that, in my opinion, the greatest speech on civil rights which has been made in our country since the Emancipation Proclamation 100 years ago was the speech that President Johnson delivered at Gettysburg, Pa., when he delivered the Gettysburg Address, Dec. 21, 1963. There is nothing more appropriate that I could say in my closing speech on this bill than to quote the following paragraphs from President Johnson's historic speech, and I ask unanimous consent, Mr. President, that the entire speech be printed in the Record at the close of my remarks.

The PRESIDING OFFICER. Is there objection to the request by the Senator from Ohio? The Chair hears none, and it is so ordered.

(See exhibit 1.)

Mr. MORSE. Mr. President, at that historic Gettysburg speech on Memorial Day, 1863, President Johnson, then Vice President, said:

The Negro says, "Now." Others say, "Never." The voice of responsible Americans—the voice of those who died here and those who died from the votes say, "Together." There is no other way.

Until justice is blind to color, until education is unaware of the color of our men's skins, emancipation will be a proclamation but not a fact. To the extent we achieve the President's梦想, we are not fulfilling, to that extent we shall have fallen short of assuring freedom to the free.

As we maintain the vigil of peace, we must remember that justice is a vigil, too—a vigil we must keep in our own streets and schools and among the lines of all our people that those who died here on their native soil shall not have died in vain.

One hundred years ago, the slave was freed. One hundred years later, the Negro remains in bondage to the color of his skin.

The Negro today asks justice.

We do not answer him—we do not answer those who lie—when we reply to the Negro by asking, "patience."

Our Nation found its soul in honor on these very battlefields 100 years ago. We must not lose that soul in dishonor now on the fields of hate.

To ask for patience from the Negro is to ask him to give more of what he has already given. But to fail to ask of him—and of all Americans—perseverance within the context of a responsible society would be to fail to ask what the national interest requires of all its citizens.

I salute President Johnson for that great plea for unity in this country, at long last to deliver to the Negroes of America what they have never been allowed to enjoy, their full constitutional rights.

I shall be glad to have my descendants read that I voted in 1964 to give the Negroes their constitutional freedom, as we shall have advanced them from the chains and bonds of slavery.

EXHIBIT 1

REMARKS OF VICE PRESIDENT LYNDON B. JOHNSON, MEMORIAL DAY, GETTYSBURG, PA., MAY 30, 1963

On this hallowed ground, heroic deeds were performed and eloquent words were spoken a century ago.

We, the living, have not forgotten—and the world will never forget—the deeds or the words of Gettysburg. We honor them now as we join on this Memorial Day of 1963 in prayer for permanent peace of the world and fulfillment of our hopes for universal freedom and justice.

We are called to honor our own words of freedom with our deeds to make our words of freedom real to others on foreign fields.

This, we must perform to preserve peace and the hope of freedom.

We keep a vigil of peace around the world.

Until the world knows no aggressors, until the arms of tyranny have been laid down, until freedom has risen up in every land, we must work to ensure our sons who died on foreign fields shall not have died in vain.

As we maintain the vigil of peace, we must remember that if peace is a vigil, too—a vigil we must keep in our own streets and schools and among the lives of all our people—so, too, we must be sure that those on whose native soil shall not have died in vain.

One hundred years ago, the slave was freed.

One hundred years later, the Negro remains in bondage to the color of his skin.

The Negro today asks justice.
Mr. CURTIS. Mr. President, I have voted for the civil rights bills in the past. There are provisions in this bill which are meritorious. They deal with genuine civil rights and should be enacted.

Some of the provisions in the bill with which I disagree. Mr. President, I did not prevail in the voting on many of the amendments. The task now faced is making a decision as to whether or not, on balance, the provisions which should be enacted. I shall favor a vote on whether, on balance, the provisions which are objectionable call for a negative vote.

I call upon the President of the United States, the Attorney General of the United States, and every individual and group who have for so long and so diligently crusaded for this legislation and have carried on efforts to influence the public in favor of the legislation, and those individuals and groups who have crusade against it, to now mobilize their moral forces to bring about racial peace in the United States. The law, when enacted, should help to bring us nearer to racial equality.

Mr. President, after 82 days of long, penetrating, and often wearisome and frustrating debate the Senate today will face up to its duty and will vote. Each Senator today must take his place on the critical issue. As a Nation, decide where the common good lies and then be counted in the vote. I shall vote "aye."

In the course of our long debate many Senators have protested that by this civil rights bill property rights would be infringed. Perhaps property rights will be slightly circumscribed, but human rights will be enhanced. No longer will Negroes under law remain some of our citizens to lesser status. With this bill we will reaffirm by law our proud proclamation in our Declaration of Independence—"All men are created equal, endowed by their Creator with certain unalienable rights."

One hundred years after emancipation equality will be guaranteed by law in the right to vote, the right to education, the right to employment, the right to find no other, but perhaps the most important of all, the right to be a full U.S. citizen. The bill does not, nor was it ever intended and will not infringe on the right to property. If anyone asks perseverance. Men may build barricades—and others may hurl themselves against those barricades—but what would happen at the barricades would yield no answers. The answers will only be wrought by our perseverance together. It is deceit to promise more as it would be cowardice to promise less.

Mr. President, I say, "Together." There is no other way.

Until justice is blind to color, until education is unaware of race, until opportunity is unconcerned with the color of men's skins, emancipation is a history of disuse of the law. The law cannot save those who deny it but neither can the law serve any who do not use it. The history of injustice and inequality is a history of disuse of the law. Law has not failed—and is not failing. We as a Nation have failed ourselves by not trusting our institutions. The time has come to gain sooner the ends of justice which law alone serves.

Mr. President, I do not answer him—we do not answer the Negro who says, "Now." Others say, "Never." It is not the Negro who says, "Never." It is the voice of those who died here and the voice of those who speak here—their voices say, "Together." There is no other way.

Mr. President, the will of the American people is not a crusade against those barricades—but what would happen at those barricades would yield no answers. The answers will only be wrought by our perseverance together. It is deceit to promise more as it would be cowardice to promise less. The Negro says, "Now." Others say, "Never." It is not the Negro who says, "Never." It is the voice of those who died here and the voice of those who speak here—their voices say, "Together." There is no other way.

Until justice is blind to color, until education is unaware of race, until opportunity is unconcerned with the color of men's skins, emancipation is a history of disuse of the law. The law cannot save those who deny it but neither can the law serve any who do not use it. The history of injustice and inequality is a history of disuse of the law. Law has not failed—and is not failing. We as a Nation have failed ourselves by not trusting our institutions. The time has come to gain sooner the ends of justice which law alone serves.

Mr. President, I say, "Together." There is no other way.
the United States, I walked along with John F. Kennedy all the way from Los Angeles to Dallas. He was right at every turn of the road.

Within a short time we shall close this historic debate. We shall cast our vote. We shall demonstrate to the people of the world that this land whose people have declared in nation in which no one is forgotten where the young have faith, the aged have hope, and where all stand equal before the law, and protected in all their civil liberties.

If 20 million Americans have been denied their basic rights, the basic rights that our forefathers envisioned when they conceived the Constitution of the United States and wrote the Declaration of Independence.

It is left to us to guarantee those rights for all citizens. They have been affirmed in the courts as belonging to all Americans, not to almost all of them.

The breathtaking pace of modern life no longer permits slow, leisurely adjustments to reality. We are not establishing any new rights. We are only seeking to preserve old rights, rights as old as mankind itself.

I have received many letters from uninformed and misguided constituents, as have many of my colleagues. Those people fear that the civil rights proposal will in some way infringe upon their liberty and their way of life, even in my State of Ohio. There is nothing whatever, of course, in the final amended bill, that has been so thoughtfully debated for a period of nearly 3 months, that would give to the Negroes of this Nation any rights or privileges which they have not enjoyed in my State of Ohio for many years past under the law of my State. I am proud that this is so. What this legislation will do will be to extend those rights to all Americans, regardless of the States in which they live or in which they travel.

I do not want to take much more time on this subject. All of us will agree that passage of the amended bill is a great achievement and I will vote for it. I will urge the House of Representatives and then sending the bill to the White House so that it may be signed by our President, will
clear the way for enactment into law. The judgment which will be written in history will, I believe, confirm the wisdom and justness of the action taken by the Senate today.

To move the bill to final passage conforms to the inspiration given by the late President Kennedy, the present President Lyndon B. Johnson, and the legislative leaders.

Mr. YOUNG of Ohio. Mr. President, I express my appreciation for the magnificent statement made by the distinguished senior Senator from Oklahoma. I am in agreement with the conclusions he has reached and the statement he has made.

Mr. MONRONEY. I thank the Senator from Ohio for his kind words, and also for the great contribution he has made in connection with the Senate's consideration of the bill and its passage today by the Senate.

Mr. TOWER. Mr. President, I ask unanimous consent to print in the Record an article I have prepared relative to title VII and title IX of the civil rights bill be printed in the Record.

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

STATEMENT BY SENATOR TOWER

EIGHTS—FEPC—KEEPING AMERICA COMPETITIVE

Whether we like it or not, our American economy is engaged in a worldwide competition with the economies of other nations. We must be concerned with maintenance of a strong American position with regard to this economic competition.

And the worst thing about it is that this employment provision is not necessary to enforce practices.

Mr. MONRONEY. I thank the Senator for his kind words, and also for the great contribution he has made in connection with the Senate's consideration of the bill and its passage today by the Senate.

Mr. MONRONEY. Mr. President, will the Senator from Ohio yield on my time?

Mr. MONRONEY. Mr. President, I yield myself 1½ minutes.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 1½ minutes.

Mr. MONRONEY. Mr. President, Senate passage of the civil rights bill clears the way for enactment into law the most carefully debated measure ever considered in the history of the legislative branch. It contains the product of legislative deliberation on the most comprehensive civil rights legislation ever approved by the Congress. It represents further fulfillment of a promise made more than 100 years ago to the Negroes by those who led the American people unwillingly to this country and a reaffirmation of the high ideals of government upon which this Nation was founded.

This bill will soon become the law of the land. I know the people of Oklahoma will accept it as such and will comply with its provisions. Oklahoma's proud heritage of adherence to the principles of equality and justice we reported not only in our State of the Union, but throughout the world. Its record on nondiscrimination in the field of voting rights is among the best in the country. Our State has made tremendous progress in other phases of the civil rights problem.

While I cannot agree wholeheartedly with all provisions of the bill, my disagreements basically are about methods and procedures. I have long been committed to the cause of freedom and equal rights for all citizens regardless of race, color, religion, or national origin. I prefer to have problems of discrimination in public accommodations and employment handled on the local level and governed by local laws. That is why I believe the amendments adopted by the Senate are such an improvement over the House version of the bill.

Many other amendments were adopted which I believe clarify the bill, render a jury trial possible in most cases, and provide further definitions in the bill that we shall pass tonight.

The President's bill States which have public accommodations and employment handled on the local level and governed by local laws. That is why I believe the amendments adopted by the Senate are such an improvement over the House version of the bill.

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Many other amendments were adopted which I believe clarify the bill, render a jury trial possible in most cases, and provide further definitions in the bill that we shall pass tonight.
The United States finds itself today at the onset of the most competitive period in world economic history. We must become the leader, but we are strenuously challenged.

While U.S. industrial output continues to race forward quantitatively and desirably, the booming West Germany, Italy, Japan, and most of these nations are expanding at rates which outstrip those of the United States. For America to remain the world's economic leader, we must exceed the growth rates of overseas competitors. Rather it is to keep ahead of their achievements in productivity which have accompanied rapid industrial growth.

In this competition it behooves the United States not to place additional roadblocks and restrictions upon private business. As never before in history, the competitive atmosphere in the United States and overseas compels American businessmen to innovate and modernize—and to internationalize their entire business scope and philosophy.

History may well designate 1964 as the point in which the U.S. labor cost leadership to Japan and to European producers, who can leapfrog technological advances than we and who will find it quite easy to approach our levels. Indeed, the recent flow of American know-how to Europe and Japan represents a fantastic bargain for their producers, who can leapfrog technological and widely attract labor.

The expression, "the American team"—meaning government, industry, and labor—has more often been a phrase than a fact, except in foreign policy. Keeping America competitive qualifies as the kind of national challenge which should result—through desire, not Federal action. Our national production and national employment, and a strengthened position on the world scene. The alternative is lower productivity, reduced business, fewer jobs and dire financial condition, a diminished U.S. strength in world affairs. This is the year of transition in the new world of international competition.

Let us talk for a bit about foreign trade and the ways it affects our national productivity. Never in recorded history has there been such a period of economic interdependence among nations as there is today. International trade and investment have soared to record levels.

The benefits of expanded multilateral trade and investment can be seen most strikingly in living standards of the Western European countries. But they can also be seen here at home. Over 70 million of our people are gainfully employed. Our per capita consumption is the highest in our history. Unlike the post-World War II prosperity which vanished in the waves of the great depression; the post-World War II era in which we find ourselves, has been one of more sound economic accomplishment.

The system and institutions of international trade and investment have been planned with care to avoid the restrictive autarchy of the thirties. The International Monetary Fund and the World Bank are performing vital roles in spurring economic growth. Close cooperation among central bankers and financial ministries has helped. The growth and complex interlacing of private commercial banks that supply the bulk of the credit essential to expanded trade is healthy and reassuring.

This is not to say that all is perfect. On the contrary, many economic problems have yet to be solved. Here at home we must strive to reduce our relatively high and persistent rate of unemployment a problem I do not feel would be helped by an ERPIC law.

Abroad, the challenge of assisting the less-developed countries extends to our own domestic front. The point of self-sustaining economic growth remains a serious one. Remaining barriers to international trade must be removed. In many cases the benefits of foreign private investment, political instability and the absence of adequate protection for our investments may be insufficient to produce climates unfavorable for such investment.

In analyzing the prospects for keeping America competitive we must first look at our current position on a world scale.

**America's role**

The U.S. economy is unique in the world community of nations. With only 6 percent of the world's population we account for over one-third of its industrial production. We are like other countries, which either predominantly export raw materials and import manufactured goods or, to the contrary, America is the world's largest exporter and importer of both raw materials and of manufactured goods. For a number of countries and a large share of their国民e participations in the world market. At the same time, we are the biggest supplier to many countries of a wide variety of raw materials and manufactured goods.

Many countries—especially those whose exports are dominated by one commodity—depend heavily on our purchases for their economic well-being. This is dramatically illustrated by taking one commodity, coffee, and imagining the repercussions that would follow the unlikely event that it suddenly lost favor among American consumers.

We import over half of the world's coffee production—41 billion pounds. Were a successful synthetic coffee developed, the economies of Brazil, Guatemala, El Salvador, and Colombia would collapse. Mexico, Poland, Czechoslovakia, Hungary, and the Dominican Republic, as well as Portuguese Africa and countries formerly under the British, would probably suffer drastically. Coffee is an extreme example. But for many other commodities and countries, the picture is similar, if less striking.

**United States Investments abroad**

The importance of our role in world trade cannot be appreciated fully without considering other basic facts. Americans invest much more abroad than in any other country. Our total holdings in direct and portfolio investment overseas exceeded 450 billion at the beginning of last year. This tremendous sum not only contributes to economic growth in other countries, but also swells the volume of both our merchandise and service exports.

Our Government provides the largest amounts of aid to other countries, either to assist in economic growth or to safeguard their independence. Since World War II, this country has extended over $100 billion in economic and military aid to our friends and allies.

To complete the picture of American preponderance in the world economy today, we must add the monetary reserves of the dollar. We not only use more than any other currency to finance international trade, but it is by far the most important currency in the monetary reserves of free world countries.

**United States not as dependent**

In striking contrast, the United States is not nearly so dependent upon the international trade and financial relationships of the United States, as other countries are on the United States. Although the sheer volumes of international trade and the loan balances are higher than those of any other country, their ratios to our gross national product are much smaller than in many other countries. Our exports, for example, as a percentage of our gross national product, are only 10 percent. By comparison, Germany exports 16 percent of its gross national product, while Japan's ratio is over 25 percent, and the Netherlands 35 percent. Our long-term private investment abroad in 1962—a large $9.5 billion—was still only some 3 percent of our gross private domestic investment of 70 billion.

Thus, we find a somewhat lopsided relationship existing between the American and the international economies. Our relative role in
world trade is large. The dependence of other economies on us is striking. But our relative dependency on the rest of the world is far less pronounced.

Growing interdependence
Nonetheless, growing interdependence with the rest of the world is a requirement for economic growth and stability in the United States. The jobs of over 3 million workers—6 percent of our total private employment—are dependent, directly or indirectly, on the rest of the world. A large number of workers also depend upon imports for their employment. We rely on foreign sources for many products. Without our exports, our economy could not function.

Increasing our trade surplus
Despite our large trade surplus, more sales of our products overseas are required to help reduce our balance-of-payments deficit. From 1960 through 1962, the cumulative total of this deficit was $26 billion; to finance it we have drawn down our gold stocks by $9 billion and borrowed $1 billion from foreigners by $1 billion.

Until the late 1950’s, these gold losses and expanded overseas liabilities could be offset by the increase in the exports of farm products. But just as in this country, agriculture is a domestic political and social issue of major proportions. There is a real possibility that the EEC will impose a combination of variable import duties and non-tariff barriers that would bar us from substantial sales of our agricultural products.

Even more striking than our increases in trade barriers is the fact that the very large amounts of direct private investment placed there by American firms.

Less-developed countries—those that are underdeveloped and that need assistance private investment makes in transforming the investment of labor, capital and technology, and management practices to developing countries.

The outlook
Each year since 1958, America has produced a healthy surplus on its trading account. Exports in 1963 broke all previous records. Exports have been about equal to the size of the United States crisis, they have risen at an average rate of 5 percent per annum. But the value of our total commercial exports—leaving aside all Government-Inter state and Government-to-Government trade—has been our competitive position in world markets. But the question is not whether we can hold our own. It is, rather, whether we can improve on an already excellent record. The answer depends on trends and policies on both the domestic and international fronts.

On the domestic side, holding the lid on costs and prices and Federal watchman in the Keene decade, are necessary in order to maintain our competitive position in world trade.

On the International side, we have yet to price our capital outflows down to manageable proportions.

Fundamental to maintaining and improving our current account position, is the ability to afford world markets through continued reduction of trade barriers. To achieve this we must be prepared to and able to meet more formidable competition by European and Japanese markets. The trade negotiations in Geneva will be difficult and prolonged; on their positive results rests the key to maintaining our position to world markets through continued reduction of trade barriers. To achieve this we must be prepared to and able to meet more formidable competition by European and Japanese markets.

Protecting the dollar
Another very vital area in which the ability of the United States to compete is vividly pointed up is the matter of protecting the integrity of the dollar.

In today’s international commerce, the United States is banker to the world. The U.S. dollar is the essential weight and measure that the rest of the world uses to evaluate national’s labor and the worth of goods and services.

(In connection with these remarks, I have referred to the integrity and the money supply of Congressmen Thomas Currie, an acknowledged fiscal expert of the other body.) Their fiscal integrity and the money supply of Congressmen Thomas Currie, an acknowledged fiscal expert of the other body.)

If we cannot handle our own fiscal affairs in a way that will maintain the integrity of the dollar, we cannot expect to hold our postion of leadership in world trade.

The drain on our gold reserves is a new phenomenon, but it is only within the last few years that it has reached serious proportions.

Since 1949, the United States has had a net loss of nearly $8 billion in gold, reducing our reserves to $15.7 billion. Until 1958, the yearly deficits and the losses of gold related to them were necessary in order to maintain our international reserves. Without the increases in liquidity provided by U.S. deficits and gold losses, it is difficult to imagine how foreign and home markets, the postwar blossoming of international trade and investment would have been restored.

Increased gold outflow
Since 1958, however, both the deficit and the gold outflow have been substantially less—only about $3.5 billion per year—and have shown a stubborn resistance to improvement. We are left now with only $12 billion with which to meet potential foreign claims of about $25 billion. It is apparent from these figures that a sudden and large-scale liquidation of foreign
dollar balances could lead to serious consequences, for the entire world's entire trade and payments system.

One way to avoid a run on the dollar, by eliminating our balance-of-payments deficit as soon as possible. Another way is by avoiding inflation, which erodes the purchasing power of the dollar at home, and also decreases our competitive position in world markets. And, unfortunately, sales lost overseas would mean jobs lost at home.

Free World Stake in the Dollar

Of course, the rest of the free world does have a vital stake in the integrity of the dollar, and will not deliberately bring about its collapse. However, it is engaged in a gradual erosion process which can have, in the end, the same dire results as a sudden collapse. The United States is the showplace of the free enterprise system. If we are forced to devalue the dollar, that system as well as the prestige and power of the United States itself will be seriously diminished.

On the positive side, there are a number of important assets in our balance of payments. These include our favorable balance of trade, our income from foreign investments, and the income we derive as the world's banker. All these are in the private sector.

The Negative Influences

The negative influences are in the Government sector. Number one, of course, is foreign aid. While I am in favor of a properly administered foreign aid program, so far I think many of our efforts have been wasteful. We may well have created greater damage instead of good. In many cases.

The second important negative element on our balance of payments is the military spending overseas, including both our military aid and the maintenance of our own forces in other countries. It is these two areas of Government expenditure that have largely created our basic imbalance.

Here are some specific measures we should take to reverse the continuing outflow of U.S. gold, and the erosion of our international monetary Fund.

While the nations study the problem of future world liquidity to finance balance-of-payments deficits, they should also direct their attention to improving the adjustment mechanism of the international payments system, and to the maintenance of their own forces in other countries. Countries eliminate imbalances in their international payment, including exchange rate adjustments. A properly functioning adjustment mechanism can prevent deficits from arising in the first place and would correct them quickly if they develop.

Foreign Productivity

Perhaps one of the most important aspects of this question of how American business can keep competitive is the matter of manpower and wages rates and productivity rates.

I do not think the manpower problems of American industry would be helped by passage of an Equal Employment Opportunity law which would take employment out of the hands of business and place it in the hands of a bureaucrat not even answerable to the American workers.

Dr. Yule Brozen, professor of business economics, at the University of Chicago is one of our Nation's experts on manpower. I have been guided by some of his recent writings in preparing this portion of my remarks.

American employers pay the highest wage rates in the world. In spite of this, the United States sells 81 billion worth of merchandise in other countries. In addition to the export of goods, we also export an increasing amount of foreign aid funds. These sales are made in the face of transportation costs and tariffs, and as a result of the competition of local firms and other foreign competitors with much lower hourly costs.

The Magnificent Record of the United States

The magnificent record of the United States in overall productivity of American firms and their development of superior and unique products. With their higher productivity, unit labor costs in this country are less than those of foreign firms paying much lower wage rates.

The outstanding productivity flows from a combination of a better educated labor force (the average level of education in the United States is that of a high school graduate) and a better trained capital man, and excellent management.

However, we face foreign competitors who are using productivity advantages higher than our own. While this might be interpreted as a threat to American ability to continue selling abroad, it should not be.

Rather, it is a threat to our ability to maintain the same margin of superiority in American over foreign wage rates.

As long as we continue to buy abroad, we shall continue to sell abroad, assuming that foreigners do not wish to hoard American dollars or use them only to invest in American recycled securities.

Productivity and Foreign Competition

Foreign firms succeed in penetrating the U.S. market when shipping the goods which they produce relatively more efficiently. The second most important factor is demand.

We may be more productive in all lines than foreigners are. In some lines, however, we are only 10 percent more productive. If foreign firms could reproduce similar items, they could do so only if they were willing to take one-sixth the income per hour we pay American labor. We must develop, through the International Monetary Fund, mechanisms to get foreign firms paying much lower wage rates, because their productivity is relatively lower even than their wage rates, and often because Federal interference in our business has upset the free-market economy.

Research and competition

Research and development of better products and processes is becoming an increasingly important factor in world trade and profits in the face of growing foreign and domestic competition. We have raised productivity in some industries by producing a better product and the new, export market, a market.

Our export industries tend to be our most important source of growth in the export market. We have raised productivity of our exports in the face of growing foreign and domestic competition. We have raised productivity in some industries by producing a better product and the new, export market, a market.
A strong legal case can, and has been, made for the constitutionality of title VII. We have sought removal of a State court suit to the Federal Court of Appeals, and it is a familiar but disconcerting fact that a lower court's decision to prohibit desegregation can be appealed to the Federal Court of Appeals. If the new law is declared unenforceable, it will be because our foreign trade and our nation's economic growth is a necessary result of domestic desegregation. If we do not stay on our toes, we may lose our markets to foreign competition and could be forced to pay more for inputs. If American industry is to avoid Federal employment discrimination laws, it must stay on its toes and be prepared to meet growing competition abroad and in domestic markets. If American industry comes under Federal employment discrimination laws, the unemployment problem in this Nation will be a tragedy beyond imagination. If it is forced to comply, it will do so, but not do so. It is a familiar but disconcerting fact that a lower court's decision to prohibit desegregation can be appealed to the Federal Court of Appeals.

It is abundantly clear that American free enterprise, so necessary in growing international competition, is in a bind to meet that competition. If we do not stay on our toes, we may lose our markets to foreign competition and could be forced to pay more for inputs. If American industry is to avoid Federal employment discrimination laws, it must stay on its toes and be prepared to meet growing competition abroad and in domestic markets. If American industry comes under Federal employment discrimination laws, the unemployment problem in this Nation will be a tragedy beyond imagination. If it is forced to comply, it will do so, but not do so. It is a familiar but disconcerting fact that a lower court's decision to prohibit desegregation can be appealed to the Federal Court of Appeals.
on order of the Federal district court sending the case back to the State court.

In other words, title IX makes reviewable in higher Federal courts decisions of lower Federal courts in mandamus cases. Under present law, such review is not available.

Title IX is highly discriminatory, giving certain minority groups a weapon all of their own. The new title could effectively prevent for an indeterminate period of time any trial, Federal or State.

Historically, the litigation of Federal questions was left to the State courts in cases filed in the State courts and removed to the U.S. Supreme Court through appellate procedures. Thus, the process of removal and removal jurisdiction for this reason alone was an effective safeguard. The present procedure was devised. Since 1887 it has proved to be the only feasible procedure and has been the law that the decision of the U.S. Supreme Court could not be reversed. Whether the court has jurisdiction to hear the case, without suspending or destroying the power of that court, during an extended period of delay necessarily arising from an appeal to the Court of Appeals of the United States from the order remanding the case.

The devastating effect of this proposed amendment upon State courts is apparent when it is realized that the present Federal statutes, removal is accomplished by a simple act of the party, without the necessity of any order by either a State or Federal judge. One of the litigants, by a simple filing of the petition and appurtenant papers, automatically removes the case to the Federal court. Thereafter, however, the case is in the Federal court, no depositions can be taken, hearings scheduled or in process must be stayed, the State court order to maintain the status quo. Unless the return date of subpoenas therefore issued, witnesses may be heard. Right of discovery is the only possible way to fix new return dates. Witnesses who are sought for cross-examination in the cause may not be served with State subpoenas and they may not be reached by Federal process because there has been no determination by the Federal court of its jurisdiction. Restraining orders cannot be issued in the State court, although the Federal court may, pending a determination thereof.

The legal relief available is an immediate application to the Federal court for a remand, on the basis that the removal was improper and that the Federal court lacks jurisdiction. The effect of the order should be allowed. Thereafter the present wording was embodied in section 1447 of title 28 so that subparagraph (d) now reads: "An order remanding a case to the State court from which it was removed is not reviewable on appeal or otherwise."

The practical effect of the amendment would be to place in the hands of a litigant in a Federal court the power-producing effects of State proceedings, without any judge of any court having found, that the case is properly removed, and in the face of a finding by a U.S. district court that the State court was vested with jurisdiction and the Federal court had no right to proceed in the cause. In a case where the State courts had enjoined the commission of unlawful acts, all process and all proceedings of the State court may be suspended. The court could direct the power-producing effects of State proceedings, without any judge of any court having found, that the case is properly removed, and in the face of a finding by a U.S. district court that the State court was vested with jurisdiction and the Federal court had no right to proceed in the cause. The issues would have been decided.

Under present procedure, a case is removed from State to Federal court simply by the defendant's filing in the Federal court a verified petition containing a short and plain statement of the facts which entitle him or them to removal, and other papers of the kind required by section 1446 of title 28 U.S.C.A., annote
ated, section 1446 (a). The petition for removal of a criminal prosecution may be filed at any time before trial, section 1446 (c). While the petition for removal of a civil case may be filed at any time, section 1446 (d). Whether the Federal court has jurisdiction, that is, whether the case was properly removed, is a question for the Federal court. It is obvious that to allow an appeal as to whether the case was properly removed would cause great delay in the prosecution of the cause.

A Federal court judge of the fourth circuit explained what is now section 1447 (d): "The purpose of the statutory provision is to give a jury opportunity to result over reviewing orders of removal." (Ex parte Boyd, 4th Circuit, 1935, 95 Fed. 2d 828, 829.)

On the other hand, not allowing an appeal merely requires that the litigation proceed. Any Federal rights claimed, can, under any circumstances, be reviewed by the U.S. Supreme Court by direct appellate procedure.
the section also contained a concluding para-
graph, wholly new, providing that the order 'dismissing or remanding the said cause to
be removed and try in the circuit courts, is from which the cause was removed.
This provision for
an appellate review continued in force until
it was expressly repealed by the act of March 3,
1887, which substituted a special provision at
Large 552, which also provided that an
order remanding a cause to a State court
should be construed and applied broadly as
'no appeal or writ of error' from
the order should be allowed.
The question again is, whether the
provision of the act of March 3, 1887, should be
taken broadly as excluding
remanding orders from all appellate review,
regardless of the tact that the
repetition of the event was no appeal, and
bidding their review on writ of error or ap-
peal. The question was considered and an-
swered by this Court. In several cases, the
uniform rule being that the provisions
should be construed and applied broadly as
prohibiting appellate reexamination of such
an order, where made by a circuit (now dis-
trict) court, regardless of the mode in which
the reexamination is sought. A leading
case is United States v. Parzow, 137 U. S. 461, 34 L. Ed. 788, 11 Supreme Court
141, which dealt with a petition for man-
damus requiring the judges of a circuit
court to remove a cause from
them, in the circuit court, had remanded to
the State court whence it had been removed.
After referring to similar
provisions, and practice and to the coming of the act of March 3, 1887, this Court said (p. 454) :
"In terms, it only abolishes appeals and writs of error, and substitutes
writs of mandamus; and it is unques-
tionably a general rule, that the abrogation
of the remedies for the enforcement of any
right that in this case we think it was the intention
of Congress to make the judgment of the circuit court remanding a cause to the State
court to be final for all purposes. The general
ject of the act is to contract the jurisdic-
tion of the Federal courts. The abrogation
of the right of appeal and appeal would have
had little effect in putting an end to the
question of removal, if the writ of man-
damus still could have been sued out in
this Court. It is true that the general su-
ervisory power of this Court over inferior
jurisdictions is of great moment in a public
policy that I confess is not particularly
at issue, and which, by the adoption of these
provisions, as thus construed, would be
be deemed to be taken away in
any case. Still, although the writ of mandamus is not mentioned in the section,
and the effect of the act is not particularly,
be immediately carried into execution." In
addition to the prohibition of appeal and
writs and the generally indicative of an intent
to suppress further prolongation of the
controversy by whatever process. We
are, therefore, of opinion that the act has
the effect of taking away the remedy
by mandamus as well as that of appeal and
writ of error.

The Honorable Frank L. Rice, (90 Lawyers edition 982, 988
(1949)), Mr. Justice Stone said:
"Congress, by the adoption of these pro-
visions, as thus construed, established the principle that the
litigation of the merits of a removed case
cause by prolonged litigation of questions of juris-
diction of the district court to which the
cause is removed. This was accomplished by
 denying any form of review or an order for
removal of the order denying remand. In the former
Congress has directed that upon the remand
the litigation should proceed in the State
courts, as it is from which the cause was removed.
But the congressional policy of avoid-
ing interruption of the litigation of the matters of right by
remand orders which are not allowed by
States, is as pertinent to those removed
by the United States as by any other suitor.
It is readily apparent that title 19
would allow civil suits without giving State and
authorities any remedy. After the prosecu-
tion is prepared, a criminal defendant could
wait until minutes before trial and have the
matter removed. When several days or a
week later the Federal court has decided it
has no jurisdiction and an order of remand
is entered, such defendant could appeal that
order, which could be placed before the
Court, and similarly disposed of. If the Bill
unnecessarily, especially considering the congested
dockets of the Federal courts of appeal.
Appealing to this in this title of the bill, as it will not in other titles.
In this case, the end itself is of highly
debatable wisdom, and a further and
additional evil is thrown in the path of the
orderly disposition of cases.
It is very important that it be understood
that the end is just ended and is not neces-
sary to protect Federal rights. A Federal
decision does the remanding. The State courts
and can enforce the Constitution; if
not, the Supreme Court of the United States
can correct the mistake. Allowing appeal
from remand, especially in a highly inflam-
mandate atmosphere, leaves a hiatus, a vacuum,
in which law and order may well suffer ir-
reparable harm.

Despite the legal obstacles, we agree
close by again stating that in
my opinion much of this proposed legis-
lation is patently unconstitutional. To those
who are advising us that the end will justify
the means, we say that such legislation is disreputing and destroying the
wisdom written into the Constitution by our
fathers.

Mr. TOWER. Mr. President, I have
selected certain letters from those writ-
ing to me expressing concern about the
pending civil rights legislation. I ask
unanimous consent they be printed in
the Record at this point.

The reply to an objection, the letters
were ordered to be printed in the
Record, as follows:

Dear Senator Tower: For the past 17 years
my home has been in Texas. During World
War II I served for a time in the 349th
Regiment (colored) as a second lieutenant.
Prior to my military service I had lived al-
most all of my life in Colorado.
I have observed segregation in various parts
of the South during the war, and since, in
addition to my service in 394th P.A. I have
also been a postal worker and a
World War II I served for a time in the 349th
Regiment (colored) as a second lieutenant.

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of the South during the war, and since, in
addition to my service in 394th P.A. I have
also been a postal worker and a

DEAR SENSATION TOWER: A complaint must
be registered with my Federal Government
this bill, both pro and con, trying to find how
the legislation improves the rights position of all
American citizens.

I am a rancher-farmer, a director of
a bank, a savings and loan association, a life
insurance company, several finance
companies, several manufacturing companies,
and in my humble analysis, this
proposed civil rights bill definitely suggests open
Federal regimentation and restriction of
constitutional rights of free choice and free
trade. In a measure, and a great measure,
it will restrict the right of personal judgment
in management in a business way.

According to titles VI and VII, I cannot
feel I would be free to handle my relations,
as a farmer, as an employer, as a
insurance company, our finance company, our
building and loan, and our bank would not
be free to transact business on the basis of
Title 7, which would be with the sanction of some Federal agency. I have
been a trustee of a private university for
30 years, so I do not see how under the
Civil Rights Act I would be free to handle my
relations, as a trustee.

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Title 7, which would be with the sanction of some Federal agency. I have
been a trustee of a private university for
30 years, so I do not see how under the
Civil Rights Act I would be free to handle my
relations, as a trustee.
DEAR SENSATOR TOWER: At the present time we are almost to the breaking point in our country. We have no subsidies such as the government through the civil rights bill and the liberal equate equality as freedom for all. This is the basic American personal freedoms. Please help us keep some commonsense and sanity in the midst of all of the prevalent today. We must keep our doors open.

(1) Keep 20 employees off of relief.
(2) Pay our bills within the discount period.
(3) Increase our export business which is about 10 percent of our total volume.
(4) Keep our doors open.
(5) Income taxes and tax reports.
(6) Social security taxes and reports.
(7) Inspections and correspondence of the Food and Drug Administration.
(8) Inspections and correspondence of the U.S. Department of Agriculture.
(9) Many State taxes and inspections.
(10) No group interest.

If it becomes necessary for us to be burdened with more control by the Federal Government, then it will be very doubtful if we can continue to be classed even as a small business. We have no subsistence for the farmers have no tax havens such as the cooperatives have.

Very sincerely yours,

DEAR SENSATOR TOWER: Thank you very much for your informative newsletter. We read it with much interest. I notice that you oppose much of the civil rights bill.

I am a Texan but spent several of my growing-up years in Pennsylvania and attended a German or Scandinavian on pare and serve people seeking that specific type of cuisine.

I feel it is right to pass a law requiring that all students be given the same qualifications and be admitted with more control by the Federal Government.

At the same time I believe it to be a moral wrong to deny employment to a person who does not fit the qualifications to find a place where he does fit. If this is not the case, then most certainly he should have the right to complain to my Government equally with the man who is not suitable because his race or sex or color prohibits individuals from making decisions to hire one another.

In the ultimate is the Federal Government going to require that a man hire a fat, unattractive woman of 50 as a secretary because she has the best qualifications of all other applicants? Is it not lawful for me to do what I will with mine own? This sort of legislation has no place in a democracy where all individuals are held to the highest. Why is it moral for bureaucrats to steal the properties of businessmen and that they be allowed to hire many, setting wages, determining races, religious, etc.?

A governmental program of example and encouragement of hiring, setting wages, determining races, religious, etc. is prompted by any group or society. Instead, I was proud to know that you have taken your place in that ragged southern line to help protect the rights of decent, Christian, and law-abiding citizens. Though born and reared in the South, I yearned for the dissolution of prejudice because way down deep they still believe it possible for a nation to be a lie. It is the ethics, morals, law-abiding citizens, I have yearned for the dissolution of prejudice between races of American citizens.

In the light of those thoughts, however, if the Negro as a race is to be permitted upon our Constitution by the House of Representatives through its recent passage of the civil rights bill, as other lawyers have declared, it is the greatest violation of individual and States rights guaranteed in our Constitution yet to occur. If the Senate passes the bill, the way is paved for the landing of United Nations troops on American soil.

No loyal Negro American citizen doubts the basic honesty of the white man whose mind is properly adjusted. Without such a strike being made into our essential liberties, the American Constitution has improved beyond all expectation in only a few years. The reason has been the basic honesty and fairness of the American people.

No loyal Negro American citizen has ever felt the injustice of group condemnation. Though born and reared in the South, I have yearned for the dissolution of prejudice between races of American citizens.

DEAR SENSATOR TOWER: Although your record is plain and clear in matters where Federal intervention in States concerns is threatened, may I add my support to any movement that will preserve the rights which I prefer to regard as liberties rather than rights, cannot be further extended than is provided in the Constitution. Any further extension infringes upon the rights intended for individuals. Not only is this, by the Constitution, illegal, but to my way of thinking, immoral.

Laws enacted contrary to the Constitution, such as the proposed "Civil Rights Act of 1957," cannot be upheld in the face of state situation. It arouses an unholy fear in me when I think of how we have already come in that direction.

May God bless us, and direct the Government in Washington.

Sincerely yours,

AN OPEN LETTER TO SENATOR JOHN G. TOWER

I was proud to know that you have taken your place in that ragged southern line to help protect the rights of decent, Christian, and law-abiding citizens. Though born and reared in the South, I yearned for the dissolution of prejudice because way down deep they still believe it possible for a nation to be a lie. It is the ethics, morals, law-abiding citizens, I have yearned for the dissolution of prejudice between races of American citizens.

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May God bless us, and direct the Government in Washington.

Sincerely yours,
1964

CONGRESSIONAL RECORD — SENATE

14493

CAUSED THE PROGRESS NEGROES HAVE MADE TO HAVE BEEN OPENED FOR QUESTION, NOTHING ELSE BEING INSERTED TO STEAL THE CREDIT.

ARTICLES IX AND X OF OUR CONSTITUTION ARE STILL THERE. DON'T LET YOUR COLLEAGUES REMOVE THEM.

THIS UNCONSTITUTIONAL BILL IS NOT ONLY A TRESPASS, BUT IT IS AN ABROGATION OF THE RIGHTS OF THE AMERICAN PEOPLE IN ORDER TO INCREASE FEDERAL POWER AND BRING ABOUT A POWERFUL CENTRALIZED GOVERNMENT IN WASHINGTON.

CIVIL RIGHTS—I

FOR THE NEXT FEW DAYS THE NEWS WILL PRESENT A SERIES OF EDITORIALS ON THE CIVIL RIGHTS BILL, WHICH HAS BEEN CALLED THE MOST IMPORTANT BILL OF THE CURRENT SESSION. IT HAS PASSED THE HOUSE AND IS EXPECTED TO PASS THE SENATE.

We hope readers will find our conclusions logical and fair, certainly the best of intent. We further believe that they will probably reach the same conclusions, for to understand this bill is to oppose it.

Our opposition, like that of many other members, is based upon many considerations.

We question neither the motives nor the goals of the bill's supporters, but the methods they have chosen to achieve them. In a free and intelligent society the ends do not justify the means. We are convinced that many who support this measure today will regret it tomorrow. We are convinced that many who have opposed this measure will regret it tomorrow.

From the beginning the measure has been shrouded in propaganda. It has been called a compromise of watered-down versions of measures that would have destroyed the United States in fact, much broader, and more radical.

Passed this bill will represent a concession to pressure groups, rather than a reflection of our own people and institutions.

It will be worth a nationwide hour on television to publicize the small print? Personally, I feel anyone who voted for this thing could be considered stupid. We are convinced that the means do not justify the ends. We are convinced that the means are chosen in order to defeat the end, dangerous, unconstitutional, and obnoxious legislation.

Sincerely yours,

LIE M. ADAMS

DEAR SENATOR TOWER: I BELIEVE THAT EVERY SENATOR WOULD LIKE TO DISCHARGE THE DUTIES AND RESPONSIBILITIES ENTRUSTED TO HIM BY THE CONSTITUENTS OF HIS STATE. I BELIEVE THAT YOU WOULD LIKE TO PRESERVE OUR CONSTITUTIONAL FORM OF GOVERNMENT IN ORDER THAT ALL AMERICANS MAY ENJOY THE LIBERTIES AND FREEDOMS THAT WERE PROMULGATED BY THE FOUNDING FATHERS. I BELIEVE THAT YOU WANT TO ENACT A LAW THAT WOULD TEMPORARILY TAKE AWAY THE FREEDOMS AND HUMAN RIGHTS OF OUR CITIZENS.

If the proposed civil rights bill should become law, all States of the American Union would be more like there are now, and the control of the powerful Federal Government, with unlimited authority to intervene in private affairs of men who are American citizens, would affect practically every American. In your own State, it would adversely affect the farmers, homemakers, employers, laborers, bankers, hotel, restaurant and theater owners, merchants, newspapers, radio and TV stations, teachers, schools, veterans—practically every conceivable employer and employee.

Operators of public accommodations businesses in your State, as well as mine, want to be able to serve all of our customers and patrons. Many of these operators, if forced to comply with such a bill as is now before the Senate, would face the probability of bankruptcy if, by being forced to accept patrons against their own judgment, they would lose all other patrons who helped make their business grow. This would be a clear example of the Federal Government preventing an industry, particularly one that pays its taxes and operates a business.

In Winona, Miss., one business has already been forced to close. A lady there operated a restaurant with separate facilities for the colored and white, and the Federation required that she remove a partition that separated the colored and white and serve everyone in the same room. This result, the Negroes and the whites refused to come back and she was forced to close her business. She was left with $0,000 worth of property on her hands, 8 or 10 people who worked in the restaurant were out of jobs, and the transients had no place to eat. Under the pressure of the Federal Government, she was forced to do what she thought was right.

Under this Federal interference, it was entirely satisfactory to both races. The same food and the same services were extended to all customers. Now, however, Mrs. Staley opened a white restaurant to serve white people on her own property at a different place.

Sincerely yours,

TOWER: PLEASE FORGIVE ME, BUT I MUST WRITE THIS LETTER AT THIS TIME.

DEAR MR. PRESIDENT, I ASK UNANIMOUS CONSENT THAT CERTAIN EDITORIALS WHICH WERE PRINTED IN THE RECORD BE REPRINTED IN THE RECORD AS QUICKLY AS POSSIBLE.

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

[From the Dallas (Tex.) Morning News, April 1964] CIVIL RIGHTS—II

The right to vote is basic to our society. Yet, that right is not absolute. Children and convicts, for example, are not permitted to vote. A resident of one State cannot vote for officials of other States. In all States

OX—912
Title I of the civil rights bill now before the Senate deals with voting rights and broader the powers of the courts and the Federal Government to prosecute those accused of denying them.

It also lays down rules on the use of literacy tests as a prerequisite to voting and requires a sixth-grade education as sufficient qualification for registering and would give Federal officials the authority to standardize other qualifications for voters throughout the United States.

Supposedly, the first section of the civil rights bill will apply only to Federal elections or to elections of Federal officials. And yet it would affect State and local elections in the 46 of our 50 States which hold State and Federal elections on the same day.

Even if this were not true, the bill would constitute a violation of constitutional intent. The Constitution clearly and carefully specifies that the power to set qualifications for voting in all elections—including Federal elections—rests with the States, not with the Federal Government. Article I, section 4 of the Constitution states: "The times, places and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof.

"Electors (voters) shall have the qualifications requisite for electors of the most numerous branch of the State legislature." In other words, those qualified to vote for State legislators are qualified to vote in Federal elections, and whatever qualifications are required by each State for the first type of voters must be required for the latter type.

When Congress passed the 24th amendment, abolishing the poll tax, it acknowledged that the proper way to alter the authority of States to set election qualifications is by amending the Constitution. It is, in fact, the only way.

A major criticism of the civil rights bill is that it changes by legislative fiat parts of the Constitution that can be altered only by the amendment process. If their right, those who would have courage is to allow the civil rights advocates are taking the low road.

The Supreme Court, in a series of decisions stretching from 1894 to 1959, repeatedly has declared that the right and authority to set voting requirements and that this right and authority cannot be usurped by the Federal Government short of a constitutional amendment.

The Supreme Court has also uniformly upheld that States have the constitutional right to use and require literacy tests for voting, yet this bill would virtually abolish them.

Perhaps the most pertinent criticism of this portion of the bill is that there is already abundant law on the books to deal with vote fraud, intimidation and chicanery. There is also the precedent that the bill before the 1957 and 1960 civil rights acts were passed.

The real purpose behind this section is not to protect voting rights, but to transfer the authority for setting voter qualifications from the State to the Federal level. Once this is done, the stage would be long before the Federal Government will control and standardize every aspect of voting. A previous age is over, and the voting requirement is required by a State. The Court has consistently said that private acts of discrimination cannot be punished. In an opinion frequently cited, the Court said that personal injury "creates no shield against merely private conduct, however discriminatory or wrongful." This philosophy runs the same rule on the bill that is almost identical to the public-accommodation section of the current civil rights bill.

The Supreme Court has declared that the 14th amendment "creates no shield against merely private conduct, however discriminatory or wrongful." This philosophy runs the same rule on the bill that is almost identical to the public-accommodation section of the current civil rights bill. The Supreme Court declared it unconstitutional in the case of Employment Act of 1946. "It is tantamount to giving official recognition to a lower standard of public conduct that would be legal in a private context. Although the Civil Rights Act does not go to the same extent, it would still affect the status of private individuals in the same way."

The only time this requirement to serve has been imposed before has been in the area of public utilities, which usually have been granted exclusive, monopoly franchises and are placed in a special category before the law.

Since their customers are guaranteed—and have nowhere else to go for service—the Government has right imposed a requirement to serve. No parallel can be drawn here to justify imposing this requirement on all other private, competitive businesses.

The second prop on which title II rests is the 14th amendment, which prohibits the States from denying citizens "equal protection of the laws.

The 14th obviously refers to State-enforced discrimination, but this bill proposes to deal with discrimination enforced by States only. Wherever State governments require private businesses to discriminate or segregate, there is room for Federal action. But that is not the issue here.

Sponsors of this portion of the bill make no distinction between public acts of discrimination and State action. They assume, in fact, that the two are the same. Such an assumption can lead only to the conclusion that private acts and private property, in reality the least harmful.

The Supreme Court repeatedly has held that the 14th amendment applies only to discrimination enforced by a State. The Court consistently says that it is not necessary that what is being prohibited be accomplished by a State. The Court in this portion of the bill by quoting from a 1950 circuit court ruling which brings the whole issue into proper focus: "We had supposed," the court said, "that it was elementary law that a person, in the situation in which he found himself, could be compelled to buy from, and sell to, whom he pleased, and that his selection of seller and buyer was wholly his own concern.

"History," Ashbrook reminds, "indicates that there have never been human rights in any society or Government which did not have respect for property rights." The Congress summed up his own opposition to this section of the bill by quoting from a 1950 circuit court ruling which brings the whole issue into proper focus: "We had supposed," said the court, "that it was elementary law that a person, in the situation in which he found himself, could be compelled to buy from, and sell to, whom he pleased, and that his selection of seller and buyer was wholly his own concern.

Among the vast new powers granted to the Attorney General in this section of the act is the authority to initiate suits—enough though no complaint may have been registred, involvement of parties, or the denial of rights or equal protection of the laws.

Similar powers were sought when Congress considered civil rights legislation in 1957 and 1960. In both instances, they were rejected.

In fact, the Attorney General could drum up all the business his office could handle and shop around the country for Judges to try his cases. "This section of the bill," says Senator J. William Fulbright, Democrat, of Arkansas, "is tantamount to giving official recognition to the NAACP as a legal aid society of the Federal Government. It would, at the same time, relieving it of any of the hardships litigants in court cases normally bear."
In civil rights cases, the Justice Department would handle the plaintiff's case or pay the expense, while the defendant would be left to his own resources. This, Senator Dirksen said, is justified by the necessity of the Court kind.

But that's not the least of the hardships to be borne by the accused. While under other civil rights laws jury trials would not be guaranteed, under this section they are specifically denied.

One of the bill's supporters, Representative Ollie Atkins of New York, added that jury trials had been authorized for other parts of the bill "as a matter of grace, not a matter of right.

True, in the sense that secure what is called a civil right, supporters of this bill are willing to ignore or deny other existing constitutional rights—which, in case Representative Ollie Atkins has forgotten, the guarantee of a trial by jury also happens to be.

Only limit on the Attorney General's power to bring suits under this provision is that he must make certain findings and certifications first. But this requirement would amount to virtually nothing.

A prima facie case, by the House Judiciary Committee's majority which endorsed the bill permitted to the Attorney General of the United States a decision, which may never know the identity of his accuser or the nature of the accusation.

Talk about discrimination. In the hands of an unscrupulous Attorney General these powers would be dictatorial. This even proponents of the bill concede, though they quickly assure that there is nothing to fear. Such powers, they insist, will only be used in a worthwhile cause.

These assurances are not sufficient. Liberty is a primal. It is the essential to every case that a tyrant will never be in a position to wield powers given to a benevolent ruler. If history has taught us one lesson, it has demonstrated that if and only that powers granted have been used poorly.

[From the Dallas (Tex.) Morning News, Apr. 3, 1964]

CIVIL RIGHTS—V

Benjamin Driesell once remarked that he hated definitions, and Samuel Johnson declared a century earlier: "It is one of the maxims of the civil law that definitions are hazardous." Though they may be both hated and despised, they are often necessary. Surely when we are dealing with a law which would affect most of our citizens, the essential terms of that law should be defined.

This is one of the major faults of the civil rights bill. Though the bill, if it becomes law, will make discrimination a crime, there is no adequate explanation or definition of the word "discrimination" in the bill.

Every person accused of committing a crime contrary to this country has the constitutional right to know the nature of the accusations brought against him. And every citizen has the right to be informed that he is not about to be charged with a crime, so as to avoid committing one.

Nowhere in the bill is this problem of definitions more severe than in title IV, which deals with desegregation of public educa-

[From the Dallas (Tex.) Morning News, Apr. 3, 1964]

CIVIL RIGHTS—VI

Civil rights leaders say that what Negroes need most is the abolition of the bus and the schools, and the right to "achieve desegregation" in our schools.

But what is desegregation, at what level it is achieved and when is the process complete?

Does desegregation mean the ending of de facto segregation or the ending of re
titution of school districts. Personally, I believe that the former and shutting schoolchildren from one part of a city to another? If this is the case—and it is shown in the bill is devoid of legal, judicial or commonsense precedent.

Both the aims and the emphasis of the so-called Negro revolution have changed radically in the past decade. Where civil rights advocates once asked for "equality before the law" and called for an end to State enforced acts of discrimination, they are now demanding that the State discriminate in their favor by trampling on the rights of other citizens.

Black people are an irony that the Supreme Court was more interested in law than election returns and sociology, it declared that there must be segregation on the road to equality at which the Negro "takes the rank of a mere citizen, and cease to be the special favorite of the laws, and when his rights, his position and his life are exposed to the danger of partial, partial, and in the ordinary modes by which other men's rights are protected."

But even as late as 1964 in its famous school decision, and in subsequent rulings, the Supreme Court has not told local school boards what they must do; it has told them what they must not do. There is an important difference.

The Court has merely said that public school boards may not enforce segregation. It has not told the schools or the States to achieve anything, or to balance school enrollment by racial laws. It is a crime to libel an individual do not mean you have to say something nice about him.

Under this section of the bill, the Commissioner of Education would be authorized to spend whatever amount of money he chooses to "overcome special educational handicaps" which accompany desegregation.

The Attorney General would receive the full weight of the Justice Department behind any person in search of a free lawsuit. Even public schools would be told that they or their students received any form of aid from the Federal Government. This part of the bill could, and probably will, result in interference by Federal officials in the hiring of teachers by local school boards.

Are these matters the sort of thing intended by those who wrote, passed, and ratified the 14th amendment, now used to justify this section of the bill? That question can be answered by citing a simple historical example. An award was made to Negroes for their educational achievements, and the 14th amendment had totally segregated schools.

[From the Dallas (Tex.) Morning News, April 3, 1964]

CIVIL RIGHTS—VI

Civil rights leaders say that what Negroes need most is the abolition of the bus and the schools, and the right to "achieve desegregation" in our schools.

By one section of the bill the deals with employment, the bill itself would not create a single bona fide job for members of a minority. As Representative Alasor Watson, Democrat, of South Carolina, remarked recently: "The problem of how the Negro will re
create will be those on the commissions established therein and the additional Federal marshals and judges necessary to enforce it."

One of the most important of the bill's provisions is one that will create new jobs, in the form of new additions to an overstuffed Washington bureaucracy, and make the life of the U.S. Commission on Civil Rights for 4 years. Title X would establish a new Federal Community Relations Service to aid communities in resolving their racial disputes.

Both sections are innocuous. Neither, as far as we can determine, is unconstitutional or otherwise objectionable to any group of some of our citizens while promoting the rights of others.

There are already 179 community relations commissions working on racial problems at the local level of government in the United States. Is another really needed in Washington?

The proposed Federal Commission is almost sure to result in new uncertain paper work on businessmen and other private citizens. Other people who are hurrying to demand whether services of this new agency would be any help to southern communities trying to achieve integration, and to uninvited outsiders have already intensified.

One of the few major achievements made by the Civil Rights Commission since its establishment almost 7 years ago, was the drafting of a series of proposals sent to the late President Kennedy a year ago. The main thrust of the submission that the President cut off all Federal funds to any State or area where discrimination can be found.

President Kennedy rejected the proposal, saying that it was "too soon to think of the President of the United States that kind of power." In spite of this rebuff, this Commission has been successful in convincing authors of the current civil rights bill to incorporate "that kind of power" into one of the 11 titles of the bill.

Another example of the Commission's work came to light last year, when one of its subordinate agencies in Utah sent out questionnaires to sororities and fraternities in the State demanding to know how they select and screen members.

This drew sharp protests from Congress men who felt that paying into the affairs of social organizations was not part of the role assigned to the Commission when it was set up in 1957. Commission officials insisted that the Commission had the right to do this kind of thing—and plenty more.

Just what other things the Commission—and the Community Relations Service—will do in the next 4 years is anybody's guess. But Representative William Tuck, Demo
crat, of Virginia, predicts that they could "turn locos on the people of the Nation a sway to investigate shonkeys, hucksters, hawk shaws and inspectors with unlimited authority to harass the people, to issue subpoenas, to order disbursements, to bring suits and have them enjoined, fined, and imprisoned and otherwise to intimidate, bully and torment an already agitated citizenry."

Mr. Tuck's fears may be exaggerated, but they sound familiar. As the Chicago Tribune noted recently, that, group of "aggravated" citizens once charged that their ruler had "erected a multitude of new offices, and sent hither swarms of officers to harass our people in the name of George III, the grievances were listed in the De
claration of Independence and, who knows, Jefferson, Adams, Hancock, Franklin, and other signers might have been the same way about the civil rights bill if they were alive today.
Fifteen years ago, on March 9, 1949, Lyndon B. Johnson rose in the Senate to speak against the Fair Employment Practices Commission section of a civil rights bill.

"To my way of thinking," he said, "it is this sort of thing that democracies become undemocratic 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 do it, I can compel the Negro to work for me.

Such a law would necessitate a system of Federal police officers such as we have never before seen. It would require the policing of every business institution, every transaction made between an employer and employee, every decision that does not think the proposed law is workable... I am convinced it would do everything but what its sponsors intend."

Senator Johnson concluded his remarks on the FEPC proposal by saying: "I can only sincerely that the Senate will never be called upon to entertain seriously any such proposal again.

Everyone, of course, has a right to change his mind, and many things can be altered over time. But I believe it is true that the man who hoped the Senate would never have to consider FEPC again is today urging that we consider it here.

Title VII of the civil rights bill—a revival of the old FEPC plan—would establish an Equal Employment Commission with powers to police discrimination in the practices of businesses, labor unions, and even employment agencies. The Federal Government, which is already a dominant partner in American business, taking more than half of all corporate profits—is going to assume a larger role.

There is no constitutional authority to justify it, no precedent, no federal law or contracts involved, the power to dictate hiring, firing, and promotion policies of businesses, labor unions, and even employment agencies is asked.

The Commission's agents could invade private business property, rummage through employees and conduct investigations. It will come the primary criteria. With virtually unlimited powers, the Commission could require businesses to go out and recruit workers or members fails to match up to the Commission's standards or quotas, irrespective of minor problems, would open a wedge for... With virtually unlimited powers, the Commission could require businesses to go out and recruit workers if those businesses have what Washington considers to be an imbalance in employment. And this won't affect just wage earners. The Commission could decide that every fair-sized bank or corporation in the country must hire at least one Negro vice president.

Under title VII, the Government could presume that an employer or a union is discriminating if the percentage of minority workers or members falls to match up to the Commission's standards or quotas, irrespec-

Yet, nowhere In title VII—or any other part of the bill, for that matter—are any standards or definitions given for judging what constitutes a "demonstrator" or "demonstrative" purpose. And no proof or evidence is required of the Commission before it can accuse an employer or union of discrimination.

At best, businessmen and union leaders will have a difficult time knowing what is expected of them. At worst, they could be summoned to court without due process of law and fined or imprisoned. Even if acquitted, the accused will have to bear legal and court expenses, and the ordeal is likely to go on for years and years. Only a malicious group of people could make repeated charges of discrimination against a guiltless employer for the sole purpose of tying him up in endless and costly litigation.

With respect to unions, no matter how carefully and scrupulously they try to avoid being affected whenever the companies which employ their members are accused of discrimination.

If an employer is ordered to hire, say, 100 black workers, the union which supplies its labor must supply only members of that race, although union members of other races would have more seniority or better qualifications.

But, all things considered, labor gets off, under title VII. The Senate has been urged to pass this section of the bill "constitutes a license for... This is the main defect of both title VIII and title IX—probably the least understood sections of the bill. They might be called the bill's "sleeper" provisions.

The purpose of this section obviously is to give the Federal Government the power to superintend State voting laws, to conduct voting surveys "in such geographic areas as may be recommended by the Commission on Civil Rights." There is no doubt at all what geographic areas would be the targets of title VIII: the Southern States, and the Southern States alone.

When an attempt was made in the House to amend the bill so that it would cover all areas of the country, outlawing vote frauds in Chicago as well as Birmingham, northern liberals complained that this would be an invasion of their States' rights and promptly voted against this amendment. In essence, the whole purpose which even the strongest supporters of this bill do not advocate.

Title IX would direct the Secretary of Commerce and the Census Bureau to conduct voting surveys "in such geographic areas as may be recommended by the Commission on Civil Rights." There is no doubt at all what geographic areas would be the targets of title VIII: the Southern States, and the Southern States alone.

If one party is dominant and the other is not, Title IX of the bill is equally discriminatory. The purpose of this section is to give the Federal Government the power to superintend State voting laws, to conduct voting surveys "in such geographic areas as may be recommended by the Commission on Civil Rights." There is no doubt at all what geographic areas would be the targets of title VIII: the Southern States, and the Southern States alone.

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balances and violate rights which are every bit as important as civil rights.

3. I do not believe new Federal laws can legislate social equality. This is a matter that only the people themselves—in our churches, civic clubs, schools, libraries, public meeting places, etc.—can, must and will solve.

Two titles of this proposed legislation, H.R. 7182 and S. 3538, purport to provide for discrimination in places of public accommodation, and title VII—equal employment opportunity—contains the statement that I find discrimination against the private property rights of all people, including colored and white.

I clearly understand that there can be no distinction between property rights and human rights. There are no rights but human rights, and property rights are spoken of as property rights only the human rights of individuals to property.

The Bill of Rights in the U.S. Constitution represents the position between property rights and other human rights. The ban against unreasonable search and seizure without discrimination, the right to a speedy trial by jury and other basic liberties were destroyed; due process would be denied, punish- ing the innocent along with the guilty.

A basic pillar in American liberty is the proposition that a citizen is presumed to be innocent of any charge, until he is proved guilty. But there are places in this bill where the innocent are presumed to be guilty—and must prove themselves innocent under all the circumstances.

For these and many other reasons, this newspaper strongly opposes the civil rights bill and trusts it will be defeated, or at the very least, all unconstitutional sections will be eliminated before passage by Congress.

We question neither the motives nor the goals of the bill's supporters. We do question its constitutionality and whether Congress has the power to do what it proposes. But we believe the right to try is more important than the right to a maximum workweek, the right to a medicinal drug which promises instant success.

The Founding Fathers realized what some present-day politicians seem to have forgotten—there are no property rights without the right to the product of his labor—"is not a freeman. Unless people can feel secure in their abilities to retain the fruits of their labor, they are not free. In this respect, the "right" of a citizen to the product of other people's labor, destroys this liberty and freedom of choice.

The act itself is titled: "A bill to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in education, to establish a Commission on Civil Rights, to authorize the Attorney General to institute suits to prevent discrimination in public accommodations through the exercise of the powers conferred upon it to regulate commerce among the several States and to make laws necessary and proper to execute the powers conferred upon it by the Constitution."

We need go no further in reading this act to find my first serious objection to it. I do not believe new Federal laws can legislate social equality. This is a matter that only the people themselves—in our churches, civic clubs, schools, libraries, public meeting places, etc.—can, must and will solve.
The present civil rights bill, if passed by Congress, would bestow on the courts the power to compel anyone engaged in business to give up his privacy—the right to hire the employees of his choice or to serve whatever customers he wishes.

The courts have the Constitutional power to establish a commission which "shall have such powers to effectuate the purposes of this title as may be conferred upon by Congress." These powers would be that of changing the present rules and regulations of our court system (judicial) granting to the President (executive) power to establish a commission which is actually done in other sections of the act as it is presently before the Congress of the United States.

It is my sincere belief that the title of this bill is misleading. The title tends to lull individuals into a false security that the act will help straighten out the Negro problem of our Nation, when in reality it is a bill which can change the basic freedoms of every man, woman, and child of this Nation. I believe there is no individual of this country who can truthfully say that he has been immediately affected by the passage of this act.

I urge that all readers examine the act as is before Congress. I urge that all Members of Congress and those in Washington, letting them know that the proposed bill is objectionable.

KEITH L. BURROWS

[From U.S. News & World Report, Mar. 30, 1964]

The Big Change
(By David Lawrence)

A fundamental change in our constitutional system of government is underway. Nevertheless, the States, which have adopted an amendment providing for such a change, are treading on the courts by demanding the court's decision of the pending measure.

The so-called intellectuals insist that to fail to interpret our written Constitution in conformity with this amendment is to be reactionary or old fashioned. The end is supposed to justify the means.

The Supreme Court of the United States has, in effect, destroyed the Constitution. It has yielded to sociological or even political tides in reversing decisions previously established by itself. This is a profound change in the American system of government. But even more startling is the seeming acquiescence of so many citizens in the idea that, if the objective seems worthy, it does not matter what lawless methods are used to achieve the desired results.

Almost the entire American society has come over the American scene.

[From the Wall Street Journal, Mar. 26, 1964]

DISCRIMINATION AGAINST ABILITY

One section of the civil rights bill now in the Senate would create an Equal Employment Opportunity Commission similar to several existing State commissions. So a number of lawmakers have been watching developments at the State level.

Of particular interest to some Congressmen is a recent suit brought by the American Civil Liberties Union against the Ford Motor Co. in Detroit for alleged unlawful discrimination by excluding Negroes from jobs.

After the test was administered, the company said the applicant had failed and thus rejected him. But the applicant claimed he had in fact passed the test and had been turned down because of his race.

The Federal Fair Employment Practices Commission, the company vigorously denied the charge. It said that the test, which is used by several other companies, is completely random and is administered fairly to all applicants. The company also noted that it employed Negroes at all job levels.

The FEPC examiner, nonetheless, ruled that the company in this case had been guilty of discrimination. That is a question often difficult to settle, as cl宇ly as in such area. But the examiner by no means stopped there.

He went on to direct the firm to stop using the test altogether, on the grounds that it was unfair to hitherto culturally deprived and disadvantaged groups, that it failed to take into account inequalities and differences in environment, and that it thus favored advantaged groups.

This judgment is approved by the Commission and stands up on appeal, the company thus will have to disregard its established standard of ability in selecting new employees. As a result, the FEPC examiner, the company was ordered to end its use of the test.

There's no way to tell how a federal commission would work out in practice, but such an experience show all too clearly what it could mean: Government would be given the power to dictate the hiring and promotion policies and discrimination against ability.

THE PROBLEM OF EQUALITY

(Sermon delivered from the pulpit of the First Presbyterian Church, Franklin Road at Brandywine, Indianapolis, Ind., by the minister, Dr. Walter E. Courtney, on September 15, 1963)

During the past summer the air was filled with the cacophonous voices of the Negro. In Birmingham, Chicago, New York, and Danville, it was also redolent with discord within the United Nations, and within the backward countries demanding recognition. Accompanying these was the endless struggle of labor and capital, and the seemingly endless drain of our resources into the giveaway programs at home and abroad. We were charged with social electricity as individuals, groups, and nations fought for new status and a new tide. Equality has intoxicated the modern world. Men walk starry eyed through the streets and halls dreaming of new days and improved conditions. The mood, and the bonfires grow larger and burn more fiercely, even as the songs, chants, and shouts of the passionate men and women rise and swell with vociferous fervor.

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It is the nature of the wealthy to assume unjust privileges.

It is the nature of those who inherit wealth to use it well, to misuse it, or to feel guilty because the rest of the world doesn't share it.

It is the nature of the intellectuals who receive their compensation from taxes or the gifts of the economically successful to advocate changes in society, even if such changes mean that wherein the intellectuals will be as generously rewarded as business executives under free enterprises.

In brief: because men are unequal in ability and drive, in opportunities for recognition and advancement, in rewards for work done and leisure time enjoyed, in economic and social status and personality potentialities, the existence of inequality exists, and the concept of the inequality amongst men, and now in the 20th men look toward socialism and communism.

Democracy as we have tried to shape it in America has been heavily impregnated with the Ten Commandments of Judaism and the spirit of Jesus. Because of this we are susceptible of any system that advocates the big lie, covetousness, greed, the stealing of property, the destruction of life, and the taking away of liberties. Democracy condemns without reservation the confiscation of private property and capital by the state and the regimenting of human beings like animals.

It is the inequalities of humanity that create the crusaders for equality. In the 19th century men looked to democracy as the answer to the inequalities amongst men, and now in the 20th men look toward socialism and communism.

These observations moved me then to reach certain opinions concerning American democracy:

1. Democracy was never created to be a leveler of men. It was created to be a lifter, a developer of men.

2. Democracy was created to let the gifted, the energetic and the creative rise to high heights of human achievement, and to let each man find his own level on the stairway of existence.

3. Democracy was created to help men meet responsibilities and shirk no duties. That is why our Nation has been concerned about the honest needs of its citizens. We read the word in justice, even though justice does not always move with prompt alacrity. It is the same with the nation as with the individual.

4. Democracy demands that the Nation be governed by the honorable, the fair seeing, the clear seeing, and not by medico men. In the beginning it was so. May it be so again.

5. Democracy demands more from men than any other system in the realm of self-discipline, dependability, cooperativeness, industry, thrift, and honor. Democracy will not work when party politics are not guided by basic ethical principles. For a party to be successful, commonness, class conflict, misrepresentation, covetousness, violence, theft, and an open defiance of established law is to breed anarchy.

6. Democracy must give to all its people the following rights: The right to equal learning, the right to equal employment, the right to equal food, the right to equal justice, the right to adequate housing, and the right to vote.

The meditations of the summative men in a democracy cannot make men equal or remake men into the beings they ought to be. That is a spiritual venture, not an economic and political one. It is a venture in justice as a philosophical, as a political, as a religious, as a communal, or a change from private capitalism to state capitalism, will not solve the problem of being mankind; it merely shifts the areas of power.

I am disturbed, therefore, when church leaders and church groups seem to advocate
socialistic means and objectives as the answer to the problems of democracy, and especially the problems of equality. This is especially true when certain leaders voice slogans that appear logical and Christian, but are not. Let us then:

1. “The world owes every man a living.” No, it doesn’t. Christian ethics have never said anything so foolish. The rich will not worth his salt who has claimed special rights under such a slogan. It is the cry of the lazy, the indolent, the inefficient, and the failures. Such a slogan is a far cry from our meeting the needs of the needy, which, of course, is our duty.

2. “Production for use, and not for profit.” That sounds good, but it is as phony as a Russian promise. It is profits that have produced the blessings of our Nation and the business leaders do not need my voice to defend their position; they are strong defenders of themselves. But I have walked the roads of life with men of all classes, and have reached one conclusion, “there is none righteous, no, not one”.

3. “Human rights, not property rights.” As I look out over the world, one thing is clear: where there are not private property rights, there are no human rights. Rights and liberty form the seedbed in which human rights mature. As long as private property rights are clear human rights will flourish.

4. “The end justifies the means.” According to Christian ethics the statement is not true. To achieve an end by a statement that produced the crucifixion of Jesus, the torture of the martyrs, the burning of witches, and the denial of life and liberty to the inhabitants of current communistic lands is being asked to reject this amendatory bill.

Churchmen, whether lay or clerical, who seek to solve the problems of our society through socialistic processes rather than through democratic ones within the free enterprise system are heading down a road that leads to a nation of “justice”-”laws”-”utopia”-encouraging Christians to envy, to covet, to be class conscious, to foster class conflict, and to approve stealing and murder, can such objectives be attained? To realize them would bring about a broad denial of law and order, and the orderly handling of social problems.

Whenever we as a church, an educational system, or any other institution fail, it is because we merely invoke the 14th amendment by forbidding any discrimination “supported by state action” or carried on “under color of any law, statute, ordinance, or regulation, or of any custom or usage required or enforced by officials of the State.”

The bill invokes the commerce clause of the Constitution, and the interstate commerce clause may not stand up as a basis for Federal control of such private dealings, also invoke the 14th amendment by forbidding any discrimination “supported by state action” or carried on “under color of any law, statute, ordinance, or regulation, or of any custom or usage required or enforced by officials of the State.”

The bill requires the application of uniform standards for voting in Federal elections and imposes Federal standards for qualifying voters, notwithstanding article I of the Constitution giving each State the power to fix qualifications requisite for electors of the most numerous branch of the legislature. It is a violation of article I of the Constitution. The Congress sought to overcome the poll tax, it restored to a constitutional amendment, but the bill is asking to reject this amendatory bill.

While the bill is being asked to reject this amendatory bill, the Federal courts have been making a series of decisions of the U.S. Supreme Court, ranging from 1864 to 1939, respecting rights and liberties.

The business leaders do not need my voice to defend their position; they are strong defenders of themselves. But I have walked the roads of life with men of all classes, and have reached one conclusion, “there is none righteous, no, not one.”

Perhaps that is why the New Testament puts the emphasis on brotherhood and not equality. It emphasizes responsibilities, not privileges. It was just such a statement that put the emphasis on brotherhood and not equality. It emphasizes responsibilities, not privileges. It stresses love toward God and neighborliness, but not equality.

And the people who prosper under freedom, whether they be rich or poor, are not in the main parasites on the body politic. We therefore are wrong when we demand that government control business. We are wrong when we demand that government lightened and the patriotic in order to gain what we call equality.

Having said that let me hasten to add that the Christian will not rob him who receives $300 a month. The man who owns a good house will not thereby force another man to dwell in the slums. And the people who prosper under our free enterprise system are the real friends of democracy. Our problems are problems of human nature rather than of economics and sociology. The man who has two cars is not preventing another from having one. The man who earns, $50,000 a year is not robbing him who receives $300 a month. The man who owns a good house will not thereby force another man to dwell in the slums. And the people who prosper under our free enterprise system are the real friends of democracy. Our problems are problems of human nature rather than of economics and sociology.

The problem of equality may be in many ways the greatest problem of our day. We cannot solve the problem that plagues us. Wealth is not fairly distributed in any land under God. We cannot solve the problem we have, we can only lightened and the patriotic in order to gain what we call equality.

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amendments to the Constitution, eroded pil­
ars of the rule of law and the Constitution’s right and the concept of limitation of the
powers of the Federal Government, would become completely inert. The victory of the
Federal Government over States rights would not be complete. The language of title II defies
any other conclusion.

The Attorney General is authorized to ini­
tiate an action for Injunctive relief upon the
complaint of any person who asserts that he
is the object of discrimination. (A biparti­
san amendment eliminates this authority, but
empowers the Attorney General to inter­
vene on behalf of individuals in cases where
there is a pattern or practice of resistance.)

Injunctive action may result in final remo­
tion or imprisonment without a jury trial. The de­
fendant will pay the costs of litigation
whether he wins or loses; the Federal tax­
payer will bear the costs of the complainant.
(A bipartisan amendment would limit pun­
ishment in nonjury cases to 30 days’ impris­
onment.)

TITLE III—DESEGREGATION OF PUBLIC
FACILITIES
Here the bill authorizes the Attorney Gen­
eral to bring suit to desegregate public facili­	ies owned or operated by State, or local govern­ments. In addition, the At­

TITLE IV—DESEGREGATION OF PUBLIC
EDUCATION
Desegregation was ordered by the U.S. Su­
preme Court 10 years ago. The bill endeavors to
accomplish this desegregation by offering
punishments on their own determination of reason­
able cause. If persuasion fails, the business­
man or union is hauled into court and denied
a jury trial.

Any business failing 2 or more per­
sons to be promoted to A’s position might
be disbarred. (See title II, above, for bi­
 partisan amendment on limitation of punish­
ment in nonjury trials, and actions initi­
ated by the Attorney General.)

TITLE V—COMMISSION ON CIVIL RIGHTS
This title extends the life of the Commis­
sion on Civil Rights for 4 years, and gives
it new authority (1) to serve as a national
clearinghouse for information concerning de­

servations and loan associations, national banks, and the like).

Three U.S. Senators during the current de­
bate have taken divergent views as to the effect of this title on home purchases made with FHA-insured or VA­
guaranteed loans, or mortgages originated by Federal savings and loan associations.

If Senator Albert Gore’s, Democrat, of Ten­
nessee, is correct, the President could issue, under section 601, a much broader Executive order against bias in
housing, extending it to sales of existing

If Senator Hatton Sumers, Democrat, of Min­
nesota, is right, the Civil Rights Act of 1968

If three U.S. Senators (Humphrey, Spark­
man, and Gore) are unable to agree upon
the meaning of the language of this title,

The bill has been appropriately described
as an iceberg with nine-tenths of its meaning
hidden beneath the surface of soothing lan­
guage, obfuscating the civil rights of minorities.

The purpose of this title is to eliminate
through the utilisation of formal and infor­
mal remedial procedures, discrimination in
employment. A Federal Equal Opportunity
Commission would be created with the pri­
mary responsibility for preventing and elimi­
nating discrimination in employment.

Any business employing 25 or more per­
sons to achieve desegregation shall not mean the assign­
ment of students to public schools in order
to overcome racial imbalance.

The bill authorizes the Attorney General
to bring suit to desegregate such public facili­
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ated by the Attorney General.)

Although the title addresses itself to
any business affecting commerce comes
within the scope of this title. Discrimina­
tion known to exist, to which the employee is turning dramatically as the public begins
to comprehend the specifics of the too-often deceptive catch phrases of ‘fair housing’ and
‘anti-bias laws.’

The NAREB president expressed confidence
that the voters of Illinois and California
will express their resounding accord when
they cast their ballots on upcoming
referendums on the same subject.

If so,” he added, “it will be a reassurance
that America cannot be swept completely
off their feet by slogans and catch phrases,
but that they are still determined to preserve
civil rights and human freedoms.

Rejection by the voters of the so-called civil rights bill, H.R. 7152, is being urged by NAREB which is encouraging its nearly 77,-
000 members to vote ‘NO.’

Last December the Wisconsin Legislature
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off their feet by slogans and catch phrases,
Mr. Mendenhall emphasized that NAREB is not opposed to the right to own a home. He believes that the type of bill now before the Congress would destroy civil liberties. "That kind of victory is hollow, and the cost is too great," he added. While NAREB, too, opposes the Federal "civil rights" bill previously, recent debate has disclosed the wide divergence of opinion on this measure. All concerned know, for example, that the Federal Government into the everyday life of American citizens.

However, many real estate boards and State associations have been fighting at the local and State level against the proposals which strip the property owner of his housing for all Americans, he said, but being right for individuals of minority groups. The purpose of property as he sees it as long as it does not threaten the public health or safety—under the guise of creating a new right for individuals of minority groups. NAREB espouses equal opportunity in housing for all Americans, he said, but being realistic, is convinced that social acceptance can come only through understanding and education.

[From Realtor's Headlines, Washington, D.C., sec. 1, Vol. 31, No. 20, May 18, 1964]

CIVIL RIGHTS VERSUS LIBERTIES
(Exchange Press)

The recent decision of NAREB to oppose the pending so-called civil rights bill (H.R. 7169) is one of the most unfortunate of the measure and weighing its broad implications on our society. The decision was not provoked by the passions which this issue has generated, but flowed inseparably from the sincere and abiding conviction that the bill is little more than a gigantic attempt on the part of the Federal Government to encroach on the last vestiges of States' rights and local determination. There is no other conclusion which can reasonably be drawn from a bill which would project the powerful writ of the Attorney General into the day-to-day lives of American citizens.

Opposition to the bill must not be construed as an attack against civil rights. Realtors insist that all Americans, regardless of race, creed, color, or national origin, have a right to the same dignity and respect as the United States and an equal right to share in the blessings of our democracy; and we cannot, legitimately, that our society is not without incentives to achieve that end. We insist, however, that these inequities in our institutions will not vanish from the American scene. As long as there is a Federal Government to the homes and the small businesses, the schools, and the ballot boxes of every town and hamlet in these United States.

We insist that the civil rights of any group in this great country will not be enhanced by trampling on the civil liberties of another group.

The bill in the form that is being debated in the Senate poses a serious threat to the economic well-being of the American real estate executive. Among Senators on the floor of the Senate is an equal right to share in the blessings of our democracy; and we cannot, legitimately, that our society is not without incentives to achieve that end. We insist, however, that these inequities in our institutions will not vanish from the American scene. As long as there is a Federal Government to the homes and the small businesses, the schools, and the ballot boxes of every town and hamlet in these United States.

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It will not eradicate discrimination. It will create a new kind and a new class of discrimination.

The distinguished Senator from Arizona [Mr. Goldwater] was eminently correct when, yesterday, he said it would require a virtual police state to enforce this measure. What he has said is true, and it is coming true today, because although the distinguished Senator from Minnesota [Mr. Humphrey] said this would not happen, today Mr. Burke Marshall, of the Justice Department, says it will happen, and immediately, and next case will be initiated against persons, without waiting to discover patterns of discrimination.

Mr. President, a while ago I noted that we have made progress in this country. In my State, Negroes comprise approximately 12 percent of the population; 14.9 percent of the vote in the last general election in Texas was cast by Negroes. So although Negroes comprise only approximately 2 percent of the population of Texas, they cast 14.9 percent of that vote.

There is no pattern of discrimination in my State in voting practices, and yet individual administrators of the laws, as God's own choice, are able to eliminate Negroes, because the same type of justification will be subjected to harassment by the Department of Justice if the bill is passed.

Mr. President, I think that if we are ever to eliminate discrimination in this country, we must create an atmosphere of good will and a climate in which reasonable men can get together and resolve racial differences.

That has been done successfully in many areas of the country. I believe my State has made commendable progress in that field. But in the bill, we would take the approach that created the problem to begin with. We would take the Thaddeus Stevens and Charles Sumner approach, and we would go against us where we are. At the conclusion of the great War Between the States it was Lincoln's contention that the South should be brought back into the Union as a full partner with the other States. But the Constitution and the Senate, under the tutelage, guidance, and leadership of the white, should be brought to a position of responsible citizenship. But then Lincoln's untimely death, and there was no one on the South to do the radical reconstruction, more harsh than the United States has ever imposed on any enemy after a war.

The army of occupation was sent down to the South. The Reconstruction Acts were passed. A military dictatorship was established in the South. Native citizens were disenfranchised, and segregation was started. We were not segregated in the South prior to that time, but they started it. Why? Because mean, wicked, avaricious, and self-seeking men wished to perpetuate themselves in political power and they wanted to bring the Negro under their domination. They did not exist in the South; Negroes would never act as an individual American citizen, but would act as his slave, as his minion, and as a cog in his political machine. Remember the Freedman's Bureau. It was this army of occupation, this tragic era, this period of bitterness that resulted in the passage of the Civil Rights Acts in the South.

Mr. President, I am convinced that those of us of the South are victims of circumstances not of our own making, nor of our own choosing.

I hasten to say that as a native southerner, and as a believer, I have always assumed the way that we have treated our Negro citizens in the South. I cannot justify that. I feel as deep a sense of deprivation and revulsion as anyone else when I see the pictures of a Negro away, or when I see policemen setting dogs on demonstrators. I do not like that. We have held them down. We have not given them equal education, opportunity, or the right to vote.

But in a generation we have made genuine progress in that direction. The southern people are good-hearted people. They are not cruel people basically. They are a kind, warm, and hospitable people. They are a people who wish to see the genuine resolution of these difficulties, but they wish to see them resolved in a peaceful, orderly, and constitutional manner. They know that prejudice and bigotry cannot be eliminated until the hearts and minds of the southern people are prepared for it.

We cannot overturn the mores of a whole society overnight, and that is what we are trying to do in this punitive bill that has been so carefully and cleverly drawn so that it will not apply to discrimination in the North or outside of the South. It will apply only to discrimination in the South.

Is it not convenient for northern politicians to make the southerners the scapegoats? That appears to be what we are doing. I know that men who have prepared the bill are honestly motivated, and that the goal is laudable. But we have been told that if we oppose the bill, we oppose the objective. I point out that the bill is only a suggested solution. To regard it as an end in itself. We all desire discrimination, or most of us do. I, for one, do. But I do not subscribe to the idea that if I am opposed to discrimination I must accept measures aimed at destroying the constitutional, punitive in character, and destructive of the final end itself.

The bill is not an ultimate. The bill will be much worse than any Senator has said it will be. I again refer to the fact that the distinguished deputy majority leader, the Senator from Minnesota [Mr. Humphrey], yesterday told us that only when patterns of discrimination were established by the Department of Justice would the Department move in; and now we are told that the Department will move against individuals immediately with test cases. So let us not be deceived. Let us know what we are fighting against.

Mr. President, as a native southerner, I passionately desire to see the racial issue resolved. It has been a sticking albatross about our necks for lo these many years. But I refer to the problem in the right way, and not in a way that will leave an atmosphere of bitterness and rancor that may make it impossible for Christian men of good will to resolve it peacefully to the greater good of the American Republic.

Mr. LAUSCHE. Mr. President, in every Government the people who live under it are its citizens. It is anticipated that the people of the particular government will respond in the performance of their obligations and will have accorded to them an equality of rights that are vested in them by the basic law of the particular government. In our system it is anticipated that each citizen will contribute toward the financial management of the Government in accordance with his responsibilities. Each citizen is expected to perform his civic functions in the manner prescribed by law. Finally, each citizen in times of stress and war must respond, stood by, weeping, most often, not ashamed to display the fact that they were shedding tears at the thought that the young men might never come back.

I tried to stand up bravely, but frequently my emotions were so great that I likewise departed into some hidden corner so that my reaction would not be seen.

When I beheld such scenes, more than ever did I realize how, in hours of trouble, whether it be within the home, with individuals, or with the people of the country, we are all reduced to equality. When young men fought on the battlefield, they were soldiers, clergy, parsons, rabbis, priests, and ministers, without question about their religion. When the young men lay prostrate because of injuries, whether the words were from a priest, a rabbi, a pastor, or any other, those words of comfort, those words of love, were equally acceptable. And when the Negro boy fell on the battlefield, the white boy did not question whether he should go to help him on account of the color of the lad who was lying in agony, bleeding for his Nation. When he begged for water, it was given to him. When he begged for strength, it was provided for him. No question was asked about his religion, national background, or color.

They were all supporting one cause— to preserve the country, fighting valiantly, and giving of themselves without limit.

Today we have before us the question: Shall we implement the Constitution by law and make possible, through legislative action, the granting of rights which are provided for in the Constitution and not to a citizen for the obligations which he performs for his country?

When the hearings on the original bill began, frankly, I had some misgivings about the ability, under the Constitution, to enact valid legislation on this subject.
My doubts arose because of the 1883 decision, which, in effect, covered the same ground as the bill. The Court at that time stated that, constitutionally, the law was invalid.

I listened to the arguments about the commerce clause giving foundation for the validity of the bill before us. After hearing the arguments, having heard the decisions, which, in effect, covered the same time stated that, constitutionally, the law was invalid.

Beginning in the early 1930's, the Supreme Court of the United States ruled that activities affecting interstate commerce came within the provisions of the Constitution. Whether we like it or do not like it, that is the Constitution as it is written today.

As for myself, on this floor I have in the past made statements that I want to accord to every citizen the right to enjoy the same constitutional rights. I made the statement that law and order must be obeyed.

If I voted against the bill on the ground that it was unconstitutional, I would have disputed my own judgment, and that I am unwilling to do. The Constitution must be obeyed. If we feel that it should not be, it is our responsibility to amend it.

I am of the opinion that the grave apprehensions that have been expressed about what the consequences of adoption of such a law will be are misconceived. Time will not permit me to go into detail, but I went through the whole gamut of opinions expressed. People told me that if "course A" were followed, it would create trouble.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired. Mr. LAUSCHE. My time is up.

I shall vote for this measure. I shall vote for it because it contemplates action which, in effect, covered the same time stated that, constitutionally, the law was invalid.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired. Mr. PELL. Mr. President.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Will our guests in the galleries refrain from conversation so we can hear the closing statements being made?

Mr. PELL. Mr. President, we are coming to a historic moment—the passage of the Civil Rights Act of 1964.

Now that this legislation is about to be passed, the job of all of us is to insure compliance with its provisions. And let us remember that we in the North have great responsibilities in this regard, just as do all the citizens throughout the length and breadth of our land.

This bill confirms certain hard-won rights, and it confirms, too, that it implies, equally, responsibilities. These are the responsibilities of the white majority of our Nation to comply with its provisions. And it also implies our responsibilities of our Negro minority to take advantage of the opportunities that are open or opened to them, particularly to finish school, to register, and to vote. In this regard, I believe we in the North could serve as a better example than we presently do.

I believe, too, that the passage of this bill is a great tribute to the fact, withal tenacity, the patience, withal strength, withal perseverance on the part of the organization of the bipartisan civil rights leadership, Senator Humphrey, Senator Dirksen, Senator Kuchel, and my own senior colleague, Senator Pastore. And, throughout the Senate, legislation such as this, with a marvelous sense of timing and steadfastness, led our majority leader, Senator Mansfield, whose guidance gave so much toward the passage of this act.

I would like to acknowledge, too, the hard fought, withal losing, battle of those who disagreed with this legislation.

Finally, the passage of this act is a memorial to President Kennedy, who believed in the purposes of this act with his whole heart, as the Subcommittee in tribute to President Johnson, a national President, in every sense of the word, who stood so solidly and foursquare behind this legislation.

SENATOR JACKSON'S SPEECH BEFORE THE FOREIGN SERVICE INSTITUTE

Mr. PELL. Mr. President, on June 11, at the Foreign Service Institute of the Department of State, the Senior Seminar in Foreign Policy held its sixth graduation exercises. A timely and penetrating address entitled, "Executives, Experts, and National Security," was delivered on that occasion by my able colleague, the junior Senator from Washington [Mr. Jackson]. I commend his analysis to all Senators.

The Senator from Washington, as chairman of the Subcommittee on National Security Staffing and Operations, is performing an outstanding service to the Nation in the collection of materials and testimony relating to the effective organization of the Department of State and the Foreign Service. It is a privilege to serve with Senator Jackson on this subcommittee.

I hope that he will continue to take the lead in further exploration into the problems of security staffing and related areas.

I ask unanimous consent that Senator Jackson's address may be printed in the Record.

Mr. PELL. There being no objection, the address was ordered to be printed in the Record, as follows:

EXECUTIVES, EXPERTS, AND NATIONAL SECURITY

(Commencement address by Senator Henry M. Jackson, to the Foreign Service Institute, Senior Seminar, Department of State, Washington, D.C., June 11, 1964)

I am highly honored to join in this graduation ceremony and to address this select group.

You are professionals, or experts—diplomatic, military, economic—and what I am primarily interested in this afternoon is the problem of the expert's help. Unfortunately, the experts often disagree, and it seems to be a rule that the more important the issue, the more likely they are to disagree. If every event had a Pearl Harbor clarity, policymaking would be a lot easier than it is. But, as the citizens of Troy discovered, appearances may be deceiving.

When the experts disagree, how do we proceed? Hitler tried intuition. But the other sound way we have discovered is to grant the experts a full hearing within the councils of Government. The experts who make the most convincing case may be right, or they may be wrong; the process is not guaranteed to produce the correct results, but it is the best process we have been able to devise.

All this underlines the importance of a certain amount of contention in the system. We need more than one intelligence office, and one hierarchy of experts. We are going to get all the issues out on the table, where they can be recognized. "Streamlining" can be carried to costly lengths. The life and death issues of national security are too important to sacrifice a healthy competition in the name of efficiency.

The executive has to weigh the competing views before making his choice. He has to function as a generalist—a generalist being defined by the experts on this subject as someone who on the point of decision, he must make a net calculation of advantage and disadvantage. Like the business executive, he is trying to maximize the profit-maximizing choice—because the variables are fewer and more predictable than the problem of the policymaker in maximizing the net national interest. But even businessmen have been known to make mistakes.

The reason, I think, why men who have distinguished themselves in the law or in investment banking have often distinguished themselves in government is that some of their great careers is closely correlated with their skill and shrewdness in judging the competence of experts—in some way have had to exercise in expert-wisdom and when not to. It is a skill that comes from dealing with people rather than with numbers or things or production lines. It has to be taught and, I think, would have left the most important things unsaid. As always, these are the hardest to say. The executive has to relate the relationship between political authorities and professional authorities and do not, therefore, lend themselves to precise statement.

First: Let me say that in my judgment the question of civilian, or political, control is not a real issue. The key decisions in national security affairs have been and will be made by the political authorities.
We have in this country a healthy distrust of the concentration of power. I say "healthy" because it is so easy for a man to confuse his possession of power with the possession of wisdom. In our democracy, it is difficult to resist, as every parent knows. The American people wisely suspect claims to omniscience.

One of the great advantages of civilian supremacy is that truly democratic politics rests on that old principle known as "throwing the rascals out." It is the political substitute for Members of Congress, to cross-examine the powerful. No doubt Congress can and should not place unlimited trust or power in the executive; but they are responsible to the President, but they are also accountable to the Congress for the discharge of their constitutional responsibilities.

In all frankness, I think some career men have not become as aware as they might be that they are not being listened to—instead of buckling down to the job of competing with the younger people for advice. In the midst of a large number of other disciplines to enrich the advice they have to give, while introducing valuable insights derived from their own professional experience.

I am confident that the future of the diplomatic profession—and the military—lies with those young men and women—perhaps not much of that is true, of course. But we should make the most of the opportunity to nourish in them a spirit of humility, which is the basis of the truth to protect his personal reputation, or he will find that the powerful to escape the yes-man hazard.

And let me add that if the Congress is to be effective in its vital function of review of executive activities there is no sat-...
promises. We need to find better ways to get assurance that they will be kept, and if they don't bestir themselves and implement the assurances they give us, their presence in the Senate will not be welcomed. We also need to strengthen our means to audit, through the appropriate congressional committees, the actual accomplishments of executive programs.

One of the major purposes of congressional consideration is an educational one. So long as we recall that, the test of a policy is its acceptance by the people. In the final analysis, the people must be persuaded of the wisdom of the policies and programs they accept by the congressional committees, the actual accomplishments of executive programs.

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Mr. President, I reserve the remainder of my time.

Mr. CARLSON. Mr. President, I yield myself such time as I may need.

After weeks of debate, we are approaching a final vote on probably the most significant proposal to be considered by the Congress in this generation. It is most difficult to legislate in the field of civil rights because of the emotional nature of the issues involved. It is a law which could not be postponed, for both principle and the movement of history itself cry out for its passage in this year of 1964.

Mr. President, I know the emotions and the convictions and, I may say, the prejudices which are bound up in the issue of civil rights.

If I had lived in one of those States and were speaking and voting tonight, I could not say that I would hold the same position that I do, although I hope that about seven years ago I reached the conviction that these great issues of human rights must be faced and must be solved within the framework of law. Time and again in this debate concern has been voiced about the incidents of violence which have grown in our land in recent years. I have been concerned about the trend toward violence. If it should become a practice in our country to legislate on constitutional questions, it would seriously alter a distinguishing characteristic of our country—that of change and progress by the processes of law. Nevertheless, I know that protests, which sometimes lead to violence, are generally the constitutional demonstrations of men and women who are objecting, and objecting rightfully, because they are being denied their constitutional rights. These same incidents of violence and opposition are of no avail, until these rights are assured by law, and not offered as a matter of grace.

This bill in three of its major sections, titles I, II, and IV, deals with rights that have been violated in constitutional rights by the Bill of Rights, and by the courts. If the titles against which complaint has been made—title II and title VII—have not yet been judged to be constitutional rights, nevertheless they are rights of equal opportunity, they are moral rights and rights of decency which should be accorded every citizen of this land. If they are not accorded, we will deny the promise of this land, the promise which our country has held for its people and the people of the world, as a country of freedom and justice.

Consent is a necessary element to law. Consent to law comes through education of people. It is a part of the duties of those who govern; it comes through the leadership of people in every walk of life; but it must also come from a willingness to accept law, and from enforcement of the law.

Consent develops as Justice Frankfurter in the famous case, Cooper against Aaron, once declared, with the help of those who govern; it comes through the leadership of people in every walk of life; but it must also come from a willingness to accept law, and from enforcement of the law.

Justice Frankfurter said:

Local customs, however harden by time, are not decreed in heaven. Habits and the political theories which may be establishe }ed and moderated. Experience attests that such local habits and feelings will yield, gradually though this be, to law and action, if such action is not only by explicit teaching. They vigorously flow from the fruitful exercise of the responsibility of those charged with political power and whose power may be the almost unconsciously transforming activities of living under law.

I believe that Congress, in passing this civil rights bill, will exercise its responsibility to assure the rights and opportunities of all of its citizens. We have placed these rights, as the great Justice said, in the "transforming actualities of living under law."

This is the final hour of decision. It is an hour which requires us, now that the bill is to be passed, to put our hands to the plow and to work together in the leadership as men of good faith, and with faith in our system of law, which protects the equal rights of all our citizens.

Mr. THURMOND. Mr. President, I yield myself such time as I may use.

This bill is the greatest grasp of Executive power conceived in the 20th century. It will make of the President a czar and of the Attorney General a Rasputin.

This bill is drafted with the clear, deliberate intent to destroy every effective constitutional limitation upon the extension of Federal Executive power over individuals and States. While the Federal controls created by the bill apply primarily to discrimination on the ground of race, color, or national origin, they would set a precedent for the expansion of Federal dictation into almost every phase of business and individual relationship.

The powers given to the Attorney General are under the Constitution. The bill would grant to the Attorney General unprecedented authority to file suits against property owners, to file suits against plain citizens, to file suits against State and local officials, even though the supposed griever has not filed suit. The Attorney General would become the grievant's lawyer at the taxpayer's expense.

The bill grants to the Attorney General the unprecedented power to shop around for a judge that he prefers to hear a voting suit; the right to sue an owner of public accommodations before the owner is accused of a discriminatory practice; the right to sue State and local officials concerning public facilities and against local school boards, although no suit has been filed by any schoolchild, parent, or any other person.

The bill would give unprecedented power to the Attorney General to withhold funds that are justly due the States or their political subdivisions. I again remind Senators that title VI of the bill amends every Federal law—and that means more than 100—that deals with financing, to require each Federal agency to issue regulations defining for itself "discrimination," and, "race, color, religion, or national origin." Subject to these effective limitations, each agency is permitted to set up its own controls, sanctions, penalties, and terminations, including "termination of, or refusal to grant, or to continue assistance," and "any other means authorized by law."

Mr. President, how much time have I remaining?

The Acting President: pro tempore. The Senator has 1 minute remaining.

Mr. THURMOND. Mr. President, I wish again to remind the Senate that this bill is clearly unconstitutional.

It would seek to permit Congress to establish qualifications for voting, although this power is reserved to the States under the Constitution. This is
Mr. President, I hope that the Senate will defeat the bill.

ONE HUNDRED YEARS AGO

One hundred years ago man in bondage was set loose. Perhaps 100 years hence man in prejudice will be set free—free in every inch and corner of this vast earth; free in full measure; free for all ages and times. These are the aims of a great and mighty and magic people. Mr. President, I have often wondered during the course of these proceedings whether there was present some hand more splendid than our own. For, if ever the falcon of a sparrow could escape His note, I expect that He observes our feeble endeavors to restore what He intended and which man has taken away.

This thing that we do—if it be an act for vengeance or gain—will surely fail. But if it be an act of love—it will surely succeed. May our aim be noble and our law just, and may we have the touch of His blessing for "Except the Lord build the house, we labor in vain that build it."

Mr. MANSFIELD. Mr. President, I yield myself 10 minutes or less.

The ACTING PRESIDENT pro tempore, Mr. Dirksen, said the bill was under consideration.

Mr. MANSFIELD. Mr. President, this is the first anniversary of the late President John F. Kennedy's submission of the present legislation to Congress. In presenting it, President Kennedy asked for a law to provide "reasonable men with the reasonable means" to soothe the Nation's racial malady "however long it may take and however troublesome the process of reason, restraint, and reciprocal understanding. And what has been done in the Senate on the issue of civil rights tonight is a step toward the solution of the Nation. The differences on civil rights run as deep in this body as elsewhere; but no blood has been shed in this Chamber, and blood need not be shed elsewhere.

Like other exceptional accomplishments of this body, this moment is the work, not of one, but of both parties. From Jefferson to Johnson, from Lincoln to Dirksen, the roads are long and the journeys arduous.

Mr. President, I want to say, in particular, of the Senator from Vermont [Mr. DOUGLAS], the Senator from Michigan [Mr. ALLEN], the Senator from Massachusetts [Mr. SALTONSTALL], the Senator from Kentucky [Mr. COOPER], the Senator from Washington [Mr. MAGNUSON], the Senator from Rhode Island [Mr. PASTORI], the Senator from New Jersey [Mr. HART], the Senator from Pennsylvania [Mr. CLARK], the Senator from Illinois [Mr. DURKIN], the Senator from Colorado [Mr. ALLEN], the Senator from Kansas [Mr. CARLSON], the Senators from New York [Mr. JAVITS and Mr. KEATING], the Senator from Pennsylvania [Mr. SCOTT], the Senator from New Hampshire [Mr. HICKENLOOPER], the Senator from Arizona [Mr. STossier], and all others—who worked long and hard in conferences and on the floor. And I should like to note, too, the contribution of the Senator from Iowa [Mr. HICKENLOOPER], and of his Republican colleague, Senator HATFIELD, who, in the Conference Committee, found the route to agreement which made cloture possible. In so doing, they placed the demeanor and responsibility of the Senate, as an institution, above personal feelings. The courage and dedication displayed by Senator CLARK Erskine were contributions, too, which should not and will not be forgotten.

And finally, Mr. President, there has been the insistence of the opposition on prolonged debate. It was learned and thorough, and it played an essential role in refining the provisions of the bill. But I want to say, in particular, of the distinguished Senator from Illinois, the minority leader [Mr. DURKIN], that this is his finest hour.

His concern for the welfare of the Nation, above personal and party concern, has been revealed many times in the Senate, but never before in so vital and difficult a context. The Senate and the whole country are in the debt of the Senator from Illinois.

And we are in debt, too, to the distinguished majority whip, the Senator from Mississippi [Mr. COLEMAN], and to the distinguished Senator from Vermont [Mr. DOUGLAS], and to the distinguished Senator from California [Mr. KENNEDY], who filled the job of floor leader for the Republicans. The floor captains, both Democratic and Republican, made themselves available to explain and to defend in detail the particular titles, and served long hours on the floor. There has been the good sense of the Senator from Vermont [Mr. ARNOLD], the Senator from Massachusetts [Mr. SALTONSTALL], the Senator from Kentucky [Mr. COOPER], the Senator from Washington [Mr. MAGNUSON], the Senator from Rhode Island [Mr. PASTORI], the Senator from New Jersey [Mr. HART], the Senator from Pennsylvania [Mr. CLARK], the Senator from Illinois [Mr. DURKIN], the Senators from New York [Mr. JAVITS and Mr. KEATING], the Senator from Pennsylvania [Mr. SCOTT], the Senator from New Hampshire [Mr. HICKENLOOPER], and all others—who worked long and hard in conferences and on the floor. And I should like to note, too, the contribution of the Senator from Iowa [Mr. HICKENLOOPER], and of his Republican colleague, Senator HATFIELD, who, in the Conference Committee, found the route to agreement which made cloture possible. In so doing, they placed the demeanor and responsibility of the Senate, as an institution, above personal feelings. The courage and dedication displayed by Senator CLARK Erskine were contributions, too, which should not and will not be forgotten.

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heart, a reconstruction involving, not one section, but all sections of the Nation. The dimensions of the problem with which we have been struggling these past months stretch the length and breadth of the Nation. An accurate appreciation of the scope of the problem and the magnitude of the task is fundamental to any triumph over the passage of this bill, but to a profound humility. No one, let me say, understood this reality better than the late President John Fitzgerald Kennedy. This, indeed, is his moment, as well as our Senate's.

Mr. President, William H. Stringer wrote an excellent article, entitled "The Senators' Creed," which was published earlier this week in the Christian Science Monitor. I quote from the article by Mr. Stringer:

One of the observations that Americans can proudly make about the Senate's battle over cloture was that vituperation was held in check.

Nearly everyone seemed to recognize that this was a solemn, poignant moment in the history of the United States—this struggle over the passing of a landmark civil rights bill, this wrenching change in the customs of proud people—and the Senators conducted themselves with dignity.

This is a behavior in American politics that needs to be cherished and cultivated. Politics is not always so practiced in heated election campaigns . But the Senate— that needs to be cherished and cultivated. It has been a long labor, in this 88th Congress, to enlarge, if they could, an interest in the maintenance of the country, to the Senate, and to a profound humility. No one, let me say, understood this reality better than the late President John Fitzgerald Kennedy. This, indeed, is his moment, as well as our Senate's.

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from West Virginia nods his head in approval. He remembers very well when we were on a subcommittee together. We accepted that proposal as a matter of course.

These are programs that touch people. Today they are accepted because they are accepted as a part of the forward thrust in the whole efforts of mankind to move forward.

I reemphasize the fact that it required no constitutional change to bring this about, because it appeared there was latitude enough in that document, the oldest written constitution on the face of the earth, to embrace within its four corners these advances for human brotherhood.

It leads us—to me, certainly—to the conclusion that in the history of mankind there is an inexorable moral force that carries us forward.

No matter what statements may be made on the floor, no matter how tart the editorials in every section of the country, no matter what the resistance of people who do not wish to change, it will not be denied. Mankind ever forward goes. There have been fulminations and cries, but the sheer moral weight of that thrust. As I think of it, it is slow. It is undramatic. Someone once said that progress is the intelligent, undramatic application of life on what is here.

I was in uniform on the Western Front. Woodrow Wilson said in World War I, "There was a movement in this country to impose a bill that advances the enjoyment of life; but, more than that, it advances the equality of opportunity."

I do not emphasize the word "equality" standing by itself. It means equality of opportunity in the field of education. It means equality of opportunity in the field of employment. It means equality of opportunity in the field of participation in the affairs of government, and the day in the life of a citizen when he can go to the polls and under a representative system, select the person for whom to vote, who is going to stay in that position for a period of years, whether it is at the local, State, or National level?

That is it.

Equality of opportunity, if we are going to talk about conscience, is the mass conscience of mankind that speaks in every generation, and it will continue to speak long after we are dead and gone. Equality of opportunity, must march up to the unfinished tasks of the generation that has gone before. Often times I have puzzled about the Tower of Babel which stood on the Plain of Shinar, which they labored in the hope that all those in that area might wander afield. Always there was a high beckoning tower to bring them back to the point of orientation. But then came the confusion of tongues, for that is exactly what it means. That is the greatest unfinished project in the history of mankind. There probably will be greater, unfinished projects, and every generation will have to confront them.

They will also be found in the domain of freedom. They will be found in the pursuit of happiness as the Declaration of Independence asserts. They will be found in the crucible, that is one of the goals of mankind. They will be found in the field of equal opportunity. They will be the unfinished work of every generation.

For President, I must note a personal note, because on occasion a number of the "boys" up in the gallery have asked me, "How have you become a crusader in this cause?"

It is a fair question, and it deserves a fair answer.

That question was asked me once before. It was many years ago. I was then in the House of Representatives. I went to a meeting, and I listened to a Chinese doctor from the front at the time of the Japanese invasion of China coming in and plead for bandages, for medicine, in order to carry on. There was one line he used in his plea that seared itself indelibly into my memory.

He said, "‘They scream, but they live.'"

I carried those words with me for days and weeks, and when finally I was requested to go into the country for a number of speeches in the interest of Chinese relief, I did so.

A friend said to me, "Why do you waste your time on so remote a project? After all they are people with yellow skins, 12,000 miles from home. You are wasting time which you might well devote to your own constituents."

I said, "My friend, as an answer, there occurs to me a line from an English poet, whose name was John Donne. He left what I believe was a precious legacy on the parchments of history. He said, 'There is a movement in this country to impose a bill that advances the enjoyment of life; but, more than that, it advances the equality of opportunity.'"

I am involved in mankind, and whatever the skin, we are all involved in mankind. Equality of opportunity must prevail if we are to complete the covenant that we have made with the people, and if we are to honor the pledges we made when we held up our hands to take an oath to defend the laws and to carry out the Constitution of the United States.

I said, "This is what I did in the House of Representatives."

Three times—God willing—my people have permitted me to do it in the Senate of the United States.

There is involved here the citizenship of people under the Constitution who, by way of June 14, American citizenship is not only citizens of the State where they reside, but also citizens of the United States of America.

That is what we deal with here. We are confronted with the challenge, and we must reckon with it.

I was heartened by a telegram dated June 10—I do not know whether other Senators received copies of it—dated Cleveland, Ohio. It was addressed to me. I read it to the Senate:

We, the 40 undersigned Governors of the United States of America record our conviction that the prompt enactment of civil rights legislation by the Congress of the United States is urgently in the national interest and that the civil rights legislation pending before the Senate of the United States should be voted upon and approved, and that copy of this statement of principle be transmitted to the President.

Who were those Governors?

I shall not spell out the list in detail. The Governors of Alaska, Ohio, and Connecticut.


The Governors of Indiana, South Dakota, and Kentucky.

The Governors of Wyoming, Massachusetts, and Maine.

The Governors of Missouri, Nevada, and Michigan.
A motion to lay on the table was agreed to.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the bill as amended by the Senate be transmitted to the House.

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

LEGISLATIVE PROGRAM—ORDER FOR ADJOURNMENT UNTIL MONDAY

Mr. DIRKSEN. Mr. President, I should like to query the majority leader with regard to the schedule for next week. I would like to know whether the Senate will adjourn until Monday.

Mr. MANSFIELD. Mr. President, in view of the circumstances, there will not be the usual Saturday session. I ask unanimous consent that at the conclusion of business today, the Senate stand in adjournment until 12 noon, on Monday next.

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

Mr. MANSFIELD. Mr. President, for the information of the Senate, in response to the question asked by the distinguished minority leader, it is anticipated that on Monday the Senate will start consideration of the Interior Appropriation bill, to be followed, although not necessarily in this order, by the Treasury and Post Office appropriation bill, the Atomic Energy authorization bill, the National Aeronautics and Space Authorization bill.

I would, for the information of the Senate, state that after consulting with the distinguished minority leader—and I would hope with the concurrence of the Senate—we would be allowed to pass a number of unobjected-to items on the calendar. They are items which have been cleared. We would like to do it this evening.

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

Mr. DURKES. Mr. President, in line with the sentiment offered by the poet, "Any man's death diminishes me, because I am involved in mankind," so every denial of freedom, every denial of equal opportunity for a livelihood, for an education, for a right to participate in representative government diminishes me.

There is the moral basis for our case. It has been long and tedious; but the mills will continue to grind, and whatever day we stand on the threshold of a historic rollcall, those mills will not stop grinding.

So, Mr. President, I commend this bill to the Senate, and in its wisdom I trust that in bountiful measure it will prevail.

If I close by expressing once more my gratitude to the distinguished majority leader for the tolerance that he has shown all through this long period of nearly 100 days.

But standing on the pinnacle of this night, looking back, looking around, looking forward, as an anniversary occasion requires, this is "the year that was," and it will be so recorded by the bone pickers who somehow put together all the items that portray man's journey through the years of history. I am prepared for the vote.

The ACTING PRESIDENT pro tempore. The bill having been read the third time, the question is, Shall it pass? This yeas and nays have been ordered, and the clerk will call for the vote.

The legislative clerk called the roll.

The result was announced—yeas 73, nays 27, as follows:

YEAS—73

Mr. MANSFIELD. Mr. President, I move to lay that motion on the table.

A motion to lay on the table was agreed to.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the bill as amended by the Senate be transmitted to the House.

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

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NATIONAL COMMISSION ON FOOD MARKETING

The ACTING PRESIDENT pro tempore. The Chair lays before the Senate a message from the House of Representatives, amending the joint resolution (S.J. Res. 71) to establish a National Commission on Food Marketing to study the food industry from the producer to the consumer, which was, to strike out all after the resolving clause and insert:

That there is hereby established a bipartisan National Commission on Food Marketing (hereinafter referred to as the "Commission").

SEC. 2. ORGANIZATION OF THE COMMISSION.—(a) The Commission shall be composed of fifteen members including (1) five Members of the Senate, to be appointed by the President of the Senate; (2) five Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives; and (3) five members to be appointed by the President from outside the Federal Government.

(b) Any vacancy in the Commission shall not affect its powers and shall be filled in the same manner as the original position.
Eight members of the Commission shall constitute a quorum. Sec. 3. Compensations of Members.—(a) Members of Congress who are members of the Commission shall serve without compensation in addition to their regular compensation as Members of Congress; but they shall be reimbursed for travel, subsistence, and other services as authorized by law (5 U.S.C. 73b—2) for persons in the Government service employed intermittently.

Sec. 4. Duties of the Commission.—(a) The Commission shall study and appraise the marketing structure of the food industry, including the following:

(1) The actual changes, principally in the past two decades in the various segments of the food industry;

(2) The changes likely to materialize if present trends continue;

(3) The kind of food industry that would assure efficiency of production, assembly, processing, and distribution, provide appropriate services to consumers, and yet maintain acceptable competitive alternatives of procurement and sale in all segments of the industry from producer to consumer;

(4) The changes in statutes or public policy, the organization of farming and of food assembly, processing, and distribution, and the interrelationships between segments of the food industry which would be appropriate to achieve the desired efficiency and power and at the desired levels of efficiency;

(5) The effectiveness of the services including the dissemination of market news, and regulatory activities of the Federal Government in terms of present and probable developments in the industry;

(6) The effect of imported food on United States agriculture, industry, and consumers.

(b) The Commission shall make such interim reports as it deems advisable, and it shall make a final report of its findings and conclusions to the Congress by July 1, 1965.

Sec. 5. Powers of the Commission.—(a) The Commission, or any officer or employee thereof, shall have the power, by subpena or order of the Commission, may conduct hearings anywhere in the United States or otherwise secure data and express its conclusions or recommendations in the form and manner deemed best fitted for effective dissemination of market news, and regulate the dissemination of market news, and would not give an unfair competitive advantage to any person, firm, corporation, business firm, or individual for the purpose of obtaining or copying such documents as may be necessary.

(b) The Commission is authorized to delegate any of its functions to individual members of the Commission or to designated individuals on its staff and to make such rules and regulations as are necessary for the conduct of its business, except as herein otherwise provided.

Sec. 6. Administrative Arrangements.—(a) The Commission is authorized, without regard to the civil service laws and regulations or the Classification Act of 1949, as amended, to appoint and fix the compensation of an executive director and the executive director, with the approval of the Commission, may supervise the employment of such additional personnel as may be necessary to carry out the functions of the Commission, but no individual so appointed shall receive compensation in excess of the rate authorized for GS-18 under the Classification Act of 1949, as amended.

(b) The executive director, upon the approval of the Commission, is authorized to obtain services in accordance with the provisions of section 16 of the Act of August 2, 1946 (5 U.S.C. 55a), but at rates for individuals not to exceed $100 per diem.

(c) The head of any executive department or independent agency of the Federal Government is authorized to detail to the Commission personnel as may be necessary to carry out the functions of the Commission, but no individual so appointed shall receive compensation in excess of the rate authorized for GS-18 under the Classification Act of 1949, as amended.

(d) Financial and administrative services (including those related to budgeting and accounting, financial reporting, personnel, and printing) are authorized to be performed by the Commission by the General Services Administration, for which payment shall be made in accordance with the provisions of the General Services Administration Act, as amended.

(e) When the Commission finds that publication of any information obtained by it is in the public interest and would not give an unfair competitive advantage to any person, firm, corporation, business firm, or individual, it is authorized to publish such information in the form and manner deemed best adapted for public use, except that data and information which would separately and individually constitute a trade secret, or names of customers, clients, or patrons of the industry from producer to consumer, shall be held confidential and shall not be disseminated the dissemination of market news, and express its conclusions or recommendations in the form and manner deemed best fitted for effective dissemination of market news, and regulate the dissemination of market news, and would not give an unfair competitive advantage to any person, firm, corporation, business firm, or individual for the purpose of obtaining or copying such documents as may be necessary.

(f) The Commission is authorized to delegate any of its functions to individual members of the Commission or to designated individuals on its staff and to make such rules and regulations as are necessary for the conduct of its business, except as herein otherwise provided.

(g) The Commission shall be reimbursed for travel, subsistence, and services as Members of Congress; but they shall be reimbursed for travel, subsistence, and other services as authorized by law (5 U.S.C. 73b—2) for persons in the Government service employed intermittently.

(h) The Commission is authorized to require directly from the head of any Federal executive department or independent agency available information deemed necessary to the discharge of its duties. All departments and independent agencies of the Government are required to cooperate with the Commission and to furnish all information requested by the Commission to the extent permitted by law.

(i) The Commission is authorized to enter into contracts with Federal or State agencies, private firms, institutions, and individuals for the conducting of research or surveys, the preparation of reports, and other activities necessary to the discharge of its duties.

(j) When the Commission finds that publication of any information obtained by it is in the public interest and would not give an unfair competitive advantage to any person, firm, corporation, business firm, or individual, it is authorized to publish such information in the form and manner deemed best adapted for public use, except that data and information which would separately and individually constitute a trade secret, or names of customers, clients, or patrons of the industry from producer to consumer, shall be held confidential and shall not be disseminated.

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(v) The Commission is authorized to require directly from the head of any Federal executive department or independent agency available information deemed necessary to the discharge of its duties. All departments and independent agencies of the Government are required to cooperate with the Commission and to furnish all information requested by the Commission to the extent permitted by law.

(w) The Commission is authorized to enter into contracts with Federal or State agencies, private firms, institutions, and individuals for the conducting of research or surveys, the preparation of reports, and other activities necessary to the discharge of its duties.

(x) When the Commission finds that publication of any information obtained by it is in the public interest and would not give an unfair competitive advantage to any person, firm, corporation, business firm, or individual, it is authorized to publish such information in the form and manner deemed best adapted for public use, except that data and information which would separately and individually constitute a trade secret, or names of customers, clients, or patrons of the industry from producer to consumer, shall be held confidential and shall not be disseminated.

(y) The head of any executive department or independent agency of the Federal Government is authorized to detail to the Commission personnel as may be necessary to carry out the functions of the Commission, but no individual so appointed shall receive compensation in excess of the rate authorized for GS-18 under the Classification Act of 1949, as amended.

(z) Financial and administrative services (including those related to budgeting and accounting, financial reporting, personnel, and printing) are authorized to be performed by the Commission by the General Services Administration, for which payment shall be made in accordance with the provisions of the General Services Administration Act, as amended.
a series of resolutions designed to provide academic training at least equivalent to that given to domestic counterparts.

Mr. President, I ask unanimous consent that the resolutions submitted to the 1964 convention to which I have alluded be printed in the Record at this point in my remarks.

There being no objection, the resolutions were ordered to be printed in the Record, as follows:

**European Congress of American Parents and Teachers**

Whereas education is an important means through which the American people strive to provide opportunity for every citizen to become a productive member of society; and whereas some children who suffer physical or mental limitations will not fulfill the academic promise of their innate ability unless they receive compensatory health, welfare, and educational services from the school and the community; and whereas the European Congress of American Parents and Teachers serves as a bridge to link home, school, and community in a comparative effort to provide equality of opportunity and education for all children; and whereas this conference has underscored the urgency for positive action to achieve quality education for all and also compensation for handicapped children; and whereas the delegates of the 1964 spring conference affirm their support of the need for classes for handicapped children: Be It Resolved, That delegates of the 1964 spring conference strongly support military regulations which provide that when parents of handicapped children leave the CONUS for overseas assignment every effort be made to assign the parents to bases providing appropriate services; and be it Further Resolved, That the European Congress of American Parents and Teachers petition the National Congress of Parents and Teachers, through its delegation in Washington, D.C., to seek the financial aid and teacher staffing necessary to provide adequate academic training for handicapped children; and be it further Resolved, That the military services look toward action that will discourage assignment overseas of parents of handicapped children.

**European Congress of American Parents and Teachers**

Whereas the safety and physical well-being of children while in school is a recognized part of the American educational service, and whereas the services of a qualified nurse are an integral part of the maintenance of this safety and physical well-being of schoolchildren: Be It Resolved, That the European Congress of American Parents and Teachers again petition the National Congress of Parents and Teachers to utilize the full weight of that organization to insure that all children in dependency schools have available to them the services of registered nurses with sufficient medical supplies and, further, that the National Congress of Parents and Teachers petition the Department of Health, Education, and Welfare for legislation in Washington, D.C., to seek to have a program of this nature included in the budgetary recommendations of the Department from the Congress of the United States.

**European Congress of American Parents and Teachers**

Whereas teachers' working practices and salary schedules are determined by Public Law 86-91; and whereas the Congress of the United States has not fully implemented the intent and purpose of this public law: Be It Resolved, That this European Congress of American Parents and Teachers reaffirm its belief that full and immediate implementation of Public Law 86-91 is in the best interest of the overseas dependents' schools; that this European Congress of American Parents and Teachers affirm the need for action by the National Congress of Parents and Teachers to undertake to assist in bringing about the necessary implementation of Public Law 86-91.

**Students' Assistance—Higher Education**

Mr. MORSE. Mr. President, Mr. Robert B. Frazier, associate editor of the Oregon Register-Guard, May 24, 1964, published an article in which he detailed the difficulties faced by individuals serving on scholarship selection committees caused by the lack of funds to assist the able and deserving student who has applied for scholarship assistance.

The experience which has been so lucidly and concisely set forth by Mr. Frazier is one which I am sure is shared by many individuals who have been given this type of responsibility.

The article points up, in my judgment, the importance of having recognition and substantial aid given to our young people with talent but without money through the establishment made by the Federal Government of a broad-scale scholarship incentive program.

It is my hope that in the near future the Education Subcommittee of the Senate Committee on Labor and Public Welfare can bring to the floor legislation incorporating such a scholarly component.

Certainly Mr. Frazier's experience is strong testimony upon the need for such a program.

Mr. President, I ask unanimous consent that the article to which I have alluded be printed in the Record at this point in my remarks, together with an article which appeared in the June 4, 1964, issue of the Machinist, under the byline of Mr. Sidney Margolius.

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

(From the Oregon Register-Guard, May 24, 1964)

**Tuition Boosts Don't Help: Lack of Cash for College Causing Waste of Talent**

(By Robert B. Frazier)

A boy in southern Oregon will graduate from high school next month with a grade point average of 3.8. (4.0 is perfect.) This boy is president of the student body and has played football. His test scores, another indication of talent, are also high. He'd like to be a lawyer. But lawyers have to go to college, and therein lies his problem. Both his parents are dead. He can hardly stay in high school.

A few miles away there lives a farmgirl who, because of chores, has only a limited amount of time. Yet, she has been president of the student body and editor of the yearbook. Because she once got a B in gym her grade point average is "only" 3.9. She'd like to go to college to further her education and study social science. But, with three younger brothers and sisters and a family income of $6,500, she will need help.

These cases and dozens more came to my attention this spring when I served as representative of the University of Oregon Dad's Club on the Scholarship Committee.

The dads give 1 scholarship of $500 and 16 more for full tuition, which is $330 this year and may be as much as $496 next year. I had to pick out the most deserving applicants for those awards. And I had only 16 to give out. Every application screamed for a richly deserved award.

The job was both heartwarming and heartbreaking. There were so many fine young people who could not afford the $3,500. Test scores were 650 or better, family incomes perfect and 500 quite good. Father and stepfather dead. Mother, older than most mothers of teenagers, lives on social security. The boy wants to be an architect. At home are six brothers and sisters competing for a share of the family's $4,500 income.

Eastern Oregon boy in broken home. Good grades, high test scores, fine activity record. First member of his family ever to graduate from college. Financial need $4,100.

Boy in the valley. His principal says he supports a car, which he keeps piling up. GPA of 3.8. President of his class. Four poor children. Family income $6,500. Wild he may be, but maybe college is just what he needs to give guidance to the brains he needs.

There are more—the alcoholic fathers, the abusive stepfathers, the mothers in mental hospitals, the sickness in the family, the business failures, the fires that have destroyed homes, the pitifully small incomes. Running along with these misfortunes are the high test scores, the good grades, the scholarly records and hope.

And I had only 16 scholarships.

Senior classes grow bigger every year. Scholarship money doesn't increase that fast. Some 3,500 scholarships, $10 million, make another $50 or $100 out of the hides of its children for tuition, the available money helps even fewer students.

Somewhere, this country has lost its sense of values.

[From the Machinist, June 4, 1964]

**Scholarships for the Wealthy?**

(By Sidney Margolius)

Education experts have become seriously concerned that the majority of college scholarships go to relatively well-to-do families, not to the family and moderate-income families who most need financial aid.

In an analysis of "Who Gets the Scholarships?" in Financial Aid News, Elmer D. West and Charlene Gleazer, of the American Council on Education, reported that at 65 colleges they studied, financial aid was offered to only 65 percent of new students who applied for aid from families with incomes from $3,000 to $4,999, and 59 percent to those below $3,000. In comparison, 62 percent of those with incomes from $6,000 to $9,999 were offered aid; 87 percent of those from $11,000 to $12,999 families, and an even 98 percent of those with incomes of $13,000 or over.

In numbers the contrast is even more drastic. Of the total of 7,944 students collecting scholarships and grants by $1,266, only 10 percent were in the under $5,000 group, or 16 percent. But in real life, 40 percent of all American families have incomes under $5,000.

In comparison, about 1,700 students whose families had incomes over $11,000, were offered aid.

The article points up, in my judgment, the necessity for increasing substantially the amount of aid given to our young people with talent but without money through the establishment through legislation made by the Federal Government of a broad-scale scholarship incentive program.
Department. Previously, AFL-CIO Educational Director Lawrence Rogin had warned that by their very nature scholarships go only to the most brilliant and do not reach down to the many capable and even their education without such aid.

Mr. MORSE. Mr. President, Mr. Margolius has raised a very serious question and I think it should concern all of us. As I have indicated many times before, this Nation cannot afford to waste the talents and abilities of its young people through denying them the training which allows them to function at their highest level of skill. I thoroughly concur in his view that a scholarship program should be broadly based and that we can get that help to all of them when all is said and done, is the backbone of our higher education student body.

CIVIL RIGHTS ACT OF 1963

Mr. CHURCH. Mr. President, the Senate has just enacted the most comprehensive civil rights bill in history. We have learned our lesson in the great principle of equality under law, which has long been the cornerstone of our Constitution, and was once the rallying cry in our war for independence. It is this principle, more than any other, that is at stake today, and the success or failure of the great American experiment largely rests upon our ability to press forward toward a fuller realization of this precious goal.

Mr. President, that this bill will open a fissure in the glacier of racial prejudice which burdens us, and that a prolonged thaw in racial tension may follow its enactment. If so, domestic peace will be preserved; the rights of all citizens will be confirmed through the orderly processes of the law; and the march toward more perfect freedom will proceed again. If not, hatred will harden, violence will spread, and the voice of the demagog will be heard throughout the land.

Never was the time more urgent for the conscience of the American people, whether black, white, red, or tan, to prevail, nor the need more pressing for passions to subside. It is a time for each of us to turn to the inner voice which speaks silently, but which leads along the paths of righteousness.

COMMENCEMENT EXERCISES OF LAFAYETTE COLLEGE, EASTON, PA.

Mr. CHURCH. Mr. President, on June 5, 1964, I was present at the commencement exercises of Lafayette College in Easton, Pa., where I was privileged to receive an honorary degree.

The commencement address was delivered by Mr. Thomas J. Watson, Jr., chairman of the board of IBM Corp. It was one of the finest statements I had ever heard given at a graduation exercise, and it contained words of advice which seem to me to have special applicability to those of us who are engaged in public life.

For this reason, I ask unanimous consent that this outstanding address may be printed at this point in the Record, and that it be printed and read to the attention of my colleagues.

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

REMARKS BY THOMAS J. WATSON, JR., CHAIRMAN, IBM CORP., AT LAFAYETTE COLLEGE COMMENCEMENT

Twenty-seven years ago I sat where you now sit in the graduating class of 1937 at Dartmouth College. Yet it's a fact that the mass generations away from you in age, but those 27 years have gone by so quickly that it's not as all hard for me to remember that vivid day of my own graduation. Strangely enough, the one thing about that day that I cannot remember is what the commencement address was which was read to you by your father, was targeted upon my family and my friends and my plans for the summer. But of one thing I'm sure: If the speaker made a statement that I did not hear at that commencement, I was aware of it.

Therefore, I surmise there is only one sure way to earn a place in your memory and that is to be honest.

My subject today is in the general area of self-protection. I want to spend a few moments contrasting the drive for physical protection in and out of college with the great difficulty all of us have through life in protecting the nonphysical parts of our being.

In college, we are trained to design one's body with all kinds of devices, from shoulder pads to shinguards. Even in later life, we continue this drive for physical safety with airbags, padded dashboards, and shatterproof windshields. All these things help to keep one's body safe and unmarked, and they are good things.

However, all of you graduating today possess something much more important than your body. I am speaking of your mind, your spirit, your ability to think and speak with such things as padded dashboards and shatterproof windshields. All these things help to keep one's body safe and unmarked, and they are good things.

If you succeed in preserving your principles and principles, if you will live your lives, you, your friends and the world will be an immense help in protecting the spirit and the mind.

What then can you do to protect these precious personal assets? You can't hide them; you can't smother them; you can't rely on some kind of padding. On the contrary, you can protect them only by exposing them to danger, only by defending your personal beliefs regardless of opposition and, like tempered steel, toughening your convictions in the heat of the battle against the issues which affect your life or the life of the Nation.

The fundamen principles and principles, the democratic principles, the principles which help you to form your firm, clear position are your most precious possession.

Paradoxically, all the wonderful equipment available for shielding the body is worthless if we do not have the courage to defend them. And I would encourage you to go to the college where I had the privilege of being asked to receive an honorary degree, because it has a wonderful organization that is engaged in this purpose. The world's destiny will, to a great extent, depend on how many of these uncommon men and women we have. If there are not enough of them and they assume their right role of leadership, our future will be secure. If we fail to produce them in sufficient numbers, the world's destiny will be in the hands of the demagogues.

If you succeed in preserving your principles in the years ahead, without becoming so radical that nobody will listen or follow your example, you will become a part of that elite group in the world which Crawford Greenwalt, chairman of the Du Pont Co., calls the "uncommon man."
I'm not arguing for nonconformity in everything. I'm not urging you, for example, to refuse to be polite, to pay your bills, to stand in the line at a supermarket. You have to do that. We've all got to do it. But if you want to make a stand on those issues on which you feel strongly and differences are not only possible but necessary—

Then you've got to go to it. It will have to be an intellectual choice. It will have to be a stand. And the great multitude who don't know what to say won't say. They'll say no. But you've got to make a stand on those issues. I would urge you to make choices. I would urge you to take the hard stands. Sometimes you may lose everything. I'm not urging you to do that, but I'm urging you to have the courage to stand up and be counted. Because you may lose everything.
SHAKING OFF THE REPUBLIC

The U.S. Supreme Court ruling that membership in both houses of every State legislature must be by one man, one vote is another reason for a long series of constitutional repeals by judges.

In assuming authority to rewrite the U.S. Constitution, the Court has not satisfactorily explained the amendment procedure provided by the Constitution itself. This Supreme Court has set up a pattern for dictatorship and the death of the Republic.

If these remarks seem old fashioned and repetitious, it is because the public has become accustomed to the notion of government to the States, the Constitution as imposed by the U.S. Supreme Court, the politics of this State could be markedly affected. If a large county gained another senator, it would be as if a power now enjoyed by a State senator would have to be shared. This, in turn, would tend to strengthen the position of House members of conservative persuasion. This State senate, in which political control was divided in the case of large counties, also might shift more power to the State House of Representatives.

These are some of the possible developments that must be taken into consideration when one considers the possibilities to alter its present senatorial arrangements.

[From the Spartanburg (S.C.) Herald, June 17, 1964]

STARTLING DECISION BY SUPREME COURT

In the beginning, the States of the United States formed a Federal Government and told that Government what it must have and what the limitations of its powers would be.

Each State was initially independent, and its large representation in the Senate. There was good deal of maneuvering by the large States to see that the Central Government would be under effective control; small States worked for a system that would give them an edge.

American history books record "The Great Compromise," a unique balance that helped to make the U.S. system distinctive and workable. The States agreed to have a legislative branch composed of two houses. The lower House of Representatives was based strictly on population, the upper Senate having two Members from each State regardless of size.

The result has been stable government, responsive to popular demand but tempered with practicality. The Senate is one of the important balance wheels in American democracy.

The U.S. Supreme Court now has rejected the validity of that concept. It has pulled a turnabout on the States so that the Federal Government presumable to tell the States what form of organization they may have. It is ruling this week was that in States which have two houses of legislation, both of them must be apportioned according to population.
ruled were in existence prior to the adoption of the Constitution. For when, in the name of constitutional interpretation, the Court adds something to the language of the Constitution which is not included in it, the Court in reality substitutes its own views of what should be for the amending power of the people.

Justice Harlan further declared that the Court's action "amounts to nothing less than judicial legislation." He added:

This decision, like too many of the Warren Court's opinions, is based upon the assumption that the Constitution is about to become a body of aging prescriptions. The fact is that the Constitution is about to become the basic law of a living democracy, a law that can be changed only by a majority of the people. The Court's interpretation of the Constitution is not a declaration of the Constitution but a declaration of the Court. It is a declaration that the Constitution should be changed by the Court.

The Supreme Court itself denied that they have any right to a trial by jury.

One wonders where this development of the Supreme Court's omnipotence is likely to end.

We should even like to be a little optimistic.

Perhaps this time, at long last, public resolve will be complete. The Warren super-school board was bad; the Warren super-school board was not the way the law was intended to work. The effect will be felt by so many that safeguards will finally be erected to contain, if not roll back, the runaway Supreme Court.

[From the Spartanburg (S.C.) Herald, June 18, 1964]

COURT HAS GONE FAR IN REVERSING BALANCE

Just how far the U.S. Supreme Court has gone in reversing the traditional and constitutional balance of power between State and Federal Governments is shown in a few significant recent cases. These cases have established a new constitutional order.

Begin with the integration of the University of Georgia. The State talked about withdrawing funds appropriated to the institution. The Federal Court moved in an order that said the State could not take back money it had previously allocated to such an institution. Then, it seemed obvious that if the Supreme Court presumed authority to so rule it held equal power to recall a State to appropriate and expend money. This is precisely what it did only a few days ago, when a Federal court not only said the Supreme Court had no power to appropriate funds for public schools but stipulated how much.

Then there was the Tennessee congressional district case. The Supreme Court required redistricting, a function that had been considered strictly a prerogative of State legislatures. Admittedly, there was logic in the need for redistricting, but that was not the major principle. The basic question was the Supreme Court's constitutional authority to act.

The same is true in the latest decision that State senators, as well as their lower houses, must be apportioned according to population. It is true that corrections are badly needed in some States (South Carolina being in relatively good condition). But the Court has no power to make the States act in this field.

This would seem to be logically impossible. The Constitution itself, as the ruling made in existence prior to the adoption of the Constitution itself. State governments hardly could have meant to adopt a Constitution that would outlaw the form of their legislatures.

Another stark example of Federal court preemption in the contempt cases against Gov. Ross Barnett, of Mississippi, and his

This Court, he continued, "limited in accordance with that premise, does not serve its high purpose when it exceeds its authority, even to satisfy justified impatience with the constitutional order of the political process. For when, in the name of constitutional interpretation, the Court adds something to the meaning of the Constitution which is not included in it, the Court in reality substitutes its own views of what should be for the amending process."

Justice Harlan in a separate dissent, added: "With all respect, I am convinced the decisions are a long step backward into that unhappy era when a majority of the members of this Court were thought by many to have convinced themselves and each other that the demands of the Constitution were to be measured not by what it says, but by their own notions of wise political theory."

This, like too many another of the Warren Court's decisions, is based upon the assumption that the Constitution is about to become a body of aging prescriptions. The fact is that the Constitution is about to become the basic law of a living democracy, a law that can be changed only by a majority of the people. The Court's interpretation of the Constitution is not a declaration of the Constitution but a declaration of the Court. It is a declaration that the Constitution should be changed by the Court and that they be denied reentry into this country. The time has come, Mr. President, for the people in America to decide whether they are going to be on the side of capitalism and freedom—and I might add, God."

I ask unanimous consent that this editorial entitled "We Tried—We Should, Too" be printed in the Record.

Mr. THURMOND. Mr. President, the Times and Democrat of Orangeburg, S.C., has published in its June 17, 1964, issue an outstanding editorial in support of the position taken by Congressman ALBERT WATSON against permitting U.S. citizens to visit Communist Cuba and agitate there in favor of communism. I cordially endorse the views expressed in the editorial and also with a letter which Congressman Watson has addressed to the Secretary of State and the Attorney General urging that passports be held in abeyance, that Cuba be declared a "non-BBC" country, and that and they be denied reentry into this country. The time has come, Mr. President, for the people in America to decide whether they are going to be on the side of communism and socialism or whether they are going to be on the side of capitalism and freedom—and I might add, God."

I ask unanimous consent that this editorial entitled "We Tried—We Should, Too" be printed in the Record.

There may be some who believe that the editorial was ordered to be printed in the Record, as follows:

[The Orangeburg (S.C.) Times and Demo­crat, June 17, 1964]

HE TRIED—WE SHOULD, Too

U.S. Second Congressional District Representative ALBERT WATSON has the unusual knack of expressing himself well on matters with which we agree. Reading of an unauthorized visit to Cuba of a group of 78 Ameri­can students who, according to news re­ports, have denounced the American Government as the "biggest farce in history" and
advocated its destruction, Representative Warner. 

He did what you and I should but don't. He wrote Secretary of State Dean Rusk and Attorney General Robert F. Kennedy, urging that the visa revocation be revoked and that the reentry be denied them.

Here is what he wrote:

"Dear Mr. Rusk and Mr. Kennedy:"

"It is with disbelief and disgust that I read the Associated Press report from Havana where several students from a group of American students at by-..."
by the wife of a retired officer. The next step after the breakdown of the civil law is run. For any amendment which would defy the law, is, itself, a violation of law. And yet, if I participate in the activities of the Senate and contribute to its support, I find myself forced into that position.

One would think that, with a knowledge and understanding of the lessons of history, we would not comply with a determination to take a firm stand on the side of long-established constitutional principles. One would expect the administration of the United States to recognize the necessity of the faith and the power of the law, fighting in the streets and invasion of private property.

They have, I believe, in the past conducted their business when carried on by the Ku Klux Klan. Today, though, inconceivable as it may be, they seem to be in the van of those promoting them.

With what fire are they playing? Who will compose the mobs of the future, and on whom will they wreak their fury? The protest against social injustice that started with the mob at the Bastille ended with Napoleon's cannon and barricades in the streets of Paris. Historians say that, when violent political or social upheavals have taken place, the Christian church is frequently one of the first institutions to be banned. The Russian church is very close to that.

It is conceivable that in this country we could ever have a complete breakdown in law enforcement, or that constitutional rights could ever be swept away, or that the church could ever be destroyed by forces from without or schisms from within, or that the right to say a simple prayer in school could ever be denied? We know the answer to the last question. How would we have answered it 10 years ago? What will be our answers to the others 10 years from now? My concern over current trends and my interest in the preservation of the orderly society with which I work as a pastor and of the church of my forefathers, makes me increasingly reluctant to participate with and support those who, though well-intentioned Christians, are, in my opinion, blind to the dangers of the course which they are pursuing.

CONSIDERATION OF CERTAIN CALENDAR MEASURES

M. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the following unobjected-to items on the calendar, beginning with Calendar No. 922, and going through in sequence.

THIRD READING PRO TEMPORE. Is there objection? Without objection, it is so ordered; and the measures on the calendar, commencing with Calendar No. 922, will be stated.

MARY LANE LAYCOCK

The bill (S. 2170) for the relief of Mary Lane Laycock was considered, ordered to be engrossed for a third reading, and passed.

JOHN F. WOOD

The bill (H.R. 2726) for the relief of John F. Wood of Newport News, Va., was considered, ordered to a third reading, read the third time, and passed.

ELMER J. AND RICHARD R. PAYNE

The bill (H.R. 2818) for the relief of Elmer J. and Richard R. Payne was considered, ordered to be engrossed for a third reading, read the third time, and passed.

LEASING OF REAL PROPERTY FOR NOT MORE THAN 30 YEARS BY THE POSTMASTER GENERAL

The Senate proceeded to consider the bill (H.R. 9533) to extend the authority of the Postmaster General to enter into leases of real property for periods not exceeding 30 years and for other purposes which had been reported from the Committee on Public Works with an amendment on page 1, after line 5, to strike out:

Agreements may not be entered into under sections 2104 and 2105 of this title after July 22, 1964.

And, in lieu thereof, to insert:

Agreements may not be entered into under sections 2104 and 2105 of this title after July 22, 1964, and under section 2103 after December 31, 1966.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

M. MANSFIELD. Mr. President, I ask unanimous consent that I have printed in the Record an excerpt from the report (No. 1049), explaining the purposes of the bill.

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

ROBERT S. KERR WATER RESEARCH CENTER

The concurrent resolution (H. Con. Res. 189) resolution expressing the sense of Congress that the Southwest Regional Water Laboratory should be known as the Robert S. Kerr Water Research Center was considered, and agreed to.

M. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1050), explaining the purposes of the resolution.

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


STUDY OF DUST CONTROL MEASURES

The bill (H.R. 9720) authorizing a study of dust control measures at Long Island, Port Isabel, Tex., was considered, ordered to a third reading, read the third time, and passed.

M. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1051), explaining the purposes of the bill.

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

The purpose of the bill is to authorize the Chief of Engineers to undertake a study of the adverse effects of duststorms from Long Island at Port Isabel, Tex., with a view toward establishing such remedial and protective measures as it is judged necessary to prevent such adverse effect.

CONSTRUCTION OF DAM ON THE ST. LOUIS RIVER, MONT.

The bill (H.R. 9934) to authorize the construction of a dam on the St. Louis River, Mont., was considered, ordered to a third reading, read the third time, and passed.

M. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1048), explaining the purposes of the bill.

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

The bill would grant the consent of Congress for the purposes of section 9 of the act of March 3, 1899 (33 U.S.C. 401), to the Eveleth Taconite Co., a Minnesota corporation, to construct a dam on the St. Louis River, Minn., townships 86 and 57 north, range 18 west, St. Louis County, Minn. The authority granted by the bill would terminate if the actual construction of the dam is not commenced within 5 years and completed within 10 years from the date of passage of this act. Plans for construction of the dam are required to be submitted to and approved by the Chief of Engineers and Secretary of the Navy.

M. MANSFIELD. Mr. President, I ask that the Senate turn next to the consideration of Calendar No. 998.
CONVEYANCE OF CERTAIN REAL PROPERTY FOR PUBLIC AIRPORT PURPOSES AT GRAND PRAIRIE, TEX. BILL SUBSEQUENTLY PASSED OVER

The Senate proceeded to consider the bill (H.R. 8462) to authorize the conveyance of certain real property of the United States heretofore granted to the city of Grand Prairie, Tex., for public airport purposes, which had been reported from the Committee on Commerce with an amendment to strike out all after the enacting clause and insert:

That (a) subject to the provisions of section 2 of this Act, the city of Grand Prairie, Texas, shall be authorized to convey to the highest bidder all right, title, and interest of such city in and to certain real property transferred to such city for public airport purposes by the United States. Such real property consists of a tract of land containing 127.99 acres, more or less, comprising a portion of the 195.82-acre tract situated in the county of Dallas, State of Texas, described in the deed recorded in volume 5490, page 26, Deed Records of Dallas County, Texas, whereby the United States of America conveyed 31.97 acres of adjacent land, more or less, to Jerome K. Dealey, Dallas, Texas, said restrictive condition in said deed without warranty dated May 22, 1962, entered into between the United States of America and licensed to the city of Grand Prairie, Texas, as grantee, and more particularly described as follows:

Being a tract or parcel of land lying and situated in the county of Dallas, State of Texas, and a part of the McKinney and William survey, abstract numbered 1045, and the Elizabeth Gray survey, abstract numbered 517, to the city of Grand Prairie:

thence south 0 degrees 33 minutes 30 seconds east a distance of 2,689.0 feet along the centerline of the southeast corner of Grand Prairie Airport;

thence south 44 degrees 41 minutes 30 seconds east following General Services Administration line a distance of 2,016.45 feet to the place of beginning and containing 127.99 acres of land, more or less, together with the rights appurtenant to the above-described land, under and by virtue of the restrictive condition contained in deed dated May 22, 1962, recorded in volume 5490, page 26, Deed Records of Dallas County, Texas, whereby the United States of America conveyed 31.97 acres of adjacent land, more or less, to Jerome K. Dealey, Dallas, Texas, said restrictive condition in said deed without warranty dated May 22, 1962, entered into between the United States of America and licensed to the city of Grand Prairie, Texas, as grantee, and more particularly described as follows:

Beginning at a point on the east right-of-way line of Carrier Parkway (formerly Southwestern Eighth Street) where it intersects the south boundary line of the McKinney and Williams survey, abstract numbered 1045, and the Elizabeth Gray survey, abstract numbered 517, to the city of Grand Prairie:

thence south 0 degrees 33 minutes 30 seconds east a distance of 2,689.0 feet along the centerline of Carrier Parkway to a distance of 2,689.0 feet to the southeast corner of Grand Prairie Airport;

thence north 89 degrees 34 minutes 30 seconds west a distance of 1,509.8 feet along the south boundary line to a point, said point being 200 feet easterly of and perpendicular to the extended centerline of the north-south runway;

thence north 1 degree 19 minutes 30 seconds east and parallel to said centerline a distance of 2,670.35 feet to a five-eighth-inch pipe, said point being 200 feet easterly of and perpendicular to said centerline;

thence southwest 89 degrees 34 minutes 30 seconds west, 1,050 feet to a one-half-inch rod, said point being the easternmost southeast corner of a 42.39-acre tract presently owned by the United States of America and licensed to the Texas National Guard;

thence along the north-south runway of Grand Prairie Airport to the intersection of the south boundary line of said Elizabeth Gray survey with the east right-of-way line of Southwest Fourteenth Street (formerly called Twelfth Street Road), said pipe being located south 89 degrees 26 minutes west, 20 feet from the southwest corner rod of said Elizabeth Gray survey, abstract A-517, to the intersection of the south boundary line of said Elizabeth Gray survey with the east right-of-way line of Southwest Fourteenth Street, north 00 degrees 22 minutes 30 seconds east, 981.15 feet to a five-eighths-inch pipe, said point being the southwestern corner of a 42.39-acre tract presently owned by the United States of America and licensed to the Texas National Guard;

thence along the north-south runway of Grand Prairie Airport to the intersection of the south boundary line of said Elizabeth Gray survey with the east right-of-way line of Southwest Fourteenth Street, north 00 degrees 22 minutes 30 seconds east, 981.15 feet to a five-eighths-inch pipe, said point being the southwestern corner of a 42.39-acre tract presently owned by the United States of America and licensed to the Texas National Guard;

thence along the north-south runway of Grand Prairie Airport to the intersection of the south boundary line of said Elizabeth Gray survey with the east right-of-way line of Southwest Fourteenth Street, north 00 degrees 22 minutes 30 seconds east, 981.15 feet to a five-eighths-inch pipe, said point being the southwestern corner of a 42.39-acre tract presently owned by the United States of America and licensed to the Texas National Guard;

thence along the north-south runway of Grand Prairie Airport to the intersection of the south boundary line of said Elizabeth Gray survey with the east right-of-way line of Southwest Fourteenth Street, north 00 degrees 22 minutes 30 seconds east, 981.15 feet to a five-eighths-inch pipe, said point being the southwestern corner of a 42.39-acre tract presently owned by the United States of America and licensed to the Texas National Guard;

thence along the north-south runway of Grand Prairie Airport to the intersection of the south boundary line of said Elizabeth Gray survey with the east right-of-way line of Southwest Fourteenth Street, north 00 degrees 22 minutes 30 seconds east, 981.15 feet to a five-eighths-inch pipe, said point being the southwestern corner of a 42.39-acre tract presently owned by the United States of America and licensed to the Texas National Guard;

thence along the north-south runway of Grand Prairie Airport to the intersection of the south boundary line of said Elizabeth Gray survey with the east right-of-way line of Southwest Fourteenth Street, north 00 degrees 22 minutes 30 seconds east, 981.15 feet to a five-eighths-inch pipe, said point being the southwestern corner of a 42.39-acre tract presently owned by the United States of America and licensed to the Texas National Guard;

thence along the north-south runway of Grand Prairie Airport to the intersection of the south boundary line of said Elizabeth Gray survey with the east right-of-way line of Southwest Fourteenth Street, north 00 degrees 22 minutes 30 seconds east, 981.15 feet to a five-eighths-inch pipe, said point being the southwestern corner of a 42.39-acre tract presently owned by the United States of America and licensed to the Texas National Guard;
to the foregoing provisions of this Act, and to accept custody and control of such property.

The amendment was agreed to.
The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MORSE subsequently said: Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. MORSE. I did not know there was to be a call of the calendar. Let me ask whether Calendar 998, House bill 8462, has been reached.

Mr. MANSFIELD. Yes; and it has been passed.

Mr. MORSE. Mr. President, I wish to object to the consideration of that bill, as of now. I am not ready to have the bill passed, without first making provision for inclusion of the Morse formula, and without inquiring about the Morse formula.

Mr. MANSFIELD. Very well.

Mr. President, I ask that the action taken by the Senate on Calendar 998, House bill 8462, be rescinded, and that the bill be restored to the calendar.

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

Mr. MORSE. Mr. President, I wish to make a statement in regard to Calendar No. 998, House bill 8462. I hope we can reach an understanding in regard to this bill, in connection with an amendment I propose.

In its present form, the bill violates the Morse formula—clearly, unquestionably.

I am in a predicament in connection with this matter, even though last year I made clear what my position would be. I think the Senator from Texas [Mr. YARBOROUGH], with whom I work very closely, and for whom I have a high and very affectionate regard, probably would object to the Morse formula. However, it does no good to accept, on the floor of the Senate, such an amendment. I am not fighting to protect the Morse formula. I am also fighting to protect the interests of other Senators who recognize the soundness of the Morse formula and have been keeping faith by bringing in bills with the Morse formula in them. I am objecting, tonight; and I hope we can work out some understanding—through the Senator from Texas [Mr. YARBOROUGH]; and I know he is anxious to work it out—on the House side, because I am not willing to vote in favor of such bills, and I believe all Senators who recognize the soundness of the Morse formula and have been keeping faith by bringing in bills with the Morse formula in them.

Mr. MANSFIELD. Mr. President, had I known of the Senator's objection to the Morse formula, I would not have brought up the bill.

Mr. ALLOTT. Mr. President, what is the present status of Calendar No. 998, House bill 8462?

Mr. MANSFIELD. The action taken by the Senate has been rescinded, and the bill has been restored to the calendar.

PERIODIC CONGRESSIONAL REVIEW OF FEDERAL GRANTS-IN-AID TO STATES AND LOCAL UNITS OF GOVERNMENT

The Senate proceeded to consider the bill (S. 2114) to provide for periodic congressional review of Federal grants-in-aid to States and local units of government which had been reported from the Committee on Government Operations, with amendments, on page 2, line 5, after the word "purposes", to insert "in the purposes of this Act.

(3) Whether or not any changes in purpose or direction of the original program should be made.
And, in lieu thereof, to insert:

(9) Whether or not any changes in purpose, direction, or administration of the original program, or in procedures and requirements applicable thereto to conform to recommendations of the Comptroller General under section 4, should be made.

After line 10, to insert:

(4) Whether or not any changes in purpose, direction, or administration of the original program should be made in the light of reports and recommendations of the Advisory Commission on Intergovernmental Relations.

In line 17, after the word “than”, to strike out “ninety” and insert “one hundred and twenty”; after line 19, to insert:

STUDIES BY COMPTROLLER GENERAL OF FEDERAL GRANT-IN-AY PROGRAMS

SEC. 4. The Comptroller General shall make continuing studies of presently existing and all future programs for grant-in-aid assistance from the Federal Government to the States or their political subdivisions concerning the extent to which program conflicts and duplications, and undue and excessive expenditures of Federal funds are caused by any existing Federal programs for grant-in-aid assistance to the States or their political subdivisions, with a view to the formulation of recommendations to assist the Congress in making changes in requirements and procedures applicable to existing Federal aid programs, for the purpose of eliminating areas of conflict and duplication in program operations and achieving more efficient, effective, economical, and uniform administration of such programs.

In reviewing such programs the Comptroller General shall consider, among other relevant matters, the equalization formulas, the budgetary, accounting, reporting, and administrative procedures applicable to such programs. Reports on such studies, together with recommendations, shall be submitted by the Comptroller General to the Congress. Reports on expiring programs should, to the extent practicable, be submitted one hundred and twenty days before such authority is due to expire.

On page 5, after line 12, to insert:

STUDIES BY ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

SEC. 5. Upon request of any committee referred to in section 3, the Advisory Commission on Intergovernmental Relations (established by Public Law 86-380) shall, during the same period referred to in such section, conduct studies of the intergovernmental relationships which are subject to the provisions of such section, including (1) the impact of such programs, if any, on the fiscal relations and on Federal-State-local fiscal relations, and (2) the coordination of Federal administration of such programs with State and local administration thereof, and shall report its findings and recommendations to such committee.

On page 6, after line 3, to insert:

SEC. 6. (a) Each recipient of assistance under (1) any Act of Congress enacted after the effective date of this Act which provides for a grant-in-aid from the United States to a State or a political subdivision thereof, or (2) any new grant-in-aid agreement authorized by such Act, or any political subdivision thereof, shall prescribe, including records which fully disclose the amount and disposition by such recipient of such grant-in-aid, the total cost of the project or undertaking in connection with which such grant-in-aid is given or used, and the amount of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Federal agency administering such grant shall prescribe, including records which fully disclose the amount and disposition by such recipient of such grant-in-aid, the total cost of the project or undertaking in connection with which such grant-in-aid is given or used, and the amount of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

RECORDS AND AUDIT

SEC. 6. (a) Each recipient of assistance under (1) any Act of Congress enacted after the effective date of this Act which provides for a grant-in-aid from the United States to a State or a political subdivision thereof, or (2) any new grant-in-aid agreement, or extension, modification or alteration of any existing grant-in-aid agreement pursuant to which such assistance is given or used, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients that are pertinent to the grant received.

And, on page 7, at the beginning of line 2, to change the section number from “4” to “7”; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

STATEMENT OF PURPOSE

SEC. 1. It is the purpose and intent of this Act to establish a uniform policy and procedure whereby programs for grant-in-aid assistance from the Federal Government to the States or to their political subdivisions, which may be enacted hereafter by the Congress, shall be reviewed, on a continual basis, in a subsequent review by the Congress to insure that (1) the effectiveness of grants-in-aid as instruments of Federal-State-local cooperation is improved and enhanced; (2) grant-in-aid programs are revised and redirected as necessary to meet new conditions arising subsequent to their original enactment; and (3) grant programs are terminated when they have substantially achieved their purpose. It is further the purpose and intent of this Act to authorize the Comptroller General to conduct studies of the existing Federal programs for grant-in-aid assistance to the States or their political subdivisions, with a view to the formulation of recommendations to assist the Congress in making changes in requirements and procedures applicable to existing Federal aid programs, for the purpose of eliminating areas of conflict and duplication in program operations and achieving more efficient, effective, economical, and uniform administration of such programs, and greater uniformity in the operation thereof.

EXPIRATION OF GRANT-IN-AY PROGRAMS

SEC. 2. Where any Act of Congress enacted in the Eighty-ninth or any subsequent Congress authorizes the making of grants-in-aid to two or more States or to political subdivisions of two or more States and no expiration date for such authority is specified pursuant to the effective date of this Act which provides for a grant-in-aid by reason of such Act to States, political subdivisions, and other beneficiaries from funds not theretofore obligated shall expire not later than June 30 of the fifth calendar year which begins after the effective date of such Act.

COMMITTEE STUDIES OF GRANT-IN-AY PROGRAMS

SEC. 3. Where any Act of Congress enacted in the Eighty-ninth or any subsequent Congress authorizes the making of grants-in-aid over a period of three or more years to two or more States or to political subdivisions of two or more States, then during the period of not less than twelve months prior to the expiration date of such Act, the Comptroller General shall consider, among other relevant matters, the equalization formulas, the budgetary, accounting, reporting, and administrative procedures applicable to such programs, and shall report its findings and recommendations to such committee.

DEFINITIONS

SEC. 7. For the purposes of this Act—

(1) The term “State” means the government of any State, or any agency or instrumentality of a State.

(2) The term “political subdivision” means a local unit of government, including a county, city, town, township, or a school or other special district created by or pursuant to State law.
The term "grant-in-aid" means money, or property provided in lieu of money, paid or furnished by the United States under a fixed annual or aggregate authorization to a State or political subdivision of a State; or to a State or political subdivision of a State in order to administer a project or program which is subject to approval by a Federal agency; if such authorization either (1) requires the States or political subdivisions to use non-Federal funds as a condition for the receipt of money or property from the United States, or (ii) specifies that such non-Federal funds shall be included in a formula, the amounts which may be paid or furnished to States or political subdivisions, or the amounts to be paid or furnished to each of the States, by the State, political subdivisions, or other beneficiaries. The term does not include (i) shared revenues, (ii) payments of taxes, (iii) payments in lieu of taxes, (iv) loans or repayable advances, (v) surplus property or surplus agricultural commodities furnished as such, (vi) payments under research and development contracts or grants which are awarded directly and on similar terms to institutions of higher education, whether public or private, or (vii) payments to States or political subdivisions as full reimbursement for the costs incurred in paying benefits or making grants to beneficiaries. The term does not include royalties, license fees, or other payments in respect of certain instruments affecting title to or interest in aircraft.

The amendments were agreed to. The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1059), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record.

The primary purpose of this bill is to make the provisions contained in title III of the Federal Property and Administrative Services Act of 1949 directly applicable to procurement of property and personal services by executive agencies, and to authorize the procurement of such property and personal services for executive agencies. The bill also proposes certain less significant improvements in procurement. The bill was ordered to be printed in the Record.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1059), explaining the purposes of the bill.

The bill was ordered to be printed in the Record, as follows:

The bill (H.R. 8673) to amend title V of the Federal Property and Administrative Services Act of 1949, as amended (41 U.S.C. 5 and 8), shall be directly applicable to procurement of property and personal services by executive agencies, as provided for by title V of the Federal Property and Administrative Services Act of 1949 (83 Stat. 377), as amended, is amended to read as follows:

"Sec. 2. (d) of section 303 of said Act is amended to read:

"(1) to agencies and activities specified in section 2503 (a) of title 10, United States Code;

"(2) when this title is made inapplicable pursuant to section 602 (15) of this Act or any other act directed by statute to procure without advertising or without regard to said Act.

"Sec. 2. Subsection (c) of section 302 of said Act is amended to read as follows:

"(a) By revising paragraph (4) to read:

"(4) for professional nonpersonal services;"

"(b) By revising paragraph (5) to read:

"(5) for professional nonpersonal services;

"(c) By revising paragraph (6) to read:

"(6) when this section is directed by law, except that section 304 shall apply to purchases and contracts made without advertising under this paragraph.

"Sec. 2. The second sentence of subsection (a) of section 307 of said Act is amended by inserting immediately after "section," the following: "and except as provided in section 208 (d) with respect to the Administrator.

"Sec. 2. Subsection (b) of section 307 of said Act is amended by striking out the second sentence thereof.

"Sec. 5. Section 310 of said Act is amended to read as follows:

"(a) By revising paragraph (1) of section 310 to read:

"(1) completed power plant contract, Federal crops and commodities, Federal projects and services, Federal programs and services, Federal plans and services, Federal policies and services, Federal activities and services;"

"Sec. 310. Sections 3709, 3710, and 3735 of the Revised Statutes, as amended (41 U.S.C. 5, 6, and 15), shall not apply to the procurement of property or personal services with advertising or without advertising or without regard to said section 3079 shall be construed to authorize the procurement of such property or personal services without advertising or without regard to said Act without regard to the advertising requirements of sections 302 (c) and 303 (d) of this Act.

"Sec. 6. Title III of said Act is amended by striking out the words "property and services" wherever they appear in that title (except where such words appear in section 304 (b) of that title), and inserting in lieu thereof the words "property and personal services".

"Sec. 7. Subsection (d) of section 602 of said Act is amended as follows:

"(a) By striking out the semicolon at the end of paragraph (15) and inserting in lieu thereof the words and the word "or"

"(b) By striking out the word "or" where it appears at the end of paragraph (18).

"(c) By striking out the period at the end of paragraph (19), and inserting in lieu thereof a colon and the word "and"

"(d) By adding at the end of that subsection the following new paragraph:

"(20) The Secretary of the Interior with respect to contracts for State and local operations under the Bonneville Project Act of 1937 (50 Stat. 731), as amended.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1059), explaining the purposes of the bill.

The amendments were agreed to. The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1059), explaining the purposes of the bill.

The bill was ordered to be printed in the Record, as follows:

The primary purpose of this bill is to make the provisions contained in title III of the Federal Property and Administrative Services Act of 1949 directly applicable to procurement of property and personal services by executive agencies, and to authorize the procurement of such property and personal services for executive agencies. The bill also proposes certain less significant improvements in procurement. The bill was ordered to be printed in the Record.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1059), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record.

The bill will be passed over.
The Senate proceeded to consider the bill (S. 1338) to provide for the purchase of certain real property on which payments were authorized by Public Law 388, 84th Congress. 

Mr. MANSFIELD. Mr. President, this is a real milestone toward stopping government competition with private enterprise.

The bill (H.R. 9090) for the relief of Mrs. Audrey Rossman was considered, ordered to a third reading, read the third time, and passed.

The bill (S. 584) for the relief of Gih Ho Pao and his wife Joanie T. Pao was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the purposes of sections 203(a) (2) and 205 of the Immigration and Nationality Act, effective December 31, 1965, Yih-Ho Pao shall be held and considered to be an alien eligible for a quota immigrant status under the provisions of section 203 (a) (1) of the Immigration and Nationality Act on the basis of a petition filed with the Attorney General prior to April 1, 1962.

The bill (S. 2629) for the relief of Czeslaw (Chester) Kaluzny was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the natural father of the said Czeslaw (Chester) Kaluzny shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The Senate proceeded to consider the bill (S. 1449) for the relief of Aziza (Susan) Sasson, which had been reported from the Committee on the Judiciary, with an amendment to strike out all after the enacting clause and insert:

That, for the purposes of the Act of July 14, 1940 (74 Stat. 566), Aziza (Susan) Sasson shall be held and considered to have been pardoned into the United States on the date of the enactment of this Act, as provided for in the said Act of July 14, 1940.
The amendment was agreed to.
The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALEXIA DANIEL
The Senate proceeded to consider the bill (S. 2163) for the relief of Alexa Daniel, which had been reported from the Committee on the Judiciary, with an amendment to strike out all after the enacting clause and insert:

That, in the administration of the Immigration and Nationality Act, the provisions of sections 302(a)(5) and 302(b)(2) shall be inapplicable in the case of Milagros Aragon Neri.

The amendment was agreed to.
The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MRS. ANNA SOOS
The Senate proceeded to consider the bill (S. 2320) for the relief of Mrs. Anna Soos, which had been reported from the Committee on the Judiciary, with an amendment to strike out all after the enacting clause and insert:

That the Attorney General is authorized and directed to discontinue any deportation proceedings and to cancel any outstanding orders and warrants of deportation, warrants of arrest, and bond, which may have issued in the case of Mrs. Anna Soos. From and after the date of the enactment of this Act, the said Mrs. Anna Soos shall not again be subject to deportation by reason of the facts upon which such deportation proceedings were instituted or for any such warrants and orders have issued.

The amendment was agreed to.
The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DAVID LEE BOGUE
The Senate proceeded to consider the bill (S. 2354) for the relief of David Lee Bogue, which had been reported from the Committee on the Judiciary, with an amendment to strike out all after the enacting clause and insert:

That David Lee Bogue, who lost United States citizenship under the provisions of sections 349(a)(1), (2), and (3) of the Immigration and Nationality Act of 1958, may be naturalized by taking prior to one year after the effective date of this Act, any court referred to in subsection (a) of section 310 of the Immigration and Nationality Act or before any diplomatic or consular officer of the United States abroad, an oath as prescribed by section 337 of such Act. From and after naturalization under this Act, the said David Lee Bogue shall have the same citizenship status as that which existed immediately prior to its loss.

The amendment was agreed to.
The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MILAGROS ARAGON NERI
The Senate proceeded to consider the bill (S. 2374) for the relief of Milagros Aragon Neri, which had been reported from the Committee on the Judiciary, with an amendment, to strike out all after the enacting clause and insert:

That, in the administration of the Immigration and Nationality Act, the provisions of sections 302(a)(5) and 302(b)(2) shall be inapplicable in the case of Milagros Aragon Neri.

The amendment was agreed to.
The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARDIROS KOYOUUMJIAN
The Senate proceeded to consider the bill (S. 2376) for the relief of Mardiros Kouyoumjian and his wife, Manig Kouyoumjian, which had been reported from the Committee on the Judiciary, with an amendment, to strike out all after the enacting clause and insert:

That, in the administration of the Act of September 26, 1961 (75 Stat. 650, 657), Mardiros Kouyoumjian and his wife, Manig Kouyoumjian, shall be deemed to be without the purview of section 5(a) of that Act.

The amendment was agreed to.
The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GERARD PIULLET
The bill (H.R. 6958) for the relief of Gerard Piullet was considered, ordered to a third reading, read the third time, and passed.

DAVID SHEPPARD
The bill (H.R. 6843) for the relief of David Sheppard was considered, ordered to a third reading, read the third time, and passed.

DIEHRE REGINA SHORE
The bill (H.R. 8964) for the relief of Diedre Regina Shore was considered, ordered to a third reading, read the third time, and passed.

ELISABETE MARIA FONSECA
The bill (H.R. 9220) for the relief of Elisasbet Maria Fonseca was considered, ordered to a third reading, read the third time, and passed.

STATE TAXATION OF EMPLOYEES ENGAGED IN REGULATED INTERSTATE TRANSPORTATION
The Senate proceeded to consider the bill (S. 1719) to amend the Interstate Commerce Act and the Federal Aviation Act of 1958 in order to exempt certain wages and salary of employees from withholding for tax purposes under the laws of States or subdivisions thereof other than the State or subdivision of the employee’s residence, which had been reported from the Committee on Commerce with an amendment to strike out all after the enacting clause and insert:

That part I of the Interstate Commerce Act is amended by redesignating section 29 as section 27 and by inserting before such section a new section as follows:

“EXEMPTION OF CERTAIN WAGES AND SALARY OF EMPLOYERS FROM WITHHOLDING BY OTHER THAN RESIDENCE STATE

“Sec. 323(a). No part of the wages or salary paid by any railroad, express company, or sleeping car company, subject to the provisions of this Act, of an employee who performs his regularly assigned duties as such an employee on a locomotive, car, or other track-borne vehicle in more than one State, shall be withheld for tax purposes pursuant to the laws of any State or subdivision thereof other than the State or subdivision of such employee’s residence, as shown on the employment records of any such carrier; nor shall any such carrier file any information return or other report for tax purposes with respect to such wages or salary with any State or subdivision thereof other than such State or subdivision of residence.

“(b) For the purposes of this section, the term ‘State’ also means the District of Columbia.”

SEC. 2. (a) Section 321(b) of the Interstate Commerce Act is amended by inserting after “Nothing in this part” a comma and the following: “except as provided in section 226A.”

(b) Part II of the Interstate Commerce Act is amended by inserting after section 226 a new section as follows:

“EXEMPTION OF CERTAIN WAGES AND SALARY OF EMPLOYERS FROM WITHHOLDING BY OTHER THAN RESIDENCE STATE

“Sec. 226A. (a) No part of the wages or salary paid by any motor carrier subject to the provisions of this part to any employee who performs his regularly assigned duties as such an employee on a motor vehicle in more than one State, shall be withheld for tax purposes pursuant to the laws of any State or subdivision thereof other than the State or subdivision of such employee’s residence, as shown on the employment records of any such carrier; nor shall any such carrier file any information return or other report for tax purposes with respect to such wages or salary with any State or subdivision thereof other than such State or subdivision of residence.

“(b) For the purposes of this section, the term ‘State’ also means any possession of the United States or the Commonwealth of Puerto Rico.”
There being no objection, the excerpt was ordered to be printed in the Record, as follows:

The bill would amend the terms under which national banks may make real estate loans on properly managed forest tracts, (1) by broadening the basis of the loan security from "economic timber" to "growing timber, lands, and improvements"; (2) by increasing the permissible loan term from 10 to 15 years in the case of amortized loans and from 2 to 3 years in the case of unamortized loans; and (3) by increasing the maximum permissible loan ratio from 40 to 60 per cent of the appraised fair market value in the case of both amortized and unamortized loans.

AMENDMENT TO FEDERAL CREDIT UNION ACT

The bill (H.R. 8459) to amend the Federal Credit Union Act to allow Federal credit unions greater flexibility in their organizations and operations was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1078), explaining the purposes of the bill.

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

H.R. 8459 would amend the Federal Credit Union Act so as to provide for Federal credit unions additional investment powers, greater administrative flexibility, and additional protective regulation in the conduct of their affairs, including additional powers to invest in the securities of other Federal credit unions.

Section 1 of the bill would extend the investment powers of Federal credit unions so as to include authority to invest in obligations issued by banks for cooperatives, Federal land banks, Federal Intermediate credit banks, Federal home loan banks, the Federal Home Loan Bank Board, or any corporation the Federal Home Loan Bank Board may designate as a Government corporation.

Section 2 of the bill would authorize Federal credit unions to establish supervisory committees of not less than three members nor more than five members, instead of the present requirement that the supervisory committee must consist of three members.

Section 3 of the bill would authorize the payment of interest refunds at the close of any dividend period, instead of prohibiting such refunds only on December 31 of each year.

Section 4 of the bill would authorize Federal credit unions, subject to regulations prescribed by the Director of the Bureau of Federal Credit Unions, to treat as security for a loan, insurance on home improvement loans and from 2 to 3 years in the case of unamortized loans. The bill was ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1078), explaining the purposes of the bill.

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

The bill (H.R. 8459) to amend the Federal Credit Union Act so as to provide for Federal credit unions additional investment powers, greater administrative flexibility, and additional protective regulation in the conduct of their affairs, including additional powers to invest in the securities of other Federal credit unions.

Section 1 of the bill would extend the investment powers of Federal credit unions so as to include authority to invest in obligations issued by banks for cooperatives, Federal land banks, Federal Intermediate credit banks, Federal home loan banks, the Federal Home Loan Bank Board, or any corporation the Federal Home Loan Bank Board may designate as a Government corporation.

Section 2 of the bill would authorize Federal credit unions to establish supervisory committees of not less than three members nor more than five members, instead of the present requirement that the supervisory committee must consist of three members.

Section 3 of the bill would authorize the payment of interest refunds at the close of any dividend period, instead of prohibiting such refunds only on December 31 of each year.

Section 4 of the bill would authorize Federal credit unions, subject to regulations prescribed by the Director of the Bureau of Federal Credit Unions, to treat as security for a loan, insurance on home improvement loans and from 2 to 3 years in the case of unamortized loans.
was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an extract from the report (No. 1083), explaining the purposes of the bill. There being no objection, the excerpt was ordered to be printed in the Record, as follows:

This bill would provide for the duty-free treatment of Karakul wools and certain other coarse wools imported for use in the manufacture of pressed felt for polishing plate and mirror glass.

EMPLOYEES COVERED BY STATE OF MAINE RETIREMENT SYSTEM

The bill (H.R. 3348) to amend section 316 of the social security amendments of 1958 to extend the time within which teachers and other employees covered by the same retirement system in the State of Maine may be treated as being covered by separate retirement systems for purposes of the old age, survivors, and disability insurance program was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1083), explaining the purposes of the bill. There being no objection, the excerpt was ordered to be printed in the Record, as follows:

The principal use of manganese ore is for metallurgical purposes in the production of steel. Much smaller amounts are consumed in the production of dry-cell batteries and in the manufacture of manganese chemicals. Consumers of manganese ore in the United States are principally producers of manganese ferroalloys, primarily ferromanganese, and to a lesser extent siliconmanganese.

During 1962 domestic ore accounted for only about 1 percent of the manganese ore consumed in the United States for metallurgical purposes; only about 12 percent of consumption in the manufacture of dry-cell batteries; and about 4 percent of the ore used in producing chemicals and for miscellaneous applications. The balance of domestic consumption of manganese ore is supplied by imports, principally from Brazil, Ghana, India, Morocco, and the Union of South Africa. H.R. 7480 would temporarily suspend the present reduced rate of duty, established pursuant to trade agreement concessions, on manganese ore, including ferruginous manganese ore, and manganiferous ore, containing over 10 percent by weight of manganese. This reduced rate of duty is presently one-fourth cent per pound on the metallic manganese content of the ore.

PREVENTION OF DOUBLE TAXATION IN CASE OF CERTAIN TOBACCO PRODUCTS

The bill (H.R. 8268) to prevent double taxation in the case of certain tobacco products exported and returned unchanged to the United States for delivery to a manufacturer's bonded factory was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1086), explaining the purposes of the bill. There being no objection, the excerpt was ordered to be printed in the Record, as follows:

This bill would provide for the duty-free treatment of certain particleboard (containing no admixture of sugar, cereal, or other additive).

"Soluble" coffee and "instant" coffee are synonymous terms and will hereinafter be referred to as soluble coffee. The soluble coffee (containing no admixture of sugar, cereal, or other additive) to which this bill applies is the "dried water-soluble solids derived from roasted coffee."

SUSPENSION FOR TEMPORARY PERIOD IMPORT DUTY ON MANGANESE ORE

The bill (H.R. 7480) to suspend for a temporary period the import duty on manganese ore (including ferruginous ore) and related products was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1085), explaining the purposes of the bill. There being no objection, the excerpt was ordered to be printed in the Record, as follows:

The purpose of this bill is to extend for 3 years, from June 30, 1964, until June 30, 1967, the existing suspension of duties for metal scrap was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1088), explaining the purposes of the bill. There being no objection, the excerpt was ordered to be printed in the Record, as follows:

The purpose of this bill is to continue until the close of June 30, 1965, the existing suspension of duties for metal scrap was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1089), explaining the purposes of the bill. There being no objection, the excerpt was ordered to be printed in the Record, as follows:

This bill would provide for the free importation of soluble and instant coffee was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1087), explaining the purposes of the bill. There being no objection, the excerpt was ordered to be printed in the Record, as follows:

Tariff Classification of Certain Particleboard

The bill (H.R. 8975) to provide for the tariff classification of certain particleboard was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1086), explaining the purposes of the bill. There being no objection, the excerpt was ordered to be printed in the Record, as follows:

This bill would provide for the free importation of certain particleboard (containing no admixture of sugar, cereal, or other additive) to which this bill applies is the "dried water-soluble solids derived from roasted coffee."

CONTINUATION OF EXISTING SUSPENSION OF DUTIES FOR METAL SCRAP

The bill (H.R. 10463) to extend until the close of June 30, 1965, the existing suspension of duties for metal scrap was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1086), explaining the purposes of the bill. There being no objection, the excerpt was ordered to be printed in the Record, as follows:

This bill would provide for the tariff classification of certain particleboard was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1087), explaining the purposes of the bill. There being no objection, the excerpt was ordered to be printed in the Record, as follows:

This bill would provide for the free importation of soluble and instant coffee was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1088), explaining the purposes of the bill. There being no objection, the excerpt was ordered to be printed in the Record, as follows:

The purpose of this bill is to extend for 3 years, from June 30, 1964, until June 30, 1967, the existing suspension of duties for metal scrap was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1089), explaining the purposes of the bill. There being no objection, the excerpt was ordered to be printed in the Record, as follows:

The purpose of this bill is to continue until the close of June 30, 1965, the existing suspension of duties for metal scrap was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1086), explaining the purposes of the bill. There being no objection, the excerpt was ordered to be printed in the Record, as follows:

This bill would provide for the free importation of soluble and instant coffee was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1087), explaining the purposes of the bill. There being no objection, the excerpt was ordered to be printed in the Record, as follows:

This bill would provide for the free importation of soluble and instant coffee was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1088), explaining the purposes of the bill. There being no objection, the excerpt was ordered to be printed in the Record, as follows:

This bill would provide for the free importation of soluble and instant coffee was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1089), explaining the purposes of the bill. There being no objection, the excerpt was ordered to be printed in the Record, as follows:

This bill would provide for the free importation of soluble and instant coffee was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1087), explaining the purposes of the bill. There being no objection, the excerpt was ordered to be printed in the Record, as follows:

This bill would provide for the free importation of soluble and instant coffee was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1088), explaining the purposes of the bill. There being no objection, the excerpt was ordered to be printed in the Record, as follows:

This bill would provide for the free importation of soluble and instant coffee was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1089), explaining the purposes of the bill. There being no objection, the excerpt was ordered to be printed in the Record, as follows:

This bill would provide for the free importation of soluble and instant coffee was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1087), explaining the purposes of the bill. There being no objection, the excerpt was ordered to be printed in the Record, as follows:

This bill would provide for the free importation of soluble and instant coffee was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1088), explaining the purposes of the bill. There being no objection, the excerpt was ordered to be printed in the Record, as follows:

This bill would provide for the free importation of soluble and instant coffee was considered, ordered to a third reading, read the third time, and passed.
Government orders were considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1090), explaining the purposes of the bill.

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

This bill would amend item 915.20 of the Tariff Schedules of the United States to continue for 2 years (from the close of June 30, 1964, until the close of June 30, 1966) the existing provisions of law relating to the importation of personal and household effects brought into the United States under Government orders.

EXTENSION OF PERIOD FOR TEMPORARY ASSISTANCE FOR U.S. CITIZENS RETURNED FROM FOREIGN COUNTRIES

The bill (H.R. 10466) to amend title XI of the Social Security Act to extend the period during which temporary assistance be provided for U.S. citizens returned from foreign countries was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1091), explaining the purposes of the bill.

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

The purpose of this bill is to extend for 3 years, from June 30, 1964, until June 30, 1967, the provisions of section 1113(d) of the Social Security Act which authorized provision of temporary assistance to U.S. citizens returned from foreign countries under certain circumstances.

CONTINUATION OF SUSPENSION OF DUTY ON CERTAIN COPYING SHOE LATHEES

The bill (H.R. 10468) to continue until the close of June 30, 1966, the existing suspension of duty on copying shoe lathes was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1092), explaining the purposes of the bill.

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

This bill would amend item 911.70 of the Tariff Schedules of the United States to continue until the close of June 30, 1966, the suspension of duty on copying shoe lathes used for making rough or finished shoe lasts from models of shoe lasts and capable of producing more than one size shoe from a single size model of a shoe last.

TRANSACTION OF ADDITIONAL ROUTINE BUSINESS

By unanimous consent, the following additional routine business was transacted:

ADDITIONAL BILLS INTRODUCED

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

By Mr. DIRKSEN (for himself and Mr. DOUGLAS):

S. 2928. A bill to authorize and direct the Secretary of Agriculture to make emergency loans to producers who suffer severe production losses, and for other purposes; to the Committee on Agriculture and Forestry.

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

By Mr. MCCARTHY:

S. 2929. A bill to amend subtitle C of the Consolidated Farmers Home Administration Act of 1961 in order to permit the Secretary of Agriculture to make emergency loans to producers who suffer severe production losses, and for other purposes; to the Committee on Agriculture and Forestry.

The George Rogers Clark Recreation Way

Mr. DIRKSEN, Mr. President, for myself and Senator DOUGLAS I introduce, for appropriate reference, a bill to authorize and direct the Secretary of Agriculture to make a preliminary survey of the proposed George Rogers Clark Recreation Way within and adjacent to the Shawnee National Forest in the State of Illinois.

One of the necessary prerequisites of a satisfactory recreation way is public confidence in the right-of-way and adequate lands along it to assure scenic conservation and development of desirable public recreation areas. Last year, the National Forest Reservation Commission extended the Shawnee National Forest purchase unit to connect the two segments of the national forest.

This 100-mile proposed recreation way, sometimes referred to as the river-to-river road, would extend from FOUNTAIN BLUFF on the Mississippi River to the Shawnee National Forest in the State of Illinois.

This preliminary survey would be a major step toward accomplishing the desires of the local sponsors of this survey. The study is estimated to cost approximately $45,000. This road and the attractions along the way cross lines of seven counties, and Federal and State agencies are involved. It also has an important place in the State's program of development through the board of economic development in Illinois, the department of conservation, and other agencies. George Rogers Clark, a Revolutionary War figure, is closely associated with this general area of southern Illinois. Mr. John Allen in his book, "The Legends and Lore of Southern Illinois," stated:

"It was through his efforts, more than those of any other, that Illinois along with the remainder of the whole northwestern territory became a part of the United States. Most of the military activities that Clark conducted to accomplish this objective were enacted in Illinois.

The Acting President pro tempore. The bill will be received and appropriately referred.

The bill (S. 2928) to authorize and direct the Secretary of Agriculture to make a preliminary survey of the pro-
posed George Rogers Clark Recreation Way within and adjacent to the Shawnee National Forest in the State of Illinois, introduced by Mr. Dirkerson (for himself and Mr. Douglas), was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

NOTICE OF HEARINGS BY COMMITTEE ON BANKING AND CURRENCY

Mr. ROBERTSON. Mr. President, I should like to announce that the Committee on Banking and Currency will hold hearings on the nomination of Hamer H. Budge, of Idaho, to be a member of the Securities and Exchange Commission. The hearing is scheduled to be held on Wednesday, June 24, 1964, in room 5302, New Senate Office Building at 10 a.m.

In addition, immediately following the hearing on the nomination the committee will hold hearings on H.R. 10000, a bill to extend the Defense Production Act of 1950; and it will consider H.R. 11499, to extend for 2 years the authority of the Secretary of the Interior Department appropriation bill, I wish to note that a Member of the Senate approached me last week in connection with the program for this week, and made a request which I agreed to honor; but I must confess that I have forgotten who the Member was, what the request was, and what it was that I agreed to do.

I trust that I shall be forgiven for this lapse of memory, in view of the intensity of the situation which prevailed at the time. I trust, too, that by calling up the Interior Department appropriation bill, I shall not be violating a commitment which I may have made. Finally, I trust that the Member who spoke to me will remind me of what transpired between us. In the more subdued atmosphere of this Monday afternoon, I ought to be able to do a little better with my memory.

EXECUTIVE SESSION

The Acting President pro tempore laid before the Senate messages from the President of the United States submitting nominations, which were referred to the appropriate committees.

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

MESSAGE FROM THE HOUSE-ENROLLED JOINT RESOLUTION 71

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announcing that the Speaker had affixed his signature to the enrolled joint resolution (S.J. Res. 71) to establish a National Committee on Food Marketing to study the food industry from the producer to the consumer, and it was signed by the Acting President pro tempore.

ORDER DISPENSING WITH CALL OF CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the calendar, under rule VIII, be dispensed with for today.

The Acting President pro tempore. Without objection, it is so ordered.

TRANSACTION OF ROUTINE BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that morning business be proceeded with, under the rule as amended by the Church resolution, and under the usual 3-minute limitation on statements.

The Acting President pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. This will permit committees to sit until the morning hour is concluded.

COMMITTEE MEETING DURING SENATE SESSION

On request by Mr. MANSFIELD, and by unanimous consent, the Committee on Public Works was authorized to meet during the session of the Senate today.

LEGISLATIVE PROGRAM—REQUEST BY A SENATOR

Mr. MANSFIELD. Mr. President, before the Senate proceeds to the consideration, later in the day, of the Interior Department appropriation bill, I wish to note that a Member of the Senate approached me last week in connection with the program for this week, and made a request which I agreed to honor; but I must confess that I have forgotten who the Member was, what the request was, and what it was that I agreed to do.

I trust that I shall be forgiven for this lapse of memory, in view of the intensity of the situation which prevailed at the time. I trust, too, that by calling up the Interior Department appropriation bill, I shall not be violating a commitment which I may have made. Finally, I trust that the Member who spoke to me will remind me of what transpired between us. In the more subdued atmosphere of this Monday afternoon, I ought to be able to do a little better with my memory.

EXECUTIVE COMMUNICATIONS, ETC.

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

REPORT ON DEFENSE PROCUREMENT FROM SMALL AND OTHER BUSINESS FIRMS

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

REPORT ON COMBAT READINESS OF AIRCRAFT OF THE 1ST AND 2D ARMORED DIVISIONS IMPAIRED BY INADEQUATE MAINTENANCE AT FORT HOOD, TEXAS

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on combat readiness of aircraft of the 1st and 2d Armored Divisions impaired by inadequate maintenance at Fort Hood, Tex., Department of the Army, dated June 1964 (with an accompanying report); to the Committee on Government Operations.

REPORT ON EXCESSIVE OCEAN FREIGHT CHARGES ON COMMERCIAL SHIPMENTS MADE BY THE PANAMA CANAL COMPANY

A letter from the Comptroller General of the United States, transmitting, pursuant to