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

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

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

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

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

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

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

**THE REAPPORTIONMENT DECISIONS**

It is somewhat late in the day for hand-wringing over the leading role assumed by the Supreme Court in deciding how many congressional districts we are to live in. It is no longer cause for surprise that the Court makes its decisions, not on the basis of an interpretation of the Constitution, but on the personalized idea of what is right—what is good for us.

That the Court does this is a fact of modern political life. We may experience a shudder of doubt when it shakes things as hard as it has done in its decision on legislative reapportionment in the States. We may wonder whether our system of government benefits when judges do what voters will not do. For all that, it is done.

And, as with that earlier decision, to say that there is danger in the Court's assumption of that role, or to say that the effects of the application of this power will be evil, depends, in each particular case, on the practical and moral judgment of the Court's collective judgment.

Philosophical doubts about the function of the modern Court do not overweigh the feeling that, in the current reapportionment cases, the practical and moral effects of the rulings probably will be for the good. No one reading the analyses of rural-urban voting discrepancies that form the backbone of these opinions can fail to recognize the unfairness of the present system. No one who considers the poverty and injustice that could escape a realization that the situation was bound to become progressively untenable, and that is the way it sounded.

Locally, the effects of the new rulings cannot be anything but helpful. The nearby areas of Maryland and Virginia will gain new congressional districts; their States will, likewise.

Around the country, it seems doubtful that either political party will gain appreciable advantage from the change. The Republicans may well gain discernible advantage from the change.

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

The motion was agreed to; accordingly the House adjourned until Monday, June 22, 1964, at 12 o'clock noon.

**EXECUTIVE COMMUNICATIONS, ETC.**

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

2191. A letter from the Comptroller General of the United States, transmitting a report on a review of unnecessary costs to the Government in the leasing of electronic data processing equipment by Federal agencies, to the Committee on Government Operations.

2192. A letter from the Comptroller General of the United States, transmitting a report on unnecessary costs for rebuild of used 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.

2193. A letter from the Acting Archivist of the United States, General Services Administration, transmitting a report on records of the United States Marine Corps, to the Committee on Government Operations.

2194. A letter from the Acting Archivist of the United States, General Services Administration, transmitting a report on records of the United States Marine Corps, 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. 11076. 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 the nation's 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. 1046. Joint resolution granting the consent of Congress to the States of Texas, New Mexico, Arizona, and California to negotiate and enter into a compact to establish a multistate authority to modernize, coordinate, and foster passenger rail transportation within the area of such States and authorizing the multistate authority to request the President of the United States to enter into negotiations with the Government of Mexico to secure its participation with such authority; to the Committee on the Judiciary.

**MEMORIALS**

Under clause 4, of rule XXII.

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

**PRIVATE BILLS AND RESOLUTIONS**

Under clause 1 of rule XXII.

Mr. PATMAN presented a bill (H.R. 11878) 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 Republican Party relative to a Florida law as it relates to a man's sanity, which was referred to the Committee on the Judiciary.

**SENATE**

Friday, June 19, 1964

(Legislative day of Monday, March 30, 1964)

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

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

"Our Father, God, in a world so full of change and decay, by the still waters and green pastures of Thy abiding presence, we would keep alive our faith in values that are permanent, and our reliance on the Kindly Light which, if our hearts keep their meekness and purity, will shine through all the shadows of our confusions and uncertainties."
We lift our petitions for those who in such a day serve here in the ministry of national concerns, that their words and counsels, so laden with possibilities to affect the life of the Nation and of the whole earth, may add to the world's store of good will and be for the healing of the open sores which afflict mankind.

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

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 quorum called.

The ACTING PRESIDENT pro tempore appointed Mr. JOHNSTON and 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 protection of Mississippi and the history of the Central Intelligence Agency; to the Committee on Armed Services.

The petition of Henry Stoner, Avon Park, Fla., relating to his claim for a redress of issues by all levels of government; to the Committee on Finance.

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

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

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

The petition of Henry Stoner, Avon Park, Fla., relating to the conduct of business and have no permanent 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.

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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 of the Air Force, dated June 1964 (with an accompanying report); to the Committee on Government Operations.

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

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

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

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

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations, with amendments: S. 2464. A bill to establish the Roosevelt Center at Campobello, S.C., and the Campobello International Park, and for other purposes (Rept. No. 1097). BILLS INTRODUCED

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

By Mr. SALTONSTALL: S. 2926. A bill for the relief of Manuel D. Karaghiani; 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. Muscare when he introduced the above bill, which appears under a separate heading.) UNDESIREDIBILITY 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. Muscare, was received, read twice by its title, and referred to the Committee on Commerce.

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

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

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

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

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

Governor Sawyer points out that he has talked with campaign aids of both the Senator from Arizona (Mr. Goldwater) and Governor Rockefeller in the California primary, and both have told him that 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 networks cannot report work on both sides, and he believes some persons changed their votes to catch the winners just as the State delegations do at the conventions when the trend becomes strong.

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

I introduce the bill, however, in the hope that some hearings will be held, that some other solutions will also be discussed, and legislation on this problem 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 conspicuous problem. It is one about which our Committee and the Senate should be called to the National Assembly.

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when a Goldwater victory was announced more than an hour before the polls closed, many voters in both parties refused to vote. There was "panic" among precinct workers on both sides, he said, and he believes that some persons changed their votes to Goldwater in spite of the registration regulations 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 1952 campaign, in the hope of influencing west coast voters.

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

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

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

Mr. Hagerty made these remarks after telling of attempts to influence west coast voters when he was press secretary to Thomas E. Dewey.

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

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

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

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

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

Mr. HARTKE submitted an amendment, intended to be proposed by him, to the bill (H.R. 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 and related items, on furs, on toilet preparations, and on luggage, handbags, and similar leather goods. The amendment, if adopted, would repeal all of these levies effective immediately, except that with respect to jewelry and furs, only the first $100 of the retail price would be excluded from application of the tax, only the excess of the price above $100 being taxable.

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

The third amendment, which is co-sponsored by Senators JAVITS, WILLIAMS of New Jersey, and HUSKOA, 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 recessionционist 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 tem. 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], addressed the Indiana Democratic State convention, at Indianapolis. I ask unanimous consent that there be printed in the Record his acceptance speech on being accorded the unanimous endorsement of the convention for renomination to membership in the U.S. Senate, plus a letter addressed to Senator Hartke by the President of the United States.

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

ACCEPTANCE SPEECH OF SENATOR VANCE HARTKE AT THE INDIANA DEMOCRATIC STATE CONVENTION, INDIANAPOLIS, June 12, 1964

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

No nation can be healthy and strong if any one part is ill. No nation can achieve true greatness unless the whole body of all its peoples 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. Rather, it is my credentials, a pledge of good faith which I offer to present to the American people and to the people of the State of Indiana as I ask for the opportunity to lead them into the new and greater society.

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

You know me—my family—my record.

Do you care to point out the shortcomings? 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, the barriers removed, with your, your unshakable support, confident in our cause, and resolved to victory.

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

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

In this year's campaign we will be working from the Democratic position, trying to insure a frugal economy, to assure steady prosperity, to conserve the resources of the country, to raise the standard of living, to provide jobs for our people, to provide those things which are necessary and which our people need to maintain the strength, the welfare, and the honor of the United States.

In a great country such as ours, there must always be a close link between the people and
their elected representatives. I believe I have been close to all the people of Indiana. I shall continue to be that close link. We cannot afford to make the public believe that they have been severed by men who choose to neglect the public, by men who are oblivious to the world situation, from poverty to the use of atomic energy. We have to educate some local and conservation interests.

In view of the unprecedented damage created by the flooding on the Sun River this year, I feel that we should again appreciate the vulnerability of constructing this flood-control project. The Army Engineers have paid 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 has been such a comfort to me. And I intend to discuss with the Senate Appropriations Committee the need for the necessary funds to permit the preparation of feasibility studies required for the necessary construction authorization.

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

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

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

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

U.S. Department of the Interior,

Bureau of Reclamation,


Hon. Mike Mansfield,

President Pro Tempore of the Senate,

Washington, D.C.

Dear Senator Mansfield: In response to your suggestion, the writer, in company with representatives of the Bureau of Indian Affairs, conducted a thorough survey of areas in the State of Montana affected by floods on the Sun, Milk, and Marias Rivers in the Missouri River Basin and on the Flathead River in the Columbia River Basin.

In general, we found inundation and devastation essentially as reported by the news media. Flooding was widespread, and loss of life and property was of catastrophic 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 surge from two upstream dams, which failed during the flood, was totally absorbed by our reservoirs. During the height of the flood, Tiber Reservoir's effect was illustrated during the flooding on the Sun River. Tiber Reservoir, also in the Milk River project, reduced about 75 percent by regulating Canyon Ferry. Preliminary information indicates that its water passed the dam at 40,000 cubic feet per second and overtop the parapet wall to a depth of approximately 1 foot. There was no serious damage to the reservoir.

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CONGRESSIONAL RECORD — SENATE
June 19

U.S. DEPARTMENT OF COMMERCE,
FARMERS HOME ADMINISTRATION,

Hon. Michael J. Mansfield,
U.S. Senator, Washington, D.C.

Dear Senator Mansfield: This is to inform you that the Farmer's Home Administration, which is a part of the Department of Commerce, has authorized the making of emergency loans pursuant to section 821 of Public Law 88-126, through June 30, 1964, to eligible farmers and ranchers in the following counties in Montana: Cascade, Chouteau, Flathead, Glacier, Pondera, Teton, Toole.

This action was taken because of tremendous damage and loss to public buildings, livestock, farm machinery and equipment, irrigation systems, crops and, in fact, the areas affected are too large to be covered in this report.

The loan is available only in the town of Great Falls, the following 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 serving him.

Call us on any matter which you may want us to be informed about.

Sincerely yours,

FLOYD F. HIGGINS,
Acting Administrator.

U.S. DEPARTMENT OF COMMERCE,
BUREAU OF PUBLIC ROADS,

Hon. Michael J. Mansfield,
U.S. Senator, 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. In view of your interest, we met with the Governor on June 9 to brief him on procedures that are being used by the Montana State Highway Commission and Bureau of Public Roads, working together to assess damage to roads and bridges, to authorize temporary emergency repairs, and to provide information or permanent repairs or reconstruction.

We understand that engineers of public roads and the State highway commission flew over the area on June 11 to establish priorities for the emergency repair work.

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

Roads and bridges not eligible for repair or reconstruction under section 125 may be eligible under Public Law 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 the national forests or Indian reservations would have the option of repair under either law.

You may be assured that Public Roads will furnish you with the evidence of the Federal 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 building of hopeful youth's colleges, the grammar school and college, for the public service of the country in future times."

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

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

LONG ISLAND PROGRESS

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

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

Commissioner McHugh 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 speech:

At the outset, let me say that I do not intend to speculate on the magnitude and rate of speed of possible defense cutbacks—or the possible effects of such cutbacks on the economy of the State and region. The 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 total cost of our defense effort, I hope that the executive leadership in the Federal Government will be wise enough to phase out any prospective cuts over a period of time, giving adequate notice to those firms possibly to be 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 submitting anything like a comprehensive list, here are a few:

First, I like Senator Keating's suggestion, made at your last meeting, that you form an economic commission to take stock of the situation, and give advice and responsibilities—and to help form sound judgments for future action.

There are, of course, a number of ways to accomplish this purpose. One possibility might be to follow up a plan which has already been suggested by some of your county planning people to our State commerce planning bureau; namely, to create a biocounty planning agency and make a regional master plan study. If such a study were properly and adequately funded, it could 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 give more focused action, if needed. My people, of course, would be happy to help fully, should such a plan be seriously considered.

Second, some genuine thought and concern should be given to greater unity of action by all organizations favorable 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 corporations organized to take advantage of loans for industrial development under our State job development authority lending program.

Far from decrying this multiple action by many people and organizations, I applaud it, for it shows an active interest in the growth problem. One's natural desire is not understandable, to secure all expansion, new industrial growth establishments, and vacation travelers for one's own area. But if this
desire can be subordinated a bit and if pertinent information common to both industrial and tourism promotion is currently exchanged between all working groups, I believe group interest will be too interested in the minutiae of comparisons between communities, but, rather, wants to know about the region as a whole. He wants to draw energy, money, and talent into the region, not necessarily from the community alone, and the general business climate of the region. It is a scientific community, and science, among other things, are the general factors which are apt to concern him most.

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

In my practice method or clearinghouse by which information and resources can be pooled by all groups interested in the promotion of both industrial development and tourism. This probably should be a joint effort combining the best resources of business, labor, your great universities and colleges, and 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 offerings, with new industrial research and development laboratories. This probably should be a joint effort combining the best resources of business, labor, your great universities and colleges, and 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 the State, both company-owned and those associated with universities and colleges. That survey showed a little over 1,100 such laboratories in the entire region and we are now 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, 1,300. In 1960 our directory showed 128 such laboratories in Nassau County, and we are now counting 377 such firms—are the general factors which are apt to concern him most.

Some of you know that Governor Rockefeller appointed an advisory council for the entire information common to both industries. This problem, of course, emphasizes a fact that many of us have always known, that the man who inherits the trust when you have it, and can be an awful headache when you lose it. But, more importantly, we are concerned about the economic effects of the shift in government—that in the end we must look to business management and farsighted labor leaders to keep our economic ship on an even keel, going ahead vigorously.

At the moment, for example, you and we are concerned about the economic effects of the cost of living and of interest rates. It is a scientific community, and science, among other things, are the general factors which are apt to concern him most.

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

At the moment, for example, you and we are concerned about the economic effects of the cost of living and of interest rates. It is a scientific community, and science, among other things, are the general factors which are apt to concern him most.

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

Our revised directory lists 9,500 firms which receive our Foreign Trade Opportunities bulletins, 377 such firms are in Nassau County, and 144 in Suffolk County.

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

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

There is another good reason for doing this, aside from the companies competing tougher all the time—both between businesses in this country for domestic markets and from foreign imports. Further, we must consider the possibility that the results from the so-called Kennedy round of tariff discussions. While we do not predict the outcome of these discussions, it is clear that many industries in the State must expect increased domestic competition from firms abroad if we reduce our tariffs. By the same token, we ought to take a harder look at increased export possibilities since, sumptuously, 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 the idea of the State government taking an active interest in export possibilities, my Nassau-Suffolk regional office and international division people will be happy to assist in any possible way. We think this area of opportunity could mean much more business and many more jobs and help you to improve your company, and ours.
I close, therefore, with the hope that the President will continue to excel in his work, as has been shown during the most recent period of his leadership. His achievements are clear and substantial, and his presence on the international stage is an asset to our nation.

The President's ability to blend dignity, sincerity, and compassion is truly remarkable. He has the rare formula for combining all of the elements which should go without detracting in any way from the dignity of his high office.

THE FIRST LADY HAVES PERSONIFIED THE BEST POLITICS

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

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

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

THE FIRST LADY HAVES PERSONIFIED THE BEST POLITICS

Lady Bird Johnson has returned to Washington after her triumphal tour of eastern Kentucky, leaving in her wake thrones of glory, a packed political agenda, and a few frustrated critics. The First Lady came, saw, and said the critics, but she conquered nothing beyond a few headlines. But 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 flood-prone creeks and overcut hills, the same lack of jobs, the same lack of health and sanitary facilities. The visit of the President's wife will not convert the Lick Branch School into

Visits by Americans to Cuba in Violation of Passport Authority

Mr. LAUSCHE. Mr. President, on September 10, 1963, on the floor of the Senate, I made a statement concerning 59 young Americans who had visited Cuba in defiance of State Department restrictions.

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

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

The President does what is natural.

Mr. WALTERS. Mr. President, I ask unanimous consent that an editorial from the Nashville Tennessean of May 11, 1964, entitled “President Does What Is Natural” be printed in the RECORD.

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

[From the Nashville Tennessean, May 11, 1964]

President Does What’s Natural

Some of the stiff collar men of the Republican press corps are beginning to look down their noses at President Johnson’s habit of hitting it off with the common people.

It has been some time since these paragons of political manner have been afforded a treat, and they cannot be expected to meet the situation with the usual dignity. In fact, the White House grounds and invites families of newsmen to press conferences and permits them to play with the beagles.

valid. Fifty-nine of them sat down and indulged in a sitdown strike in the port of entry.

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

Now, in June of 1964, 75 young men, in a non-violent and peaceful protest, assisted to Europe, and from Europe to Cuba. The report is that among those young men, while in Cuba, four of the students in substance argued that destruction of the U.S. Government was needed.

The President’s ability to blend dignity, sincerity, and compassion is truly remarkable. He has the rare formula for combining all of the elements which should go without detracting in any way from the dignity of his high office.

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the modern school its children want and need. It will not turn the rocky road up Warshoal Branch into a hard-surfaced highway. But perhaps Mrs. Johnson, in her kindly way, left something as precious as roads or schools. She left hope, and a reminder as real and solid as a Texas smile that there is more than hot lunches. And years from today Brethmitt Counties will recall memories of the great lady, the President's wife, sitting on the front porch, adorning a sweatshirt, the casual lady of whom the beadle, Lady Bird made the most of it.

Mr. WALTERS. Mr. President, we are most fortunate to have Lady Bird Johnson as the First Lady of the land. This editorial from the Courier-Journal graphically illustrates the importance of a thing known to us as hope can be and how graciously and willingly Lady Bird gives of her time and energy to restore this vital human element to some of our less fortunate. As the editorial states, it may be some time before we achieve the ultimate solution of the problems which beset the east Kentucky region, but I know the warmth of her smile and the love in her eyes, and the hope she 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 Brethmitt 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, the Nashville Tennessean has published recently two fine editorials paying deserved tribute to President Johnson. The first is entitled "Second Johnson Visit Can Only Mean: Move." The second editorial is entitled "Mr. Johnson at Midyear Still Going Like Dynamo." I am privileged to ask unanimous consent to put these two editorials in the Record. Although I vigorously disagree with some aspects of his foreign policy, I have the highest regard for the President as the leader of my party, and look forward, as chairman of my State delegation at the National Democratic Convention, with the confidence and hope which he has inspired in all of us.

I find out, the President says to them, "that beagles have a constituency and I am glad to be out of the doghouse." His answer to the reporters' early complaints that he did not hold enough press conferences was to dispense information at every possible or impossibility. Their cry now is "freedom from information."
or so, possibly to confer with Tennessee Valley Authority officials.

Though such trips always have political overtones, there is much to be gained by them. In this instance, the gain is the region's. This will be the President's second visit to Appalachia in a very short time. It is estimated that half a million dollars are being spent in Washington, a comparative stone's throw away, that it is not all politics; Mr. Johnson means what he says.

The chances for bureaucratic foot-dragging, frequent enemy of progress, are immeasurably reduced. There are others—enemies, to be sure. Senator Gore has twisted it foolish to invest Federal dollars in public works for stricken mountainous regions. Though some argue 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 proposed on grounds that it is a matter of need, 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 jobs, it is argued.

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

In Congress, 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 1964 floods—spent and reapplied and watched the losses. Only to have it predictably happen again, all for want of a dam.

The banks agreed. The bottomland farms that once sustained families with neither the impossible competition of flatland superfarms where much machinery and a few men pile up storehouses to overflowing.

Then the Government warns the mountain to compete, subsidizes the Midwestern cornbelt region and sends its surplus grain to the competitor and sends his surplus grain to the

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

[From the Nashville Tennessean, May 24, 1964]

MR. JOHNSON AT MIDYEAR STILL GOING LIKE DYNAMO

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

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

White House newsmen have come to regard the President as a veritable human dynamo who works day and night, holds news conferences at the drop of a hat—18 so far—makes speeches at a lecturer's pace—in one speech he covered 11,000 miles in 18 days—skips across the country at a jet pace. He has traveled the Appalachian trail twice, opened the New York World's Fair and visited with South States to begin forming a travel map.

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

His tangible accomplishments have reached from the restless seas of international relations to the turbulent halls of Congress. The President cooled the Panama crisis and made a ringing civil rights speech and was met by a hail of bricks and stones. He intervened personally in the long-stalemated and bitter railroad labor dispute, amid warnings he would fail and damage the prestige of his office. He went on anyway, insisting that the two sides could settle their differences, and they did.

[CONGRESSIONAL RECORD 1964]

THE COMMUNITY COLLEGE IS PROVIDING BETTER EDUCATION AND TRAINING

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

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

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

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

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

SPEECH BY SENATOR DANIEL B. BREWSTER, COMMUNICATIONS AND PUBLIC TELEPHONE COMPANY, ESSEX COMMUNITY COLLEGE, JUNE 14, 1964

Members of the class of 1964—congratulations. Dr. Koch, members of the faculty, and other guests. My congratulations to all of you on this notable achievement. I am pleased to be at an institution which represents one of the most exciting developments in contemporary American education.

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

Once only a small percentage of high school graduates applied to and attended college. This is now changed, and we face the expectation of increasing numbers every year. This development has brought us to a crisis in higher education. The nature of our educational crisis is this: We are required to educate more people than ever, better than ever, for more and more varied roles, in an ever-changing world, and we must give them an education which is flexible enough to meet the demands of the changing world which is the heritage of this century.

You represent the stunning response of private and public agencies to this crisis in which all citizens are involved. The community college has emerged as the institution which can help American education meet this challenge.

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

As early as 1901, David Starr Jordan, president of Stanford University, recognized the importance of the problem. He wrote then that "the community college comes directly from the fact that it is an institution uniquely fitted to meet the needs of our changing civilization. It is a political animal given to contemplation, but he nevertheless sticks his business out and gets away with it. He vowed to close down unneeded military bases and trim the Federal payroll and got little reaction, although his words are guarded generally as risky. He went into Atlanta, Ga., and made a ringing civil rights speech and was met by a hail of bricks and stones. He intervened personally in the long-stalemated and bitter railroad labor dispute, amid warnings he would fail and damage the prestige of his office. He went on anyway, insisting that the two sides could settle their differences, and they did.

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[CONGRESSIONAL RECORD 1964]
to college, for any one of a number of reasons, and not simply because of the desire to continue education, as a means of enhancing personal choice and self-expression. Indeed, the increased need for further education is apparent in the fact that the proportion of the population enrolled in colleges, here and elsewhere in the country, was 20.9% in 1960 and 22.7% in 1964.

At the national level, the community college plays an increasingly crucial role in our complex educational system. 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 and mass production, however well they have contributed to our national wealth, have made the education and training of our people an absolute necessity."

One of the chief ways in which this education and training can be provided is through the community college. The community college is a very important institution because it provides a service that is of immediate utility to the local community. It is a place where people who have not had the opportunity to attend college, for any one of a number of reasons, can be given the education and training that is so necessary in today's world. The community college is also a place where people who have already attended college can come to continue their education and to learn new skills.

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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 and into the Rose Garden, where he showed off the beagles along each time, scratching their stomachs, and stroking their ears to show never really hurt them. 

In fact, Johnson has often been accused of being a bit too close to his predecessor, having uttered quips about his fast driving—including one about his wife, Lady Bird, being willing to ride with him after lighting a cigarette, only to find him standing in the way. 

He has wisecracked frequently, as well, about his campaign to cut the White House electricity, which he once called a "third or fourth cousin around the wrong State." 

Once, when he omitted mention of a name of a headline politician, he pressed his pleasure on being in the wrong State.

Fully embarrassed on one campaign tour in late May, Johnson walked into the White House, his press office insisted that Johnson never had turned off any outside lights—only the State.

Candidates do these days, it is not always possible for the candidate to be sure where he is in any way connected with the local politicos. This inflates their ego and predisposes them to work for the seeker claims or feigns intimate acquaint­

whale and the dogs, Johnson learned over and fed the animals biscuits that the news­men had invited to the session, a caretaker brought over the beagles, "Him" and "Her." 

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

Republicans watching the scene may well have pondered:

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

[From the Philadelphia Inquirer, May 23, 1964]

WASHINGTON: Background: How President Uses the Folkly Approach

By John C. O'Brien

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

Almost every office seeker attempts to use it, but it's not easy to do well. The late Franklin D. Roosevelt was an expert practitioner, and President Johnson, an ardent admirer, is the equal of the four-term President.

To impress the audience, the office seeker claims or feigns intimate acquaint­ance with the local politicians. This inflates their ego and predisposes them to work for the candidate. 

Another sure-fire way of putting the audience in a friendly frame of mind is to claim their State or particular home is his favorite. 

To display such intimate knowledge of local celebrities and terrain, a candidate must often rely on advance briefings. Here, in lieu of advance briefings, as candidates do these days, it is not always possible for the candidate to be sure where he is.

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

President Roosevelt used to claim a re­lative in so many widely separated places that newsmen once thought his relatives were the most widely dispersed clan in the country. Once, when he omitted mention of a relative living in a particular community, the newsmen ex­pressed surprise.

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

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

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

"It is wonderful to be back in Tennessee. I like it. I like it. It's part of your soil. I love your people and I never cease to remember that if there had not been a Tennessee there would never have been a Tennessee.

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

And what could have warmed the cockles of the Tennessee Members of the Senate and the House who were there to greet the Chief Executive? Perhaps it was that Johnson has had one of the most able, aggressive, and influential delegations in the Congress."

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

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

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

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

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

[From the Salt Lake City Tribune, May 16, 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:

"To try 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."

"We are going to have a civil rights bill," actually said by Senator John­son is at best only an oblique rebuttal to a bill that 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 Senator Johnson has opposed 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 out of public offices.

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

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

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

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

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

FIRST HALF YEAR IN OFFICE SEES PRESIDENT FIRMLY IN COMMAND

Texas' first occupant of the White House has made his mark in the annals of his office. President Johnson has moved swiftly and forcefully, playing the strengths of his office with confidence and sincerity with which no years of study has brought to the job.

Mr. Johnson had a sympathetic nation behind him which 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 factors. His appointment of the President as a sort of victory; a seeming unsafeness in the face of extreme bitterness by various not-so-small segments of the country; the desire to win victory over United States Steel and others.

Mr. Johnson has embraced the Kennedy program. He will win it much of the day if he is able to find a combination of his undoubted powers of persuation and his unsurpassed skill of applying the art of the possible where it does the most good.

Mr. Kennedy's "albatross" is foreign af­fairs, but so it has been with every other President since World War II. The problem has always been the same. What can be done to prevent war; what can be done to prevent war against the oppression of the people of the world.

Mr. Johnson has been unswerving in his resolve with unrestrained 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 a bold and confident command of it. We hope he keeps himself, which he apparently is, in order to carry 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's present position as the Democratic candidate to succeed him—could be more politically active than he has been in recent weeks.

He has contributed political motives to the busy life he is leading, but certainly his program will be reflected in the election results.

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

In recent weeks he has traveled more than 10,000 miles, visiting 26 States. He made 10421
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 he may see that, if the selection time and the good it has done him with civil rights supporters may give him a political dividend.

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

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

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

MINNESOTA AND CALIFORNIA POLLS SHOW DEMOCRATIC VICTORY THIS NOVEMBER

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

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

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

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

**SEVENTY-EIGHT PERCENT IN STATE SEE DEMOCRATIC VICTORY**

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

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

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

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

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

A plurality of Minnesotans correctly predicted in May 1960 that the Democratic Party would win the following November. A higher proportion of State residents called the turn properly early in 1962 and 1965, which were Eisenhower victories.

In May 1948, 6 out of 10 State residents, which predicted that a certain Democrat won-and he did.

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

**BOSTON COMMISSION REPORTS STRONG CIVIL RIGHTS POSITION AT 176TH GENERAL ASSEMBLY**

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

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

We have, for example, heard that congregations do not support their religious leaders on the question of racial justice. One group from the presbytery of west Tennessee brought a motion of censure to the general assembly to reprimand Dr. Johnson's plurality over Nelson Rockefellar, Richard Nixon, and William Scranton, also, is substantially greater.

**LATEST SOUNDING**

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

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

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

Johnson... 72
Goldwater... 22
Undecided... 6
Johnson... 58
Lodge... 30
Undecided... 7
Johnson... 70
Scranton... 21
Undecided... 9
Johnson... 67
Rockefeller... 23
Undecided... 8
Johnson... 69
Nixon... 25
Undecided... 5
Johnson... 71
Romney... 20
Undecided... 9

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

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

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

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

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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 social justice.

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 inner city ministry or overseas missions. Never before, however, has someone been called upon to symbolize a major denominational position in a way that is 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 decisions by our United Presbyterian Church. They indicate the vital importance and urgency of making civil equality a living fact in America.

Mr. President, I ask unanimous consent to have printed in the Record three articles published in the Presbyterian Life, on June 15, 1964, outlining the decisions in behalf of racial justice taken by the United Presbyterian Church at the 176th General Assembly. Without objection, the articles were ordered to be printed in the Record, as follows:

[From Presbyterian Life, June 15, 1964]

Civil Rights: The Backlash That Wasn't There

Civil rights was by no means the only issue faced by the Oklahoma City General Assembly, but it was the big issue. As it dominated the headlines on almost every newspaper front page, this assembly's discussion of it permeated the proceedings of the 176th general assembly.

When observers were sadly pessimistic that this general assembly would be cautiously conservative, there was talk before the assembly of well-organized campaigns to subvert the Commission on Religion and Race and to censure the stated clerk for his national prominence role in the racial crisis.

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

On the opening day of the assembly the Reverend Mr. Lewis, the national chairman of the Student Nonviolent Coordinating Committee. At the breakfast meeting, a young pastor expressed himself out of a deep frustration and despair—that the performance of so many church members is so far from their professing. He said he could understand why they would feel resentful, having been so little prepared for what the contemporary struggle for racial justice has meant.
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 adjust to the game. But not hopscotch was manifest to the commissioners the next day.

The assembly heard the story of two white ministers who had been arrested in Des Moines. The Reverend Geddes Orman, of the Norwood Presbyterian Church, Knoxville, Tenn., and the Reverend Allan Buchwalter, 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 consult with members and representatives of four small Negro churches in that area who belonged to the Presbyterian of Union. Their visit was "purely ecclesiastical" and had nothing to do with civil rights as ordinarily conceived.

But during the night of May 11, they were awakened by a room clerk in the Camden hotel and severely beaten, barely escaping with their lives and most bones intact (Mr. Stuart's left 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 interaction between groups of white and colored people could possibly have happened as a result of the "standing committee on national missions," which was introduced to the assembly on Monday morning, May 25, during the report of the Standing Committee on Bills and Overtures.

The committee recommended "no action" on the overture, which had the effect of killing it. Immediately, Commissioner Omar R. Buchwalter made a motion to amend the matter with a complete statement that "Mr. Moderator, our stated clerk has been 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 be called on. 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 been a matter of concern to the assembly whether the recommendations of the Standing Committee on Bills and Overtures would be acted upon.

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

No general assembly could have been more forthright, more positive in affirming previous positions and endorsing previous actions. The committee had heard just where the United Presbyterian Church stands in the present social revolution. Al- though the assembly deferred to the recommenda- tions of the Standing Committee on Bills and Overtures, it had been a matter of concern to the assembly whether the recommendations of the Standing Committee on Bills and Overtures would be acted upon. But still no one had any definite idea what would happen.

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would permit me, I'm sure, to say a per­sonal word of gratitude to the clerks, as I would call him, but you call him stated clerk. I think all of us are indebted to the fact that you do not insist that your stated clerk is a Presbyterian. I think that would be the administration of this church, but that you permit him in the councils of the church. I think that's what I would do. The administra­tion and outreach and ecumenical inten­tion and purpose of this great church. I've seen him at work, now, in councils of the world council, and you would have been proud of him at every turn, I'm quite sure, handling the finance and program commis­sioner here and there, but I see no signs of it in the assembly. Elder Hawkins, a Negro, is that man, whether he likes it or not.

Dr. Hawkins 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 there when the right to vote or the right to my own life. My life has simply been that of a parish minister."

A Dr. Hawkins might have to concede, his particular parish ministry is perhaps the best possible preparation for the coming year. Organizing St. Augustine Presbyterian Church, in New York City, was comparably easy. Large numbers of Negroes began moving from Harlem to the southeast area of the Bronx only a short time before. White congregations, by refusing to wel­come the newcomers, were left with two al­ternatives—merger or move out. The Pres­byterian Church, Woodstock Presbyterian Church, to the young pastor about to graduate from Union Theological Seminary, asked them, en­listed nine Negroes who attended Wood­stock to push doorbells and announce the forming of a congregation where their people would feel welcome. On the first Sunday, May 20, 1938, 200 attended the service. That was the first service on April 24, 1938. Numbers swelled quickly, partly because it was an­other church, although Negroes were not welcome Negroes opened its doors. Al­though there are 6 large congregations in the vicinity, St. Augustine (now more than 1,000) has never lost its numerical edge.

Helping to construct a community proved far more arduous for Dr. Hawkins than building a church. He met the leader­ship. The project moved on to the platform from duties offstage, was he given a thundering, standing ova­tion. The vote was shortly taken, and four scattered "No" votes were cast against the amend­ment. For the sake of time, the motion of no action was passed unanimously; and when the stated clerk returned to the platform from duties offstage, he was given a thundering, standing ova­tion. Overture 22 did not, it turned out, provide the expected excitement of debate and par­liamentary maneuvering. It provided the surprising and quiet different excitement of rendering spontaneous and passionate sup­port of a resolution. The vote was unan­i­mous, and the motion of no action on the west Tennessee area lacked the support of the church. Dr. Hawkins, in a presbytery of New York offered one of the closed sessions, in the assembly--Edler G. Hawkins—will doubtless have the privilege of electing a member to preside over its deliberations. In the case of the general assembly, the moderator's most arduous duties begin after the assembly ends. During the following year, the moderator traditionally travels widely, both in the United States and overseas, in his ca­pacity as unofficial ambassador and spokes­man. Most people, he feels, simply do not know about the many people, he feels, simply do not know about the many significant issues that are uppermost in the broad spectrum of social services es­sential to an overcrowded neighborhood, but most of all it lacked spokesmen. The pas­tor of St. Augustine Church became that voice before borough council and city a­gencies. He ran for the State assembly in 1948, not with the expectation of being elected, but to marshal the Negro community into political activity. Reflecting on the elec­tion, he has said, "It was the first time the people realised they would have to organize politically if they wanted to solve their problems."

These are the problems: overcrowding, owing to illegal conversions of apartments; inadequate health services; crime; school overcrowding; housing shortages, no organized recreation programs for young people; a ris­ing crime rate. Dr. Hawkins founded, and until recently served as chairmain of the Forest Commu­nity Committee, a group with the following accomplishments to its credit: a health cen­ter, four new elementary and primary schools, a 1,300-family public housing unit, a cooper­ative apartment house for middle-income families.

The program at St. Augustine Church (165th Street and Prospect Avenue) helps fill gaps in community services. Elderly people, members worship on Sunday afternoon. Dr. Hawkins, although he keeps close tabs on all these programs, credits his staff of three men and one woman with their suc­cess. (Some salary assistance is provided by the board of national missions.) Even be­fore he was elected moderator, Dr. Hawkins spent most of his time hurrying to board meetings or phone calls to 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 for Negroes, most of them in local churches, can average 40 meetings a year. This winter he addressed all the area meetings of the United Presbyterian men. Invariably, he looks forward to speak on the same theme—civil rights.

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

Dr. Hawkins' gentle conversational pace accu­rates. He is not an overly optimistic person, but he is willing to make calls at any hour and 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 phone calls to community organizations.

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

He refuses to delegate instruction of the communications department to his trainees according. Not long ago he returned unexpectedly and drove to the church camp for a young people's retreat. As a treat, he baked a cake for the guests, not from a mix but from the flour up.

His split-second timing for trains and planes is legendary. Miss Cige, his church secretary, often trails him to the door to complete his dictation or give him last-minute papers. Since he's habituated to being followed on flights, Mrs. Hawkins is his chauffeur. One might question whether at 60 he should continue climbing stairs two at a time or slipping up 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 hale him in full flight is for someone to ask, "Could I speak with you a moment?" He takes what time is necessary, and tries to make it up later. It's no wonder that for 12½ years, barring only 6 months, Dr. Hawkins and to St. Augustine Church are practically indistinguishable.

The ample sanctuary of St. Augustine is well filled every week. On Anniversary Sunday, the last Sunday of April, there is standing room only. Former members return from consideration. Last year 62,868 people came 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 what is it to us, methinks, else but a kindly, austere and silent figure, much like the cowboy of the Uruguayan pampa-and being commemorated in many ways, and to all persons interested in this subject for years to come. This symposium was chaired by Justice Stanley Reed of the Supreme Court.

I commend the association and its president, Mr. Conrad D. Philos, for the most timely publication of this issue of the Journal. I recommend this well-documented publication to all interested parties. There are references to the forewords of the 20th century, and an outstanding and distinguished array of authors, three of whom are Members of the Senate.

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congressional record — senate

1964

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
reduce tax penalties for accelerated
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It has been Federal Government policy
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investment tax credit, and by other means.
This was also the basic purpose of the new
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My bill and amendment would have
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$44 billion by December 31. This would mark a
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If these figures were as good as they look and
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put a damper on capital investment—even though we may not actually see a damper in boom times, when it will only slow the rate of acceleration, than in quieter periods when it might actually drive down the whole economy.

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

The present boom is most impressive in its persistence, especially when compared with the years from 1942 through 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 not more than a "hairbreadth."

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

Mr. HARTKE. Mr. President, it is a gratifying experience to see a dream become a reality. When I returned from a 5-week trip to Africa a year and a half ago, I proposed a new program for American aid—the establishment of a "businessmen's peace corps" which would send abroad to needy areas a commodity in very short supply—that is, executive and managerial talent. Today, as the Senate acknowledged in its resolution, the concept on which American commercial and industrial progress is firmly based. Explorations were undertaken by the Commerce Department and the Agency for International Development, and gradually by the State Department. Under the formal name International Executive Service Corps, the venture was chartered as a private nonprofit corporation on May 26. Last Monday, June 15, it was publicly launched in Washington, with the first meeting of its newly elected board of directors, a press conference, a luncheon, and an address to the group by President Johnson in the flower garden. It was my privilege to be there, and to see this dream become a

promising portent for assistance by American businessmen in the development and modernization of the underdeveloped countries. The idea is not new, but the fact that its board of directors comprises 38 of the top business leaders of the nations. In this private development, in which individuals give their time and valuable talents, and in which the word "private" means individually or in association with each other in various ways for the prosecution of common interests.

But here, for the reasons our predecessors have pointed out, the public authorities must not remain inactive, if they are to promote in a proper way the productive development of the American people. The priority is to direct, stimulate, coordinate, and integrate, should be inspired by the principle of subsidiarity.

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

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

"We must do more to utilize private initiative in helping the underdeveloped 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 underdeveloped countries in an informal manner, such as by correspondence, by personal visits, telephone, teletype, and radio."

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

The program that we are launching today—

He said—

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

For International Development, I ask unanimous consent to have printed in the Congressional Record the following statement made by the President in the flower garden, and the responses of the organizing committee's cochairmen, David Rockefeller and Sol Linowitz, together with news releases published in the Indianapolis Star, the New York Times, the New York 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, cooperating with its chairman, C. D. Jackson, by President Chialeri of Panama, and the text of a short brochure about the corps.

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

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

The President. Ladies and gentlemen, we are delighted to have this talented group of businessmen visit us in the White House this morning and to welcome President Johnson, once advised that we should let our discourse with business be short and comprehensive. This is always a good rule but, on the subject of free government and free enterprise working together, sometimes I am more comprehensive, I think, than I am short.

The program that we are launching today is, I think, an inspiring example of sane and sensible, responsible and constructive cooperation between government and private enterprise. We have been somewhat amused in the 7 months I have been in this office that when our government nor business nor labor could do so well alone nor could do so well together and that government need not be an irritant or an antagonist to either that they say you are talking out of both sides of your mouth, that you should either be for business and against labor or be for labor and against business, or for government and against them both.

Well, I believe that our strength in the world today will depend on our ability to create a flexible, strong, and stable economic system which is made up of employers and employees, encouraged, led, and supported by government which is their servant and not their master.

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

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

From my perspective, it is the breadth of this concept, the size, and the scale of the execution that is the most meaningful aspect of the International Executive Service Corps.

With man's knowledge and capacity changing so dramatically and so rapidly, we can not wait for the free industrialized nations must recog?
Mr. Rockefeller. Mr. President, on behalf of Sol Linowitz, C. D. Jackson, and Ray Eppert, the members of our newly constituted Executive Service Corps, the affiliated organizations, and our three first voluntary candidates, I should like to express our gratitude to Mr. President, for your gracious and encouraging remarks.

Of course, we have had wonderful government cooperation in the beginning of this program with everyone from Mr. Bell, for whom we have great enthusiasm, Mr. President, and all of his associates, and others we have had the finest cooperation, also, of course, from Senator Harrack and from the Senate acts favorably on the pay bill that we are setting a n example of can do people, and all of our society has changed more rapidly or will continue to change more dramatically, and new guidance which can only be imparted by exchanges such as this program contemplates.

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

I would like to thank you and I want to express the hope that this program will pay generous dividends. I hope and expect it will set a pattern for others. We hope this will prove to be an instance in which men of business have thought about this function. Thank you, Mr. President.

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

He said the Peace Corps' strength in the world would depend on ability to unite all segments of our society—employee and employer—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 "courageous men who hoped would set an example for other men and women in private life."

Since coming to the White House, Mr. Johnson said, he had become most disappointed by people who said they could not spare the time or, for personal reasons, could not contribute to the effort.

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

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

The service corps delegation went to the White House to give Mr. Johnson a list of names 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 fledgling Businessman's Peace Corps program to aid progress in the world's developing nations, was introduced to Mr. Johnson.

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

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

Still in the formative process, plans for the Corps were announced in March and since 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, cochairman 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 provide executive and management assistance to small and medium sized firms and has received notice of the need for its services from all parts of the world from such firms as food and metal processing plants, cement and textiles plants and breweries.

The first three volunteers, Omer C. Lunsford, who will retire shortly from the American Oil Co.; Benjamin B. Smith, who is a retired executive 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 for firms, and is being considered for an assignment in Panama, was wondering how to spend his retirement years after an active career. He said, "I am looking for continuing opportunity. I think it offers an opportunity to be productive and aid the free enterprise system."

Smith, 56, looking for work throughout 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 and 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, will work with a company and it is anticipated the total force will number 1,000.

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

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

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

Mr. Rockefeller called a meeting with the leaders of the corps to decide on a "grubstake" of $100,000 and to define standards of appropriate volunteerism.

Mr. Johnson urged the group to establish "a waiting list" of corporations which might want to make assignments to the corps.

The general consensus of the corps leaders was that the program was "an answer to a problem that has been with us for some time" and that the group was "glad to see" the program was moving forward.

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[From the New York Herald Tribune, June 16, 1964]
IESC concerns itself not only with the careful screening and selection of foreign companies requesting experienced volunteers but also with the specific assignment and placement of these volunteer businessmen. In each country where it operates, IESC will screen and select the team of experts which will provide a liaison between the foreign companies and IESC. The representative will initially screen requests for volunteers and will also assure the smooth progress of relationships.

FINANCING

The International Executive Service Corps will be able to make major contributions from private businesses and foundations. However, to enable IESC to begin operation as soon as possible, the Agency for Foreign Economic Assistance will provide the initial funds needed to meet the expenses. The VOLUNTEER EXECUTIVE

IESC volunteers will come from the ranks of qualified American executives who wish to assist their country in carrying out some of its objectives overseas by helping the people of lesser developed nations. Volunteers will come from the active and retired executive who has retired from active managerial and business careers, or are on loan from various U.S. companies.

The assignment: An effort will be made to determine primarily by the requirements of the specific assignment to be filled. Generally, the volunteer will be selected on the basis of his managerial experience, his availability, and the sincerity of his desire to contribute time and expertise. A new 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 8 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 arriving in the scene, he will be as familiar as possible with the nature of the assignment, the employing company and the people with whom he will work.

The assignment: An effort will be made to assign each IESC volunteer to the job, company, and country of his choice. But, assignments will be based primarily on the suitability of each volunteer to the situation. Volunteers will work with enterprises in need of executive assistance that are not able to obtain it through normal sources. They will work as consultants or in operational management positions. They will be sent only in response to specific requests from overseas firms or organizations.

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

Assignments may last from 2 to 3 months to a maximum of 2 or 3 years. In general, the volunteer will be the sole IESC volunteer at a particular company or organization. In others, he will work as part of a team. And in still others, one volunteer or one team will assist more than a single company.

The volunteer will act under the auspices of the International Executive Service Corps and serve as private individuals.

It should be added that even though the IESC volunteer will be a local employee of the Federal Government, he will be carrying out many of the international objectives of the Government. As President Johnson said in his message to Congress on March 19, 1964: "We must do more to utilize private initiative in the United States—and in the United States to promote economic development abroad. Accordingly, we are encouraging the establishment of an executive service corps which will provide American businessmen with an opportunity to furnish, on request, technical and managerial advice to businessmen in developing countries."

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

APPLICATION

Application forms for volunteer candidates are available by writing to: International Executive Service Corps, 100 E. 42nd St., New York, N.Y. 10017.

INTERNATIONAL EXECUTIVE SERVICE CORPS

DIRECTORS

INCORPORATORS

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

ADDITIONAL DIRECTORS

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

INDUSTRIAL ARTS ASSOCIATION

SUPPORTS COLLEGE STUDENT AID BILL

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

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

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

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

AMERICAN INDUSTRIAL ARTS ASSOCIATION, INC.


Attention: Mr. John J. Powers, Jr., chairman of the National Education Association, 4230 Senate Office Buidling, Washington, D.C.

Dear Senator Morse:

The American Industrial Arts Association, by official action on March 28, 1964, endorsed S. 2490, the Higher Education Student Assistance Act of 1964. This important legislation provides an opportunity to impress our views and congratulate Senator Hartke on introducing this important legislation. The following statement by this organization's national chairman reflects the current needs of our college students and we believe S. 2490 is in the best interest of American education today and in the future.
We realize S. 2490 is very similar to S. 580 of last Congress. Our association supported that bill, likewise. We believe passage of No. 2490 will greatly strengthen the American educational program and the defense of our country. Of course, we realize this is a beginning and would like to see the student assistance program much stronger.

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

Respectfully,

KENNETH E. DAWSON,
Executive Secretary.

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

Mr. McGOVERN. Mr. President, by an unusual coincidence, it was just exactly 1 year ago today, on June 19, 1963, that the late President Kennedy sent his message to Congress calling for the passage of a comprehensive civil rights law. One year later that law, which will stand with the test ban treaty as the central body of the various European liberation movements in exile. Mr. 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, 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 to 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 that my colleagues will accredit 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 international tranquility." Your correspondent adds that "by omitting that internal requirement, President Johnson's declaration made it clear that for the moment U.S. friendship would be exchanged for any sign of less dependence on Moscow.

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

INTERNATIONAL OBLIGATION

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

"Rumania shall take all measures necessary to secure all persons under Rumanian jurisdiction, without distinction as to race, sex, language or religion, the enjoyment of human rights and of the fundamental freedoms, including freedom of expression, of 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 interpretation of specific rights and freedoms in article 3 of the peace treaty as not exhaustive. It is merely indicative of the entire treaty and as broad as the one given in the only authoritative definition of human rights, the Universal Declaration of Human Rights.

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

SOVIET ENFORCEMENT

The theory of the increasing assertion of independence in the Rumanian regime is based on a number of gestures which might be genuine, but might as well be calculated to achieve purposes the Soviet Union tacitly endorses. Among such purposes are that of giving the satellite a non-internal image to enable them to play a more effective role in the Communist political drive in the East and seconded 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 putting political 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 human rights and fundamental freedoms on 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 signing of the act, on order of the War Secretary, permitting the burial of Union soldiers at Arlington National Cemetery.

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

But since then over 124,000 Americans, from the humblest soldier to our beloved President, John F. Kennedy, have been buried at this beautiful and largest of all 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, I think it is evident and appropriate that this 100th anniversary should be observed during the same week that we are going to give final Senate approval to a historic civil rights bill.

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

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

CIVIL RIGHTS ACT OF 1964

The Senate resume the consideration of the bill (H.R. 7153) 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
The PRESIDING OFFICER. The Senate from Tennessee (Mr. Gore) is recognized.

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

Mr. Kuchel. Mr. President, a parliamentary inquiry.

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

The legislative clerk read as follows:

"Sec. 602. No action shall be taken pursuant to this title which terminates, reduces, denies, or discontinues, or which has the effect of terminating, reducing, denying, or discontinuing, any financial assistance for public education or the school lunch program in any school district unless such school district, or official thereof, shall have failed to comply with an order by a United States district court relating to desegregation of public schools."

Mr. Kuchel and Mr. Humphrey addressed the Chair.

The PRESIDING OFFICER. Mr. President, is the pending business now the Gore motion?

The PRESIDING OFFICER. Will the Senator state his point?

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

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

Mr. Humphrey. I make the point of order that the motion of the Senate 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 also subject to a point of order because slip in effect is an amendment to the bill after the third reading has been had.

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 of the grades that the white students are now desegregated up to the seventh grade. But Nashville still has some grades which are not yet desegregated.

I repeat that the people in my State — perhaps the people in States represented by Senators — would prefer to submit their desegregation plan to a Federal district judge, for approval or disapproval, and comply with the court orders, knowing thereby what they can do and what they cannot do, rather than have their case determined by some crusader from afar, perhaps from the Civil Rights Commission.

This is not a plea in abatement. I expect and hope that my State will comply with the order of a U.S. district judge. But the people in my State — knowing that aid would not be denied to a school which is not desegregated — would prefer to submit their desegregation plan to a Federal district judge, for approval or disapproval, than they would accept an order from some source with which they do not so assert. From the beginning, I have accepted that decision as the law of the land. In my limited way, I have encouraged the people in my State to begin to comply. But as their representative in Washington I have pleaded and fought for time for my people to make the adjustment and accommodate to this change, in the light of the social mores and customs which have prevailed for many years. I plead now for this amendment.

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

I believe that my amendment would provide 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 think my views reflect the 1894 Court decision as the law of the land, the bill which I predict will be passed by the Senate by approximately a 3-to-1 majority, will, upon enactment, become the law of the land.

We have all had our day in court, or rather in the legislative halls. The decision would be made when the President signs the bill. I ask the people of my State to begin then to comply, to prepare their petitions, to prepare their plans to comply. But I do not want to see assistance withdrawn from the school lunch program, an act which would deny food to children of both races who may receive through that program their one good meal of the day.

Mr. LAUSCHE. Mr. President, will the Senator from Tennessee yield, on my time, for a question?

Mr. GORE. I yield.

Mr. LAUSCHE. Would the amendment by the Senator from Tennessee apply to orders which now are in existence in Federal courts, and also to future orders which might be issued in connection with any new litigation brought after the bill was passed?

Mr. GORE. That is true. The school districts which were complying with the order of a U.S. district court, duly entered, financial assistance for the school lunch program could not be denied.

Mr. LAUSCHE. What about orders made in the future, after the bill is passed?

Mr. GORE. It would so apply.

Mr. LAUSCHE. It would apply to both?

Mr. GORE. Yes.

Mr. LONG of Louisiana. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 2 minutes.

Mr. LONG of Louisiana. Mr. President, throughout this debate, it has been rather amusing to have people suggest to me that they know more about the race problem in Louisiana than I do.

When I was a very young boy, I was carried around by a colored woman, who was a servant in our home. She was everything a woman could be short of actually being the wife in the home and she would carry me in her left arm as she did housework. My right arm would be around her neck, and my left arm therefore was free. As a result, I reached for things with my left hand, and my family always suspected that to be the reason why I am lefthanded today.

If I were 20 years old, if I had been told that that colored woman was my mother, I would have probably believed it.

There have been good colored people in my home from that day to this. I believe I know something about the colored people and about the race problem in my State. My home is in Baton Rouge, La. The Federal judge there, who was formerly my law partner, is a highly respected man, one of the most highly respected in that city. He ordered the schools in that city desegregated; and he established his own plan, beginning with the 11th grade, and worked down each year to an additional number who then were able to go to the schools which were Negro children whose families could not afford to buy them schoolbooks. Prior to that time, those children had not been able to attend school. That free schoolbook program helped the whites, but it helped the Negroes a great deal more.

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

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

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

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

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

I advise Senators that the failure of a district court to desegregate the schools will not jeopardize the school-lunch program; it absolutely will not. Even if a community does not comply with the court order, the school-lunch program, unless in that particular school the white children are fed, but the black children are not fed; and I refer Senators to page 33 of the record, to see this very, very clearly: "shall be consistent"—in other words, the orders and the rules—"shall be consistent with achievement of the objectives of the statute authorizing the financial assistance."
We have a school-lunch program, and its purpose is to feed, not to desegregate the schools; therefore, that would not be consistent. But if a school district did not desegregate, it could no longer get our money, so let us say, to build a dormitory—not unless it integrated; and a hospital could not receive 50 percent of the money with which to build a future addition unless it allowed all American citizens who are taxpayers, and who produce the tax funds that would be used to build the addition, to have access to the hospital.

So we must remember that the shutting off of a grant must be consistent with the objectives to be achieved. A school-lunch program is for the purpose of feeding the schoolchildren. If the white children are fed, but the black children are not fed, that is a violation of this law. But if both the black children and the white children are fed, then, even if the school does not desegregate, that has no connection with this part of the law; that would come under title one of the bill. It is wrong to cut Federal money because agents of the Federal Government have been published by prejudiced newspapers. They have made up their minds as to what kind of discrimination is going on.

Mr. PASTORE. Mr. President, it irritates me considerably to hear someone from Florida—Mr. President, it irritates me considerably to hear someone from Florida—who knows nothing about this particular problem—begin to tell us what is happening in Louisiana, Florida, Georgia, and other Southern States. We have not even been admitted to those states. We have never been allowed to visit the South, nor have we been informed as to what conditions are prevailing under the so-called segregation.

Mr. SMATHERS. Mr. President, it irritates me considerably to hear someone from Rhode Island—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. We have not even been admitted to those states. We have never been allowed to visit the South, nor have we been informed as to what conditions are prevailing under the so-called segregation.

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Mr. PASTORE. Could he be served at the counter?
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 yield. When the Senator from Rhode Island speaks, he speaks not only for the benefit of the Senator from Florida, but for all of his people, and he speaks so that even down in Florida he can be heard.

Mr. HOLLAND. Mr. President, I hope they are listening. If the Senator will listen to my question, I assure him that it is a respectful one. The Senator has dwelt entirely on the school lunch 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 in charge of that particular school—so that any locality which is making a good faith effort to desegregate, but a district court of the United States has approved plans under which desegregation—but a district court of the United States has approved a particular program as to that particular school—so long as that is happening, no Federal funds under the proposed legislation could be cut off from such a school?

Mr. PASTORE. I shall not say for 5 or 6 years. That is too long a time. I do not believe this bill is going to give us 5 or 6 years to desegregate. I can see how it might require 2 months, 6 months, or a year, but the process cannot take an eternity. Five or six years is not necessary.

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

There are provisions in the bill for voluntary compliance. There are provisions in the measure for hearings and for reviews. There are provisions in the measure that before any action can be taken, the issue will rest before the Superintendent of Public Instruction for a period of 30 days, and even then an appeal can be taken from the ruling of the court. Therefore, I say to my good friend from Florida that anyone who is acting in good faith, and anyone who intends to carry out the spirit of the proposed legislation will not be hurt in the case that has been cited as an example, or the hypothesis that has been put before us by the Senator from Tennessee. It is the people who is of good heart need not fear the law. It is only those who will insist on a way of life that is not American.

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

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

Mr. HOLLAND. Mr. President, is not the time being charged to the Senator from Rhode Island?

Mr. PASTORE. The time is being charged to the Senator from Rhode Island.

Mr. PASTORE. How much more time have I?

Mr. PASTORE. Mr. President, I yield. My present address is my valedictory.

Mr. HOLLAND. Do I correctly understand the distinguished Senator from Rhode Island to say that so long as school districts are making a good faith effort under the terms of the Court, and 4, 5, 6, or 8 years may be required to complete desegregation—but a district court of the United States has approved a particular program as to that particular school—so long as that is happening, no Federal funds under the proposed legislation could be cut off from such a school?

Mr. PASTORE. I shall not say for 5 or 6 years. That is too long a time. I do not believe this bill is going to give us 5 or 6 years to desegregate. I can see how it might require 2 months, 6 months, or a year, but the process cannot take an eternity. Five or six years is not necessary.

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

There are 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 cumbersomely used. We hear about the whim of the individual.

Mr. President, who are those individuals? Is the Attorney General a monster? Is Secretary Celebrezze a monster? Those are men who have achieved prominence in our community because of public service. They will not push people around. They will not kick people in the face. They will make sure that the law is observed, and they will give people a reasonable opportunity to come into compliance. Those are the men who are representing our Government.

If we have lost faith in the mechanism of our democratic process, in the people who operate our Government, in the Senators, in the Representatives, then we are all wasting our time. But the law was never intended to do that. The law was intended to make people understand that it is a sin to discriminate against others who are not to be separated in the eyes of the law because of race, color, or any other reason.

Mr. PASTORE. The answer to the question may be a bit different from my view. I recognize that they are honest, and that Senators believe that my views are honest.
The thing to be done, if there are any wounds that have come from the debate, is to heal them, in the interest of the future of our country.

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

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

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

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

It would be a great mistake to adopt this amendment. We are in the process of passing a bill that provides, as was stated by the distinguished Senator from Rhode Island (Mr. Pastore), for procedures of mediation, conciliation, and investigation. We are prejudging that accused from being brought into court.

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

Mr. MORSE. I yield myself 1 minute more.

The retention of judicial procedures is also provided for in the bill, for procedures before the courts all the way up to the Supreme Court. We should not stop that kind of remedy by the new procedure at the district court level.

Mr. ALLOTT. Mr. President—

The PRESIDING OFFICER. The Senator from Colorado.

Mr. LONG of Louisiana. Mr. President, how much time have I left?

The PRESIDING OFFICER. The Senator from Louisiana has 6 minutes remaining.

The Senator from Colorado was seeking the floor before the Senator from Louisiana.

Mr. ALLOTT. Mr. President, I yield myself such time as I may use.

Mr. President, I had not intended to speak upon this question, but the distinguished senior Senator from Florida (Mr. Holland) has raised a question which I think is answered in the bill. He is entitled to an answer; and I shall state my understanding of that question. However, whether other or not schools, or other sources, would be shut off from funds if they were attempting to comply with an order of the court.

On page 34 of the bill there is the following proviso:

No such action shall be taken until the department or agency concerned has advised the appropriate person or persons of the failure of page 34: "and such action shall not be taken until the department or agency concerned has advised the appropriate person or persons of the failure of the department or agency concerned to comply with the requirement and has determined that compliance cannot be secured by voluntary means.

It is important to me that this proviso could mean that the word "comply" means anything else or could mean anything beyond the lawful order of a court which had been properly entered.

I do not deem that it could be twisted or distorted in any way that it could go beyond that meaning—in other words, that anyone who is seeking to cut off the funds of such a program could insist that any political unit of a State go beyond the lawful orders of a decree properly rendered.

I invite the attention of Senators to another point which has been repeated over and over again.

At this point Mr. Bayh took the chair as Presiding Officer.

Mr. ALLOTT. I invite attention to the last clause of that paragraph at the top of page 35: "and such action shall not be deemed committed to an irreviewable agency discretion within the meaning of this section." What that clause means is that the review of this matter, under the Administrative Procedure Act, can even involve the discretion—I repeat—it can even involve the discretion of the agency that made the finding.

This is not ordinary law. This is contrary to the ordinary law that discretionary matters are not ordinarily reviewable.

I have just one other comment to make in conclusion. I am opposed to this particular motion and amendment and I invite attention to page 14317 of the Congressional Record, in which the distinguished Senator from Tennessee (Mr. Gore) has referred, and in which his amendment is printed. Section 606 reads:

No action shall be taken pursuant to this title unless the court makes, or that any program with respect to which there is discrimination.

Mr. Long of Louisiana. Mr. President, will the Senator from Colorado yield to me for a few moments?

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 a kind of treatment from other sources.

Mr. Long of Louisiana. Mr. President, when Senators vote on any amendment, they should understand what it is they are voting on. A rather confusing argument is being made against the amendment by the Senator from Colorado (Mr. Allott) and the Senator from Rhode Island (Mr. Pastore) to the effect that the amendment is not really necessary, that the school lunch money would not be cut off from the little children because the school was segregated.

Yet that is an obvious purpose of the title. Senator Muskie of New York (Mr. Javits) spelled this out to the Senate, if the Senator from Rhode Island did not, that the whole purpose of the title is to cut off all Federal aid in any program with respect to which there is discrimination.

It is clearly understood that the Supreme Court ruled any segregation of a school is discrimination.

We should understand that if we look at the situation in my State, there are two parishes—Orleans, where the great city of New Orleans is located, and East Baton Rouge—only 2 parishes out of 64 where there has been any desegregation of public 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 not to cut off all Federal aid, which means that people will be told in 62 parishes, and East Baton Rouge, that they may have the funds of such a program, but they must be, but proud as they are, that they must swallow their pride in order to get a hot lunch for their schoolchildren with the help of the Federal Government, or their children will have to go without insofar as Federal help is concerned.

What I am trying to say is that the people will obey a court order, but they will not integrate just to get their share of Federal money. They may be, otherwise, that if they are clearly within their rights in doing what they are doing, they will not surrender their convictions in order to get a handout of Federal money, 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.

The people of the South are poor compared to the people of the North generally. Since Reconstruction days, most of the people of the South have been

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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, perhaps I might have used words entirely too much on newspapers and other news media for their information. Newspapers, television, and radio are always eager to provide a big story. I saw a picture of Senator From North Carolina [Mr. Ensign], which would have required a court order before Federal funds could be cut off under title VI.

We defeated the amendment with the jury instructions by a 66-to-16 vote, and the amendment with the court trial provision by a 65-to-19 vote.

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

Mr. ELLENDER. Mr. President, in my speech yesterday I attempted to reemphasize some of my objections to the bill before the final vote. I am amazed to note that at this late hour some of the proponents of the bill are still filled with emotion when discussing it. They seem to permit their emotions to override their reason. They 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 and ask for it. I doubt that, but the proprietor who owns and operates a drugstore, motel, or restaurant, is within his legal rights if he should refuse service of any kind.

As late as 1959 the Federal courts have held that a private business can refuse service to anyone. This was the Howard Johnson case. In 1983, the Supreme Court held that the refusal to serve did not violate the 14th amendment nor the commerce clause of the Constitution. It has been pointed out here on many occasions that Congress, in 1875, I believe it was, passed a law similar to title II that we are now attempting to enact.

The 1875 statute was litigated in the courts. It was not only unpopular, but the Supreme Court in 1883 declared it unconstitutional. That is still the law today.

Senators take the position that the "great" Dr. King is acting within the law when he attempts to force integration in motels, hotels, and other accommodations. I say he is acting against the law, because the Supreme Court of the United States decided in 1883 and which deals with public accommodations. Since the Court reversed the separate but equal facility doctrine, we from the South have been attempting to find a satisfactory solution to the problem of racial antagonism brought about by the Court. It will come in time, I hope. We are not going to help in any such things by getting the long arm of the Federal Government down there.

Many Senators and others have stated, we cannot force people by law to associate with people not of their own color. I tried to make that clear in my speech to the Senate yesterday.

I hope my good friends in the Senate will take into consideration the fact that we have a vexing problem to deal with. We sought to remedy this matter at times, but we have a serious problem in our part of the country. The North is beginning to have its troubles. I do not see the end of de facto segregation nor can we attempt to solve it.

We have had the problems of a multi-racial society in the South for 200 or 300 years, and we hope to solve them. I repeat, however, that it cannot be done by having the Federal Government extend its force to coerce our people. I cannot understand how Senators can condone the encouragement of law violations such as sit-ins. Integration will come whenever the people of both races are prepared to accept it. Force bills such as the pending one will not accomplish this. It cannot change any hearts or minds.

Mr. COOPER. Mr. President, when the Senator from Tennessee offered his amendment a few days ago, to strike from title VI, I voted for the full title VI. I voted for the full title VI 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 would say that the Senate expressed its will after hearings. I am not surprised to hear from the Senator 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.

However, his efforts should bear fruit, because when the regulations are issued under this title, they must be referred to committees of Congress.

I hope that when such regulations and orders are referred, that the committees of Congress and the Congress itself—perhaps by resolution or otherwise—will require that title VI will be administered fairly; that it will not strike unduly at innocent people; and that the element of coercion may be limited. Therefore I must say that I believe in the forthcoming vote on whether to refer the bill.

I recognize the sincerity of the Senator from Tennessee, in offering this amendment, and I believe his efforts will bear fruit when reconsidered under title VI are issued and when the Congress passes on them. I have expressed my position in this debate and also by my vote on this title, but I cannot vote for the amendment.

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 compiled with by the people of Memphis, and penalize the city or the school district and the recipients therein of Federal funds under this title VI, had ordered to be done? I wonder whether the legislative history that is being written here would not obviate the problem. I hope it would.
Mr. GORE. Mr. President, in response to the question of the Senator, I would say that any official of the present administration or of any future administration would be cruel, partial, or arbitrary. However, I seem to recall what a great American statesman said—I think it was President Lincoln, although I am not able to quote him exactly—"Where power is involved, trust no man."

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

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

This is the bill we are about to enact—

to effectuate the provisions of section 601 with respect to such program or activity.

The bill before the Senate, to be voted upon, authorizes and directs every Federal agency and department that provides financial assistance to any program or activity to proceed to issue rules and regulations providing for the discontinuance of aid if there is discrimination. Please understand, I do not support discrimination. This is not a perfect world in which we live. I did not rise to raise any objections to civil rights legislation, nor do I object to 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 remains the case with instructions which then become the order—they would have time in which to consider their Federal conscience and approved their plan for desegregation, they can proceed in accordance with the terms of that order.

I do not assume that any official would be arbitrary, harsh, or unjust. But the point which is involved in the question of the Senator from Alaska and in the argument of the Senator from Rhode Island (Mr. PASTORE) against my amendment is that the bill we are about to pass will not be enforced. I must assume that it will be enforced. I do not assume that it will be enforced harshly or arbitrarily. I am not here attempting to kill the bill or obstruct 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 unfounded. But 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 trying to get the legislation, which is being made in the Chamber now will support that view. For the Federal enforcement authorities to do otherwise would seem to be a travesty on justice and should not be countenanced.

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

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

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

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

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

The Senator from Minnesota (Mr. HUMPHREY) has advised his people that the bill would not affect them. I tell my colleagues that the bill will affect almost every single school in Tennessee. Tolerance, patience, and understanding on the part of the Senate would have borne good fruit. If, instead of arbitrarily voting down practically all amendments and carefully considered each amendment on its merits, I am confident that I would now be making a speech in favor of passage of a much better civil rights bill. However, that may be, that is now irrelevant.

When the bill becomes law, as I said earlier, I intend to urge, in consonance with my responsibility, that the people of my State undertake to comply with the law.

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

I know there are some who prefer that an employee of the Civil Rights Commission fulfill this function, but I would like to ameliorate this issue that gnaws at the vitals of my country.

I say to the Senator from Minnesota that he probably has not had the experience of having leading citizens refuse to shake hands with him because he had not signed the southern manifesto. He has not had the experience of having leaders in communities of his State look the other way and cross to the other side of the street because he had voted for a civil rights bill.

I thought the southern manifesto was a great mistake for the South. It is my belief that this sweeping civil rights bill is now nearing enactment largely because of the massive resistance by the Senate to the Civil Rights Committee. I believed that we should recognize that decision as the law of the land—and many of my people did so recognize it.

We have made great progress. We have made a further to go. I wish to help my people make further progress. But it has been difficult, and it will continue to be difficult. Nevertheless, unless there is general compliance in the months ahead, enforcement procedures may become necessary.

I urge adoption of an amendment which would provide that Federal assistance to public education, let me repeat, including Federal assistance to the school lunch program for children not old enough to vote, having the responsibility for what some official may have done, and no power to correct it, shall not be cut off, unless there is failure to comply with a desegregation order of a Federal court.

The PRESIDING OFFICER. The Senator from Tennessee has exhausted his

The question is on agreeing to the motion of the Senator from Missouri. The yeas and nays have been ordered.

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

The PRESIDING OFFICER. Mr. President, 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
Allott  Hart  Morton
Anderson  Hartke  Moss
Barrett  Hartke  Mosby
Bayh  Hickenlooper  Muskie
Bolin  Hickenlooper  Muskie
Bennett  Holland  Neuberger
Bible  Hruska  Pastore
Binge  Hruska  Pastore
Brewster  Inouye  Pell
Burdick  Jackson  Poff
Byrd, W. Va.  Jackson, H. C.  Poff
Byrd, W. Va.  Johnson, N.C.  Randolph
Carlson  Jordan, Idaho  Robertson
Case  Keating  Russell
Casey  Kennedy  Symington
Clark  Kuchel  Scott
Cooper  Lansche  Simpson
Cooper  Long, Mo.  Smathers
Curtis  Long, La.  Smith
Dietzen  Magnuson  Smathers
Dodd  Mansfield  Smith
Dominick  McCarthy  Symington
Dominick  McCarthy  Symington
Eastland  MccGee  Thurmond
Edmundson  McGovern  Tower
Engle  McNamara  Williams, N.J.
Engle  McNamara  Williams, Del.
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in my own State. I have listened carefully to the arguments on both sides of this question, and I 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 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 money 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 an educational amendment. 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 ultraconservatives on the other side saying, “We will cut the money off from local school districts for another reason.” The result will be that the poor schoolchildren will be caught between the upper and nether millstones and their educational opportunities will be ground down.

The amendment would help education. A vote for the amendment is a vote for education, and a vote against the amendment is a vote against education, because just as sure as night follows day if the bill goes into effect, a threat to cut off moneys will only give encouragement to that portion of the community that is now fighting Federal school aid programs in practically every school 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 run your school district.”

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 in the attitudes of school boards. It will only give encouragement to that minority on the school boards or in the communities that has been fighting all kinds of Federal aid to schools all the time.

As a member of the Subcommittee on Education, I am a coauthor of the National Defense Education Act of 1958. Two years ago I visited the superintendent of one school district 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 result not 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. 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. Those 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.

The schoolchildren are being squeezed between the contending social forces. If the best interests of the schoolchildren is the only consideration, they will not be punished, hungered, and deprived because of the disagreements of their parents. If we think only of the educational interests of the schoolchildren, all schoolchildren, black and white, we will feed them and give them the best teaching aids that are available right over civil rights 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 be the child cut in two, 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 importance of schoolchildren and education first. I will not have any word that the schoolchildren, deny them training and learning aids, deny them a nutritious meal at noon, leave them hungry and suffering. It is the interest of all 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.

I do not want new schools, but keep this school lunch money for all children, black and white.

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

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

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

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

Mr. JAVITS. The difficulty with the amendment is that it would mean that title VI would not reach the schools in the enforcement gap. The schools in the gap are those which are not already subject to court orders to desegregate, or those which the Attorney General will not for a time catch up with by bringing desegregation suits under title IV of the bill. I believe that 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 by the courts for any violation of an order to desegregate. If judicial review were sought, no court which had already entered an order for desegregation would enter a conflicting order under title VI of the bill.

As the Senator from Rhode Island has properly pointed out, the following protective words, with which I do not agree but which nonetheless are in the bill, will be enforced by the courts; that is, 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 what I have called the enforcement gap, which may last for 5, 6, 7, 8, 9, or 10 years, will not be reached at all. That is wrong, because it would defeat the purpose we are trying to accomplish. If there is one thing upon which all of us are agreed it is that the money of taxpayers, black or white, of the United States shall not be used to promote the segregation of our schools.
or any other activity which is supported by public money. Therefore, the motion should be voted on.

The PRESIDING OFFICER. The 2 minutes of the Senator from New York have expired.

Mr. FULBRIGHT. Mr. President, I yield the floor whenever 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. YAZOOEEN] about the significance of a subject. 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 it was 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 should like 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, there would be no delay in the proceedings and the ultimate vote would result?

Is that correct?

The PRESIDING OFFICER. That is correct.

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

I think it was wise of the Senator from Tennessee to put the proposal in the framework that there will be no delay in the Senate, and that therefore, the motion should be considered on its merits.

It has been stated that this proposal was voted on a few days ago and rejected. That statement is quite irrelevant to this issue, because we know, under the parliamentary situation that developed, with the great many amendments being offered under a limitation of time, most of those amendments were voted on, not because of the substance 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, if the civil rights controversy is so intimately connected with our public education system.

So I hope Senators will look at this particular amendment with an objective point of view, and accept it. It would not delay final enactment of the bill as a whole. It would give some assurance to some school districts, certainly of my State, and I am sure of other States, that there will be no delay in the proceedings, or not in violation of an order of the court, they may proceed in the development of their educational system.

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

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

Mr. FULBRIGHT. I yield for a question.

Mr. GORE. Is it not correct that a parliamentary inquiry is a popular move made in the House—in which both the Senator and I served—on almost every important bill?

Mr. FULBRIGHT. 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 is a popular move made in the House—in which both the Senator and I served—on almost every important bill?

Mr. FULBRIGHT. That is quite correct.

Mr. GORE. From a parliamentary standpoint, is it not a fact that this is an 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 reports.

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? I ask the Chair, 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 wanted to ask a question of the majority leader.

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

Mr. AIKEN. So long as the Senator yields, I will ask the majority leader, through the Senate, 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 the time will be possibly 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.

see no reason why any Senator—even those who strongly favor the bill, and who wish to see it enacted as soon as possible—among whom I do not count myself—since they would not encounter any delay could not accept a vote in favor of the motion, and then vote on the question of accepting the amendment as reported by the committee, without in any way jeopardizing the bill itself, or even the time by which it will be voted 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 present proposal, if adopted, would accept an order of a court which had resulted from the submission of plans by leaders of the community with greater willingness and better grace than an order of a Federal official in Washington terminating Federal aid?

Mr. FULBRIGHT. The Senator is correct. It would be very assuring to the people. It would make the whole bill much more acceptable. There are other features in the bill which are not acceptable, but on the question of education, which is certainly one of the most sensitive areas, and has been since 1954, the acceptance of this amendment would make the bill much more palatable.
I have always thought that that was one of the reasons why there was great resistance in connection with the problem of integration. The pressure from the Federal Government arose from the fact that instead of leaving it to Congress as it should have done, the Supreme Court undertook prematurely to inject itself as a legislative body into this field. I believe that was most unfortunate. This body had been moving—gradually, it is true, but it had been moving; and the question had been brought up time after time. We enacted two bills, one in 1957 and one in 1960 in this general area; but if Congress had been able to work its will, we would have done more. As in this case, if Congress itself—including the Senate—will support this particular amendment, I know that it will make the entire bill to that extent more acceptable, and will make for a more peaceful transition in the patterns which the bill seeks to reach in my State as well as in all the other States of the Union.

So I hope the proponents of the bill will give serious consideration to this particular omission.

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed. Senator Dirksen, do you yield me 3 minutes?

Mr. HUMPHREY. I am glad to yield.

The PRESIDING OFFICER. The question is on the passage of the bill. Mr. HUMPHREY. Mr. President, I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered. Mr. HUMPHREY. As I understand, I have 13 minutes remaining. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

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

Mr. HUMPHREY. I am glad to yield.

PERSONAL STATEMENT BY SENATOR MORTON

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

In today's issues of the Washington News there appears an article under the byline of Jack Steele, an able reporter and an old friend, but I wish to make a few clarifications of his observations. He states that I was infuriated. I happen to disagree with my friend from Arizona in regard to the constitutionality of titles II and VI, but I was not infuriated.

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

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

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

My wife's comment was, "I'm proud of Barry."

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

I merely wished to set the record straight.

A REPLY TO SENATOR GOLDWATER

Mr. JAVITS. Mr. President, yesterday my 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 differently.

This legislation has been before Congress for a year. Members of the Senate have labored long and hard for this bill under the leadership of Senator Dirksen, Senator Mansfield, Senator Kuchel, Senator Humphrey, and others. During the past 3 months, they have examined every word and every comma. Certainly any fear expressed by Senator Goldwater that emotion has ruled should have been dispelled in all that debate, in all that analysis, and in all that opportunity to amend.

Senator Goldwater made two points with regard to this bill which I believe utterly lack substance. First, he stated the important position in the Nation today. Both points have been raised many times before and answered many times, but since they come from so important a source they must be answered again.

First, he stated that there is "no constitutional basis for the exercise of regulatory authority in" titles II and VII of the bill, dealing with public accommodation 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." I believe, as he said, result "in the development of an informer psychology."

I rise to state my disagreement with both conclusions.

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

The constitutional basis for both titles II and VII is sound; as a distinguished native of a free State, even school deans and professors have confirmed, with ample citation of legal authorities, in a letter to the managers of this bill which has been referred to many times in this debate.

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

To challenge the commerce clause basis for either title II or title VII at the same time necessarily challenges the constitutionality of the entire range of existing Federal statutes based on that clause, such as the child labor and minimum wage laws, the pure food and drug laws, and 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 enterprisers to protect the general welfare of individuals and all of which also are deeply founded upon public morality.

All have been repeatedly upheld by the Supreme Court against constitutional attack. Senators and others have stated the wide range of existing State legislation covering both the subject matter of title II and the subject matter of title...
VII, public accommodations and fair employment practices. All these have been upheld by State courts, under State constitutional provisions paralleling the Federal constitutional provisions, and have been upheld by the Supreme Court of the United States, under the applicable provisions of the Federal Constitution.

The State public accommodations laws now number 32, and go back to 1863. It should be noted that 18 of the 32 were enacted before World War II; and 16 of the first 18 were enacted by Republican State governments. Nineteen of the State fair employment practices laws were enacted under Republican governments; and the first four were enacted when Republicans controlled both houses of the legislature as well as the governorship.

I point out that in New York, under Governor Dewey and a Republican-controlled State legislature, the first fair employment practices law in the Nation was passed in 1945. It has worked splendidly; and is the most important and very heavily populated industrial State.

The fears of the Senator from Arizona [Mr. Goldwater] of a “Federal police force and an informer psychology” are equally unfounded. Those fears are rebutted by the vast experience of the States to the contrary of a majority of the States with their existing public accommodations and fair employment practices laws, many of which carry criminal penalties and are otherwise considerably more stringent and more far-reaching than the pending bill.

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

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

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

Mr. JAVITS. Mr. President, those fears have also been rebutted by the Federal experience to the contrary under the Civil Rights Acts of 1957 and 1960, which dealt with voting, and of which the Senator from Arizona [Mr. Goldwater] says he approves. They are also rebutted by the experiences under the many other Federal regulatory statutes to which I have referred. Our Nation’s economy has grown and prospered beyond, of not in spite of, enforcement of these laws. Before the Senator goes on to all these laws—State and Federal—the same bugaboos about Federal policing and enforcement were raised; but the experience of many years has proved that such fears were imaginary and groundless.

I conclude, therefore, that neither on constitutional grounds nor on the basis of public accommodations and fair employment policies are the fears and the objections of the Senator from Arizona to title II and title VII tenable.

CIVIL RIGHTS ACT OF 1964

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and employment, 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 will shortly 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 proper to ask the question: Have we fully met our responsibilities in this time of testing?

One must hesitate to attempt an answer when only history can be the authoritative judge of our efforts in this hour of testing. In looking to the future, I 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 comprised delegates of many persuasions and opinions regarding the question of Federal union—just as the Senate has been a body of divergent opinion on the issue of civil rights. Despite profound disagreements among the delegates, the Convention persevered—just as we have persevered—and eventually reached agreement on a Constitution to unite the several States.

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

Mr. President, I confess that there are several parts of this Constitution which I do not at present approve, but I am not sure I shall never approve them. For having lived long, I have experienced many instances of being obliged, by better information, or fuller consideration, to modify even my opinions; and I sometimes even my conduct, when I find I was mistaken. I therefore confess, Sir, that I am not a man of precision or a adept in logic—never approved 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, dear sir, with you, Sir, I do not wish to disapprove of what I do not approve, of what I disapprove not of what I do not approve, of what I disapprove not of what I do not approve.

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In seeking the objectives, we have also sought to guarantee that the rights and prerogatives of every Senator would be fully protected at every state of this debate. We have attempted to work by the rules of the Senate. We have sought—main—conducted ourselves with dignity, courtesy, patience, and understanding. Whether we have won or lost on this particular issue, we have acquitted ourselves in a manner which speaks well for representative government in the 20th century.

As the Senate approaches the rollcall on final passage, we must also recognize that this rollcall signifies only the beginning of our responsibilities to this measure. We know that law only provides a framework to which must be added the bricks and mortar of public opinion and acceptance. In this 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 the general opinion of the goodness of the Government as well as the wisdom and integrity of those that administer it. Therefore, that for our own sakes, as a part of the people, and for the sake of posterity, we shall act heartily and unanimously in recommending this Constitution * * * and wherever our influence may extend, and turn our future thoughts and endeavors to the means of having it well administered.

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

In accomplishing this objective a mighty burden will be placed upon our elected leaders—our Governors, our mayors, and our local representatives. We cannot expect to do this profitably 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.

Today, in effect 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 conference on civil rights would also serve a most constructive purpose.

We have before us a great opportunity to strive for a true community of peoples, where blacks, whites, and all races—by charity and compassion, and where Americans of all races live together in harmony and good will. We must go to the people of America with the message that men are needed to seek peaceful, constructive, and positive responses to the blight of discrimination, segregation, and prejudice. We must call upon every American—from the President in Washington to the schoolchild in Minnesota—to make the contributions 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 answering 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 accomplishments by men of purpose, we transfer the hatred of this Constitution * * * and wherever our influence may extend, and turn our future thoughts and endeavors to the means of having it well administered.

Those of us who are privileged to bear some of the burdens of this struggle must demonstrate by example that we can fight with dignity, without anger or bitterness, and, on occasion, lose without bitterness. Surely it would be one of the ironies of history if equality were purchased at the expense of the community. We must so gracefully pledging 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 of freedom and 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 exultant. Let us mark the occasion with sober rejoicing, and not with shouts of victory. And in the difficult months ahead, let us be committed to work with prudence of our conduct, with wisdom of our actions, and with spirit of mutual forbearance. For this is the eternal paradox of freedom. This is the message of the Declaration of Independence that we agreed to canonize. This is the only true hope for a joyful and just community of men.

Mr. SMATHERS obtained the floor.

Mr. SMATHERS. Mr. President—
achieved by passing those Civil Rights Acts.

In fact, today—June 19, 1964—we have more racial unrest, more demonstrations, more unruly mobs, and more violence in connection with the growing racial problem than we had before those two so-called Civil Rights Acts were passed.

The causes, or should cause, reasonable men to pause and reflect on whether such legislation contributes to the very problem its advocates say it will solve.

The extremists on both sides are much more in evidence today than they were 2 or 3 years ago.

No matter what assurances are given by some regarding the efficacy of this bill to solve the race problem, I can assure you, Mr. President, that the problem will persist; that if we pursue the present course, the problem probably will become worse; and that next year or the following year the same spokesmen for the 1964 so-called Civil Rights Act will be back again, asking Congress to pass an even more sweeping proposal, in the name of "civil rights." It, too, will be, as others in the past have been, a vain and futile effort to reach into the minds and hearts of men, legislating them into loving and respecting one another.

The problem of discrimination, Mr. President, is as old as recorded history. It has occurred in every land and in every country on the face of the globe; and occurs in all those countries today. It is not a problem that is created by a legislature or by a congress or by an executive edict of a chief of state or a chief of staff.

The best proof of this that I know of is that we already have on the Federal statute books many laws trying to outlaw discrimination and segregation. When we add those laws already adopted to the hundreds—even thousands—of laws passed by city governments, county governments, and State governments with respect to civil rights, we find that they add up to some 600 pages of fine print, enough to fill a large-sized legal document.

But, Mr. President, despite all those laws, we still have discrimination, intolerance, bigotry, and segregation. We still have segregation, in fact, in our schools, in our neighborhoods, and throughout our land; and I believe that even if we put on the statute books another 600 pages of laws with respect to the same problem, we would not come any nearer to its solution than we are at this moment.

The Civil Rights Commission Report of 1954, at the top of page 364, states:

It is interesting to note that the maps show more racial concentration in northern cities than in the dispersion of nonwhites in the southern cities.

The only conclusion that can be drawn is that there is actually less segregation in the South than there is in the major cities of the North; and this is true despite the fact that we have a much higher percentage of nonwhites in the South, in relation to the total population, than is in the North.

The Civil Rights Commission report on page 365 further states:

The general metropolitan residential pattern is shown by Chicago—now said, on the basis of census tracts, to be the most residentially segregated city in America.

The report goes on to state that in New York City much the same situation prevails.

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

When we add those laws already adopted through our land; and I believe 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 than by any law or legislation, 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 I think that some of my fellow citizens could support them. I could not let this final opportunity pass without voicing my strong objections to them in the few minutes remaining to me under the gag rule the Senate has adopted.

Title II, the public accommodations title, is basically wrong in many respects, but its essential evil lies in the fact that this will be only the second time in the history of this Nation that the Federal Government has reached its long, strong arm into the operations of hotels, motels, boardinghouses, restaurants, bars, and so forth, in an effort to regulate their customers and the activities of those concerned. In 1788 the Court struck down the last attempt that was made by the Congress to do this, but in a realization of what the present Court would do, I do not look with hope to the expectations that it would strike out title II of the bill.

The fact that some 34 States have already adopted public accommodations laws does not justify this assumption of power by the Federal Government. In the first place, we are supposed to be operating under a dual system of the separation of Federal and State Governments. According to the 10th amendment of our Constitution, the States retain 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 the State accommodations laws are simply not enforced.

Mr. President, we must not forget that title II takes away from all of us one of our basic human rights—the right to choose who we will associate with. In accordance to our own discretion and judgments
as we attempt to make a living for ourselves and our families.

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

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

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

If a man should ever aspire to become a dictator in this land of ours, this title, and the authority it gives to a President, will be a far freer reign than which 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 impaired 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 hesitation, 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 one day, said that title VI was going to vote on the bill's final passage?

"The answer is, "No one." As the debate progressed and the inequities were pointed out, it was finally agreed that the bill was so raw and brutal in its original form that provisions would have to be changed in order to get clouture. 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 punishment would be predicated 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 get 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, I want to make this appeal to the nation to help me understand and tolerate. This so-called civil rights bill of 1964 not only does not contribute to these attributes of mind and heart, but by attempting to coerce racial goodwill, it stops this progress now being made, and creates suspicions, divisions, and violence.

The greatest obstacle to a better life for the nonwhite population of our Nation is the fact that there are not enough jobs, not enough good houses, and not enough good schools in the South or even in the North. The important consideration is whether the jobs, the housing, and the schools available to these people are good, not whether they are integrated.

If we create the economic climate within which the American Negro has to get a decent job, he can get what he needs out of life without Federal coercion or paternalism.

The recent passage of the tax bill is an excellent indication of the American economic and producing the jobs needed for improving the economic status of American Negroes.

When a Negro citizen has the money to keep his children in school, when he has the money to feed, clothe, and house his family decently, when he has the money to obtain the medical attention he needs, he becomes a useful, productive, constructive citizen in the American tradition—where the needs of programs we should all strive for.

I know this bill will pass, as does everybody else. I deeply regret that it will. I deeply regret that it was not more substantively amended, and that it was not given the consideration it deserved in a Senate committee, or even here on the floor of the Senate.

True, we Southerners debated and caused it for a long time, but who seriously listened? Who was it that did not know the first day of the debate how he was going to vote on the bill's final passage?

The emotions of this moment will have passed and when reason once again prevails, the so-called civil rights bill of 1963 will be either shelved, ignored, or repealed.

I think Shakespeare put it most appropriately when he wrote:

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

Mr. President, now that my time is just about up I would like to express my thanks and congratulations to that colleague 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 told me I was right, but also because it is a privilege to be associated with such a valiant and courageous group of Senators who fought to the fullest extent of their abilities against the adoption of this legislation.

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

I will always consider it a matter of great honor to have served under the leadership of the distinguished senator from Georgia (Mr. Russell). His tactics and strategy throughout this contest have been superlative. His capacity to bring divergent views together, so competitive that even the most 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, the personal effort which his leadership has been to see how the unidad system of our Nation, as one of its greatest spokesmen and champions.

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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 demonstrate that the dedication and commitment shown by all will provide a moral and physical underpinning for the welfare of the Negro people and 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 violation of the Constitution. Nor do I believe we will provide for the future by a full and complete passage, and for the brutalities of the slavery system and all that went with it.

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

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

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

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein 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 citizens are equal under the laws. 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 the Federal and State laws of the United States and of the State where the citizen resides.

The 14th amendment 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 amendment were used to desegregate the schools of the North and the South, the States where slavery had formerly prevailed. A series of cases was decided in a series of cases which in effect disestablished 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 acquired a black escravage. The Court declared the public accommodations law of that time to be unconstitutional, on the ground that the amendment applied to acts of States and not to acts of individuals.

In 1896, the Supreme Court upheld the segregation laws under the delusory so-called separate-but-equal doctrine. Harland again dissenting, and this decision marked the end of the land until comparatively recently.

In the past 25 years there has been an increase in the awareness of the fundamental immorality of these practices by the American people. So gradually the 14th amendment has been brought to life, notably in the 1964 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 voting rights under the 15th amendment but also to protect the right to desegregated education under the 14th amendment. I have not heard the constitutionality of these titles seriously challenged.

Titles II and VII which seek to prevent certain places of public accommodation from refusing service on the ground of race, creed, or color, and prevent businesses, ultimately employing more than 25 persons, from discriminating in employment on the grounds of race, creed, color, religion, or sex, are the ones which seem primarily to be attacked on constitutional ground.

In preceding days I have listened to arguments that titles II and VII are unconstitutional, and also to the charge, which has either been stated or implied, that the whole bill is motivated either by racial 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 unconstitutional by the Supreme Court 25 years ago because the commerce clause was then interpreted to refer merely to the movement of goods and persons moving across State lines; now, after the Wagner Act, the Fair Labor Standards Act, the Civil Rights Act, and other provisions, which have been upheld by the Court, it is perfectly clear that the commerce clause can cover conditions of employment and conditions of service within States which affect commerce.

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

Mr. DOUGLAS. I yield.

Mr. MORSE. Is the Senator going to base his discussion of the public accommodations title on the brief reply to the argument made by a Senator earlier today, in answer to the Senator from Rhode Island that of course in the South there was no question that 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 had been in the South—I was quartered in the South for a year when I was in the military service. A few minutes later, that speaker was followed by my good friend, the Senator from Louisiana (Mr.
First, the reality admitted but justified. declaring it to be an unfair act to discriminate against anyone who is 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 faculty of the University of Chicago Law School, prepared, in past years, a thorough discussion of the meaning of the word "commerce" in the 18th century, based upon a study of contemporary newspapers, pamphlets, books, and judicial opinions. Both have assembled an overwhelming mass of evidence to indicate that commerce at that time did not mean merely the physical transfer of commodities from one place to another, but referred to the whole range of economic activity.

If one wishes to base one's argument on etymology, the evidence is conclusive that the original founders and framers of the Constitution intended to grant very broad powers to the Federal Government when they said that Congress could regulate commerce among the several States and with the Indian tribes.

And notice that the Constitution regulates commerce "among" the several States and not "between" as is sometimes assumed.

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

But in addition to the commerce clause, there is the 14th amendment itself. While the Public Accommodations Act of 1875 was declared unconstitutional on the ground that it referred to the acts of individuals rather than to the acts of States, nevertheless, I should like my colleagues in the Senate to notice the fact that many, and perhaps most, of the businesses which are singled out for the nondiscrimination principle in the bill before us operate under licenses which are granted regardless of color or by subdivisions of a State. I refer to hotels, motels, restaurants, and places of amusement, and similar establishments. Generally these must have licenses to operate as a hotel, motel, restaurant, or a creature of the State, such as a city, grants the license. If the State then permits distinctions to be drawn between patrons on extrinsic and nonessential lines, such as race, religion, or color, very properly this can be said to be a violation of the 14th amendment, because that amendment provides:

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

We can confidently leave the constitutionality of these sections to the courts, which 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 the people of the South. I certainly never have.

Historically it is true that slavery flourished in the South and did not flourish in the North. Two and a half centuries of the most unexampled refinement of second-class citizenship to Negroes. It was not superior virtue on the part of northerners which caused them not to have slavery. It was merely because in the North it was colder, the snow was deeper, and the sea was salt; therefore, slavery was not a paying enterprise. If it had been a paying enterprise, I have no doubt that northerners would have had slavery to as great an extent as did the southerners.

One of the worst features of slavery was the slave trade, in which the slaves were purchased in Africa and crowded under the decks of slave ships, under the most deplorable conditions of land or of sea. It was not superior virtue that saw to it that we who do not live in the South and who are supporting the civil rights bill which is now pending have solidarity behind 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 laid aside for a time. I yield.

Mr. DOUGLAS. The Senator is correct. My own State of Illinois, which has difficult problems in this connection, has had the problem of seeing that it is enforced. We need the help of friends from the South that we should not repeat the experience which followed 1876 or indeed 1954. I hope that we can make the 14th amendment a living reality.

To do that, we need the cooperation of the good people from the States which are now practicing segregation.

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

Mr. DOUGLAS. I yield.

Mr. McNAMARA. The churches at this time have gotten solidly behind the civil rights bill which is now pending before the Senate. Does the Senator not have faith that the impetus of the religious organizations will carry this whole package over the heads of Congress and the President which is now pending?

Mr. DOUGLAS. I am grateful 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 so 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 laid aside for a time. I yield.

Mr. DOUGLAS. I yield.
worked through the years for this measure, a measure substantially similar. Some earlier attempts in 1941 and 1946,

... 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 a result of the unceasing efforts of thousands of people scattered over this land, people who have risked their lives, in order that this principle might be established

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

Mr. President, Mrs. Daisy Bates, of Little Rock, heroically faced the power of the Ku Klux Klan and helped to desegregate the high schools of Little Rock against enormous obstacles. We may have noticed in the newspaper a day or two ago that a Negro girl, Miss Eunice Collins, graduated from the integrated high school of Little Rock—and who had not 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 student of the State of Arkansas by an impartial committee who did not know her color. That gives hope that as we open up more opportunities for our Negro children, even like this girl will emerge from what would otherwise have been a state of suppression into the full development of their faculties, not merely for their benefit, but for the benefit of the Nation.

I mention Medgar Evers, shot and killed last year for his struggle that the white South and from the Negro race, we shall shoot the rapids and move into a better period.

I can offer a word of consolation, perhaps, to my southern white friends. They say they are fearful of what will happen if we adopt this measure. I tell them not to be afraid of Justice, or of truth, or of the fundamentals of the American system. Ultimately, the good sense of the American people works these things out and we shall be able to avoid the prevailing discord—we get an approach to a method of life which is superior to that which went before.

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

The clouds which rise with thunder,
Slake our thirsty souls with rain;
The blow which tears the skies, to break from
Off our limbs a chain;
And wrongs of man to man but make the love
Of God more plain.

This bill is a work of love, not of hate; a measure that will put an end to prejudice and not to marshal the law behind prejudice. It is a measure to furnish a standard beyond which individuals can go but below which they should not fall. It will help make some of the profound goals of American life—realities. I believe the American people have decided that they want to move forward; and I hope and believe that the experience under this act will confirm and not disprove my belief.

Mr. MUNDT. Mr. President, additionally, I yield myself 20 minutes.

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

Mr. KEATING. I thank the Senator from South Dakota.

Mr. President, it had not been my intention to speak again on this measure; but I am prompted to do so by the remarks made yesterday by the junior Senator from Arizona [Mr. Goldwater], in stating his opposition to this measure, specifically to title II and title VII.

I find myself in emphatic disagreement with the remarks of the Senator from Arizona.

I commend my colleague [Mr. Javits], who has so carefully delineated his differences with the Senator from Arizona. Both for their wisdom, for their lack of misunderstanding, and for the remarks from the Senator from South Dakota, for their helpfulness. I am prompted to say this in connection with the remarks made by the Senator from Arizona, and which is invidious to single out specific individuals, and which are of such overriding significance that they are determinative of my vote on the entire measure, are those which the Senator so carefully and consistently voiced on a regulatory course of action with regard to private enterprise in the area of so-called employment—employment to be more specific, titles II and VII of the bill. I find no constitutional basis for the exercise of Federal regulatory authority in either of these areas.

Mr. President, in making that statement, the junior Senator from Arizona either overlooked or expressed disagreement with a memorandum submitted to the Senator from Minnesota [Mr. Humphrey] and the Senator from California [Mr. Kuczyński], 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 Rehnquist, 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 in one part of 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 legal figures. In their letter of transmittal to the Senator from Minnesota (Mr. Humphrey) and the Senator from California (Mr. Kuchera), 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 time of 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 Commerce Clause. In light of your 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 Mansfield'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. We must extend equal justice to all our citizens.

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

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

The motion to take the 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: Gibson, Dunn & Crutcher, Los Angeles, Calif., past president, State Bar of California; member of counsel, American Law Institute.


James C. Dezendorf: Koerner, Young, McKeown & McClain, Minneapolis, Minn. & St. Paul, dean, University of Minnesota School of Law.


David F. Maxwell: Obermayer, Rebmann, Maxwell & Hippel, Philadelphia, Pa., past president; former chairman of board of directors, American Bar Association.

John D. Roll: Roll, Colloch & Desenberg, Portland, Ore., past president, National Conference of Commissioners on Uniform State Laws; vice president, American Judicature Society.


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

Barbara Weiss Greenspan: Williams & Hills, Minneapolis, Minn. & St. Paul, dean, University of Minnesota School of Law.


Franklin D. Roosevelt: New York City, former Attorney General of the United States.

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

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


Charles T. Faust: Taft, Laverence & Fox, Cincinnati, Ohio, former mayor of Cincinnati.

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

John W. Darby: Litchfield, Darby & Jones, New York, dean, Vanderbilt University School of Law.

MEMORANDUM

DEPARTMENT OF JUSTICE

MEMORANDUM FOR THE ATTORNEY GENERAL

Title II

Title II enunciates the 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. An establishment which serves the public is subject to the restrictions of title II if its operations affect interstate or foreign commerce or if the proscribed discrimination, which it practices is supported by State action.

The kind of prohibited activity contemplated by the terms "discrimination" and "segregation" is sufficiently clear to withstand constitutional limitations, which the courts have dealt with the concept of discrimination in the context of similar legislation, Federal and State, so as to fashion judicial precedents that establish discrimination and segregation on the grounds set forth in title II. For example, in NAACP v. Alabama (1958), 357 U.S. 449, the Supreme Court concluded that the segregation of seating facilities at a bus terminal serving interstate travelers was in violation of the equal protection clause of the constitution, in terms of the right to travel, and constitutes discrimination against persons who are engaged in interstate commerce.

The use of the commerce clause as one of the grounds for framing the public accommodations acts has been established and is now by now a traditional pattern of regulatory legislation. In enacting its power to regulate commerce among the States, Congress has adopted laws applicable to a wide variety of commercial transactions. The mere enumeration of some of the better known statutes which have become accepted as part and parcel of our national economic structure demonstrates the broad range of the power of Congress.

In attempting to maintain free competition in the marketing of goods, in striving to assure the health of our people, in eliminating abuse of trade and of the labor force, and in responding to many other economic and social pressures, Congress has passed the Sherman Antitrust Act, the Robinson-Patman Act, the Fair Labor Standards Act, the National Labor Relations Act and its supplement, 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, but it has no power to ostracize the remedy best adapted to carry out the purpose of legislation enacted under the commerce clause. In the case upholding the constitutionality of the National Labor Relations Act of 1935, NLRB v. Jones & Laughlin Steel Corp., 331 U.S. 1, 28 (1937), Chief Justice Hughes, speaking for the Supreme Court declared:

"The fundamental principle is that the power to regulate commerce is the power to enact all appropriate legislation for its protection, and that Congress may adopt such measures to promote its growth and insure its safety. * * * to foster, protect, control and maintain commerce is the purpose of these acts.

Likewise, in United States v. Darby, 312 U.S. 100, 114 (1941), Chief Justice Stone, in an opinion upholding the validity of the Fair Labor Standards Act, reiterated that "the power of Congress over interstate commerce is complete in itself, may be exercised to its utmost extent, and acknowledges no limitations, other than those prescribed by the Constitution." The remedy which Congress selected for assuring decent wages and hours and child labor laws. The power of Congress was to regulate the working conditions in factories producing goods which may find their way in interstate commerce.

In the case of Lemon v. Kurtzman, 403 U.S. 602 (1971), Chief Justice Burger, speaking for the Supreme Court, said:

"No economic or social legislation is complete in itself, may be exercised to its utmost extent, and acknowledges no limitations, other than those prescribed by the Constitution." The remedy which Congress selected for assuring decent wages and hours and child labor laws. The power of Congress was to regulate the working conditions in factories producing goods which may find their way in interstate commerce.

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ticipating artists or athletes normally move in interstate commerce. Precedents in this field are abundant. By way of example, the courts have held such transactions to be in interstate commerce because they arose in a bus terminal serving interstate travelers (Boynton v. Virginia, 364 U.S. 454 (1960)), and because of the national character of the business of selling or providing food for consumption on interstate carriers (Mitchell v. Sherry Corine Corp., 364 F. 2d 531 (4th Cir.), cert. den., 360 U.S. 934 (1959)), and because of the national character of the business of stage attractions (United States v. Shubert, 348 U.S. 222 (1955)), boxing matches (United States v. International Boxing Club, 346 U.S. 236 (1953)), and football games (Redesdale v. National Football League, 332 U.S. 455 (1947)), all have all been held to be subject to Federal legislation predicated on the commerce clause. The supporting theory is that the exhibits, and those who take part in them, move from State to State and the particular restraint would limit the freedom or the volume of interstate transactions.

By similar reasoning, the courts have sustained the view that the activities of labor unions may be regulated as to interstate commerce (United States v. Frankfurt Distilling Corp., 330 U.S. 1 (1947)), which narrows the market for products or persons moving in interstate trade, such as a manufacturer's union which may refuse to deal with a manufacturer, may reach under the commerce clause. It follows that if Congress so desires, it should also be able to forbid an individual refusal to deal just as it now prohibits individual discrimination in prices under the Robin-ln-Patman Act.

Although racial discrimination may or may not vitiate the same commercial relations as the economic restrictions involved in antitrust and similar violations, a legislation to meet the problem would also reach under the commerce clause. The human 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 affects interstate commerce depends upon the circumstances. If the act of a board of trade may not in and of themselves be in interstate commerce, posed the question involved in United States v. Board of Trade last year in N.L.R.B. v. Reliance Fuel Corp. (371 U.S. 224, 226 (1963)): "The business which may be deemed by Congress to affect interstate commerce is not to be determined by confining judgment to the quantitive effect of the activities in question, but the test of congressional power is that the immediate situation is representative of many others throughout the country, the total incidence of which if left unchecked may well become far reaching in its harm to commerce."

The fact that in exercising its indisputable power to remove obstructions to interstate commerce, Congress at the same time seeks to accomplish an additional purpose, such as the improvement of working conditions or the elimination of unequal treatment based on racial consideration, does not preclude reliance upon the commerce clause. Chief Justice Warren in his monumental opinion upholding the validity of the Fair Labor Standards Act (United States v. Darby, supra). Justice Stone's language is particularly apt in considering the validity of title II:

"The motive and purpose of the present regulation is plainly to make effective the congressional conception of public policy that interstate commerce should not be made a dumping ground for goods produced under substandard labor conditions, which competition is injurious to the commerce and to the community as well. The motive and purpose of a regulation of interstate commerce are matters for the legislative judgment upon the exercise of which the Constitution places no restriction and over which the courts are given no control. Whatever their motive and purpose, the regulations, if not infringe some constitutional prohibition are within the plenary power conferred upon Congress by the commerce clause." (312 U.S. at 115).

We have dwelt at length on the commerce clause basis for title II because this approach appears to be the proper test generated by the pending legislation. The second source of constitutional power cited in United States v. Darby is the protection clause of the 14th amendment:

State or local legislation requiring discrimination in public accommodations is a denial of equal protection under the 14th amendment (Peterson v. Greenville, 375 U.S. 244 (1963)). A wide variety of other circumstances may meet the "State action" test of the equal protection clause. In Brown v. Board of Education, 347 U.S. 223, 242 (1953), statements favoring segregation made by city officials were held to have so affected the decision of a store owner not to serve Negroes as to make the action the result of invalid State discrimination. Statements of the same kind in the context of private discrimination. Similarly, statements of the state government or an administrative tribunal or state law which are made in the context of private discrimination. Similarly, statements of the state government or an administrative tribunal, or an extraneous fact may be enough to support a finding of state action.

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 conduct directly regulating interstate commerce. The defect found by the Supreme Court in the 19th century legislation would extend to the new bill by predicating title II upon discriminatory conduct supported by State action.

In our considered judgment, the commerce clause itself is not involved in the question as to whether the 14th amendment are sound constitutional bulwarks supporting the validity of title II of R.R. Title VII.

Title VII of the proposed Civil Rights Act of 1968 enunciates a national policy of equal opportunity for employment free from discrimination on the basis of race, color, sex, or national origin.

In the customary pattern of State and local fair employment legislation, title VII sets forth certain unlawful employment practices by employers, employment agencies, and labor organizations. Generally, these practices relate to discrimination, segregation, and preferential treatment or withholding of privileges because of race, color, religion, sex, or national origin.

The procedure for implementation of the purposes of the title is by an Equal Employment Opportunity Commission and for resort to the courts when allegedly unlawful employment practices cannot be voluntarily eliminated.

The reasonable exercise of the jurisdiction of the courts to determine the existence of State action under the commerce clause, particularly the landmark Jones & Laughlin and Darby cases, are equally applicable here. The question is whether public labor relations under the commerce clause upheld by the Supreme Court are directly analogous to the problems presented by the proposed legislation regulating labor and management practices. The Fair Labor Standards Act and similar statutes, which have as their purpose the improvement of the condition of the persons whose work affects interstate or foreign commerce, furnish ample authority for those parts of the Civil Rights Act dealing with discrimination in employment practices. It is but a short step to proceed from a statute which prevents the discharge of workers for union activity to one which seeks to outlaw discrimination in employment on account of race. In a case involving the applicability of the Labor Management Relations Act to the picketing of a store denying equal employment opportunities to Negroes, Justice Black of the Supreme Court, said, with somewhat prophetic insight:

"The desire for fair and equitable conditions of employment on the part of persons of any color, creed, or persuasion, and the removal of discriminations against them by reason of their race or religious beliefs is quite as important to those concerned as the conclusion that the public accommodations clause may be reached under the commerce clause. The newspaper circulating a handful of 45 copies out of a total circulation of 10,000 copies is not a business affecting interstate commerce. The defects found by the Supreme Court in the 19th century legislation would extend to the new bill by predicating title II upon discriminatory conduct supported by State action.

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In our considered judgment, the commerce clause itself is not involved in the question as to whether the 14th amendment are sound constitutional bulwarks supporting the validity of title II of R.R. Title VII.
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 belief that the question lies on which the best legal minds of America disagree.

I have received numerous letters from able lawyers around the country who feel that third title VII especially would violate the Constitution and others are dubious about title II. I have also received letters such as the junior Senator from New York has read into the Record, from prominent eminent lawyers to the effect that the question lies 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 the lawyers in the Senate and the Congress.

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

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

However, I rise to speak on a subject on which I have more intimate knowledge and on which I can speak with more authority than trying to speculate upon the future, which I allude to as the question of the third house. I point them out not to complain that they have been used, but to caution against their becoming a precedent for repetitious use in the Senate.

The first bad legislative practice to which I allude is what I refer to as the "third house," technique which was employed in arriving at the present legislative measure. I point out not to complain that they have been used, but to caution against their becoming a precedent for repetitious use in the Senate.

The second bad legislative practice is the employment of cloture. Using these two unhappy legislative tactics together—first, the third house in an effort to bring about a unanimity of opinion, second, the cloture to develop the urgency required to get on with the legislation—produced a procedure of which it might well be said that on this bill we employed both the tactics of tinsel and also the roughhouse, neither of which should become precedent forming in this body.

The difficulty with the third house approach is that in a group meeting in secret, the majority point of view may have an advantage over the minority point of view, and if the substitute bill loses entirely the great benefit of two-party legislation in America. I believe that every Member of this body agrees with the present speaker that the two-party system is one of the great reasons that America has thrived and flourished. It has kept us from moving in the direction of an American totalitarian state, in which the minority viewpoint is not considered, and sometimes what is not even permitted to be enunciated.

Every committee of the Congress has representation of both political parties, and that is a good thing, because it brings about necessarily a critical approach to every bill. Some incline to be proponents automatically; some incline automatically to be opponents; and out of it we come forth with a happy compromise which is the result of the meeting of minds which differ from each other at the start, and sometimes—usually—arrive at a constructive compromise conclusion.

Unhappily, the third house which operated to produce this substitute functioned with a one-party concept—not one political party, but a one-party viewpoint—with only those holding a certain attitude on the proposed legislation participating in the drafting. So the proposed substitute bill suffers from the fact that it did not have the careful scrutiny and the sustained criticism which always exist when a government is operated under a two-party system, as we have, and such as we have in every committee of the Congress.

I do not believe that the third house approach was necessary in the proposed legislation. In all events, I believe it is a bad practice, to be avoided in the future. I believe that bicameral legislatures are good, but that unicameral legislatures are worse, especially when they produce such a draftsmanship as we have, and such as we have in every committee of the Congress.

I believe that our constitutional forefathers were wise when they provided for a separation of powers. The legislative branch is one thing; the executive branch is another; the judicial branch is still a third thing. We want to maintain certain that we keep them that way.

Today I want to caution as emphatically as I can against the "third house technique" precedent, because we shall destroy something very precious in Amer—
ica if we develop the precedent and follow the habit of the executive departments sitting in with members of the legislative branch to write the laws in committees and will 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 necessarily had to vote for it, because the situation was inaugurated with the business of the legislative branch of Government. There was no other way in which we could ever have brought this legislation to a head. I vote for it, and I believe that when there should be a break in the dead-

The legislative committees of Congress. There was no legislative process, another 10 or 15 years, and when it is

We have also learned to understand that the minority has a right 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 60 days, it would have been invoked, and in all probability the House bill would have been adopted without most of the more than 80 corrective and salutary amendments being approved.

If cloture had been more difficult to obtain, the proposed legislation was carefully scrutinized. At this time more than 85 amendments have been added to it, because the Senate is a deliberative body, because cloture was not something "eager beavers" could quickly and read-

I submit that the legislative proposal now before the Senate is its own best tes-

Some of the amendments are minor in nature. Some are very major in nature. Some are of such importance and as basic to the operation of the Senate. I shall vote for the bill on final passage.

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 meaning-

I regret that many amendments were turned down which I thought might have been added. But, under the restric-

I am happy to record for the permanent Record and for historians that our majority and minority leaders are rea-

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I was unwilling to vote for a "civil rights bill" as a slogan or a label on the ballot, although every time a civil rights bill had come here. Undoubtedly, nothing in this bill even remotely moves in the direction of correcting this dangerous and discriminatory situation. I refer specifically to the bloc system and the "winner take all" found-employed in all the procedures of our electoral college in elections affecting our Presidents and Vice Presidents.

The basic philosophy of voting rights carried out in the current civil rights bill is that every American citizen should have an equal right to vote, and should be empowered equally to assert his influence in the polling place in this great American concept of self-government, and especially in the election of the President and Vice President.

I subscribe wholeheartedly to that philosophy. That is one of the motivating factors which induce me to vote for this civil rights bill on final passage.

However, the bloc system of voting in all the State presidential elections as a unit in the electoral college in support of a Presidential candidate scoring a bare majority of the votes of his State, nullifies to a considerable degree the equity provisions of the proposed legislation. The concept of "one citizen, one vote" is acknowledged to be a right and a privilege to all and everyone.

Under the "winner take all" method of counting electoral votes, however, the winner gets not only the votes cast for him, but also the votes cast for his opponent. He literally can reach down into the voting ballot and steal every vote cast against him and have them added to his total as accounted for in the electoral college.

In no other branch of American activity would we stand still for 1 minute and have the winner nullify and in fact appropriate the score and the results obtained by his opponent, listing them and adding them to his own.

The last time the Washington Senators played a baseball game they lost by 5 to 4; but even the fans of the Washington Senators would resent with resounding general approval the practice in the Washington polling place that the Washington Senators had lost the baseball game by 8 to 0. But that is what happens when an electoral vote is cast.

In 1960, Mr. Kennedy carried New York State by a scintilla of a fraction of 1 percent, but he received every electoral vote that was cast. Mr. Nixon carried California with a winning percentage point, but in California Dick Nixon got every electoral vote that was cast. No one in California voted for Kennedy according to the electoral college voting record. The electors for New York returned to the electoral college that Kennedy obtained every vote. No one in New York voted for that "outlander" Californian far out yonder in the West, Dick Nixon.

This system can lead only to the most serious results. In voting for a bond issue in a community where two-thirds of the majority is required to approve the bond issue, would one understand the results of the community in which 100,000 votes were cast as 100,000 to 0, merely because a majority happened to approve?

I submit that giving multiple voting privileges to certain citizens because of the accident of geographic residence is as un-American as it would be to give multiple voting privileges to certain citizens because of race, color, creed, religion, governmental degrees, or property ownership.

The American concept of "one citizen, one vote" has been highlighted by recent decisions of the Supreme Court, first permitting the State legislatures to divide districts and then with senatorial districts. The basic concepts involved in these decisions are that because of the location of residence, an undue advantage should not be permitted to one group or to one voter against another. But this bloc system of "winner take all" electoral votes works to the disadvantage of millions of Americans, making them count not as 2nd-class citizens, not as 4th-class citizens, but in many instances 10th-, 12th-, 14th-, and even 15th-class citizens.

For example, a citizen who votes as an individual in New York State or in California today, actually pulls down 43 electoral votes, because he puts 43 electoral votes into the hopper of the electoral college where it counts and where they determine who shall be President of the United States. But a neighbor in California who lives in Nevada, of equal capacity and equal patriotism, who votes, puts in only three electoral votes. He is therefore literally a 15th-class citizen compared to his neighbor in New York or in California.

The New York situation is similar. In New York, when an individual citizen votes, he has 43 punch keys moving in unison voting for his choice for President, but his neighbor in Vermont has only 3. Similar unconscionable discrepancies and injustices exist among all of our States and the term "representatives" accurately be used only for voters in California and in New York State.

By what right can we say we are passing civil rights legislation which condemns the remaining unreconstructed South at its worst, of America because they are, necessarily, living geographically in a city with less than 43 electoral votes?

Under the "grandfather clause" in the old unreconstructed South at its worst, and under the greatest abuses ever perpetrated by a literacy test, whereby one white man would keep a colored man from voting, we had one man nullifying the voting rights of another citizen. In the circumstances prevailing under our electoral college system one voter in California or New York actually nullifies the votes of 14 people voting in Nevada, Delaware, Alaska, Vermont or Wyoming.

Under this gross system of flagrant violation of the civil rights of Americans of all colors and ones, a colored man in New York City, under the bloc system and the "winner take all" in California college voting, nullifies the vote of 10 citizens living in Arizona, Idaho, Montana, New Hampshire, New Mexico, North Dakota, Rhode Island, South Dakota.

That New York or California voter alone could likewise nullify and com-
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The same principle is true in schedules II, III, and IV. New York City, Los Angeles, Cleveland, Detroit, Boston, Chicago, Newark, Philadelphia (total 217 votes, 8 cities), is equal to Delaware, Maryland, Wyoming, Arizona, Idaho, Montana, New Hampshire, New Mexico, North Dakota, Maine, Oregon, Colorado, New Mexico, and Nevada (total 156 votes, 8 States). South Dakota, Utah, Arkansas, Connecticut, Kansas, Mississippi, South Carolina, West Virginia, Kentucky, Florida, Arizona, Louisiana, Alabama, Minnesota, Oklahoma, and Virginia (total 213 votes, 32 States).

Philadelphia alone (total 36 votes) or Detroit and Newark (total 36 votes), is equal to Arizona, Idaho, Montana, New Hampshire, New Mexico, North Dakota, Rhode Island, South Dakota, Utah (total 36 votes, 9 States).


I should now like to beseech those who call themselves “liberals,” albeit with a misused adjective, to support legislation which would give equal justice and first-class citizenship status to every American, regardless of where he lives. I can tell the Senate where they were a few years ago, when, with the cooperation of former Senator Price Daniel, of Texas, a number of us introduced a reform proposal and forced a yea-and-nay vote on this issue. Those who now profess that they are in favor of a vote for every American, voted almost unanimously against giving first-class status to American citizens regardless of the States in which they live.

They will have another chance. We have another constitutional amendment in the hopper to correct this situation. It is Senate Joint Resolution 12.

I hope the next time they will remember that the five cities which motivate 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 predominated in the voting of their States. They are New York, Los Angeles, Cleveland, Detroit, Boston, Chicago, Newark, and Philadelphia.

If just one additional city—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 present electoral system, would have more authority in the election of a President of the United States than every citizen voting unanimously in the following States for a differing choice: Delaware, Maryland, Wyoming, Arizona, Idaho, Montana, New Hampshire, New Mexico North Dakota, Maine, Oregon, Colorado, Nebraska, Rhode Island,
Tennessee, South Dakota, Utah, Arkansas, Connecticut, Kansas, Mississippi, South Carolina, West Virginia, Kentucky, Iowa, Louisiana, Alabama, Minnesota, Oklahoma, and Virginia, a total of 32 States.

We talk about having universal franchise in America. We concern ourselves, and rightly so, about a black man having the same vote as a white man. We should. We should also concern ourselves about a tie-breaking vote in eight vast cities, cast by a black man or a white man, which gives more authority to eight such citizens than is possessed by all the citizens in 32 States.

In this iniquitous situation, embodied in the greatest violation of civil rights of all Americans, except those living in California and New York, we find the taproot of almost every evil movement and policy developing in America today. It nullifies the processes of self-govern­ment, not only among different 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 policy, but among national policy developing in America today. It nullifies the processes of self-govern­ment, not only among different 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 policy, but among national policy developing in America today. It nullifies the processes of self-govern­ment, not only among different 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 policy, but among national policy developing in America today.

Every candidate would have to appeal to America as a whole, not to the de­terminative voters in the major cities which determine the policies of the electoral district, 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 three electors went pro or con, or A or B, or Republican or Democratic.

The twin boys are still equally skilled. The twin boys are still equally skilled. The twin boys are still equally skilled.

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.

The Senate from South Dakota is recognized for 2 additional minutes.

Mr. MUNDT. Mr. President, 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.

Let me quote one sentence from the editorial:

Why should not every vote, for example, have the same value when it comes to elec­tion? The President, who is President of all the people of the United States, whether living as far apart as 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.

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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 first-rate high school in Omaha, go to the University of Nebraska getting scholarships to attend Harvard University. They then graduate from the law school of Harvard University, graduating in a tie, at the top of their class, with summa cum laude. The twin boys are still equally and identically intelligent, able, and skilled.

"Sec. 5. This article shall take effect on the 1st day of July following its ratification."

Mr. MUNDT. Mr. President, this amendment to the Constitution supersedes the second and fourth paragraphs of section 1, article II, of the Constitution, the twelfth article of amendment, and section 4 of the twentieth article of amendment to the Constitution. Except as herein expressly provided, this article does not supersede the twenty-third article of amendment.

"Sec. 4. Electors appointed pursuant to the twenty-third article of amendment to this article shall be chosen as Vice President in the same manner as herein provided for choosing the President. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States."

"ARTICLE 2. The Congress shall have power to frame a 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 predi­cemental 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 three electors went pro or con, or A or B, or Republican or Democratic.

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"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

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

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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——Joe in South Dakota, John in the State of New York. They are both still equally able, equally conscientious, and equally successful. They are equal Americans.

But when they go to vote on the first Tuesday following the first Monday in November, all semblance of equality goes down the drain. Brother Joe at 3 o'clock in the afternoon, voting anywhere in New York State, pulls an election lever which casts 43 votes for President. His brother John, voting in Delaware, at the same time pulls an election lever which casts a mere three votes for President. There is nothing fair, nothing right, or nothing just about such an election system. As a consequence, a system as wrong as that can lead only to trouble in America. In fact, it is already producing many deleterious repercussions in America. For, as the senior Senator from Vermont [Mr. ARLEN] stated yesterday, "This is the week that is."

Mr. MORTON. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 3 minutes.

Mr. MORTON. Mr. President, I commend my friend and colleague from South Dakota for a very clear exposition of the obvious injustices which prevail in our present electoral college system. The Senator has made the case and stated the case today as clearly as I have ever heard it. Furthermore, it was an appropriate time to make such a statement. For, as the senior Senator from Vermont [Mr. ARLEN] stated yesterday, "There is no Member of the U.S. Senate who more than I want to make a statement."

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 senate, 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 this case by saying 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 in a similar manner the so-called Reconstruction Era Civil Rights Laws. It was 89 years ago that the Congress passed the nefarious Reconstruction Era civil rights laws, identical with what we are now discussing, which were later declared unconstitutional by the U.S. Supreme Court. The Senate, if it passes this measure before us, will be compounding that unconstitutional error made back in 1875. I predict that this bill will never be enforced without tremendous repercussions in America.

Ten years ago, in 1954, the Supreme Court took it upon itself to amend the Constitution of the United States and declare that segregation——that is, required separate but equal school facilities for the races——was illegal. Instead of promoting peace and harmony between the races, as claimed by our own Constitution, it was a paradise of loopholes and unanswered questions which will wind up in the Supreme Court and the Federal courts in the highest tribunal, it could conclude this case by saying 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.

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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 this case by saying 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 in a similar manner the so-called Reconstruction Era Civil Rights Laws. It was 89 years ago that the Congress passed the nefarious Reconstruction Era civil rights laws, identical with what we are now discussing, which were later declared unconstitutional by the U.S. Supreme Court. The Senate, if it passes this measure before us, will be compounding that unconstitutional error made back in 1875. I predict that this bill will never be enforced without tremendous repercussions in America.

Ten years ago, in 1954, the Supreme Court took it upon itself to amend the Constitution of the United States and declare that segregation——that is, required separate but equal school facilities for the races——was illegal. Instead of promoting peace and harmony between the races, as claimed by our own Constitution, it was a paradise of loopholes and unanswered questions which will wind up in the Supreme Court and the Federal courts.

Consequence, a system as wrong as that can lead only to trouble in America. In fact, it is already producing many deleterious repercussions in America. For, as the senior Senator from Vermont [Mr. ARLEN] stated yesterday, "This is the week that is."

Mr. MORTON. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 3 minutes.

Mr. MORTON. Mr. President, I commend my friend and colleague from South Dakota for a very clear exposition of the obvious injustices which prevail in our present electoral college system. The Senator has made the case and stated the case today as clearly as I have ever heard it. Furthermore, it was an appropriate time to make such a statement. For, as the senior Senator from Vermont [Mr. ARLEN] stated yesterday, "There is no Member of the U.S. Senate who more than I want to make a statement."

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Government in Washington to attempt to tell the owners of restaurants, gasoline stations, drugstores, theater, 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学子 of the federal government. It is an invasion of the private rights of all citizens by the Federal Government, and it constitutes an extremely dangerous thrust of Federal power into the normal and traditional domain reserved to State and local governments.

**Title III**

Title III of this bill gives to the Attorney General the frightening powers to tamper in legal proceedings, beyond any authority ever before granted to him. This section is an unconstitutional delegation of power to the executive branch, and would result in a preference for a special class of litigants. Congress has no power to legislate with regard to private lives, private business, and individual conduct so that it could become amenable to Federal law, when the Constitution never gave the power to enact that law to the Federal Government in the first place. There are still in America many private rights which under our Constitution are beyond the power of the Government to regulate. One of these private rights is the right to pick one's associates and one's friends and one's customers in private business.

Title III grants blanket authority to the Attorney General: To institute suits seeking desegregation of public schools where the students or parents involved are unable to bring suit, and where the Attorney General considers that such a suit would not desegregate the schools by the same language into title IX. This, again, I believe, explains why I am against this section of the bill and, indeed, the entire bill.

**Title IV**

Title IV of the bill authorizes the Attorney General to institute suits seeking desegregation of public schools where the students or parents involved are unable to bring suit, and where the Attorney General considers that such a suit would not desegregate the schools by the same language into title IX. This, again, I believe, explains why I am against this section of the bill and, indeed, the entire bill.

**Title 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 investigatory 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 evidence into individuals—without any protection being extended to any American.

Mr. President, the implications and dangers of these new, far-reaching powers granted under title V of our 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. Mr. President, the implications and dangers of these new, far-reaching powers granted under title V of our 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 VII**

Mr. President, title VII, in conjunction with titles II and VII, will drastically affect the rights of owners of hotels, motels, inns, restaurants, cafeterias, lunchrooms, sodas, theaters, concert halls, arenas, and any other place of entertainment insofar as choosing their clientele and personnel for the mutual enjoyment of any one group.

Title VII makes available to the Executive the entire Federal budget for use to offset sociological concepts embraced by any current administration.

Title VII, in conjunction with titles IV and VII, grants unlimited authority to the President to take whatever action he determines in regards to this bill and determine their rights and relationships.
Virtually every business or industry, la­

mockery. Throughout the history of 

$10 million a year to create a big brother 

virtually everyone doing business in the 

Under the proposed terms of granting the 

bureaucracy to meddle in the affairs of 

slightly over the early years of the law's 

function, and many of these are 

trustees in bankruptcies and receiver­

ships and even churches. The wide 

range exercised in this title will affect 

under other sections of this bill. 

Mr. President, I am simply and flatly 

opposed to this legislation and any legis­ 

lation of this type. We have a varied and broad range of 

programs in our States which are fed­

eral and assisted. We try to help every­

one—from the dope addict to the aged, 

inform and helpless. Each of these pro­

grams required careful and deliberate consideration by the Congress. Legisla­

tive hearings, lengthy debate, much work 

and serious thought went into the en­ 

actment of these programs. I am equally opposed to giving 

any bureaucrat the power to decide on such vague criteria as those included 

in this title to cut off the funds from any of these programs as any man could pos­ 

sibly be. 

**TITLE VII**

In my opinion, title VII, which would create an Equal Opportunities Commiss­ 

ion, is one of the worst sections of the bill. The guilt of offering equal 

employment opportunities to certain groups, it infinges on many of the liber­

ties 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 of the legislative, legal represent­ 

tives, joint stock companies, trusts, 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. And many of these are covered under other sections of this bill. 

This title removes from the business­ 

man the right to pick his associates, hire, 

fire, promote, or grant benefits according to 

his personal judgment or the judg­ 

ment 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 everyone doing business or industry, la­

bor 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, 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 re­ 

moves much of the liberty Americans 

have associated with property since the 

acceptance of the Bill of Rights. 

Many times in our history it has been 

pointed out that without property rights 

there would be no civil liberties. The 

strike, 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 comparativa­ 

ely short provision pertaining to reg­ 

istration 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 booby traps lurking in the dark 

recesses of the weird conceptions be­ 

hind every word. But as far as I am 

personally concerned, I believe that title 

VIII is far less than the more lengthy sections of this bill. 

There are, however, several possibili­ 

ties for misuse inherent in this simple 

title. As originally appearing in the bill, title VIII was to be taken—period—and was not restricted to any areas designated by the Commis­ 

sion on Civil Rights. The fact that the 

title has been changed to provide for 

censuses only in those areas recom­ 

mended 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 many, politics or racial, 

or both. 

If we need a survey, or a census on 

voting registration, we should have a na­ 

tional survey. An area or regional sur­ 

vey may indicate voter patterns that 

seem discriminatory on their face, but 

it may actually be attributable to non­ 

discriminatory factors. Under such cir­ 

cumstances, it is certainly unfair, to 

say the least, to leave the Com­ 
mision to single out any area in order 

publicize, denounce, or commend it. 

Title VIII is probably the least ob­ 

noxious 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**

**Mr. President**, title IX of the original bill was bad 

enough until the substitute bill adminis­ 

trators added into this section the "interven­ 

tion by the Attorney General" section that was deleted from title III of the bill. 

In addition to this, 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 by the courts may be re­ 

moved to Federal courts in the district in which the action is pending. The 

law of removal provides that upon filing of a petition by the defendant and the post­ 

ing of bond, jurisdiction is taken away from the State court. Whether pro­ 

ceedings can proceed in the State court. No de­ 

positions 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 juris­ 
diction of any given State court could 

be virtually stalled while endless litiga­ 
tion 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 or­ 

derly 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 

other than the courts themselves; the ref­ 

erence. 

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 lit­ 

gants with matters pending that do not 

have similar rights, advantages, and pro­ 

tections.

**TITLE X**

**Mr. President**, title X establishes in the Department of Commerce a Community Relations 

Office by which a Director will be appointed by the President, and addi­ 

tional personnel to be appointed by the 

Director.

This exaggerated superstructure of all 

human relations services is charged with 

assisting communities and persons there­ 

in in resolving disputes, disagreements, 

or difficulties relating to discriminatory 

practices, based on race, color, or na­ 

tional 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 neigh­ 

borhoods on the local level—and with 

the Congress imposing virtually no re­ 

strictions on the jurisdiction of the new 

Community Relations Service. 

Despite all the detailed objections to this section of this bill, the simple con­ 

struction of a new Federal bureau with 

nothing more to do than to pry into the 

lives of our people is sufficient grounds 

me for 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 pro­ 

viso 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 accu­ 

racy how much money this gigantic 

grab for power will cost the American 

taxpayer.

Furthermore, if all the insidious provi­ 
sions of this civil rights bill were enforced 

for the first time, the simple construc­ 
tion of any appropriations contained in title XI could very easily exceed the national de­ 

fense budget in coming years. 

At this very time racial violence is flar­ 

ing up across the land, 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 to become law, we can 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 advantages of this legislation who strongly urged its passage for enlightening debate and for fair conduct of voting tests. 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 increase multiplies, when the racial situation in the legislative halls. Not one Senate or House hearing was held on this piece of legislation to allow the citizens of this great country of ours to bear witness to the far-reaching effects this bill would have on their homes, schools, businesses, neighborhoods, associates, or to call attention to the many rights that are actually being taken away by this bill.

When the proponents of this legislation spoke at length as to why they wanted it and refused to be interrupted for enlightening debate and no questions were allowed to be asked, not a word was uttered in the press claiming "filibuster, talk fest, 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 increase all across the North in racial violence.

Mr. HOLLAND. I yield myself my remaining time, which is 15 minutes, as I understand.

In the beginning, I ask unanimous consent to have printed at this point in the Record 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 limit employment provisions to businesses with at least 100 employees.

Cotton amendment to substitute for Cotton amendment which would have eliminated title VII of the bill entitled "Equal Employment Opportunity."

AMENDMENTS TO H.R. 7152 REJECTED BY THE SENATE ON JUNE 10, 1964

Russell amendment providing that November 15, 1965, shall be the effective date of title II of the bill respecting public accommodations.

Cotton 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 1965 to 1967 the exemption to operator of a transient lodging house.

Ervin amendment to eliminate language allowing Attorney General to enter into agreements with State or local authorities for conduct of voting tests.

Ervin amendment to strike language allowing Attorney General to intervene on certain cases the court, upon request by defendant charged under the legislation, shall assign counsel and at its discretion allow reasonable attorney fees to the defendant.

AMENDMENTS TO H.R. 7152 REJECTED BY THE SENATE ON JUNE 12, 1964

Cooper amendment to extend from 1968 to 1970 the effective date of title III of the bill respecting public accommodations.

Long amendment to strike language allowing Federal action to require any person in sale, lease, or other disposition of residential housing to negotiate or enter into any contract, agreement, or arrangement with any person not of his own choosing.

Long amendment to eliminate language requiring membership in a labor organization.


AMENDMENTS TO H.R. 7152 REJECTED BY THE SENATE ON JUNE 13, 1964

Johnston amendment to exempt child care and foster homes from provisions for cutoff of Federal funds in cases of discrimination.

McClellan amendment respecting agreements with State or local authorities for conduct of voting tests.


AMENDMENTS TO H.R. 7152 REJECTED BY THE SENATE ON JUNE 14, 1964

Russell amendment providing that in certain cases the court, upon request by defendant charged under the legislation, shall assign counsel and at its discretion allow reasonable attorney fees to the defendant.

Ervin amendment to eliminate coverage in title II of an inn, hotel, etc., shall be only as to interstate transactions.

Russell amendment providing that in certain cases the court, upon request by defendant charged under the legislation, shall assign counsel and at its discretion allow reasonable attorney fees to the defendant.

Ervin amendment to provide for a peaceful America. His­tory will undoubtedly record this bill as the "Uncivil Rights of 1964."

Mr. HOLLAND. Mr. President.

The Acting President pro tem­pore. The Senator from Florida.

Mr. HOLLAND. Mr. President.

The Acting President pro tem­pore.

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Mr. HOLLAND. Mr. President.

The Acting President pro tem­pore.
States in any district court when Attorney General requests findings of a pattern of discrimination.

Byrd (West Virginia) amendment to eliminate title II (employment discrimination in public accommodations).

Russell amendment to eliminate from title IV (public school desegregation) language that the Attorney General be authorized to 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 federal statutory relations of the public accommodations title.

Stennis amendment to provide that in situations authorized the Attorney General may intervene under title IX the attorney general of the State involved may also intervene when the defendant is an officer or an employee of that State.

Thurmond amendment to conform with other statutes in requiring that administrative remedies be exhausted before resort to court.

Ervin amendment providing that in intervention suits by Attorney General for violations of Federal laws the Attorney General must certify, and the judge must determine, that the ends of justice require such intervention.

McClellan amendment barring Equal Employment Opportunity Commission from withholding any evidence, testimony, or records from any court or congressional committee.

Ervin amendment to require title II to provide that the enforcement of State or local trespass laws by State or local police upon request of owner or operator of a privately owned establishment shall not be deemed to be discrimination or segregation supported by any State law.

Thurmond amendment to title II to provide that any person engaged in business of serving the public shall be free from any discrimination or segregation required by any State law.

Ervin amendments, en bloc, to title II to require a close and substantial relation to commerce, to delete language that would cover, in the legislation, those who "serve for hire" to serve "persons "affecting commerce" rather than engaged in an industry affecting commerce.

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 a public accommodations title must be interstate traffic.

Long (Louisiana) amendment to provide that a place of public accommodation is one "regularly engaged for profit in the business of serving the public" rather than "serves the public."

Thurmond amendment to title IV to eliminate from definition of a public school the language "or operated wholly or predominately from or through the use of government property, or funds or property derived from a governmental source."

Long (Louisiana) amendment providing that in intervention by Attorney General in suits for preventive relief or injunctions there must be a showing of good cause.

Thurmond amendment to delete language that would authorize "a general investigation of citizens being unlawfully accorded the right to vote."

Thurmond amendment to title V by authorized the giving of evidence or testimony by employee to any authorized congressional committee.

Long (Louisiana) amendment to provide that personnel of Federal agencies entitled in a "place of public accommodation" to be free from discrimination or segregation required by any law by any establishment or place.

Thurmond amendment providing that the rules and regulations to be issued by Federal departments or agencies relating to

cutoff of Federal funds for programs shall be approved by Congress rather than by the President before becoming effective.

Thurmond amendment providing that public agencies relating to cutoff of Federal funds for programs shall be approved by Congress rather than by the President before becoming effective.

Long (Louisiana) amendment requiring Attorney General before intervening in a public accommodations suit to conduct an investigation to determine probable cause for belief that the alleged act or practice prohibited has occurred or is about to occur.

Ervin amendment to eliminate title X.

Thurmond amendment directing Secretary of HEW to withhold funds granted or loaned under any Federal program from any school district which has voluntarily desegregated its public schools but does not attempt by busing, or otherwise, to correct racial imbalance in any of its public schools.

Ervin amendment to title VI providing that whenever there is reason to believe that discrimination is being practiced the agency concerned shall refer the question to the Attorney General for investigation, the result of which shall be received by the court for trial by jury, with the burden on the Government to establish that the funds should be cut off.

Ervin amendment providing that whenever Federal agencies are discriminating it is being practiced it will transmit the question to the Attorney General for investigation, the result of which shall be received by the court 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 "affecting commerce.

Thurmond amendment to provide that the Equal Employment Opportunity Commission shall elect its own Chairman and Vice Chairman rather than for the President to designate them as such.

AMENDMENTS TO H.R. 7152 REVISED BY THE SENATE JUNE 18, 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 exempt from cutoff provisions as to Federal assistance nine specified Federal programs.

Thurmond amendment to allow court to appoint attorney for defendant in title II proceedings.

AMENDMENTS TO H.R. 7152 REJECTED BY THE SENATE JUNE 16, 1964

Long (Louisiana) amendment to exempt from cutoff provisions as to Federal assistance nine specified Federal programs.

Ervin amendment to allow any taxpayer to sue the federal agency for use of Federal funds other than in pursuance of the Constitution.

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 the Federal government 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.

Thurmond amendment to delete language authorizing Attorney General to intervene in cases involving denial of equal protection of the laws and for union of Federal questions 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.
Ervin amendments, en bloc to titles II and VII to prevent the Senate from appointing attorneys for complainants only if such attorney consents.

Ervin amendment to eliminate provisions of title II which would allow attorney fee to prevailing party, other than the United States.

Thurmond amendment to title VII to provide that failure by employer to comply with requirement of posting of notice of pertinent provisions of this title shall not constitute more than one offense until the registration and voting statistics will be compiled on a nationwide basis rather than by the three-judge court to hear cases thereunder upon request of the Attorney General.

Thurmond amendment to title VII to substitute the provisions of title VIII (registration and voting statistics). Johnston amendment modified to eliminate from title I (voting rights) provision for the three-judge court to hear cases thereunder upon request of the Attorney General.

Thurmond amendment to title VII so that registration and voting statistics will be compiled on a nationwide basis rather than in such geographic areas as may be recommended by Commission on Civil Rights.

Thurmond amendment to title VII to eliminate title VIII (registration and voting statistics).

Johnston amendment modified to eliminate from title I (voting rights) provisions for the three-judge court to hear cases thereunder upon request of the Attorney General.

Thurmond amendment to title VIII so that registration and voting statistics will be compiled on a nationwide basis rather than in such geographic areas as may be recommended by Commission on Civil Rights.

Thurmond amendment to title VII to substitute the provisions of title VIII (registration and voting statistics).

Thurmond amendment to title IX providing that any decision thereunder shall be classed as a class action but the order therein shall be limited to the individuals named in the complaint.

Thurmond amendment to title IX so as to allow employees of Community Relations Service to furnish information to congressional committee without being in violation of law.

Thurmond amendment to limit to 10 the number of employees of the Community Relations Service.

Thurmond amendment to limit Community Relations Service to disputes that affect interstate commerce.

Thurmond amendment to substitute the "judgment of the community involved" for the judgment of the Community Relations Service to disputes that affect interstate commerce.

Mr. WALTER LIPPMANN stated this principle well in a 1949 column from which I ask unanimous consent to have excerpts printed in the Record as part of my remarks.

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

EXCERPTS FROM ARTICLE BY MR. WALTER LIPPMANN IN 1949

The American idea of a democratic decision has always been that important minorities must be coerced. But such coercion would prove futile. That situation becomes even worse in the present case. It is infinitely better to postpone the decision • • • to respect the opposition and then to accept the burden of trying to persuade it.

For a decision which has to be enforced against the determined opposition of large communities and religions of the country will, as Americans have long realized, almost never produce the results it is supposed to produce. The opposition and the resistance, having been overridden, will not disappear. They will merely find some other way of avoiding, evading, obstructing, or nullifying the decision.

For that reason, it is a cardinal principle of the American democracy that great decisions on issues that men regard as vital shall not be taken by vote of the majority until the consent of the minority has been obtained. Where the consent of the minority has been lacking, as for example in the case of the prohibition amendment, the democratic decision has produced hypocrisy and lawlessness.

The issue has been raised in connection with the civil rights legislation. The question is whether the vindication of these civil rights requires the sacrifice of the American limitation on a majority rule. The question is a painful one. But I believe the answer has to be that the rights of Negroes will in the end be made more secure, even if they are vindicated more slowly, if the cardinal principle— that decisions on issues that men regard as vital shall not be coerced by majorities—is to be conserved.

For if that principle is abandoned, then the great limitations on the absolutism and self-will of large communities will be gone, and the path will be much more open than it now is to the demagogic dictator. The history of our Nation shows all too tragically what resulted from the action of a transient majority of the Congress, led by the infamous Thaddeus Stevens and others equally intolerant, and yet that lesson of history, which should be so clear, is being ignored again today in the passage of this bill by a transient majority of the Congress.

Fourth, passage of this bill ignores the very great progress that has been made and would have continued to be made in the South through the efforts of moderates of both races within the last 5 decades. This progress has been 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 lynching bill, which was the lynch bill that ended that crime in that State. Other Southern States followed. The poll tax system has largely been eradicated. In all but five Southern States the Negro has voted. 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 Southern States 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. I believe the Negro is not less than to be referred. 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 the patience within us in the effort to head off disasters which may come about. As I see it, that is the result of the passage of this bill.

If I may speak for a moment about the area which I represent in part—the great Southland—which for the first three-quarters of a century of our Nation's history has been so much of its leadership—my colleagues say that we will not only survive this experience, but we will come through with flying colors, with continued development and prosperity, with continued bivalent leadership. They are degree of persuasion and conscientious and continuing efforts, and I believe without much of the disorder and lawlessness which has already reared its ugly head in other parts of the Nation and which I fear will vastly increase.

Mr. President, the Negro people of States outside the South are due to have a rude awakening, not just from the fact that the Dirksen-Humphrey rewrite of the House bill deliberately makes the impact and the effectiveness of the non-Southern States, but also because there is little in this bill to affect most of the States outside of the South. Most of these States already have laws in the field, such act will go further or farther than does this so-called civil rights bill. They all have public accommodations laws. They all have laws against segregation in schools. Most of them have FEPC laws which are more severe in their terms than is title VII of the pending bill. The record is all too clear that these laws have not worked, have not brought about the solution which they were intended to bring. Unemployment of the Negro people in the North is much worse than it is in the South, as shown by Federal statistics of the Census Bureau and Department of Labor placed in the record during this debate. The evils of poverty and segregation in schools of the northern cities are greater than those in most of the southern Negro schools, but there is practically nothing in this bill to affect in any way the problem of de facto segregation in the Negro slums of northern cities. This bill will not create a single job except for the personnel who shall be required to administer it. This bill cannot bring a solution of the serious racial disturbances now existing in the North. I strongly feel that the disappointment and frustration of unhappy, unemployed, poorly educated, ill-housed, and misfit northern Negroes, will only be abated by the labors faced by the greatly worsened conditions in the North, particularly in the great cities. I shall deeply regret that fact and shall do all within my power to bring about a reme­dial effort to be found within the many pages of this pending bill.

The months that lie ahead of us will be trying ones—they will call for patience and more patience—they will call for leadership in the path of goodwill and tolerance which has been sadly lacking. I suppose most of us saw on television last night and this morning the sorry spectacle of Dr. Martin Luther King and his platoon of Negroes and misguided preachers and Rabbis insisting upon violating the law of Florida—and it is still our law—by forcing their presence into a segregated motel property and even into the segregated motel swimming pool. I cannot believe that the Government is the defend­er of freedom and lawlessness which has already reared its ugly head in other parts of the Nation and which I fear will vastly increase.

In closing I wish to state again what I have tried to say several times in the course of the debate; namely, that in this, or any other law, Washington will not bring solutions; the mere handing down of a decree by a Federal court, even by the highest tribunal in the United States, the Supreme Court, will not bring solutions; the mere send­ing down of this out, will be the economic coercion, or an Executive order, or any use whatever of coercion or compulsion will not solve these problems, deeply rooted as they are in the minds and hearts and souls of men and in the traditions of great areas of this country.

Anyone who thinks that solutions will come from such legalistic handling is being grossly misled. We are being taught from the lessons of history to realize that a kindly heart, a gentle dis­position, personal good will, and the ded­i­cated aim to try to find solutions of these problems will bring about results which have been the mainstay of the law and practice. As to the impossibility of fighting these problems, laws which have been referred, which are open invitations to violence on a scale which we have not seen. The question should become a legal one on the passage of this bill and every action of all persons involved, should be directed to giving the courts a chance, and discovering as speedily as possible, and in an atmosphere of calm, what portions of this new and revolutionary law will be upheld by the courts in agreement with the Constitu­tion of our land.

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costs which we ourselves incur by such practices? Discrimination permanently sears the soul of the victim and leaves a scar, as well as those upon whom it is practiced. No man’s psyche can escape this brush of tar. Racial bias creates abnormal individual and patterns of society and condition the very soul of those who practice civil life of men.

Now, the moral conscience and strength of the entire Nation must be mobilized in support. I have no doubt that but that we will succeed. Laws may not change the heart, but they can change behavior by the moral conscience of society has always exerted a powerful force in the civic life of men.

For what is the promise of life, liberty, and the pursuit of happiness but a moral injunction that all should enjoy those values so long denied this country before 1776? It may take more than a generation to infuse substance into the concept of equality under the law but if that concept is the law and if it is supported by the combined moral conscience of all citizens, we can at least hope for the kind of growth and development which made our constitutional guarantees much more than any 18th-century political philosopher ever dared to dream.

But we should also remember that habits ingrained and attitudes solidified through history cannot be broken without some pain and adjustment. We will need the patience of Job and the perseverance of Ruth to see to it that we succeed in minimizing the dislocations and disruptions which are inevitable with 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 been nullified by the vindictive few.

Yes; the trumpet summons us all—not as a call for personal revenge against the wrongs of the past, though many have suffered and anguish of body and soul; but as a signal call to triumph over 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, but in America he is judged only on his merits.

The only trouble with the truism is that it has not been true. But just how far short of truth it fell none could agree. It was in 1957 that Congress determined to get the facts on discrimination in this country.

The Civil Rights Act of 1957 established a Commission on Civil Rights to which were appointed distinguished Americans, to study the condition. 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, gather and collate information concerning legal developments constituting a denial of equal protection of the laws under the Constitution; and, third, appraise the laws and polices of the Federal Government with respect to equal protection of the laws under the Constitution.

The Commission was instructed to submit to the President and the Congress a comprehensive report on its activities, findings, and recommendations made to the Congress by the U.S. Commission on Civil Rights. 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 unmentioned by the act we are about to send to the President.

For the Congress to have done less in the light of the Commission’s work, the record of hearings held by the House and Senate committees, and the unprecedented debate and discussion—yes, to have done less would have been unconscionable.

The bill on which we are now to vote is clearly within the traditions of our laws and colored with the deep sense that 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 America is where a man is judged unani­mously and quick approval Thursday to an appropriation bill providing $50,000 for use in investigating the civil rights bill, H.R. 7152, headed by Senators HUBERT H. HUMPHREY and THOMAS MAGNUSON, and have been assigned responsibility for this title. Floor talks for today were as follows:

Mr. HUBERT H. HUMPHREY (all day); Mr. MAGNUSON, for the Senate (4 to 7 p.m.); Mr. ALLTTe, for the Senate (4 to 7 p.m.); Mr. BARKLEY, for the Senate (4 to 7 p.m.); Mr. KUCHIEI, for the Senate (4 to 7 p.m.); Mr. ALLERTON, for the Senate (4 to 7 p.m.); Mr. WEBB, for the Senate (4 to 7 p.m.);

2. Today’s schedule: The Senate will convene at 10 this morning and will be in session until late evening. Live quorum calls can be expected at any time during the day. Title II, the public accommodations section will be discussed by proponents of the bill.

Mr. KUCHIEI. The bipartisan Senate leadership supporting the bipartisan civil rights bill, H.R. 7152, headed by Senators HUBERT H. HUMPHREY and THOMAS MAGNUSON, and have been assigned responsibility for this title. Floor talks for today were as follows:

2. Today’s schedule: The Senate will convene at 10 this morning and will be in session until late evening. Live quorum calls can be expected at any time during the day. Title II, the public accommodations section will be discussed by proponents of the bill.
of citizens actually voting in these three states with the very low participation in two assembly districts in Harlem and three wards on the South Side of Chicago.

Only 14 percent of the total population of Mississippi voted in the 1960 presidential election, compared to 30 percent of the 14th assembly district, located in the middle of Harlem, in New York City. The total voting rate 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, Harlem, and South Carolina, the Negro voting rate was about twice as high as in Georgia, Mississippi, and South Carolina. These States would have a better voting record if their Negro citizens were allowed to exercise their constitutional rights. The complete official voting figures are listed below:

<table>
<thead>
<tr>
<th>State</th>
<th>Total population (1960 census)</th>
<th>Total vote in 1960 presidential election</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Georgia</td>
<td>2,943,116</td>
<td>723,340</td>
<td>12%</td>
</tr>
<tr>
<td>Mississippi</td>
<td>2,178,141</td>
<td>506,171</td>
<td>13%</td>
</tr>
<tr>
<td>South</td>
<td>2,462,694</td>
<td>638,600</td>
<td>25%</td>
</tr>
<tr>
<td>11th assembly district, New York</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>14th assembly district, New York</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>New York</td>
<td>138,440</td>
<td>37,344</td>
<td>7%</td>
</tr>
<tr>
<td>Chicago</td>
<td>2,675,394</td>
<td>622,244</td>
<td>23%</td>
</tr>
<tr>
<td>3rd ward, Chicago</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4th ward, Chicago</td>
<td></td>
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</tbody>
</table>

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 27 (April 10, 1964, 10th day of debate on H.R. 7152)

1. Quorum scoreboard: There were two quorum calls yesterday. The first one took 19 minutes and the second was made in 20 minutes.

2. Today's schedule: The Senate will convene at 10 a.m. and will stay in session until about 10 p.m. Live quorums should be expected throughout the day. Senator Douglas will speak on the background and precedents for punishment of 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.); B考mstee (4 to 7 p.m.); Long of Missouri (7 p.m. to recess).

Republicans: Hruska (all day); Miller (all day).

3. Quote without comment: "Mr. Eastland. The Senator from Illinois is talking about "the Negroes'" economic discrimination in the South." (CONGRESSIONAL RECORD, Apr. 8, 1964, p. 7268.)

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 inherent religious 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. Consequent in every person there is an innate dignity which is the basis of human rights. These rights constitute a moral duty which cannot be relinquished by all persons and by the State. Denial of such rights is immoral.

"We hope that this committee will report favorably on the Employment Act for granting 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.
Mennonite 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 Interna- tional Justice.
National Catholic Social Action Conference.
National Council of Catholic Men.
National Council of Catholic Women.
The Newman Club Federation.
Union of American Hebrew Congregations.
National Women's League, United Synagogue of America.
Union of Orthodox Jewish Congregations of America.

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 28 (April 11, 1964, 11th day of debate on H.R. 7152)

1. Quorum scoreboard: There were three quorum calls yesterday. All three were made in 20 minutes.

2. Today's schedule: The Senate will convene at 10 a.m. with the usual live quorum call. It is hoped that the second live quorum will not come before 12:30 p.m. It is expected that the opponents will speak at length.

3. The floor captains for the day:

Democrats: Humphrey, Douglas (10 a.m. to 1 p.m.); McCarran (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).

4. 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 hiring, discharging, or destroying the terms of employment, membership in trade union, or apprenticeship or other training programs. It would apply to employers of more than 25 persons, employment agencies, labor organizations, labor unions, employment opportunity commissions, and joint labor-management committees.

5. Another concession.

"Mr. DOUGLAS. I am in agreement with the Senator from Illinois that there is no constitutional right to a jury in criminal contempt proceedings.

"Mr. ERVIN. In civil contempt proceedings, the ruling was not in accordance with the evidence. The Sena- tor Holland suggested the absence of a quorum during the last half of the third inning of the opening game of the baseball season. Senators returned from the ball park so promptly that the quorum was made in just 25 minutes.

6. Quorum record: "Mr. HUMPHREY. During the week we could have used at least two more sets of doors in this Chamber, because of the district voting. The Members came through the doors with such alacrity and speed that we have broken all records. Senators have set a new historic record in an- swering 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.)

7. Another concession.

"Mr. ERVIN. The Senator is correct. I enti- tain the opinion that the majority deci- tion of the Supreme Court in the recent ap- peal 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 pro- ceedings, accords with the precedents fol- lowing the recent Supreme Court decision of "Johnson v. Georgia." (CONGRESSIONAL RECORD, Apr. 11, 1964, pp. 7993-7994.)

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a 'Ja, Ja' election. That is what
it would be granted
under the bill. • • • The Federal bureaucrat
is tyrannical. Tyranny would result under the bill
from the ball park and the theater on Mon­
day, civil rights Senators averaged 10 minutes
in two quorum calls yesterday.

1. Quorum scoreboard: Kept in good shape
by their sprays back to the Senate Chamber
from the ball park and the theater on Mon­
day, civil rights Senators averaged 10 minutes
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 this bill, and are cumulating that they are finding it weary going." (New York Times, Apr. 14, 1964, p. 25.)

2. 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.
Thrice.

"Mr. HUMPHREY. The unconstitutional
part, the un-American part, of the whole pro­
ject--Donnell v. State, 48 Miss. 661 (1873)--involved a crim­
inal statute that authorized the vessels
sought to segregate a Negro patron. The court,
in a unanimous decision, upheld the
validity of the statute, and stated: "The assertion of a right of all persons to be admitted to a theatrical entertain­ment * * * in the private property of the lessee, owner or manager, to the public use." (48 Miss. 661, 662.) Mississippi Senator has a public accom­modations statute.

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 52
(April 17, 1964, 16th day of debate on H.R. 7152; 334 day of debate on civil rights)

1. Quorum scoreboard: Civil rights sup­porters have scored 10 minutes each in 23
minutes during the daylight hours today,
and then took 40 minutes to make a quorum called at 8 p.m.

2. Schedule for Friday: The Senate will
convene at 10 this morning and will stay in session until at least 11 p.m. Live quorums should be expected at any time during the session. It is expected that the bill’s oppo­nents will have the floor.

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on the basis of race. I disagree with the
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Floor captains for Saturday: Democrats:
Hart (10 a.m. to 1 p.m.); Pat­
torres (1 p.m. to 4 p.m.); Rusk­off (4 p.m. to 7 p.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 their 16 days 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 this bill, and are cumulating that they are finding it weary going." (New York Times, Apr. 14, 1964, p. 25.)

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Floor captains for Friday: Democrats:
Clark (10 a.m. to 1 p.m.); Bat­
torres (1 p.m. to 4 p.m.); Coop­er (4 p.m. to 7 p.m.); Rusk­off (7 p.m. to closing).

Republicans: Javits (all day); Salton­
tate (all day).

3. They just can’t get enough of that dis­crimination: Mr. SMATHERS, "I know that if
anyone is generally discriminated against
today it is the people of the South." (Con­gressional Record, Apr. 13, 1964, p. 7799.)

On April 11, Senator Javits inserted in the
Record Treasury Department figures show­
ing the total Federal grants to State and local governments, and compared these figures with the Federal tax burden to pay for such Federal grants by each State.

The two figures are the same for the country
in general, as a whole, of course; but for the 11 Southern
States it is quite a different story. In
the southern States the Federal tax burden contributed $1,692.2 million for such grant programs, and received $2,172.2 million in income taxes. (Congressional Record, Apr. 11, 1964, p. 7868.)

4. "Mr. SMATHERS. We are integrating on a
gradual basis. We are making prog­
ress slowly. The people of the South, as
a whole, are doing some good things as much as reasonable people can expect to be done." (Congressional Record, Apr. 13, 1964, p. 7799.)

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BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 34, APRIL 20, 1964

(The 18th 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. 7153, headed by Senator HUBERT H. HUMPHREY and Senator THOMAS KUCHEL, will distribute this newsletter to the offices of the Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant—daily, if necessary.)

1. Quorum scoreboard: There was only one quorum call on Saturday. It was made in the morning hour and was sustained.

2. Monday's schedule: The Senate will convene at 10 a.m. and will stay in session until at least 10:30 p.m. Live quorums should be expected at any time. The bill's opponents will have the floor again. Floor captains for Tuesday:
   Democrat: MAGNUSON (10-1); McCarthy (4-1); McGovern (7-close)
   Republicans: Keating (all day); Boren (all day).

3. Another concession:
   Senator THOMAS KUCHEL (D-OA) is offering his quorum call on Saturday. It was made in the customary daylight time of 20 minutes.

4. True crime stories:
   (a) Mr. EASTLAND. "Would you deny it?"
   (CONGRESSIONAL RECORD, April 18, 1964, p. 8345.)
   (b) Mr. THURMOND. "Mr. THURMOND. • • •

5. Observations on data supplied by the Commission.
   (CONGRESSIONAL RECORD, April 18, 1964, p. 840.

C. Objections to title V: The chief objection to this title seems to be that the Commission is unnecessary. But as with the previous objections, it is not a question of whether or not there is a continuing need for information in this field, but that a government agency should do this job.

OPPONENTS OF CIVIL RIGHTS ALSO CRITICIZE THE COMMISSION'S AUTHORITY TO SUBPOENA WITNESSES. In this connection, it must be noted 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 where it is determined that "information may tend to defame, degrade, or incriminate any party." Although this is the reasonable and customary procedure, designed to give every protection to individual reputations. One can imagine the cries of outrage that the bill's opponents if the Commission were to hear potentially incriminating testimony in public; the cries of outrage would be heard all the way from Yaku City.

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 37, APRIL 23, 1964

(The 21st 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. 7153, headed by Senator HUBERT H. HUMPHREY and Senator THOMAS KUCHEL, will distribute this newsletter to the offices of the Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant, daily, if necessary.)

A short course on title V

1. The need for title V: Information is always necessary for legislation; the more important, reliable information becomes. This need was recognized and met in the 20th century's first civil rights legislation, the Civil Rights Act of 1957. This bill established the Civil Rights Commission, which has provided an enormous amount of useful intelligence on the state of public and private racial discrimination. For the first time Government officials and interested citizens had access to authoritative and comprehensive studies of prejudice in all parts of the country. The civil rights bill of 1960, H.R. 7152, and many policies made by executive action have been based on data supplied by the Commission. The need for such information has not diminished, and experience and changing conditions have suggested new ways in which it can be met.

2. The major provisions of title V: The title recognizes the value of the Civil Rights Commission and expands it. 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 designed 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 major responsibilities, the Commission has a hearing board, which has the authority to subpoena witnesses, take testimonies, and act in American cities.

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CONGRESSIONAL RECORD — SENATE
June 19

REPUBLICANS: JAVITS (all day); PEARSON (all day)

3. A case study of voluntary desegregation: Some of the more moderate opponents of the civil rights bill admit that racial discrimi­nation exists in all parts of the country, but they feel that efforts are being made to eliminate discrimination by means of voluntary action at the local level. James V. Prothro, a known professor of political science at the University of North Carolina, has written an end. James V. Prothro, a known professor of political science at the University of North Carolina, has written.

- "This commendable approach are not often vague in their remarks; specific examples of trouble is caused by "Federal interference."

- "An end. James V. Prothro, a known professor of political science at the University of North Carolina, has written.

- "And it is composed mostly of whites. Every leader of a Federal statute." James V. Prothro, a known professor of political science at the University of North Carolina, has written.

- "Hill have deteriorated."

- "And the Republicans: JAVITS (all day); PEARSON (all day)

- "Of the date of this failure of government agencies practice racial equality."

- "Some of the first sit-ins occurred in Chapel Hill. It has a population of 17,000, most of whom are students and faculty members. The demonstrators' rights. In short, here was a community where everything was practice racial equality.

- "It is marred 'by the failure of the author to generally thorough and thoughtful discus­sion of the Motorola case in Todd E. Fan­cer's article, "Testing and Discrimination," in the Wall Street Journal of April 21, 1964. In other words, it is not enough that the effect of using a particular test is to favor one group above another, to produce a violation of the act; an act of discrimination must be taken with regard to an individual, "because of such individual's race, color, religion, or national origin," to quote from Porto's favorite hobbyhorse. Frankly, I prefer the Senate's own FEP bill, no, 1963, which was the subject of extensive hearings in the Senate Employment and Manpower Subcommittee, which I chair, would cover the substance of the Motorola case.

- "The Senate's bill expressly provides that discrimination includes any act, or practice which, because of an individual's race, color, religion, or national origin, resulted in a denial or abridgment of any right or privilege under any law or regulation of the United States, or of any authority. I know of many men who, the very moment that they are ap­pointed to one office, are candidates for pro­motions. That is something that makes one and that is the trouble with Federal judicatures. 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 laws of a particular judge. I could name them by the dozen."

- "Proponent: "Is the Senator convinced that Federal law is going to take care of the Sen­ator * * * has helped to confirm, are as venal as he would indicate?"

- "Opponent: "I say that the Senator can find the answer in the Constitution and in the judi­ciary." (Congressional Record, Apr. 22, 1964, p. 8756.)

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 39, (The 23rd day of debate on H.R. 7182; 40th day of debate on civil rights)

- The bipartisan Senate leadership sup­porting the civil rights bill, H.R. 7182, headed by Senator Bumpers 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. Ex­cept in the case of the Motorola case.

- 1. Quorum scoreboard: The record con­tinue 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 remain in session until 12 noon, and every Senator has the floor. Floor captains for Friday: DOUG (10-1); McINTYRE (1-4); McGOVEN (4-7); BAYJ (7-0)."

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 40, (The 24th day of debate on H.R. 7182; 41st day of debate on civil rights)

- The bipartisan Senate leadership sup­porting the civil rights bill, H.R. 7182, headed by Senator 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. Ex­cept in the case of the Motorola case.

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BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 41, (The 25th day of debate on H.R. 7182; 42nd day of debate on civil rights)

- The bipartisan Senate leadership sup­porting the civil rights bill, H.R. 7182, headed by Senator 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. Ex­cept in the case of the Motorola case.

- 1. Quorum scoreboard: The record con­tinue well, with three quorum calls met in an average time of 23 minutes.

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rights in the fieldhouse of Georgetown University, Dr. Eugene Carson Blake, Rabbi Uri Miller, and Archbishop Shehan of Baltimore will address the audience. The conference will take place from 9 a.m. to 5 p.m. in the fieldhouse of Georgetown University.

4. Court action under the 1957 Civil Rights Act: Opponents of the civil rights bill claim that the legislation does not give voting cases preference on court dockets. The bill's opponents are expected to challenge the constitutionality of the bill in federal courts. The Senate leaders had hoped that the bill would expedite the civil rights bill. Of this amount, $142,500 was approved by the Senate on Saturday within 20 minutes. The overflow crowd had spread the misleading and abusive advertising campaigns.

5. Signs of the times: The General Assembly of the Southern Presbyterian Church voted to disband all-Negro presbyteries. The General Assembly also approved a recommendation that the hospital could be canceled. In other words, the filibustering and distorted advertising have backfired; they have created a more favorable attitude than before. The well-known liberal group has spread the misleading and abusive advertising campaigns.

6. From the John Birch Society bulletin: “Our members are responsible for pouring more than half a million messages [against the civil rights bill] into Washington during the last month and will pour in many more before the fight is over.”

7. The New York Times, which reported this, is not a disinterested observer. This young lady's name had been signed to the Senator in the first place. For instance, one gentleman, the father of a young girl, wrote: "I have not and will not sign any petition against civil rights. Further, I have never signed any petition under my own name, or my 11-year-old daughter's name.”

8. The following article is reprinted in its entirety from the New York Times of April 23:

"Jackson, Miss. April 23.—The Mississippi Senate passed an amended bill today giving the Governor new police powers to deal with race riots.

"The amendments, termed by administration leaders, specify that the Governor's police powers were extended primarily for dealing with race riots, and they were not to be used for other purposes.

"The bill passed by a 38 to 13 vote. It will be referred to the Senate for concurrence in the Senate amendments."

"Court action under the 1957 Civil Rights Act: Opponents of the civil rights bill claim that the legislation does not give voting cases preference on court dockets. The bill's opponents are expected to challenge the constitutionality of the bill in federal courts. Gladstone said "Justice delayed is justice denied." This 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 15 cases of which 11 have taken effect (Justice Department) and 21 cases are pending. Title I of the civil rights bill would give voting cases preference on court dockets, and the bill was passed by a 38 to 13 vote. The bill was passed by a 38 to 13 vote.

"Democrats: HART, 10 a.m. to 1 p.m.; BAYH, 1 to 4 p.m.; KENNEDY, 4 to 7 p.m.; Ruskoff, 7 p.m. to close.

"Republicans: COOPER, 10 a.m. to 6 p.m.; Boggs, 10 a.m. to 6 p.m.; Cotton, 8 p.m. to close.

"From the UPI ticker: "The southerners also said they would not permit a vote on the civil rights bill while the Democratic senator from Mississippi was in the Senate."

"The Senate will convene at 10 a.m. today and remain in session until at least 1 p.m. The pending business will be the Mannfield-Dirkson substitute, the voting cases preference on court dockets, and the bill was passed by a 38 to 13 vote."
stared at the floor. "They just don't seem to care about us any more," he said.

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: Paskorne, 10 a.m. to 1 p.m.; Magnussen, 1 to 4 p.m.; Long of Missouri, 4 to 7 p.m.

   Republicans: Kuchel, all day; Jordan of Idaho, all day.

Senator Magnuson points out that the civil rights bill has often said that title II, on public accommodations, and title VII, on equal employment opportunity, are so broad that they can be interpreted to make his own decisions about how he will use his private property. As a matter of fact, of course, all regulatory legislation imposes such restrictions on private property. Zoning laws, sanitation laws, wages and hours legislation, and literally hundreds of other laws limit the individual's right to use his property as he wants. The Supreme Court has been very specific on this point: "The Constitution does not guarantee the unrestricted privilege to engage in a business or to conduct it as one pleases."

3. Signs of the times: "The North Carolina Synod of the Lutheran Church of America has called on its members to welcome all worshipers of the denomination without restriction."

4. The voice of experience: Opponents of the Senate's civil rights bill say that the bill's proponents, coming from the North, have no experience with "the problem" and therefore are unqualified to deal with civil rights. The South, they say, is well aware of the problem. After reading the testimony of a southern mayor who not only knows about "the problem" but has also taken action, they say, they have done a great deal to bring equality to Negroes in his city. These are some excerpts from the testimony of Ivan Allen, Jr., mayor of Atlanta before the Senate Commerce Committee:

   "The Congress of the United States is now considering a bill that would require you to pass a public accommodation bill that forces this issue. Or, shall you create another round of disputes and demonstrations by refusing to pass such legislation?"

   "Surely the Congress realizes that after having failed to take any definite action on this subject in the last 10 years, to fail to pass this bill would amount to an endorsement of private business setting up an entirely new status of discrimination throughout the Nation. Cities like Atlanta might slip backward. Hotels and restaurants that have already done so loudly in their defense of "private property" might find it convenient to go back to the old status. Failure of Congress to take any definite action at this time is by inference an expression of a belief that private business should have the right to practice racial discrimination and in my opinion, would start the same kind of demonstrations that we have had in the past.

   "Gentlemen, if I had your problem, armed with the local experience I have had, I would pass the civil rights bill."

   "But the point I want to emphasize again is that now is the time for legislative action."

   "The only way by any provision of this bill."

   The two realtor boards responded with a letter to the People's Forum of this newspaper, was based on the mistaken identity: "All any friend of the great Moses Cone Hospital in Greensboro can hope is that the institution, in refusing to give emergency treatment to a student who said he was a Negro, suffered from a momentary lapse of judgment and was not officially guilty of insensitivity and hypocrisy."

Yet the Associated Press reports that the director of the hospital says that nurses in this case 'were following directions and did not know' that this student who came with a broken and bleeding nose was an Indian and not a Negro. Such an excuse is worse than the refusal to treat the injured man. Not only American Negroes but American whites should resent the idea that a dark-skinned stranger should receive emergency care which is refused a dark-skinned native."

(Raleigh News and Observer, Apr. 7, 1964.) Since this opinion was stated 30 years ago, it should have extra authority for those persons who disregard all modern constitutional law.

5. From the UPI ticker: "Senator Jacob Javits, Republican, of New York today reported a dramatic turnabout in his civil rights bill."

"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 have shifted dramatically, he said."

"The count of New York State mail during the month of April—as of this morning—was 6,377 letters for the bill and 2,527 letters opposed."

He said this was new evidence countering claims that there is a so-called white backlash in the North that was supposed to be having an adverse effect on support of the pending legislation.

6. More visitors: Civic, business, and religious leaders from Arizonas, Colorado, and New Mexico will be in Washington today to express support for the civil rights bill to their Senators.

7. From the UPI ticker: "When the floor captains for Tuesday:

   Democrats: Williams of New Jersey (10 to 1), Pastore (1 to 4), Kennedy (4 to 7), McNamara (4 to 7).

   Republicans: Proctor (all day), Saltonstall (all day).

   3. Legal rights and the southern way of life: The following editorial from the Washington Post illustrates two important truths about the opposition to the civil rights bill. The bill is so objectively correct that only black people who are so loud in their defense of "private property rights" when it comes to this bill have been strangely silent when Government officials have moved to stand against discrimination against Mexicans imported to work on southern farms.

   "The second point is less obvious but just as important: discrimination against Mexican aliens has been part of community life for generations, yet when the Federal Government threatened to use its power to end this way of life, there was an end to the..."
After the Morton amendment is disposed of, any other perfecting amendments to the Talmadge amendment would be in order. One such amendment has been introduced by Senators HUBERT H. HUMPHREY and SENATOR THOMAS KUCHEL, which would not necessarily be granted to public officials, except that the court could do so at its discretion. The Department of Justice has stated that the Morton amendment comes first. Any other amendments to the Talmadge amendment will be considered next. Complete roll call votes on previous perfecting amendments will be voted on. If the Mansfield-Dirksen substitute is adopted, it will be the new Talmadge amendment, regardless of the outcome of roll call votes on previous perfecting amendments.

In short, the Morton amendment comes first. Any other amendments to the Talmadge amendment will be considered next. Complete roll call votes on previous perfecting amendments will be voted on. If the Mansfield-Dirksen substitute is adopted, it will be the new Talmadge amendment, regardless of the outcome of roll call votes on previous perfecting amendments.
6. A short course in jury trial "guarantees" of the bill. (Opponent, page 7773, lines 6-8)

"The trial of all crimes, except in cases of impeachment, shall be by jury * * * (art. III, sec. 2, clause 3)."

In a second amendment, the accused shall enjoy the right to a speedy and public trial * * * (sixth amendment).

"In suits at common law, where the value in controversy shall exceed $20, the right of trial by jury shall be preserved * * * (seventh amendment)."

1. Quorum disaster: The first three quorum calls yesterday were made in 20 minutes each, but when the fourth one was called after 6 o'clock, it took 1 hour and 11 minutes for 51 Senators to get to the Chamber. A fifth quorum call at 10:16 required more than an hour and a half.

2. During the day, a full-time worker of the Senate's quiet staff was called by a private in the armed services to report to the military service, which is the reason that he was not informed on the civil rights bill. It will be distributed whenever circumstances warrant, daily, if necessary.

3. Opponent: "The broad Talmadge amendment to limit contempt proceedings to cases where the contemnor is charged with criminal contempt have a constitutional right to a jury trial. This claim has been made and rejected here again and again. * * * It has always been the practice, both State and Federal, that the courts—except where specifically precluded by statute—have the power to try contempt matters." (U.S. v. Earnest, 1963).

The issue we are dealing with is whether a jury shall be empowered to refuse to allow vindication of the authority of the court and enforcement of its orders. If the court and of the judgment it has entered after a trial on the merits. * * * The broad Talmadge amendment offers no limitations to the contempt proceedings. However, one objection that can be urged against trial by jury in a civil rights proceeding that cannot be offered against trial by jury for contempt proceedings is that the right of trial by jury shall be preserved * * * (seventh amendment).

4. More true crimes stories: The following remarks by a supporter of the civil rights bill may be interesting, in view of the attempts by the enemies of the bill to distract attention from racial discrimination by telling bloodcurdling stories about crime in New York City:

"The Federal Bureau of Investigation crime statistics indicate clearly that the streets of New York City are actually safer than the streets of a number of southern cities, including Atlanta and Savannah, in Georgia, from which some of the severest criticism on this issue has been directed. New York City is actually safer than the streets of the following 18 southern metropolitan areas: Amarillo, Tex., 1,761.1; Atlanta, Ga., 1,761.4; Charleston, S.C., 1,891.2; Charlotte, N.C., 1,922.9; Corpus Christi, Tex., 1,926.0; Fort Lauderdale-Hollywood, Fla., 1,926.2; Galveston-Texas City, Tex., 1,926.5; Greensboro, N.C., 1,593.5; Houston, Tex., 1,687.2; Jacksonville, Fla., 1,684.7; Laredo, Tex., 1,684.7; Lubbock, Tex., 1,684.8; Mobile, Ala., 1,684.9; Richmond Va., 1,688; San Antonio, Tex., 1,578.2; Savannah, Ga., 1,513.4." (Congressional Record, May 5, 1964, p. 10697.)
be urged against the right of trial by jury in cases involving murder, arson, burglary, rape, larceny, treason, or any other offense known to the catalog of crimes. It is surprising that any person would urge against the 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 autho­rizes by section 5-1 of the general statutes of North Carolina arising out of defendant's failure to obey an order restraining intimidation of employees crossing a picket line the court had jurisdiction to render a judgment for fine and imprisonment without a Jury trial." (Safie v. Co. v. Arnold, 229 N.C. 375; 45 S.E. 3d 577)

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 54, MAY 14, 1964

(The 38th day of debate on H.R. 7152: 56th day of debate on civil rights)

(1) Quorum scoreboard: Three quorum calls were made on Wednesday within the allotted time.

2. Schedule for Thursday: The Senate will convene at 10 a.m. and will be in session until very late in the evening. Floor captains for Friday:

Democrats: McIntire (10 to 1), Williams of New Jersey (4 to 3), Nelson (4 to 7), Church (7 to close).

Republicans: Bennett (all day), Case (all day).

3. Knitting that won't be stuck to: The opponent of H.R. 7152 who was disappointed to learn that American religious leaders are supporting separations of church and state "stick to their own knitting," will be even more disappointed when he sees a collection of 53 statements representing 29 religious groups, to appear soon in the RECORD.

4. Recommended reading: From a group of articles on education and civil rights in the Saturday Review, May 16, 1964, by Ralph McGill, will distribute this newsletter to the offices of the Senators who support the legislation. This newsletter will help to keep Senators and their staffs informed on the civil rights bill. It will be distributed whenever circumstances warrant, daily, if necessary.

1 Quorum scoreboard: Four quorum calls were made on Thursday within the allotted time.

2. Schedule for Friday: The Senate will convene at 10 a.m. and will be in session until late evening. Floor captains for Friday:

Democrats: DOUGLAS (10 to 1), McCARTHY (4 to 3), WATERS (4 to 3).

Republicans: DOUGLAS (10 to 1), McCARTHY (4 to 3), WATERS (4 to 3).

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1 Quorum scoreboard: On Saturday, May 16, 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 evening. Floor captains for Monday:

Democrats: CLARK (10 to 1), DOUGLAS (4 to 3), McCARTHY (4 to 3), WATERS (4 to 3).

Republicans: CASE (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-fourths of that of whites.

Median income of persons 14 years and over, by income region and color, 1959 and 1960

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<tr>
<th>Region</th>
<th>White Non-white</th>
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1 Includes also Maryland, Delaware, Texas, Okla­homa, West Virginia, and the District of Columbia.

2 Ibld.

NOTE.—The table also shows that southern Negroes have the lowest median income of about $3,000. On the other hand, white persons in the South have a median income close to $4,000. It is only $200 below that of white persons in the non-South.

Source: Hearings before the Subcommittee on Em­ployment and Manpower of the Committee on Labor and Public Welfare, 88th Cong., 1st sess., on 8, 738, 8, 1210, 8, 1221, and 8, 1967, at p. 443.


BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 57, MAY 16, 1964

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 57, MAY 11, 1964

(41st day of debate on H.R. 7152: 58th day of debate on civil rights)

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senators HUBERT H. HUMPHREY and Thomas KUCHEL, will distribute this newsletter to the offices of the Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant, daily, if necessary.)

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Source: Hearings before the Subcommittee on Em­ployment and Manpower of the Committee on Labor and Public Welfare, 88th Cong., 1st sess., on 8, 738, 8, 1210, 8, 1221, and 8, 1967, at p. 443.


BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 57, MAY 16, 1964

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 57, MAY 11, 1964

(41st day of debate on H.R. 7152: 58th day of debate on civil rights)

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senators HUBERT H. HUMPHREY and Thomas KUCHEL, will distribute this newsletter to the offices of the Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant, daily, if necessary.)

1 Quorum scoreboard: On Saturday, May 16, 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 evening. Floor captains for Monday:

Democrats: CLARK (10 to 1), DOUGLAS (4 to 3), McCARTHY (4 to 3), WATERS (4 to 3).

Republicans: CASE (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-fourths of that of whites.

Median income of persons 14 years and over, by income region and color, 1959 and 1960

<table>
<thead>
<tr>
<th>Region</th>
<th>White Non-white</th>
<th>Dollar difference</th>
<th>Non-white percent of white</th>
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<td>Northeast</td>
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1 Includes also Maryland, Delaware, Texas, Okla­homa, West Virginia, and the District of Columbia.

2 Ibld.

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CONGRESSIONAL RECORD — SENATE

June 19

until late evening. Quorum calls can be expected at any time.

Floor captains for Monday:
Democrats: BARTLEY (10-1), BAYH (1-4), BRUMMITT (4-7), INOUYE (7-close); Republicans: CAMPBELL (6-9), HART (9-close).

3. Thus spake "Daddy Warbucks": Yesterday's Washington Post (p. A44) contains a series of 15 false charges by Governor Wal­licans:

"proper start:
SYMINGTON
expected at any time.
14474 CONGRESSIONAL RECORD- SENATE

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vested in a Federal inspector, who under an
under the unlimited power granted to Fed­

promoting, and demoting.
whomever he might

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porting the civil rights bill, H.R. 7152,
headed by Senator

Our newsletter will help to keep Senators and

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2. Tuesday's schedule: At 10 a.m. the Democratic conference will meet in the Old Supreme Court Chamber and the Repub­

ican conference will meet in the new Senate Conference Room, S-207. The subject of both meetings will be the package of amend­
ments intended to be presented by Senator Dinken 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.

4. Floor captains for Tuesday:
Democrats: KENNEDY (12-9), HARTRE (3-8), PROXMIRE (6-9), HART (9-close); Republicans:
CAMLON (all day), SCOW (all day).

5. A rare discovery from Alabama: Most Senators and their staffs get their day-to-day news from the local newspapers and

New York newspapers. This has the effect of depriving us of the true flavor of the State. In order to correct this deficiency and provide our readers with a more authentic picture of conditions in Alabama, we will present an excerpt from the Birmingham News. Today's selection is sev­
eral years old, and may throw some light on the current stalemate in Montgomery. It reads:

"The organization has adopted a resolu­tion opening the way for such recognition to Negro schools, but the Alabama State committee turned thumbs down on

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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-take the State's share of Negro colleges if there was any desegregation of white colleges. This article is from the Birmingham News of March 25, 1964:

"A veteran black belt legislator proposed today that the State cancel a $376,000 a year grant to Tuskegee Institute if a Negro student were to remain permanently at an all-white college."

"Representative W. L. (Doc) Martin, of Clay County, made his suggestion during a legislative committee session on school finance problems."

"He first asked Dr. A. R. Meadows, State secretary of education, what if he would be willing to terminate a State contract with Tuskegee should such a situation develop, then proposed to offer a bill in the legislature to require it."

"Dr. Meadows said he wasn't prepared to answer the question at this time."

"The State has for many years entered into a contract with Tuskegee Institute to provide instruction in certain fields for Alabama students who can't get it at State-supported Negro colleges."

"Representative Martin, who represents a county in which Negroes outnumber whites about five to one, has bright plans to offer a bill in an impending session of legislature to make the Tuskegee project 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, 63rd day of debate on civil rights)

"The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senators Humphrey and Senator Thomas Kuchel, will distribute this newsletter to the offices of the Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant, daily, if necessary.)

1. Quorum scoreboard: Another 3 for 20.
2. Friday's schedule: The Senate will convene at noon and will stay in session until early evening. The bill's opponents, however, refuse to forego agreement on the pending jury trial amendments, will continue to filibuster on this issue.

Democrats: Church (12-3), McGovern (3-6), McNamara (6-closed); Republicans: Keating (all day), Pearson (all day).

2. Quo warranto: "The States of Alabama and other states have major parks. They are all for white people. There are seven minor parks. Negroes are not admitted to them, either. It is a matter of agreement. However, the pending jury trial amendments, will continue to filibuster on this issue.

Democrats: Church (12-3), McGovern (3-6), McNamara (6-closed); Republicans: Keating (all day), Pearson (all day).

One Negro for the county board of education: See the other side.

Another one is too many one side of the coin. Candidates for which one may vote in the primary is the other side.

Every lawyer in Birmingham knows these things. Joe Ferguson and committee action is illogical, possibly illegal, and is bad strategy, playing into hands of those who want to charge willful denial of the simplest right to Negroes, which is served except that of deliberate futurity."

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 63, MAY 26, 1964

(The 46th 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 Senators Humphrey and Senator Thomas Kuchel, will distribute this newsletter to the offices of the Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant, daily, if necessary.

1. Quorum scoreboard: Two quorums in 20 minutes each on Friday.
2. Monday's schedule: The Senate will convene at noon and will stay in session until early evening. The bill's opponents, however, refuse to forego agreement on the pending jury trial amendments, will continue to filibuster on this issue.

Democrats: Church (12-3), McGovern (3-6), McNamara (6-closed); Republicans: Keating (all day), Pearson (all day).

3. Parliamentary inquiry: The following is from the Birmingham News of March 25, 1964:

"Mr. HUMPHREY. I merely wish to summarize the situation which we had in this event such amendments—as the proposed
package—are offered to the bill, and thereby become the pending business, and if cloture is ordered.

"Is it correct that the substitute can be added to the bill, if the two amendments have already been offered and read?"

"The PRESIDING OFFICER. That is correct.

"Mr. BERPUS. Well, that was part of the amendments already presented and read, such as referred to by the Senator from Arkansas, apposing to House bill 7152 can be voted to the substitute, as well?

"The PRESIDING OFFICER. That is the opinion and the ruling of the present occupant of the chair."

4. More news from Alabama: The following article is from February 27, 1964, issue of the Birmingham News.

Bearden made the accusation in a deposition taken last week by U.S. Justice Department attorneys. His testimony was filed in U.S. district court today.

"Bearden and other members of the board were contacted February 15 in connection with a Government voter registration suit pending against the board and the State of Alabama.

"He and the other registrars, Mrs. Nell Hunter and Wellington M. Gewin, were re-called for deposition taking today but newsmen were barred at the request of Justice Department attorneys.

"The earlier session was also closed to the press at the Government's insistence.

"In Bearden's deposition, he charges that Governor Wallace last December called on State Auditor Bettye Frink in an effort to persuade her to leave the board.

"According to the testimony, Mrs. Frink was contacted by Bearden to the board last October. Mrs. Hunter was appointed by Governor Wallace and Gewin by State Agriculture Director A. W. Todd.

"'I was contacted by Mrs. Frink and told that the Governor had called her to his office to fire me for registering Negroes,' said Bearden. 'That's why I resigned.'

"Mrs. Hunter had registered no Negroes and I had transferred to the montgomery County Board because of pressure from the board.

"According to the testimony, Mrs. Frink and Phillips have been subpoenaed for depositions here today.

"Mrs. Frink and Phillips have been subpoenaed for deposition as well.

"'Well after this came up and so much pressure got on me, I went and fired him,' Bearden said.

"'I told him he was going to be a 'monkey hanging on a limb,' Bearden added.

"'We hold that the issues here imperatively need a decision now. The case has been delayed since 1951 by resistance at the State and county level, by legislative inaction and by a decision of the Supreme Court that the Virginia segregation laws did not deny equal protection.'

1. Bipartisan leadership introduces omnibus substitute amendment: Senator Dirksen introduced the substitute amendment, the majority leader, and for the majority and minority whip, amendment No. 658 in the 66th Congress.

2. Bipartisan leadership introduces omnibus substitute amendment: Senator Dirksen will distribute this newsletter to the offices of the Senators who support the civil rights bill. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant.
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:
Democratic: McGovern (12-5), Church (5-6); Republicans: Allott (all day), Boso (all day).

2. The quality of integrated education: The following is an excerpt from an address by Senator Harman Spock, entitled "Children and Discrimination," delivered to the Church Assembly on Civil Rights on May 2, 1964:

"Actual studies of the effects of integration of Negroes in Louisville and Washington show academic improvement for the Negroes and no academic disadvantage for the white children. Evidence in Miss. and Alabama 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:

"The work of the Negro children improved, the difference between them and the white children was minimized.

"The slower children--either Negro or white--will usually be separated into more advanced classes.

"In other words, the quicker children and the slower children--either Negro or white--will be separated into the same classrooms.

BIPARTISAN CIVIL RIGHTS NEWSLETTER No. 66, JUNE 1, 1964
(The 50th day of debate on H.R. 7152; 67th day of debate on civil rights)
1. Monday's schedule: The Senate will convene at noon and will remain in session until early evening. Beginning Tuesday, the Senate will convene at 9 a.m. for the rest of the week.

2. Cloture: According to present plans, the cloture petition will be filed on Saturday of this week and action thereon will take place Tuesday, June 9.

3. News from the Mississippi front: Two recent reports from Mississippi reveal the continued pattern of mob violence and official denial of civil rights in that State. There is no more persuasive argument for the civil rights bill than the news from Mississippi. The first of these articles is from the May 31, 1964, issue of the Washington Post. It describes another example of official indifference to lynching law.

"MISSISSIPPI MOB BEATS INDIAN

"CANTON, Miss., May 30.—About 15 white men in 3 cars forced another vehicle to stop near Canton today; they jumped an Indian student from the car and roughed him up, a white minister said.

"The student, who was not seriously hurt, was a graduate student from Northern Illinois University who is a student at Tougaloo College at Jackson, a predominantly Negro school.

"Witnesses said the men, all well-dressed, were beating the Indian student when one of the cars was taken and a complaint was made to the highway patrol. A spokesman for the highway patrol said today, however, that there is no procedure for taking such a complaint. He added that the complaint would have to be reported to county authorities.

"The second article is from yesterday's New York Times. It shows that the right of accused persons to be represented by legal counsel is not yet well established in Mississippi when a demonstrator here was held in jail for the third day today without being allowed legal counsel.

"Carts Hall, a Negro lawyer of Jackson, said he had tried to visit those arrested at the county jail here yesterday and today and had been turned away both times.

"The Reverend Glenn Hosmen, a Methodist minister from Emporia, Kans., and Charles Mory, a theological student at Eden Seminary of the United Church of Christ at St. Louis, are the two National Council of Churches workers in Mississippi.

"Two other members of the council group picked up by the police Friday while standing on the street as observers during a registration drive were released 2 hours later without charges.

"One of the two, the Reverend Darrell Y. Byrd of Alexandria, La., said today that he and the Reverend Robert Goodson of Hayes, Kans., had been pushed roughly with rifle butts by officers who had been turned away by the demonstrators.

"The Reverend Robert Becth, formerly from Minnesota, was with the church council group in Mississippi, said he had not been able to learn the charges against those held. City Attorney Robert Denson said that charges were pending without a permit and those arrested were being held under $500 bond.

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 evening. Live quotas should be expected at any time today.

2. Floor captains for Tuesday:
Democratic: Proxmire, New Jersey, 9 a.m. to 12 noon; Kennedy, 12 to 3 p.m.; Magnussen, 3 to 6 p.m.; Hartke, 6 to 9 p.m.
Republican: Case, all day; Pearson, all day.

3. Quote without comment: The following is from the Washington Star for May 20.

"ANALYSIS OF DEFEAT—WALLACE BLAMES NEGROES

"His aids were trying to get him to eat his ham, but Gov. George Wallace was too interested in studying the results of the Maryland Democratic primary.

"Thumping the tabulations from the primary, the Governor, who is a candidate for the Democratic presidential nomination, said that he was only interested in the results of the Maryland Democratic primary.

"He did not say that he was, however, interested in the results of the Maryland Democratic primary.

"He did not say that he was, however, interested in the results of the Maryland Democratic primary.

"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
Governor Wallace revealed he already is thinking about other States. He intends to devote himself in the months ahead to speeches throughout the country.

Before all else, he assumed the modest statement that he so carefully has cultivated in all of his public appearances in the North.

When someone made a bitterly irreverent statement about the hostility of the churches toward him, he replied:

"There's nothing bad to say about the clergy. I think people should have a right to say what they want to say, to do what they want to do."

To a remark hostile to Negroes, he said:

"This is not a vote against any segment of the population."

Away from the crowd, Governor Wallace was more measured. Frequently using the term 'nigger,' he launched into a general discussion of big city crime and the race issue.

He asserted that Alabama handled street crime more effectively than Washington and New York by being stricter in its punishment of Negroes, and he defended the use of hot sticks, as he called the electric cattle prods used against racial demonstrators in the South, declaring that they were more effective and humane than police blackjacks used in the North.

"As to the solution of the racial problem, he said education for the Negro was the issue of the Daytona Beach (Fla.) Morning Journal:

"A BRIGHT ON THE STATE'S NAME"

A staff member of the U.S. Commission on Civil Rights picked up the copy of the New York Times yesterday, and began to read its account of the Governor's visit, and noted the dateline of St. Augustine, Fla. What he read made him anguished, and he put in the immediate use of the National Advisory Committee. 'Can such a thing be true in this country?' he demanded.

"The 'such a thing' was the act of County Juvenile Judge J. Charles Mathis in St. Augustine taking seven juveniles from their families and putting them in county jail. He did so because the parents refused to sign a form the judge presented them that said they would keep their children from indulging in any more demonstrations against segregation until they were 21.

"Such an action as this is common under totalitarian systems. Fidel Castro has taken young children from their parents and sent them to Moscow for indoctrination. Dictators in the name of the law, the state has the 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 and control 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 watch 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 showed up, the judge in the case presided in place of the regular attorney, he presented the promise to desist forms for the seven who were under 14—four girls and three boys. "I suggest you make no juvenile detention home for Negroes, they were lodged in county jail—a jail that supposedly is the place for common criminals. Florida is going to get a black eye over this case."

"Big brotherism of this stripe has no place in the American system of jurisprudence. It is abhorrent for a judge to decide he has the right to prevent young people from indulging in peaceful protest because their rights are being denied. It is a disgrace to him if he would take them from their parents because the parents refused to sign their rights away."

"Governor Bryant should inquire into this case immediately, and let the rest of the country know that the State does not stifle its citizens by the use of the system of law."
New York Times article of May 30, describing the terrifying 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 instigated against Negroes in the Counties of Pike, Amite, Wilkinson, Adams, Franklin, and Jefferson, as a result of voter registration drives conducted by the State Government.

"Five Negroes have been reported slain in that area in the last 6 months. Others have been flagged. Still others have fled from the homes 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 neat though unpainted living room of his tar papered home on his 240-acre farm in Amite County, on the Louisiana State line.

"I do not know what the Negro could be doing to displease the white people," he continued. "Looks like they are trying to do something of a student of American history, "

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 the minority. A quorum call begins at 11 o'clock, and immediately after the quorum call there will be the vote on cloture.

2. What happens after cloture? If this morning's cloture vote is successful and cloture is imposed, the leadership expects that there will be voting on amendments soon thereafter. As the Senate convened on Monday, a total of 411 amendments had been introduced since then. For this reason Senators are urged to avoid engagements that will take them away from the Capitol when the Senate is in session.

BIPARTISAN CIVIL RIGHTS NEWSLETTER No. 74, JUNE 8, 1964

(June 8, 1964; 56th day of debate on civil rights)

1. Monday's schedule: The Senate will convene at noon and will stay in session until late afternoon or early evening. Live quorum call voting will be conducted at any time.

2. Prec HCkENLOOPER's amendment to strike sections 404, 405, and 406 (pertaining to training institutes and Federal grants for training institutes to aid in the desegregation of public schools) after 4 hours of debate the Senate will vote on the Hickenlooper amendments.

3. Voter registration in North Carolina:

4. Amendment No. 606 (by Senator COTTON): Limiting title VII to employers with at least 100 employees.

5. Median family income

BIPARTISAN CIVIL RIGHTS NEWSLETTER No. 75, JUNE 11, 1964

(June 11, 1964; 57th day of debate on civil rights)

1. Thursday'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 the minority. A quorum call begins at 11 o'clock, and immediately after the quorum call there will be the vote on cloture.

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BIPARTISAN CIVIL RIGHTS NEWSLETTER No. 76, JUNE 13, 1964

(June 13, 1964; 58th 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 the minority. A quorum call begins at 11 o'clock, and immediately after the quorum call there will be the vote on cloture.

2. What happens after cloture? If this morning's cloture vote is successful and cloture is imposed, the leadership expects that there will be voting on amendments soon thereafter. As the Senate convened on Monday, a total of 411 amendments had been introduced since then. For this reason Senators are urged to avoid engagements that will take them away from the Capitol when the Senate is in session.
BIPARTISAN CIVIL RIGHTS NEWSLETTER No. 76,  
JUNE 19, 1964

(The 66th day of debate on H.R. 7152; 894 day of debate on civil rights)

FINAL ISSUE

The bipartisan Senate leadership supporting the proposed Civil Rights Act of 1964, H.R. 7152, headed by Senators Hubert H. Humphrey and Thomas Kuchel, has distributed the issues of this newsletter to the offices of the Senators who support the legislation. Hopefully the newsletter has helped to keep Senators and their staffs informed on the bill and on the bill's detractors.

Now, joining the legions of other small rural dailies, we cease publication with our thanks to those who helped to produce it.

RECAPITULATION

The Senate formally took up H.R. 7152 on March 30, after having debated civil rights for 17 days. The first successful cloture vote (71 to 28) on a civil rights bill occurred on June 10—534 hours, 1 minute, and 57 seconds of debate after the bill was taken up. During this time, 124 amendments were accepted, including the Dirksen-Mansfield-Kuchel-Humphrey substitute.

Comprehensive summaries of the bill, as amended by the Dirksen-Mansfield-Kuchel-Humphrey substitute (including the language of the Morton jury-trial amendment), can be found in the remarks of Senator Dirksen (June 5, pp. 12817-12820) and of Senator Humphrey (June 6, pp. 12709-12715) in the RECORD. The Morton jury-trial provision appears on page 14257 (June 17).

Complete summaries of the Senate-passed bill will be available in a few days.

Oratory and rhetoric will be found in the Senate debates in the quantity of anybody. Suffice it to say here that the job was done. We have a good bill. We still have a Senate, and we have miles to go before we sleep, and miles to go before we sleep.

MR. BYRD of West Virginia. Mr. President, how much time have I remaining?

THE PRESIDING OFFICER. The Senator from West Virginia has 31 minutes remaining.

MR. BYRD of West Virginia. Mr. President, I yield myself 25 minutes.

THE PRESIDING OFFICER. The Senator from West Virginia is recognized for 25 minutes.

MR. BYRD of West Virginia. Mr. President, on last Wednesday I voted for the Mansfield-Dirksen amendment to the civil rights bill. The amendment was in the form of a substitute bill. In my judgment, the amendment constituted a slight improvement over the bill passed by the House. For this reason, I chose the lesser of two evils and voted to place 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 the nation is in need of such a bill.

Anyone who opposes a civil rights bill is labeled anti-Negro, a racist, and a bigot.

The antibigot bigots in this country have so intimidated many men that they will not stand up for the constitutional demands made in the name of civil rights.

I believe in equal justice for all, but the so-called civil rights bill goes beyond this. Its practical results will be special treatment for some people rather than equal treatment for all. It will accord no new civil rights to anyone. All Americans, white and non-white, today possess the same civil rights. These are guaranteed by the Constitution, therefore the Bill of Rights and the subsequent amendments to the Constitution. What is needed is better enforcement and uniformity of application of the laws already on the statute books.

I voted for the 1957 and the 1960 Civil Rights Acts. I supported the resolution providing for a constitutional amendment to abolish the poll tax as a requirement for voting in Federal elections. But this bill contained provisions which I could not conscientiously accept.

In reality, it consisted of several controversial bills rolled into one, and it should be remembered that the bill was never sent to a Senate committee in accordance with the Senate's rules. It was railroaded to the floor of the Senate over the objections of those of us who felt that in the interest of orderly legislative processes and in the interest of writing a workable and constitutional bill, voting on the validity of the amendment and of debate. Great evils often result from hasty legislation; rarely from the delay which follows full discussion and deliberation. Our Senate—preserving the unrestricted right of amendment and of debate, maintains a balance between deliberative methods and amenities which unfortunately secure action after deliberation possesses in our scheme of government a value which cannot be measured by words.

So, Mr. President, I think it can be rightly said that Senate rules which provide for unlimited debate—call it filibuster if you will—constitute the final weapon possessed by a minority of States for their protection against a temporary and tyrannical majority. The Senate is the last impregnable fortress against the storms of emotion and passion which have a way of sweeping over and engulfing the people, as we have seen happen in some of the recent demonstrations, the flagrant acts of civil disobedience, and the willful violations of law which have occurred throughout our land during the past 2 years.

But, in this instance, a minority of Senators, representing a minority of States, were unable to beat down the insatiable drive for cloture.

Realizing that a majority of Senators achieved by being expected to support any bill which bears a civil rights title, I was opposed to invoking cloture to shut off debate. I knew that if the debate were closed, the bill would pass substantially as written, because the leadership had the votes. I also knew that virtually all amendments it did not wish to accept. But cloture was invoked; and from the moment when 71 Senators voted to stop debate, the end was in sight, and the passage of the bill was only a matter of time.

Scores of amendments were offered by Senators who opposed certain parts of the bill. I did not oppose all of the bill; I could not vote against it. I opposed it as and where it was and is a matter of taking all of the bill or nothing. The bill's supporters beat down all but a few inconsequential amendments. The bipartisan steamroller was supposed to ride over everything, and that it would. The handwriting on the wall was as clear as the sun on a cloud-
less morning. Meritorious amendments were defeated as a matter of course.

Although the impact of the bill upon the small farmer who operates a six-room tourist home in West Virginia will be minor, because such homes are few, we shall all pay a high price for this legislation in the loss of constitutional protection for each citizen in the South. And just as it has been rightly said that the constitutional rights of white citizens to manage and control the use of private property—one of our basic natural human rights which existed long before written constitutions—cannot be ruthlessly trampled under foot without also destroying the same God-given rights of Negro citizens, when it is remembered that one's daily bread, secured through honest sweat and toil, constitutes property, then it is not difficult to comprehend the importance of these constitutional rights and the necessity for their high place in the scale of human rights.

The Fifth Commandment, found in the Old Testament, "Thou shalt not steal"—recognizes without question the venerable and time-honored, natural and inherent, property rights of man.

Although the impact of the bill is directed largely at the Southern States, the constitutional rights of citizens in other parts of the country have also been impaired. The constitutional right of Negro citizens cannot be encroached upon without endangering the constitutional rights of white citizens, so can it also be rightly said that the constitutional right of white citizens to manage and control the use of private property—itself one of our basic natural human rights which existed long before written constitutions—cannot be ruthlessly trampled under foot without also destroying the same God-given rights of Negro citizens. When it is remembered that one's daily bread, secured through honest sweat and toil, constitutes property, then it is not difficult to comprehend the importance of these constitutional rights and the necessity for their high place in the scale of human rights.

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When it is remembered that one's daily bread, secured through honest sweat and toil, constitutes property, then it is not difficult to comprehend the importance of these constitutional rights and the necessity for their high place in the scale of human rights.

The Fifth Commandment, found in the Old Testament, "Thou shalt not steal"—recognizes without question the venerable and time-honored, natural and inherent, property rights of man.
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:

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rights come in conflict with property rights, the property rights must give way. This is 1964, the year in which 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, and the whip, Howard 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, and the Senate, for themselves a fine record of legislative statesmanship, was of great help during the course of the many weeks that this bill has been under consideration in the Senate.

Sometimes, I believe too frequently, we in the Senate are not so appreciative as we should be of the dedicated, able work of loyal staff members who serve, in fact, so satisfactorily to every major legislative effort in the Senate. To a large degree, this bill in its final form is the product of many such able staff members.

However, when all is said and done, I believe that the legislative history of this bill will record that the President of the United States deserves the major credit for it. If it had not been for his leadership, his courage, his determination, I am convinced that the Negroes of America would have seen the year 1964 pass into history without the passage of this civil rights bill delivering their constitutional rights to them. His speech of a few weeks ago to the Georgia Legislature, and the factors that solidified support behind this bill both in the Congress and in the country. By making that speech where he did, he made it clear that there was to be no retreat on the civil rights issue. That was an act of presidential leadership that has rarely been equaled in the history of the Presidency.

I have said before that, in my opinion, the greatest speech on civil rights which has been made in our country since the Emancipation Proclamation of 100 years ago was the speech that President Johnson delivered at Gettysburg, Pa., on May 30, 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.

I have pointed out many times in my speech that in support of this civil rights bill, the Constitution of the United States is not self-executing. It is the duty of Congress to enact legislation implementing the Constitution in all instances in which such legislation is necessary to carry out court decisions or

Mr. MORSE. Mr. President, at that historic Gettysburg speech on Memorial Day, 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 lived here and those who say, "Together." There is no other way. Untility justice is blind to color, until education is unaware of the threats both from constitutional rights, emancipation will be a proclamation but not a fact. To the extent that the Negro is not fitted in fact, to that extent we shall have fallen short of assuring freedom to the free.

All in the Senate, the President, we must remember that justice is a vigil, too—a vigil we must keep in our own streets and schools and among the lives of all our people—so that those who died here on their native soil shall not have died in vain.

Mr. President, that the entire speech be printed in the Record and among the lives of all our people—so that those who died here on their native soil shall not have died in vain.

One hundred years ago, the slave was freed. One hundred years later, the Negro remains in bondage to the color of his skin. The Negro today asks justice.

We do not answer him—we do not answer those who lie—when we reply to the Negro by asking, "patience." Our Nation found its soul in honor on those hallowed grounds of Gettysburg, one hundred 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 our own borders that the penalty for violation of the Constitution 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, to make 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 have promised our forebears from the bonds and chains of slavery.

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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.

The PRESIDING OFFICER. Is there any objection to the request by the Senator from Ohio that the entire speech be printed in the Record at the close of my remarks?

Mr. HUMPHREY. Mr. President, I am sure that all Members of the Senate would support the request of the Senator from Ohio that the entire speech be printed in the Record at the close of my remarks.

The PRESIDING OFFICER. It is so ordered.

(See exhibit 1.)
We do not answer him—we do not answer those who lie beneath this soil—when we reply to the Negro by asking, "patience." It is empty to plead that the solution to the difference or conflict rests in the hands of the clock. The solution is in our hands. Unless we are willing to yield up our destiny of greatness among the civilizations of the world—an institution which this generation together—must be about the business of resolving the challenge which confronts us now.

Our Nation found its soul in honor on these fields of Gettysburg 100 years ago. We must not lose that soul in dishonor now on the fields of hate. Unless we will be on trial. But at least we must be about the business of bringing about racial peace and tranquility. To that point the Senate had been doing for the Negro without the law, the Negro may underestimate what he is doing and can do for himself with the law. He cannot be made white for patience, it is not empty—it is merely honest— to ask for patience. 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 choosing to be decisive in the law to gain sooner the ends of justice which law alone serves.

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 the law relegate some of our citizens to lesser status. With this bill we will reaffirm by law our proud proclamation in our Declaration of Independence—"All men are created equal, endowed by their Creator with certain unalienable rights."

One hundred years after emancipation equal rights will be guaranteed by law in the right to vote, the right to education, the right to employment, the right to live in the community, the right to fix quotas of employment which are at stake—it is our Nation. Let those who care for their country come forward, North and South, white and Negro, to lend the way through this moment of challenge and decision.

The Negro says, "Now." Others say, "Never." The Negro says, "Almost." The Negro says, "I have carried on efforts to influence the legislation, and my attitude nor dissolve animosities. Human charity, love, respect and consideration come from the moral, cultural, religious heritage of a people. As a people we will be on trial. But at least we have taken this legislative step.

The bitterness of this long fight must not remain to contaminate our national life. We must put behind us the misrepresentations and emotional assaults made against this bill. Our duty will be to understand and to implement the law exactly, by an overwhelming vote of our choice. We are the Nation governed by law. Our duty and belief—indeed our way of life—requires honoring, obeying, and sustaining the law. This bipartisan bill represents a significant milestone in the progress of humanism toward brotherhood and peace.

Mr. YOUNG of Ohio. Mr. President, early in 1959, shortly after I took the oath of office in the Senate, in a newsletter which I sent to my constituents in Ohio, as an additional service as their Senator, I wrote:

"This Congress should expand civil rights and protect civil liberties. We should support the Supreme Court of the United States and its decisions as the law of the land. Daily we hear and read arguments for and against segregation and suggestions to compromise on the fundamental definitions of civil rights. There just cannot be any comprise on civil rights. Either you are for the Supreme Court or against it. If you are against it you will lose that soul in dishonor now on the day that you decide to become a NATION DECIDE WHERE THE COMMON CITIZEN WOULD BE HONORED, OBEYING, AND SUSTAINING THE LAW."

On balance, the provisions which should be considered and the bill that the United States Senate, including the senior Senator from California [Mr. Kuchel], and the senior Senator from Michigan [Mr. Hartke], in this hour of crowning glory, when after a worrisome debate of nearly 3 months we shall pass this amended bill— which is, in fact, a greatly improved bill—by a large majority which has over that which was sent to us from the President John F. Kennedy, who fought over that which was sent to us from the prompts my most complete admiration for the majority and minority leaders, the Senator from Montana [Mr. Mansfield], and the Senator from Illinois [Mr. Dirksen], and also for the assistant majority leader, the Senator from Minnesota [Mr. Libby], and for the assistant minority leader, the Senator from Florida [Mr. Humphrey]. I wish at this time also to manifest my admiration for the diligence and the hour of decision is at hand. I would not feel right if I did not at this time manifest my complete admiration for the majority and minority leaders, the Senator from Montana [Mr. Mansfield], and the Senator from Illinois [Mr. Dirksen], and also for the assistant majority leader, the Senator from Minnesota (Mr. Libby), and also for the assistant minority leader, the Senator from Florida (Mr. Humphrey). Today, after nearly 3 months of debate, the hour of decision is at hand. I would not feel right if I did not at this time manifest my complete admiration for the majority and minority leaders, the Senator from Montana (Mr. Mansfield), and the Senator from Illinois (Mr. Dirksen), and also for the assistant majority leader, the Senator from Minnesota (Mr. Libby), and also for the assistant minority leader, the Senator from Florida (Mr. Humphrey).
the United States, I walked along with John F. Kennedy all the way from Los Angeles. 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 the United States is a nation in which no one is forgotten where the young have faith, the aged have hope, and where all stand equal before the law, and protected in all their civil liberties.

In 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.

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 not been so thoughtfully debated for a period of nearly 3 months, that would give in to the Negroes or 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 part of this Senate has extended its hand to the House of Representatives and then sending the bill to the White House so that it may be signed by our President and become the law of the land on a very fitting day indeed—July 4, 1964—will not immediately abolish injustice.

That must come, Mr. President, through the growing understanding and good will of the people of the 50 States of our Union. However, the legislation which we have worked on, and which we shall pass in this Chamber within a period of 2 hours or less, will at last extend the assurance of the Declaration of Independence, and our heritage of freedom to all Americans, regardless of their race or color. It will be a step forward on that long path toward the growth of peace and understanding.

Along with so many of my colleagues, it will be a happy occasion when I cast my vote "yea" in favor of the bill.

Mr. MONRONEY. Mr. President, will the Senator from Ohio yield on my time?

Mr. TOWER. Mr. President, I ask unanimous consent that remarks I have prepared relative to title VII and title IX of the civil rights bill be printed in the Record.

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

STATEMENT BY SENATOR TOWER

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 2 minutes.

Mr. MONRONEY. Mr. President, Senate passage of the civil rights bill clears the way for enactment into law the most carefully debated measure ever considered by Congress. It contains a long series of legislative compromises, but it is a historic accomplishment of 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 of the United States. The Senate has fulfilled the unyielding cry of that 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 liberty and justice we have not only in the Senate of the United States, 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 the other phases of the civil rights problem.

While I cannot agree wholeheartedly with all provisions of this 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 defects in the bill States which have public accommodations laws and employment handled on the local level would continue to solve problems of discrimination themselves. There is no need for Federal intervention into these delicate fields at all, if the States and communities take the initiative and enact laws under which they can govern themselves. This bill encourages mediation and conciliation at the local level, in place of Federal control. The Senate knows that this method of handling these matters is the best way to bring about lasting solution to the problem of discrimination.

It is long past time for correction of conditions which have degraded some Americans. This is essentially a moral issue. Americans must always move to higher ground, toward a larger measure of fair and equal opportunity for all.

I think it is most important that the bill itself be interpreted correctly. Title VII only provides protection to citizens of the United States against infringement of their civil liberties. It is not a panacea for the bills which plague some groups of our citizens who are the property of the cherished freedoms of other citizens.

The judgment which will be written in history will, I believe, confirm the wisdom and justice 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 Senator from Oklahoma. I am proud that this Senator has been 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 for the insertion in the Record of a statement prepared by the distinguished Senator from Oklahoma, Mr. Monroney, relative to title VII and title IX of the civil rights bill.
The United States finds itself today at the onset of the most competitive period in world economic history. We have been the leader, but we are strongly challenged.

While U.S. industrial output continues to race forward quantitatively ahead of the booming economies of European and Japan, most of these nations are expanding at rates which outstrip those of the United States. For America, the challenge is not so much to exceed the growth rates of overseas competitors. Rather it is to keep ahead of their achievements in productivity which have accompanied their rapid industrial growth.

In this competition it behoves the United States not to place additional roadblocks and restrictions upon private business. As never before in history, the competitive atmosphere in the United States and overseas compels American businessmen to innovate and modernize—and to internationalize their entire business scope and philosophy.

History may well designate 1964 as the point in time in which the United States made the transition from a basically national, inward-looking economy that has been dominated by domestic issues to a truly international economy.

Consider these points:

1. That 1964 will see many economic records broken, and desirably displaced, by the growth rates of which government, business, labor, and the consumer yearn for. The expansion we seek must come from the world market. Middle-aged industrial countries are expanding at rates to only about 7 percent of our gross national product compared to 29 percent in Europe's Community and over 50 percent for the United Kingdom.

2. That 1964 will not only be a year of transition but one which will find most Americans ill-prepared to master the international business environment in which we shall have to operate.

3. That many American industries have already lost cost leadership to Japanese or European manufacturers.

4. That while foreign costs have been rising at a faster rate than in the United States, nevertheless U.S. labor costs measured in absolute dollars-and-cents terms—are advancing faster than theirs.

5. That U.S. advantages in industrial productivity are being cut back by overseas competitors who are, in many cases, making advances faster than we and who will find it quite easy to approach our levels. Indeed, the recent flow of American know-how to Europe and Japan represents a fantastic bargain for their producers, who can leapfrog technologies and dispense with research and development outlays that haunt the profits and loss statements of their U.S. competitors.

6. That the effect of foreign penetration of American industry is at a maximum, so much has been the loss of domestic sales as it has been lower U.S. price and profit levels. In just a little over a decade, and despite record corporate profits overall, the profit rate on domestic investment declines has been much more than one-third. These depressed profits have contributed to cuts in production, and the reductions needed so that U.S. companies can invest more heavily domestically in their own plants.

In capsule form, this is the challenge of keeping America competitive. It is a challenge of productivity. And productivity is more than just the sum of factors such as management efficiency or keeping labor costs down or going up after more of the export basket. Increased productivity is a complex of factors such as these:

1. Of investment policies by U.S. companies that will accelerate—dramatically—improvement through introduction of new technologies.

2. Of economic policies by the U.S. Government, tax, trade, labor, and national fair employment practice rules—that will make possible this accelerated rate of investment in U.S. productivity or will needlessly harass.

3. Of labor-management policies that will relate wage rates and employment practices at home more favorably to productivity, but to the crucial levels of labor costs and productivity in the countries with which the United States must compete.

4. Of qualifications of American teams—meaning government, industry, and labor—has more often been a phrase than a fact, to great challenge. Keeping America competitive qualifies as the kind of national challenge which should result—through desire, not federal decree. Our economic national product and a wider view of our individual responsibilities as Americans. Successfully met, the challenge can bring better times, more work and employment, and a strengthened position on the world scene. The alternative is lower productivity, reduced business, fewer jobs and economic instability, a further 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 heights.

The benefits of expanded multilateral trade and investment can be seen most strikingly in the living standards of the Western European countries. The United Kingdom 14 percent, and the U.S. dollar is the most important currency in the world. U.S. financial obligations have been planned with the United States not as dependent. 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 which I do not feel would be helped by an FEPIC loan: change of payments position must be improved.

Abroad, the challenge is assisting the less-developed nations. The great point of self-sustaining economic growth remains a serious one. Remaining barriers to international trade must be removed. In many underdeveloped countries, the cost of foreign private investment, political instability and the absence of adequate protection for foreign investment have made climates unfavorable for such investment.

In analyzing the prospects for keeping America competitive we must first look at our current position on the world markets:
world trade is large. The dependence of other economies on our is striking. But our relative decline over 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 prosperity in the United States. The jobs of over 3 million workers—6 percent of our total private employment—are dependent, directly or indirectly, on foreign trade. A large number of workers also depend upon imports for their employment. We rely on foreign sources for many goods and services that our economy could not function without. A large foreign trade in both directions, the United States could not be economically prosperous or maintain a healthy surplus of foreign currency.

Increasing our trade surplus

Despite our large trade surplus, more sales of our products overseas are required to help reduce our balance-of-payments deficit. From 1950 through 1962, the cumulative total of this deficit was $26 billion; to finance it we have drawn down our gold stocks by $9 billion. We have, however, increased our liquid liabilities to foreigners by $16 billion.

Until the late 1950's, these gold losses and expanded overseas liabilities could be considered a normal part of the process. They indicated the return to convertibility of other major currencies in 1968. One might even say that our gold stock is now in the same position as the dollar was before World War II. If we cannot go on year after year with continuing outflows of gold and increases in liabilities, our gold stock is apt to be lost somewhere in the two- to three-year time span.

On the surface, our surplus of exports over imports appears eminently satisfactory. Each year since 1960 it has increased, and we are saturated with foreign currency. But our exports are paid for directly by Government programs. If we count only our commercial exports—sales of our products abroad in direct competition with those of other countries—the picture is not so favorable. Furthermore, although our exports are still larger than our imports, in terms of actual sales volume, most of our exports have been increasing more rapidly than those of most other trading nations.

Conditions for increasing exports

To increase our trade surplus, more American products must be sold abroad. At the same time, firms already engaged in exports must intensify their efforts to sell abroad. In the United States, overseas sales volume is a function of price, quality, design, service, and marketing skill. More broadly speaking, our trading position hinges on three fundamental conditions. The first of these is continued business prosperity in our major markets of Canada, Western Europe, and Japan. Tied together, these countries absorb more than 50 percent of our exports. The volume of the goods we ship to them depends in large measure on their economic activity.

The second condition is keeping our costs and export prices in line with those of our major industrial competitors. Here our record over the past several years is good. Manufacturing costs and wholesale prices in Europe have been increasing more rapidly than ours. In 1959, it was $18 million; in 1963, it was $2.2 billion. We have increased our gold stock by over $25 billion.

To date, therefore, the high rates of growth of European wages have had no significant effect on our foreign trade. Whether this trend will continue will depend on the outcome of this year's approaching trade negotiations.

Less-developed countries

The volume of our trade with the less-developed countries—representing more than two-thirds of the world's population—will not be realized until their economies can reach prewar levels. There has been a slow increase in their exports. Between 1958 and 1963, our sales to these countries increased by $2 billion to reach a total of $3.7 billion. Many of our firms have become internationalized in the process. Their earnings abroad make a positive contribution to our balance of payments.

We have discovered, painfully at times, that assisting these countries to stimulate economic development has been a difficult task at best. But we now have some assurance that we are making headway. Throughout the decade of the 1950's, we increased our exports to these countries by an average of about $3 billion per year. In 1963, our exports to these countries totalled $9.5 billion. This is the highest level ever reached for trade with these countries, and it represents a distance of about two-thirds of the world's population.
The outstanding productivity flows from a combination of a better educated labor force (the average level of education in the United States is that of a high school graduate), a capital per man, and excellent management.

The most important need in this area, however, concerns manpower retraining. There are more jobs going begging today than there are qualified workers. If, of course, we cannot train an unemployed laborer to fill a skilled technician's job. What we can do, instead, is to train a worker who already has some skill to fill the technician's job, then train the laborer to fill the vacated, less-skilled position. This would upgrade our labor force all the way down the ladder.

Fortunately, U.S. industry and labor unions already have programs of this nature underway. But they do not exist on the mass scale. For the agreement of a general movement in which a large cross-section of the Nation's labor force is actively engaged in job eschelation.

The final point relates to the time when the U.S. balance-of-payments deficits are eliminated. We must develop, through the International Monetary Fund, mechanisms to meet the growing needs of world trade. Ready our Government is discussing proposals of this nature with the International Monetary Fund.

While the nations study the problem of future world liquidity to finance balance-of-payments deficits, they should also direct their attention to improving the adjustment mechanism of the international payments system. Among the most urgent needs are: What countries can keep competitive is the matter of manpower, and the wages and rates and productivity rates.

Perhaps one of the most important aspects of this question of how American business can keep competitive is the matter of manpower and wages and rates and productivity rates. I do not think the manpower problems of American industry would be helped by passage of a National Employment law which would take employment out of the hands of business and place it in the hands of a bureaucrat not even answerable to the American voters.

Dr. Yale Brozen, professor of business economics at the University of Chicago, is one of our Nation's experts on manpower. I have been guided by some of his recent writings in preparing this portion of my remarks.

American employers pay the highest wage rates in the world. In spite of this, the United States sells $18 billion worth of merchandise in other countries, in addition to other items where our productivity is relatively lower even than their wage rates, and often because Federal interference in our business has upset the free-market economy.

We avoid being forced to use our manpower in low-productivity lines. As we contract our low-productivity industries and expand our high ones, our wage rates and incomes will rise.

Our export industries, such as mining and manufacturing equipment, transport equipment, and chemicals and pharmaceuticals, have high productivity and pay wage and fringe benefits averaging about $5.50 per hour. Our protected industries, which are suffering a loss of their domestic markets in spite of the protection they are accorded—industries such as pottery, apparel, and textiles—pay wage and fringe benefits of less than $2 an hour. These latter industries are not competing successfully in spite of their low wage rates, because their productivity is relatively lower even than their wage rates, and often because Federal interference in their business has upset the free-market economy.

Research and competition

Research and development of better products and processes is becoming an increasingly important factor in our productivity and profits in the face of growing foreign and domestic competition. We have raised productivity in some industries by producing a product that the consumer wants, and which is competitive in price and quality, a market.

Our export industries tend to be our most productive industries. By the introduction of new and improved products and of more productive processes, in addition to the
flexibility of American manufacturing organizations, makes it possible to sell abroad goods which have little competition.

The share of intensive research industries in our current sales has increased from 23 percent in the late 1920's to 50 percent of a quadrupled amount of exports in 1962. At the same time, we are increasing our imports of the standard manufactured goods instead of producing them here.

The statement has become common in America that our industrial rubs-off, and the comparable percent of our sales consists of products which did not exist 10 years ago." Producing these products has made it possible to absorb losses and to make use of labor (including management labor) which requires a high level of specialized skill. It is this flexibility and mobility of labor adapting to changing markets which has made it possible to meet the changing character of foreign competition while still maintaining the superiority of American wage rates. This flexibility and mobility of labor must be maintained in the future if we are to continue to remain competitive—there can be little doubt that an FEPC law would adversely affect labor flexibility.

Labor mobility

To adapt to foreign competition, labor must be available at relatively more productive industries. In some cases, however, the transfer is restricted and, in a few instances, the restrictions are imposed by the foreign countries, which will overprice manpower in such industries as steel and coal mining, men are losing jobs. To avoid unemployment, they are finding jobs where their productivity (and wage rates) are lower. The overpricing of labor in high productivity industries causes price increases to be higher, and, in fact, to be increased because—should be—in the very industries which would normally enjoy high export sales.

Misallocation of capital

The overpricing of labor in some industries produces an additional effect, besides restricting job opportunities and the mobility of labor. It also causes capital to be allocated to inefficient uses and hinders the rise of productivity which would otherwise occur in our relatively less productive industries.

High rates set for skilled labor in some industries are also causing misallocation of capital. Auto plants and coal mines may be more highly automated, because they have the needed capital—should be. And they are using capital which could be better employed elsewhere. If capital were not employed there, productivity increases would be lower, for raising the level of automation and the productivity of labor in the less productive industries. These industries would then be less likely to lose their markets to foreign competition and could provide more jobs.

Supply of capital

Even with the present set of prices for labor, there is less misallocation of capital and more employment if our present tax structure were less onerous. At present, there are three layers of taxation of the standard manufactured goods instead of producing them here.

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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 Federal courts in remanding a civil rights case back to the State courts. Under present law, such an order could not be.

The case must be disposed of, as it should be, in the State courts before it can be again appealed to the Federal courts.

Under present statute, title 28, United States Code Annotated, section 1447(d) now provides:

"An order remanding a case to a State court from which it was removed is not reviewable on appeal or otherwise, except that an order remanding a case to the State court from which it was removed pursuant to section 1443 of this title shall be reviewable by appeal or otherwise."

Section 1447(d) of title 28 has to do with the removability specifically, of civil rights cases and provides as follows:

"Any of the following civil actions or criminal process issued in a State court may be removed by the defendant to the district court of the United States for the district and division of the State in which such action may be brought or maintained, on proof thereof: (1) Against any person who is denied or cannot enforce the rights of such a person under any law providing for the equal civil rights of citizens of the United States, or of all persons within the jurisdiction thereof; (2) for any act under color of authority derived from any laws providing for equal rights, or for refusing to do any act on the ground that it would be inconsistent with such law. (June 25, 1948, c. 494, 62 Stat. 938.)"

The title IX is highly discriminatory, giving certain minority groups a weapon all of their own. The new title could effectively prevent for an indefinite 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 Federal courts and the present procedure is devised. Since 1887 it has proved to be the only feasible procedure and has been the law that the decision of the United States Supreme Court is the final decision, 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 seen that the procedural device in the Federal courts, 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 the case is removed from the State court, no depositions can be taken, hearings scheduled or in process must be suspended in order to maintain the status quo. Upon the return date of the subpoena thereafter issued, witnesses are “in custody.”

A Federal court judge of the Federal court is required to order that the court file the papers and transmit the record to the State court, and the State court is required to file the papers with the clerk of the court, and the court to enter an order removing the case to the Federal court.

It is obvious that to allow an appeal as to whether the case was properly remanded would cause great delay in the prosecution of the case.

A Federal court judge of the Federal court simply by a verified petition containing a short and plain statement of the facts which entitle him or them to removal, and other papers of the nature of the act of removal, annotated, section 1446(d). The petition for removal of a criminal prosecution may be filed at any time before trial, section 1446(c). All prosecutions, commenced in a State court, which have been removed by the defendant to the district court of the United States for the district and division of the State in which such prosecution may be brought or maintained, on proof thereof, subject to removal, 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 case.

A Federal court judge of the fourth circuit explained what is now section 1447(d):

"The purpose of the statutory provision is to save the Federal courts from being subjected to an endless series of appeals and to compel the litigants to maintain the status quo. Upon the return date of the subpoena therefore issued, witnesses are held to maintain the status quo. Upon the return date of the subpoena therefore issued, witnesses are held to maintain the status quo. Upon the return date of the subpoena therefore issued, witnesses are held to maintain the status quo. Upon the return date of the subpoena therefore issued, witnesses are held to maintain the status quo. Upon the return date of the subpoena therefore issued, witnesses are held to maintain the status quo. Upon the return date of the subpoena therefore issued, witnesses are held to maintain the status quo. Upon the return date of the subpoena therefore issued, witnesses are held to maintain the status quo. Upon the return date of the subpoena therefore issued, witnesses are held to maintain the status quo. 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the section also contained a concluding paragraph, wholly new, providing that the order 'dismissing or remanding the said cause to the circuit court, had remanded to the State court from which the cause was removed. The litigation should proceed in the State court, regardless of the mode in which the reconsideration is sought. A leading case is Pennsylvania Steel Co. v. Pennsylvania R. Co., 317 U.S. 461, 63 L. Ed. 798, 11 Supreme Court 141, which dealt with a petition for mandamus requiring the judges of a circuit court to reconsider the remand on the ground that they, in the circuit court, had remanded to the State court whence it had been removed. After a number of further deliberations and practice and coming to the act of March 8, 1887, this Court said (p. 454):

"In terms, it only abolishes appeals and writs of error on these grounds, and directs that writs of mandamus; and it is unquestionably a general rule, that the abrogation of the writ of mandamus is the rule of procedure in this case we think it was the intention of Congress to make the judgment of the circuit court remanding a cause to the State court final for all purposes. The general object of the act is to contraindicate the jurisdiction of the Federal courts. The abrogation of the writ of mandamus would have had little effect in putting an end to the question of removal, if the writ of mandamus still could have been sued out in this Court. It is true that the general supervisory power of this Court over inferior jurisdictions is of great moment in a public policy. But once the thing is accomplished by a decision on its merits on the ground of any other grounds, to be deemed to be taken away in any case. Still, although the writ of mandamus is not mentioned in the section, the object of the act is to strike at the root of the right of appeal, and to immediately carry on the appeal.

In addition to the prohibition of an appeal and withdrawal of the writ of mandamus, an attempt is made to suppress further proliferation 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.

Mr. Justice Black, 90 Lawyers edition 992, 988 (1949), Mr. Justice Stone said:

"Congress, by the adoption of these provisions, as thus construed, established the principle that the prohibition of the writ of mandamus in the case of removal from the State court is as effective as the abolition of an order denying remand. In the former case the Congress has directed that upon the remand the litigation should proceed in the State court, which is, in the latter case, to be understood as prohibiting any appeal or writ of error of the order from which the cause was removed. This provision for an appeal...."

But the congressional policy of avoiding interruption of the litigation of the merits of the case in the State court, as is pertinent to those removed by the United States as by any other suitor.

It is readily apparent that title IX would allow civil chaos without giving State au-
thorities any remedy. After the prosecution is prepared, a criminal defendant could wait until minutes before trial and have the order suppressed. In seven days or a week after a week the Federal court has decided it has no jurisdiction and an order of remand is entered, such defendant could appeal that order on the theory that it was issued without jurisdiction, especially considering the congested dockets of the Federal courts of appeal. This is not the case in this title of the bill, as it will not in other titles. In this case, the end itself is of highly debatable wisdom, but even so, and a federal court, even at this late, is the advice of our chambers thrown in the path of the orderly disposal of cases. It is very important that it be understood that the act is aimed at and is not necessary to protect Federal rights. A Federal judge does the remanding. The State courts can and will enforce the Constitution; if not, the Supreme Court of the United States can correct the mistake. Allowing appeal from the judge, especially in a highly inflammable atmosphere, leaves a hiatus, a vacuum, in which law and order may well suffer irreparable harm.

To close it again stating that in my opinion much of this proposed legislation is patently unconstitutional. To those who are advising us that the end will justify the means and that the legislation is disregarding and destroying the wisdom written into the Constitution by our fathers.

Mr. TOWER. Mr. President, I have selected certain letters from those writing to me expressing concern about the pending civil rights legislation. I ask unanimous consent they be printed in the Record at this point.

There being no objection, the letters are 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 94th F.P. Regiment (colored) as a second lieutenant. Prior to my military service I had lived almost all of my life in Colorado. I have observed segregation in various parts of the South during the war, and since, in addition to my service in 94th F.P. I have seen much of the anguish experienced by the Negroes. Since the war, I have been able to witness first hand the injustices practiced against the Mexicans. I have many friends among Texans of Mexican descent. I am proud to say that several years ago the kindness of our War Veterans had been received by me.

I believe that passage of the civil rights act will be considered at first of all from the hearts of men; the justice. I believe that the Congress should make its decision that any citizen. I believe, with the Declaration of Independence, that all men are created equal, and should be treated as such.

I believe that this was the act of taking away the remedy by mandamus as well as that of appeal and writ of error.

DEAR SENATOR TOWER: I have conscientiously studied the text of the so-called civil rights bill and diligently reviewed a number of public statements on the civil rights bill, both pro and con, trying to find how the proposal actually improves the rights position of all citizens of our country.

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 of management in any enterprise.

I ask that you, as a representative of all people in your good State, cause to have made a written list of rights which this proposed bill would take away from you and your constituents and weigh that loss of rights against the imaginary protections which the acts of 1957 and 1960 cannot give, if properly interpreted.

This is an evil bill and I hope you will do all within your power to see that this further federalization of our lives does not pass the Senate.

Sincerely yours,
DEAR SENATOR TOWER: At the present time we are working on a new, most important of which are the following:
(1) Keep 20 employees off of relief.
(2) Pay our bills within the discount period.
(3) Increase our export business which is about 10 percent of our total volume.
(4) Keep our doors open.
(5) Increase employment in the U.S.
(6) Keep our taxes to a minimum.
(7) Keep our taxes to a minimum.
(8) Keep our taxes to a minimum.
(9) Keep our taxes to a minimum.
(10) Keep our taxes to a minimum.

In order to do this we are being burdened almost to the breaking point by the following:
(1) Income taxes and tax reports.
(2) Social security taxes and reports.
(3) Inspections and correspondence of the Food and Drug Administration.
(4) Inspections and correspondence of the U.S. Department of Agriculture.
(5) Many State taxes and inspections.
(6) No corporate insolvencies.

If it becomes necessary for us to be burdened with more control by the Federal Government, if the Supreme Court it will be very doubtful if we can continue to be classed even as a small business. We have no substantial business, the farmers have no tax havens such as the cooperatives have.

Very sincerely yours,

DEAR SIR:

I am glad to have the opportunity to make this statement, as I believe that it is necessary to point out the necessity for the passage of the civil rights bill. I am an American citizen and I believe that we have the right to be free from all discrimination.

In the past few years, I have noticed a growing trend towards discrimination against certain groups in our society. This trend is troubling, and I believe that it is important to take action to prevent it from becoming more widespread.

I am particularly concerned about the treatment of minority groups. I believe that everyone should be given the opportunity to live and work in this country without fear of discrimination.

I urge you to support the passage of the civil rights bill, and I ask that you use your influence to ensure that it becomes law.

Sincerely yours,
caused the progress Negroes have made to have been opened for their transit. Nothing else has been done to steal the credit.

Articles IX and X of our Constitution are still there. Don't let your colleagues remove them. We cannot afford to have such a serious inroad in history to be made on our rights as citizens under the banner of "national welfare." Let us permit the Negroes to stand and go forward. They have continued in spite of the divided citizens. The majority of our citizens have full credit for his rise to equal status through his continued education in a free Nation.

Please continue your strong opposition to the civil rights bill.

Sincerely yours.

DEAR SENATOR TOWER: I believe that every Senator would like to discharge the duties and responsibilities entrusted to him by the constituents of his State. I believe that you would like to preserve our constitutional form of government in order that all Americans may enjoy the liberties and freedoms that were promulgated by the Founding Fathers and that you want to enact a law that would temporarily apprise 10 percent of the people when it would seriously and permanently impair the freedom of speech and press of 90 percent of all people and, in the final analysis, destroy a free form of government that has made America the greatest Nation on earth.

If the proposed civil rights bill should become law, all States of the American Union would be little more than local governmental agencies under the control of a powerful Federal Government, with unlimited authority to intervene in private affairs among men. It is the experience of practically every American. In your own State, it would adversely affect the farmers, homeowners, the clerks, banks and bankers, labor unions and members, merchants, hotel, restaurant and theater owners and employees, newspapers, radio and TV stations, teachers, and all conceivable employer and employees.

Operators of public accommodations businesses in your State, as well as mine, want to be left to deal with their own customers and patrons. Many of these operators, if forced to comply with such a bill as is now before the Senate, might face the probability of bankruptcy if, by being forced to accept patrons against their own judgment, they would lose all other patrons who helped make their business grow. This would be a concrete example of the Federal Government putting a man, particularly a loyal, taxpaying American, completely out of business.

In Winona, Miss., one business has already been forced to close. A lady there operated a restaurant with separate facilities for the colored and white. The Federal Government required that she remove a partition that separated the colored and white and serve everyone in the same dining room. As a result, the Negroes and the whites refused to come back and she was forced to close her business. She was left with $2,000 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 Federal Government interference, it was entirely satisfactory to both races. The same food and the same services were extended to all customers. Now by the Federal Government interfering at the junction terminals in Winona, because of an act of the Federal Government, after several months, however, Mrs. Staley opened a white restaurant to serve white people on her own property at a different place.

This unconstitutional bill is not only a trespass, but an interference with the protection of the rights of the American people in order to increase Federal power and bring about a powerful centralized government in Washington.

This country was founded upon the principle of freedom under the law. The great men of our nation enshrined the Constitution in the name of changing times, but to preserve American values in changing times by upholding the fundamental laws and logic as a means to achieve this dangerous, unconstitutional, and odious legislation.

Sincerely yours.

LIVE M. ADAMS

MARCH 29, 1964

DEAR SENATOR TOWER: Please pardon the stationery, but I'm writing this at home, and I had to borrow this from my wife. You wrote me in the Dallas Morning News in November that I would be the last President to be a member of the Kocher Hotel in Beavise, Texas, during your campaign and rejoice with you in your fine work.

For many months now I have been alarmed more and more with the pending civil rights bill. This editorial, which appeared in last night's Abilene Reporter-News, was the straw that broke the camel's back. Normally these papers here are very pro-administrative. The fact that they would run it suggests a lot of liberals are beginning to worry, too.

I cannot believe a majority of U.S. Senators would or could pass a bill that would make this country in the country informed about this bill, or do they feel it is simply a bill to make the country think that, for nothing, it would be worth a nationwide hour on television to publicize the small print? Personally, I feel anyone who voted for this bill to implement what they are now doing.

I write this, not as an Episcopal minister, but as a private citizen who is scared to death at what is about to happen.

Sincerely yours,

M. W. ADAMS

MR. TOWER. Mr. President, I ask unanimous consent that certain editorial and statements be printed in the Record.

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

[From the Dallas (Tex.) Morning News, April 1964]

CIVIL RIGHTS—I

For the next several days the News will present a series of editorials on the civil rights bill, which has been called the most important piece of legislation ever to be considered by the Congress. It has passed the House and faces lengthy debate in the Senate. This bill will be handled editorially. The series represents weeks of digging and research, including a penetration of statements and debates back to 1875 pertinent to provisions of the bill.

We hope readers will find our conclusions logical and fair. Certainly they will be sincere and are expressed with the best of intent.

Our opinion of the bill is quite critical. We think that if our readers will take the time necessary to study this analysis, they will understand why we have formed this conclusion.

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 the laws of the land.

We question neither the motives nor the goals of the bill's supporters, but the methods of accomplishing them.

In a free and intelligent society the ends do not justify the means. We are convinced that many who support this measure today would regret it if they had to live to see it invade their own liberties tomorrow. Some day we fear they will regret making this tragic mistake.

From the beginning the measure has been shrouded in propaganda. It was repeatedly cast as a compromise or watered-down version of a more extreme bill. In fact, it is much broader, and more radical.

It was hurled through the House without an opportunity for full discussion, debate, or amendment. Its sponsors adopted a policy of making no concessions because they felt that the Senate, in its long deliberation on the matter, would not be able to catch their errors.

That is a poor way to legislate. In the Senate today the sponsors are trying to cut off debate and send the measure, unaltered, to the President—signed, sealed, and delivered as magic.

Is speedy justice a virtue? Apparently that is what some of the bill's sponsors believe, for they have urged haste at every point in hope that necessity and expediency demand it.

As Representative John Dowdy, of Texas, has said, this is a bill to pass every infringement on human liberty. It is the argument of tyrants and the creed of slavery.

If passed, this bill will represent a concession to pressure groups, rather than a reflection of faith in our own people and institutions.

Its passage may not mark the destruction of a free society or the burial of constitutional principles, but it surely will be an invitation for an insidious assault upon what remains of them.

This is perhaps the most far-reaching bill that has been passed by Congress in the past. It will insulate entire cities by permitting Federal power over States, local government, businesses and individuals. Most people have the impression that this bill would affect only the other—"a handful of fat cats who own segregated theaters or hotels." But as the crooked legislature won't count all the votes, the Don't kid yourself.

Like an iceberg, 10 percent of this bill is on the surface and 90 percent is below. The 10 percent is "civil right," the 90 percent is a brazen grab of Federal power and an invasion of rights and liberties most of us take for granted.

The centralized government and authoritarian control this bill could make possible is a clear kind of government that has produced slavery and oppression in the past.

Civil rights leaders who advocate this solution to their problems should take note of this, and pay heed to the advice of a young Congressman from Ohio, John Ainsworth, who recently wrote to the N.Y. Times: "There is no intolerance and injustice which can match that of an all-powerful government in the hands of men bent on imposing their will on a free people."

[From the Dallas (Tex.) Morning News, March 29, 1964]
a minimum term of residence is required to qualify as a voter. These limitations—and others—are set by the individual States, as the Constitution of the United States presently stands.

Title I of the civil rights bill now before the Senate deals with voting rights and broadens the power of the courts and the Federal Government to prosecute those accused of denying them.

It also lays down rules on the use of literacy tests in States that impose them and requires a sixth-grade education as sufficient qualification for registering and would give Federal officials the authority to standardize other voting 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. 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 specified 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."

In other words, those qualified to vote for Senators and Representatives in each State 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. These civil rights advocates are taking the low road.

The Supreme Court, in a series of decisions stretching from 1840 to 1969, repeatedly declared that only legislative candidates are qualified to vote in Federal elections, and whatever qualifications are required by each State for the first type of voters must be required for the latter type.

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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 is another example of the worst kind. But that's not the least of the hardships to be borne by the accused. While under other laws the defendant would not be guaranteed, under this section they are specifically denied.

One of the bill's supporters, Representative Gissler of New York, added that jury trials had been authorized for other parts of the bill "as a matter of grace, not a matter of right." Thus, in the Senate, if the Attorney General is not 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 Gissler has forgotten, the guarantee of a trial by jury also happens to be. Only limit on the Attorney General's power to bring suits under this provision is that he must make certain findings and certifications first. But this requirement would amount to virtually nothing.

A report prepared by the House Judiciary Committee's majority which endorsed the bill let the cat out of the bag by stating: "for it is clear that the role of the Constitutional Court as created should be reviewable."

In other words, the means for vindication, the only limit imposed on him by the bill—is not to be made public, is not subject to review and might as well not exist, for all practical purposes.

One of the unknown, unnamed and perhaps nonexistent complaints, the full power of the Attorney General's legal facilities can be used to secure what may never know the identity of his accuser or the nature of the accusation.

Talk about discrimination. In the hands of an unscrupulous Attorney General such powers would be dictatorial. This even proponents of the bill concede, though they quickly assure that there is nothing to fear. Such powers, they insist, will only be used in a worthwhile cause.

These assurances are not sufficient. Liberty is the salutary but dangerous child 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 those who grant powers that grudges have been used powers were.

[From the Dallas (Tex.) Morning News, April 5, 1964]

Civil Rights—V

Benjamin Dierell once remarked that he hated definitions, and Samuel Johnson declared almost a century earlier: "It is one of the maxims of the civil law that definitions are hazardous." Though they may be hated and denounced often, they are often useful. 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 in this country has the constitutional right to know the nature of the accusations brought against him. And every citizen has the right to know or at least be satisfied that he cannot be a crime, so as to avoid committing one.

Nowhere in the bill is this problem of definitions more severe than in title IV, which deals with desegregation of public educa-

tion. This portion of the bill would speed up the process started by the Supreme Court 10 years ago when it handed down the historic Brown v. Board of Education. Under the old "carrot and stick" theory of government, title IV of the bill (and to some extent title VI) would combine attraction and punishment to get the schools to "achieve desegregation" in our schools. But what is desegregation, at what level is it achieved and when is the process complete?

Does desegregation mean the ending of de facto segregation or the ending of racial distinctions in public schools? Would the schools and shuttling schoolchildren from one part of a city to another? If this is the case—and there is no provision 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 leaders say that the days when the Supreme Court was more interested in law than election returns and sociology, it declared that there must be some point on the road to equality at which the Negro "takes the rank of a more citizen, and ceases to be the special favorite of the laws, and when his rights, in the contemplation of law, are are a part of the ordinary modes by which other men's rights are protected."

But even as late as 1954 in its famous school decision, in subsequent rulings, the Supreme Court has not told local school boards what they must do; it has told them what they must not do. There is an important difference.

The Court has merely said that public schools cannot enforce segregation. It has not told the schools or the States to achieve anything, or to balance school enrollment by racial law. What it is a criminal, labeled an individual do not mean you have to say something nice about him.

Under this section of the bill, the Commissioner of Education would be authorized to spend whatever amount of money he chooses to "overcome special educational problems which accompany desegregation." The Attorney General would throw the full weight of the Justice Department behind any person in search of a free lawsuit. Even public schools would be essentially free of control if they 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 example. In 1957, the Supreme Court ruled that the 14th amendment had totally segregated schools.

[From the Dallas (Tex.) Morning News, April 29, 1964]
To my way of thinking," he said, "it is this simple: If the Federal Government can by law tell me whom I shall employ, it can likewise tell my prospective employees for whom they must work. If the law can compel me to hire Negro workers, it 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 his employees. I do not think the proposed law is workable.

But all things considered, labor gets off, under this section of the bill, with a clear light sentence. Drafters of this section, for example, might have tried to stamp out discrimination against job applicants who don't want to be bothered. But what might have been a logical part of any equal employment law, instead, civil rights proponents have limited their concern to a concern which could lead to preferential hiring and promotion practices for minorities.

We're reminded of the famous line from George Orwell's "1984" to the effect that every equality is equal, but some are more equal than others.

Fifteen years ago, on March 9, 1949, Lynn B. Johnson rose in the Senate to speak against a CIVIL RIGHTS COMMISSION section of a civil rights bill.

"To my way of thinking," he said, "it is this simple: If the Federal Government can by law tell me whom I shall employ, it can likewise tell my prospective employees for whom they must work. If the law can compel me to hire Negro workers, it 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 his employees. I do not think the proposed law is workable.

Everyone, of course, has a right to change his mind, and many things can be altered over time. But I think it is time for Senator Johnson to reconsider his position on this matter.

Title VII of the civil rights bill—a revival of the old FEPC plan—would establish an Equal Employment Commission with powers to end discrimination in the hiring, firing, and promotion practices of private businesses, unions, and government agencies. The Federal Government, which is already an efficient partner in American business, is taking more than half of all corporate profits—is going to assume a larger role.

There is no constitutional authority to authorize this, 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' records, question employers and employees and conduct investigations. It will be authorized to do these things even if no complaint of wrong hiring or discrimination is made.

Competence and experience no longer will be the keys to employment. Race will become the primary criteria.

The purpose of this section obviously is to give civil rights advocates a privileged class before the law. It is the same kind of discrimination as what Washington considers to be an imbalance of power where one party is dominant and the other is in a minority.

It is doubly discriminatory, in that it gives civil rights advocates a privilege enjoyed by no other group and forces them to allow the judicial process for them where, in almost every other respect, the bill calls for intervention of the Federal Government. It is a clear example of the kind of discrimination which our forefathers called tyranny.

The analysis has covered every portion of the bill except title XI—a catchall section designed to square the Civil Rights Act with other Federal laws, court decisions, and State ordinances, and to appropriate funds for its enforcement.

Only criticism of this section is that it would authorize an open-end appropriation, giving enforees of the law a blank check to spend whatever funds they desire, rather than a limited, specified amount.

In this series, we have pointed out many of the bill's faults and shortcomings. Objections fall logically into three categories: 1. those in title I (private accommodations and FEPC)—are clearly unconstitutional. They deal with discrimination by individual citizens in their private capacity. There is no need, no precedent, no justification for the Federal Government to become involved in the affairs of an individual or to attempt to control his behavior and activities.

2. Other parts of the bill—on voting, schools, public facilities, etc.—are aimed at discrimination in a public area where the Government has a legitimate excuse to act. But in most cases, the remedy would be stronger than the illness, for it would dangerously affect government and its executive branch.

It would upset our vital system of checks and

...
balances and violate rights which are every bit as important as civil rights.

3. Equal protection is not only not constitutional and partially justified, is, for the most part, unnecessary, costly and would encourage meddling in private affairs by governmental agencies which are already overstaffed.

Other specific faults pinpointed in the sincerity inspection of the bill's supporters and grants of power are vague or without limit; States would be stripped of their law enforcement powers; the courts would be bogged down in a sea of petitions; and the Attorney General would be given powers never before contemplated; minorities would be given rights without compensating measures, and while property rights, the guarantee of a trial by jury and other basic liberties were destroyed; due process would be denied, punishing the innocent along with the guilty.

A basic pillar in American liberty is the proposition that a citizen is presumed to be innocent of any charge, until he is proved guilty. But there are places in this bill where the innocent are presumed to be guilty—and must prove themselves innocent.

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 its objectionable sections will be eliminated before passage by Congress.

We question neither the motives nor the goals of the bill's supporters. We do question the legislation which would require 90 percent of the population to accommodate itself to the desires of 10 percent. If this were based on sound constitutional methods, perhaps it could be justified. But as we have noted, it is not.

This bill attempts to do by force what can be accomplished only by voluntary collaboration and good will. It is doubtful whether its provisions could ever be fully enforced. It follows, then, that the bill's champions and chain-layers who have said, in effect, they will not obey laws or customs of which they disapprove, appeasement of these people can only breed more disrespect for our laws—paper laws, and effects, without discrimination.

The Founding Fathers realized what some present-day politicians seem to have forgotten. "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 labors, and individually, not collectively, "the right to secure against the adversities and hazards of life, such as disability and old age..." Those who wrote our Constitution would have been surprised to hear these things spoken of as rights. They are not immunities from governmental compulsion; on the contrary, they are demands for new forms of governmental compulsion. They are not claims to the product of one's own labor, but out of the state, into the hands of governmental officials, and claims to the product of other people's labor.

The "human rights" are indeed different from property rights. They are not freedoms which can be achieved only by the voluntary actions of our free and independent citizens, but by a series of decrees from Washington. Too many people seem to hold the view that for every human desire and for every problem,turn toward the Federal Government for a remedy. As Representative John Ashbrook, Republican of Ohio, has said, the bill is no more for the downtrodden than has America. No society can ever look more proudly at its humanitarian records than that, record, we hasten to add, was achieved principally by the voluntary actions of our free and independent citizens, not by a series of decrees from Washington.

Individuals of every race have only one sure road to social acceptance, economic well-being, and success. That road is paved with hard work, honesty, frugality, and perseverance.

It is a hard road, but it is one we must all travel. Neither the Supreme Court nor Congress can attempt to turn a country of 175 million people into a more effective and smoother by passing a decision, a law, or a decree which promises instant success.

I do not believe new Federal laws can legislate social equality. This is a matter that only the people themselves—in our churches, civic clubs, schools, libraries, public meeting places, etc.—can, must and will solve.

Two titles of this proposed legislation, H.R. 7152: The Civil Rights Bill and Title VII-equal employment opportunities—were included mainly because in the passage of these bills discrimination against the private property rights of all people, including colored and white.

American citizens properly understand that there can be no distinction between property rights and human rights. There are no rights but human rights, are spoken of as property rights are 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 for better living.

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 provide for the exercise of such compulsion for the benefit of favored groups on the other.

This, then, gentlemen of the Congress, I believe, should be the light and guidelines which we reach our decision on this legislation, or for that matter, any legislation with which we may be confronted. We must exercise care not to violate the rights of all Americans in order to secure equality for some. Thank you.

[From the Wolf Point (Mont.) Herald-News, Feb. 27, 1964]

ATTORNEY FINDS PROPOSED CIVIL RIGHTS MEASURE OBJECTIONABLE

(By Keith L. Burrowes)

With this measure gaining momentum in the U.S. Congress, Continental County resident, County Attorney Keith Burrowes has called for interested persons to express their views on the proposed legislation an honest examination. Remember, its purpose was beneficial.
organized society. These assurances are common
ly known as the Bill of Rights. In my opinion, the tide of the public
calls the Constitution of the United States.

Further, the Civil Rights Act of 1963 gives
power to the executive department of our
Government in which is included the Presi
dent's power to establish a commission which
shall have such powers to effectuate the
purpose of this title as may be conferred upon
by this title. The president's power would be
that of presenting the changes which have
been made in these titles would be that of changing the present
rules and regulations of our Congress in
the discussion of this title.

It is my sincere belief that the title of this
case 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 Na
tion. I believe there is no individual of this
country who should not be immediately af
tected by the passage of this act.

I urge that all readers examine the act as
is now before Congress. The Bill of the
Senate at Washington, D.C., letting them know
that the proposed bill is objectionable.

KEITH L. BURROWES

[From U.S. News & World Report, Mar. 30, 1964]

THE BIG CHANGE
(By David Lawrence)

A fundamental change in our constitutional
system of government is underway. Ne
either the courts nor the legislatures have adopted an amendment pro
viding for such a change.

Yet the States have, in effect, lost rights specifically granted or reserved to them in
the Constitution itself.

The people's representatives in Congress,
thought doubtful of the constitutionality of the
civil rights bill, for example, have been threatened with demonstrations and violence in the streets of their cities back home unless they vote for the demand for the passage of the pending measure.

The so-called intellectuals insist that to fail to interpret our written Constitution in conformance with the Constitution is to be reactionary or old fashioned. The end is supposed to justify the means.

The Supreme Court of the United States has
denied to the American people the right, if taken away from them, of how their votes are cast. The Court does not have the right to write laws which are to be enforced by the American people. The Court has assumed the right to pass on what is or is not the law of the land.

Assuming that each period in history does
need different laws and perhaps even new functions for the Federal Government to exercise, is it not desirable to give the people a chance to express their agreement or dis
agreement by submitting to them specific changes in the Constitution for approval or disapproval?

The liberals cannot have it both ways—
insist that the Constitution be obeyed in
upholding the civil rights of the citizen and yet provide for a Federal system of
decree issued by the lower courts at the behest of the Department of Justice or by rules of the Supreme Court, which now has assumed the right to pass on what is or is not discrimination or integration or racial imbalance?

This change in our system—from a govern
ment of laws to a government of men—has
been developing gradually over the last three
decades. The establishment of the Supreme Court, by a governmental system devised by an Illinois Institute of Technol
ogy professor and used to determine the
trainability of a prospective employee.

"That," comments Ohio's

Justice Whittaker added that the propo
nents of the pending bill "seem to hope that the Court, if again presented with the ques
tion, would find its 1883 opinion to be er
roneous interpretation of the Constitu
tion.

Obviously, if it is desirable to overthrow the decision of 1883, there's a lawful way to do it—by a constitutional amendment. The American people have a chance to decide whether they wish to surrender their rights of privacy.

But today the Constitution is ignored by a stalemate of Congress and by a Supreme Court obsessed with the idea that it has the right to over
ride at will what the people have decided.

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 law
less methods are used to achieve the desired result. This is part of the big change that has come over the American scene.

[From the Wall Street Journal, Mar. 26, 1964]

DISCRIMINATION AGAINST ABILITY

One section of the civil rights bill now in
the Senate would create an Equal Employme
nt Opportunity Commission similar to several existing Federal agencies. So a number of lawmakers have been watching developments at the State level.

Of particular interest to some Congress
men was the recent finding of the United
States Commission on Civil Rights. A report
of the Civil Rights Commission, the agency
appointed by the Department of Justice, to
an Illinois Institute of Technology professor and used to determine the
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roneous interpretation of the Constitu
tion.

Obviously, if it is desirable to overthrow the decision of 1883, there's a lawful way to do it—by a constitutional amendment. The American people have a chance to decide whether they wish to surrender their rights of privacy.

But today the Constitution is ignored by a stalemate of Congress and by a Supreme Court obsessed with the idea that it has the right to over
ride at will what the people have decided.

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 law
less methods are used to achieve the desired result. This is part of the big change that has come over the American scene.

[From the Wall Street Journal, Mar. 26, 1964]
mighty, moving drama of man's progress is

Bill of Rights stand to
tions of liberty, equality, and responsibility,

bition era proved that beyond our contesting.

ship?

equal" and have "unalienable rights"

legal
function of government to state the condi­

amongst men on a heart level? How can

dered why men ever thought that govern­

government could make man equal and keep them

purpose, personal development, and the

Life

They do not begin

and achieve according

in every nation it is the same. Only a small

people have the ability,

temperament, talents, drives, and desires.

leaders of the class

in size, wealth, prestige, power, creativity,

these United States. Slaves have never en­

push from below

above, although it has often been both

Great power, unpoliced, tends to become de­

strength, social status and personality po­

marked by differences in pedigrees, health,

educational and moral levels, economic

qualities, such as "life, liberty, and the pursuit

mate in which to think, plan, create, work,

to make men equal or remake men into the be­

ills of man. It is the nature of the poor to envy.

It is the nature of the successful to seek

It is the nature of those who inherit wealth

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

It is the nature of the intellectuals who

receive their compensation from taxes or the

gifts of the economically successful to advo­

rate class. Here and elsewhere, wherein the intellectuals will be as gener­
cusly rewarded as business executives under

free enterprise.

Because men are unequal in ability and

drive, in opportunities for recognition and

advancement, in rewards for work done and

things, economic, political, social, and

responsible socially. It is the inequalities of

create the crusaders for equality. In the 19th century man looked to
democracy as the answer to the unequali­
ties 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 sus­
picious of any system that advocates the big

lies, covetousness, greed, the stealing of prop­

erty, the destruction of life, and the taking

away of the fruits of the labor of others by

without reservation the confiscation of pri­

vate property and capital by the state and

the regimenting of human beings like ani­

mals on a farm. Our democracy is not per­

fect. Imperfections exists, but its virtues exceed those of any other system mankind

have known.

These observations moved me then to reach
certain opinions concerning American de­

ocracy:

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 never 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.

4. Democracy would have us go "as far as our necks are stretched", as the Apostle said. We are to do business in the world, and to do our best, rather than something

5. Democracy demands more from men than any other system in the realm of self­
discipline, dependability, cooperativeness, in­
dustry, thrift, and honor. Democracy will not work when party politics are not guided by basic ethical principles. For a party to neglect common sense, class conflict, mis­
representation, 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 protection of law, the right to equal justice, the right to adequate housing, and the right to vote.

The meditations of the summmer convinced me that these inconveniences cannot make men equal or remake men into the be­
ings they ought to be. That is a spiritual

venture, not an economic and political one.

A political or social system, however, or

communism, or a change from private capi­
talism to state capitalism, will not solve the

problems of man. To remold man; it merely shifts the areas of power.

I am disturbed, therefore, when church

leaders and church groups seem to advocate
socialistic means and objectives as the answer to the problems of democracy, and especially the problems of equality. This is especially true when certain leaders voice slogans that appear logical and Christian, but are not. Let me name four.

1. "The world owes every man a living." No, it doesn't. Christian ethics have never said such a thing. The only person worth his salt who has claimed special rights under such a slogan is the cry of the lazy, the inept, and the failures. Such a slogan is a far cry from our meeting the needs of the needy, which, of course, is our duty.

2. "Production for use, and not for profit." That sounds good, but it is as phony as a Russian promise. It is profits that have produced American genius. All I ask is that we enable her to be a blessing to the nations of the world. Profits are essential to the general well-being of society. When the state takes over under the slogan of "use, not profits" men lose their liberties and their standard of living. Such a switch merely augments the insatiable appetite of the state.

3. "Human rights, not property rights." As I look out over the world, one thing is clear: where there are not private property rights, there are no human rights. Right to private property rights form the seedbed in which human rights mature. As long as private property rights are clear human rights will flourish.

4. "The end justifies the means." According to Christian ethics the statement is not true. For us to advocate a statement that produced the crucifixion of Jesus, the torture of the martyrs, the burning of witches, and the destruction of the state and liberty to the inhabitants of current communist lands is a travesty of the truth.

Churchmen, whether lay or clerical, who seek to solve the problems of our society through slogans rather than by the democratic ones within the free enterprise system are heading down a road that leads toward the dark ages. "Jolly, jolly" encouraging Christians to envy, to covet, to be class conscious, to foster class conflict, and to approve stealing and even murder, can such objectives be attained. To realize them would bring about a broad denial of law and order and the orderly handling of social problems. Whenever we as a church, an educational system, or a political group seek to take control of the state and thereby force another man to dwell in the slums. And the people who prosper under our system by the privilege and the wealth that plague the lives of those who compose the lower 25 percent of the Nation. The so-called "privileged" are not always the wealthy who have many sins to confess, but so do all of us. Let us all examine the story of a man who moved from private capitalism to state capitalism, and the listing of the sins of democracy while ignoring its multiple blessings. I am not in the "have-nots," but not in the "haves," I can only shake my head at the presumed wisdom of such positions.

Let no one hearing my voice conclude that I am speaking as a "hate" or a defender of the "haves." Let no one believe that I am unappreciative of wealth, for whose rights are often ignored and whose status is questioned. I am not blind to the sin of Communism any more than I am to the sins of the underprivileged. The business leaders do not need my voice to defend their position; they are strong defenders of themselves. But I have walked the roads of life with men of all classes, and have reached one conclusion, "there is none righteous, no, not one." We are all bearers of the telltale gray of selfishness. The 5 o'clock shadow is on all our faces.

The Lord I love and serve was not overly light-headed and the patriotic in order to gain what we call equality.

What the world needs is a change of heart, a change of climate born of faith in God, a reaching up that there may be a reaching out, a confession that produces a new dedication. This governmental and law cannot create, for governments and laws are but the reflection of the standards of a people. The law of God depends on the wise use of possessions, time and talents, and only when we, Christian members of a democracy, become good stewards of the privileges and responsibilities, do we begin to move in the direction of righteousness and justice, peace and true prosperity.

The problem of equality may be in many ways the greatest problem of our day. We cannot solve it by government, and we shall fail to solve it if we do. Only when we believe that Christians take seriously the teachings and example of Jesus shall equality and liberty be upheld and protected. Only when we stand before God confessing our needs shall we be empowered to meet the needs of others.

If I must choose between liberty and equality, I must choose liberty and then hope and work for equality, for such seems to me to be the Christian's way.
amendments to the Constitution, eroded pil­
lar rights, and the concept of limitation of the
powers of the Federal Government, would be
completely in effect. 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 a suit for Injunctive relief upon the com­
plaint of any person who asserts that he is
the object of discrimination. (A bipar­
sian 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 requires the Federal tax­
payer to 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 fac­
ilities (involving a contract of in­
surance or guarantee (FHA, VA, savings and
loan associations, national banks, and the
like).)

Three U.S. Senators during the current de­
bate have taken the view that it is entirely
correct that the bill does not authorize the
President to take any action but excludes any
Federal program involving a contract of in­
surance or guarantee (FHA, VA, savings and
loan associations, national banks, and the
like).

Title II extends the life of the Commis­
sion on Civil Rights for 10 years.
The bill endeavors to achieve desegregation
by offering incentives to private individuals
or local governments. In addition, the At­
orney General is authorized to initiate suit on
behalf of any person who asserts that "he is being deprived of or threatened
with the loss of his right to the equal pro­
tection of the laws.

In the House version of the bill, the House General advised that the proposed grant
of power was more than he wanted or than any other Attorney General should
have. Nevertheless, the House-passed bill grants him this power.

Defendants are not allowed a jury trial. Title II would generate government by in­
junction and make the Attorney General the personal lawyer for everybody he chooses to
represent with power to file suits promiscu­ously, inadequately, and as an iceberg with nine-tenths of its meaning
hidden beneath the surface of soothing lan­
guage, swallowing, and undermining the civil rights of
minorities.

If three U.S. Senators (Humphrey, Spark­
man, and Goss) are unable to agree upon the language of this title, how can
millions of Americans involved an­
nually in the sale of their homes be cer­
tain of their constitutional right to dispose of their
property to whomever they desire?

TITLE VII—EQUAL EMPLOYMENT OPPORTUNITY
The purpose of this title is to eliminate,
through the utilization of formal and infor­
mal remedial procedures, discrimination in
employment. A Federal Equal Opportunity
Commission would be created with the pri­
mary task of investigating any claim of
eliminating discrimination in employment.

Any business employing 25 or more per­
sons will be covered by the 4th year after
enactment. The Commission would be au­
thorized to enter upon business property,
has access to business and union records,
and is empowered to investigate all mali­
face claims on their own determination of reason­
able cause. If persuasion fails, the business­
aman or union is hauled into court and denied
a jury trial.

Any business affecting commerce comes
within the scope of this title. Discrimina­
tion that bars or harasses an employee unfavorably to the employee. Intent is not
a necessary element of a charge; thus, an
employee's good faith would not be a defense.
This means that when a complaint is filed,
the employer is presumed guilty and the burden
of proving otherwise is upon him.

An employer could be fined or imprisoned
without a jury trial if he refused to dis­
charge employee A for alleged inefficiency
on the ground that employee B who was in
the same position to do the job better was
discharged for discrimination and the Com­
mission and Judge agreed. (See reference in title II—bipartisan amendments on jury
trials which would apply also to this title.)

An employer could be penalized for in­
tentionally hiring a number of employees from minority groups to achieve racial
balance in his shop as this would be con­
ferring a special privilege of employment
upon a certain group. An aptitude test
taken by the applicants, Ed Men­
denhall, High Point, N.C., president, an­
counced today.

The NAREB President expressed confidence
that "the voters of Illinois and California
will express their resounding accord when
they cast their ballots on upcoming refer­
dendums 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 dignity.

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 contact their Senators, Ed Men­
denhall, High Point, N.C., president, an­
nounced today.

The following action last week by the
directors in Chicago condemning the bill
now before the Senate as one that would, "under
the guise of civil rights legislation, result in
an unlimited extension of Federal power into
the civil liberties of every citizen."

WHAT REALTORS CAN DO
The fate of the bill will be decided on a
vote to limit debate—probably around mid­
June. If the vote to limit debate is de­
feated, the bill is dead.

Assuming all 100 Senators are present, the
proponents of a motion to limit debate need
the votes of a majority of these Senators
determined by the votes of a majority of the
States: DOMINICK, of Colorado; MILLS and
HICKENLOOPER, of Iowa; MUNDY, of South
Dakota; ANIS, of Wyoming; HUBERT, of
Tennessee; WILLS, of Delaware; LAUSCHE, of
Ohio; CARLSON, of Kansas; JOEDAN, of Idaho;
GREGG, of Nevada; CANTRON, and BILLS, of
Nebraska; CANTRON, and BILLS, of Nebraska;

From Realtor's Headlines, Washington, D.C.,
Sec. 1, Vol. 51, No. 20, May 18, 1964
NAREB FIGHTS CIVIL RIGHTS BILL; TENDS IS
AGAINST FORCED HOUSING

A dramatic turn of public opinion in the
Nation against the forced housing laws
adopted or proposed by a number of States
and cities was reported last week by Ed Men­
denhall, president of NAREB, at the annual
meeting of the real estate board in Chicago.

"Fortunately, the American public seems to be
awakening at last to the threat of these anti­
human and anti-American acts, and others point out how they shatter the cher­
ished human rights of private property
ownership, despite the emotional appeals of
many well-meaning but unthinking people," Mr. Mendenhall said.

"Four recent actions illustrate how the title
takes in whole or in part that anti-human begins
comprehend the specifics of the too-often
deceptive catch phrases of 'fair housing' and
'anti-bias laws.'

"It is said that 2 months ago voters in Seat­
tie, Wash., emphatically rejected a forced
housing ordinance by a 2-to-1 margin in a
city of 115,000 people.

"Last December the Wisconsin Legislature
voted down a similar bill by a 2-to-1 margin, while
last December the Wisconsin Legislature
voted down a similar bill with the same decli­

nances or national banks.

three U.S. Senators during the current de­
bate have taken the view that it is entirely
correct that the bill does not authorize the
President to take any action but excludes any
Federal program involving a contract of in­
surance or guarantee (FHA, VA, savings and
loan associations, national banks, and the
like).
Mr. Mendenhall emphasized that NAREB is not taking any position on the right to own housing of 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 generally supports the Federal "civil rights" bill previously, recent debate has disclosed the wide divergence of views about its effect in many areas, including real estate, and the broad-brush intent to interject the Federal Government into the everyday life of most American citizens.

However, many real estate boards and State associations have been fighting at the local and State level forced housing laws and prohibition of discrimination in housing, which strip the property owner of his traditional human right of real property ownership—the right to use, rent, and dispose of property as he sees fit as long as it does not threaten the public health or safety—under the guise of creating a new right for individuals of minority groups.

NAREB espouses equal opportunity in housing for all Americans, he said, but being realistic, is convinced that social acceptance can come only through understanding and education.

[From Realtor's Headlines, Washington, D.C., sec. 1, Vol. 31, No. 20, May 18, 1964]

CIVIL RIGHTS VERSUS LIBERTIES
(By Lyn E. Davis)

The recent decision of NAREB to oppose the pending so-called civil rights bill (H.R. 7158) is a recognition 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 our sincere and abiding conviction that the bill is little more than a gigantic attempt on the part of the Government to encroach 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 housing in connection with the law of the United States and an equal right to share in the blessings of our democracy; and we come, unhesitatingly—that our society is not without injustices and that we insist on change. We insist, however, that these inequities in our institutions will not vanish from the American scene with the passage of Federal legislation. 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 in which it is being debated in the Senate poses a serious threat to the economic survival of a small businessman, the property owner, the customer, the operation of a service station, the motel owner in his relation with a customer, the landlord and neighbor, realtor, and home purchaser, mortgage lender and borrower.

Realtors should rise to the challenge posed by this bill to our fundamental liberties by writing their Senators to reject a bill which under the pretext of granting a civil right to some would trample on the civil liberties of all.

Mr. TOWER. Mr. President, we are being asked today to vote for passage of the most comprehensive and sweeping civil rights bill ever to be deliberated upon by this body.

Furthermore, Mr. President, I submit that this is probably the harshest and most punitive civil rights bill we have ever seen, and I believe it comes at an inopportune time. It comes at a time when great progress is being made voluntarily, civil rights—progress that has been continuing over the past decade, and progress to which I believe we can look forward for many years to come.

I do not believe every provision of this bill is merited. But, Mr. President, we are also being asked to enact, along with the good provisions of the bill, some provisions which I do not believe 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.

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 housing.

The bill makes the choice clear—either a person complices or we will file a suit. In either case we cannot obtain voluntary compliances, we will bring suits as quickly as possible.

Let us not be deceived in regard to what we are about to vote for today, Mr. President. We have not seen the entire picture. Senators should read what Mr. Burke Marshall says:

"The bill makes the choice clear—either a person complices or we will file a suit. In either case we cannot obtain voluntary compliances, we will bring suits as quickly as possible."

Then let Senators remember what the Senator from Minnesota [Mr. Humphrey] said:

"...only where a pattern or practice has been shown to exist can a pattern or practice be present only when the denial of rights consists of something more than an isolated, sporadic incident, but is repeated, routine, or of a generalized nature. There would be a pattern or practice if, for example, a number of companies or persons in the same industry or line of business consistently violated the statute. There would be a pattern or practice if, for example, a number of companies or persons in the same industry or line of business repeatedly and regularly engaged in acts prohibited by the statute."

So, Mr. President, we do not really know how the bill is to be enforced; and, as many of us suspected, we find that the enforcement is not to be performed in a harsh, police state, and punitive manner that the proponents of the bill have not told us about. This is what we are up against.

Mr. President, I do not think any Senator really and sincerely believes in discrimination. We abhor discrimination. For myself, I think discrimination is morally wrong. Discrimination on the part of a businessman who serves the public is wrong, and it is the same when, as Justice, I believe that discrimination on the part of an employer, because of race, color, or creed, is morally wrong.

But, Mr. President, we are bringing in an element of compulsion that will not eradicate prejudice or eradicate bigotry.

Marshall, who will be charged with enforcing the bill, said he expected a great deal of voluntary compliance with its provisions.

But he added that he was sure there would be some who would resist the bill and challenge various parts of it.

The dark-haired, mild-mannered Government Counsel, Chief of the Justice Department's Civil Rights Section, said he expected most questions about application of the measure to stem from its provisions outlawing discrimination in places of public accommodation.

And he is quoted as follows: "In all cases we will seek voluntary compliance first," he said. "The bill makes the choice clear—either a person complices or we will file a suit."

The Senator from Minnesota [Mr. Humphrey] has referred to patterns of discrimination, and he has said that suits will not be brought against individuals.

But today, Burke Marshall announces the intent, as soon as the bill goes into effect, to enforce it in a harsh, police state, and punitive manner that the proponents of the bill have not told us about. This is what we are up against.

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But, Mr. President, we are bringing in an element of compulsion that will not eradicate prejudice or eradicate bigotry.
It will not eradicate discrimination. It will create a new kind and a new class of discrimination that resulted in the passage of the Civil Rights Act 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, I have never ashamed the way that we have treated our Negro citizens in the South. I cannot justify that. I feel as deep a sense of depression and revulsion as anyone else when I see the trampled on, the exploited, the victimized Negro, either 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 and opportunities. But in a generation we have made genuine progress in that direction. The southern people are good-hearted people. They are not cruel people basically. They are a kind, warm, and hospitable people. They are a people who wish to see the genuine resolution of these difficulties, but they wish to see them resolved in a peaceful, orderly, and 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 approach, which brought us where we are.

At the conclusion of the great War Between the States it was Lincoln's contention that the South should be brought back into the Union as a full partner with the other States of the Republic. Lincoln said it was his intention that the Negro, under the tutelage, guidance, and leadership of the white, should be brought to a position of responsible citizenship. But then Lincoln's untimely death, and there was a 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. I have an extraordinary view that a Negro 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 mean, wicked, avaricious, and selfish actions as his minion, and as a cog in his political machine.
My doubts arose because of the 1883 decision, which, in effect, covered the same ground as does this bill. The Court at that time stated that, constitutionally, the law was invalid.

I listened to the arguments about the commerce clause giving foundation for the tax issue. After having heard the arguments, after having read the decisions, whether I subscribe to them or not, the evidence is clear that, under the commerce clause, the bill before us, if adopted, would be valid.

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 enjoyment of his constitutional rights. I made the statement that law and order must be obeyed.

If I voted against the bill on the ground that it was unconstitutional, I would have disregarded such a law after having heard the arguments, after having read the decisions, whether I subscribe to them or not, and that I am unwilling to do. The Constitution must be obeyed. If we feel that it should not be, it is our responsibility to amend it.

I am of the opinion that the grave apprehensions that have been expressed about what the consequences of adoption of the bill will be are misconceived. Time will not permit me to go into detail, but I went through the whole gamut of operation of this bill when people told me that if 'course A' were followed, it would create trouble.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. LAUSCHE. My time is up.

I shall vote for this measure. I shall vote for it because it contemplates according to the Negro alone, and to every member of a minority group, the enjoyment of his rights under our Constitution.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. PELL. Mr. President.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island. Will our guests in the galleries refrain from conversation so we can hear the closing statements being made?

Mr. PELL. Mr. President, we are coming to a historic moment—the passage of the Civil Rights Act of 1964.

Now that this legislation is about to be passed, the job of all of us is to insure compliance with its provisions. And let us remember that we in the North have great responsibilities in this regard, just as do all the citizens throughout the length and breadth of our land.

This bill, as a general rule, is good; but, as a general rule, too, that it implies, equally, responsibilities. These are the responsibilities of the white majority of our Nation to comply with its provisions. These are the responsibilities of our Negro minority to take advantage of the opportunities that are open or opened to them, particularly to finish school, to register, and to vote.

In this regard, I believe we in the North could serve as a better example than we presently do.

I believe, too, that the passage of this bill is a great tribute to the tact, withal tenacity, the patience, withal strength, the determination withal dignity of the bipartisan civil rights leaders, Senator Humphrey, Senator Dirksen, Senator Kutcher, and my own senior colleague, Senator Pastore. And, through Senator Pastore's able chairmanship, with a marvelous sense of timing and steadiness, led our majority leader, Senator Mansfield, whose guidance gave so much toward the passage of this act.

I would like to acknowledge, too, the hard fought, withal losing, battle of those who disagreed with this legislation.

Finally, the passage of this act is a memorial to President Kennedy, who believed in the purposes of this act with his whole heart and soul. It is a tribute to President Johnson, a national President, in every sense of the word, who stood so solidly and foursquare behind this legislation.

SENIOR 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 operation of the Department of State and the Foreign Service. It is a privilege to serve with Senator Jackson on this subcommittee. I hope that he will continue to take the lead in further exploration into the problems of security staffing and related areas.

I ask unanimous consent that Senator Jackson's address may be printed in the Record.

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

EXECUTIVES, EXPERTS, AND NATIONAL SECURITY

Commencement address by Senator Henry M. Jackson, to the Foreign Service Institute Senior Seminar, Department of State, Washington, D.C., June 11, 1964)

I am highly honored to join in this graduation ceremony and to address this select gathering.

You are professionals, or experts—diplomatic, military, economic—and what I am primarily concerned with after giving the relationship between you as professionals and the executives for whom you work.

In policymaking we start with the facts. Then, second, we hope to keep it that way. If it is bad, we hope to change it for the better. Facts are facts, and pigs is pigs, but the facts are not immutable and bacon may be the destiny of a pig.

If it were otherwise, to make policy would be a lot easier. Although that description sometimes seems too accurate, the mutability of facts lies at the heart of policymaking.

It is not for me to judge this bit of wisdom. There are some people who speak of facts as something we ought to adjust to, to "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 the person who, on the point of decision, must make a net calculation of advantage and disadvantage. Like the business executive, he is trying to maximize his net income. If Congress, as it is, will consider, will maximize the difference between the credits and the debts. The task of the policymaker is making the profit-maximizing choice—because the variables are fewer and more predictable—than the problem of the policymaker in maximizing the net national interest. But even businessmen have been known to make mistakes.

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 applying a line to their private careers is closely correlated with their skill and shrewdness in judging the competence of experts—in sensible, what to have happened in expert estimate and when not to. It is a skill that comes from dealing with people rather than with numbers or things or production lines.

To state this would have left the most important things unsaid. As always, these are the hardest to say. The executive has to weigh 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 as important as the fact that 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 discharge of it. It is also so easy for him to forget that power is a trust, and to be truculent about it, instead of recognizing that 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." The military once thought was its almost exclusive function. I say "almost," because the military justifies itself by showing that one's views merit attention. Of course, it is also true that those who are in positions of authority have been known to abuse that trust. But A President or a Secretary of State or a Secretary of Defense will turn to the people who are watching and expecting help. They will look to them where they can find—or hope that they can find.

In all frankness, I think some career men have been unwise in the discretion that they are not being listened to—instead of buckling down to the job of competing for attention.

I have not shown enough about other disciplines to enrich the advice they have to give, while introducing valuable insights derived from their own professional experience.

I am confident that the future of the diplomatic profession—and the military—lies with those young men and women—young in spirit, not necessarily young in years—who are receptive to new ideas and prepared to learn and appropriate good ideas and to change over when they are not satisfactory. Those who, as the sociologist and the economist have said, have contributed to a centralization of authority, and heretofore a danger—the danger of the old familiar sayings, such as "the powers that be." Centralization yields dividends, and therefore we will centralize. But there is a corollary danger: the possibility of atrophy, of ossification, of the increasing function of the concentration of power.

Can we usefully be said about this ancient subject? Perhaps not much that is new. The more centralized power is, the more restraint, the more humility, should be shown by the holders of power. In his own interest, the executive needs to show respect for his advisers, or he will find that the advice they give him will be corrupted. It is difficult in the best of circumstances for the powerful to escape the yes-man hazard. One of an executive's major tasks it to create an atmosphere in which dissent is encouraged and receptive to new ideas, even though the recommendation of the dissenter is rejected. The clear-eyed executive will understand that he should not allow the holders of power to become too..

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THE CIVIL RIGHTS ACT

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

Mr. MCCARTHY. Mr. President, the Senate of the United States is about to approve the Civil Rights Act of 1964. This is not an action which is being taken without thorough consideration and study and reflection, as some have charged. It is not an action in which the will of the people is not fully and adequately known, as some Members of the Senate have suggested. It is not an action which is beyond the responsibility of the legislative branch of that Government, as some have suggested.

The need for this action has been demonstrated in the depth of over 100 years, and it has been demonstrated in the breadth of contemporary America. It has been petitioned not only in words but also in the actions, even the suffering, and in some cases the death, of American citizens.

The legislatures of the majority of States of the Union have shown their will and judgment through the years in passing laws against discrimination. The courts of the land have not only struck down discriminatory laws and have also ruled against the practice of discrimination. Teachers and educators, who know that discrimination cannot be reconciled with the truths which they teach for the future, have asked us to sustain in the law of this land the moral principles and precepts of reason and also of faith. Artists and those who are specialists in the arts have demonstrated and declared that excellence and creative ability are not the quality of a race but rather the quality of the individual.

Four Presidents of the United States have asked the Congress to close the gap between executive actions, the decisions of the courts, and the statutes of this land. We are here today taking action to close that gap, and to meet our responsibilities. Finally, there are those who have in person in the North and South, and in the East and West, given public demonstration that they believe in human dignity and in equality. Their leaders, more than any others, have called upon us to take action here today.

This long debate in the Senate has been in the best tradition of American disagreement and political controversy. The leaders on both sides have demonstrated that there is a historic decision of great moral and cultural importance—as well as political significance. They have known that they dealt in the very substance of the democratic life of the United States, and that the document which they have just held in their hands is a book of the Constitution, more than any others, have called upon us to take action here today.

All of these rights to which we now refer today, on another occasion were declared to be the inalienable rights of all men. These civil rights do not derive because of law but, rather, derive from the very nature of man himself. They have their basis and they rest in that nature. We have made these basic human rights civil rights, and we have sought to guarantee and protect them through the laws of the United States and of the States, and through the laws of the land.

The moral basis of these civil rights and of this pending civil rights bill is expressed most clearly in the Declaration of Independence and in the Constitution, and affirmatively included in the moral and religious principles which the great majority of the citizens of the United States hold dear in the celebration of freedom.

The formalization of these beliefs and of these principles in law has been a progressive one, depending upon events and the movement of history itself. The Constitution, the Bill of Rights, the Emancipation Proclamation and the 13th amendment abolished it.

No new rights are created by this bill. The debate has not been over an abstract list of rights but over those that are in procedures and in law which may be necessary to facilitate and, in some cases, to insure the enjoyment of fundamental human rights.

It means little to speak about inalienable rights of life, liberty, and the pursuit of happiness, if there exist no opportunities for education or for useful employment—if those who speak of them or in whom these rights theoretically inhere are not allowed to choose to study, to be educated or to participate in the economic efforts of the country, and on the basis of that participation to establish their claim to a share of the goods of that society.

Any venture of law in the field of human relations is a difficult and a dangerous one. This is a dangerous venture. The enactment of this law will not solve...
all problems of this kind. But this is, nonetheless, a necessary and an all-important law.

This is an imperfect law, as is any law which ventures into the difficult area of human relations. It is a law which will be sent to review by the courts and again by the Congress—perhaps again and again by the Congress. It is a law which, if it is to be reasonably effective, will depend for administration upon dedication and prudence.

It is a law, I insist, which is not directed against the people of any one region of this country, but one which calls for moral and intellectual response from all the people of the United States.

It is a law which could not be postponed, for both principle and the movement of history itself cry out for its passage in this year of 1964.

Mr. President, I reserve the remainder of my time.

Mr. CARLSON. Mr. President, I yield myself such time as I may need.

After weeks of debate, we are approaching a final vote on probably the most important bill 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 proponets and opponents—have written to me of their sincere concern about many of the provisions of the bill and its effect on the rights of citizens of our Nation.

To them I say that the bill is not as bad as its enemies claim; nor will it produce the benefits the proponents anticipate. In my opinion, the amendments approved by the Senate have made this a constitutional and effective civil rights bill.

In the final analysis, governmental coercion through legislation will not of itself bring an end to discrimination and insure equality of treatment to every citizen.

The end of discrimination and inequality of treatment among our citizens will come only when all of us are willing to fit the love and trust and mutual respect and give full credence to the Golden Rule.

I shall vote for this bill with some misgivings, but with the hope that it will bring about closer cooperation and good will among our citizens.

Mr. COOPER. Mr. President, we have spent many days in debating this important bill. At this late hour there is little that anyone can add to the long debate.

I believe that there are provisions in the bill which do not meet with the approval of many Senators, both those who support the bill, as well as those who oppose it. I respect the convictions of those who oppose the bill. I am led to say, however, that I do not know how Congress could agree upon any civil rights bill which could receive the approval of more Members unless it were so swollen and padded as to be ineffective.

I have some understanding of the problems of the Southern States. Having lived my entire lifetime in the border State of Kentucky, I know the emotions and the convictions and, I may say, the prejudices which are bound up in the issue of civil rights.

If I had lived in one of those States and were speaking and voting tonight, I could not say that I would hold the same position that I do, although I hope that and as far back as a year 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 approach the government and our 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 demonstrations, unless they be stopped, unless 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 constitutional rights by the Bill of Rights, and by the courts. If the titles against which complaint has been made—title II and title VII—have not yet been judged to be constitutional rights, nevertheless they are rights of equal opportunity, they are moral rights and rights of decency which should be accorded every citizen of this land. If they are not accorded, we will deny the promise of this land, the promise which our country has held for its people and the people of the world, as a country of freedom and justice.

Consent is a necessary element to law. Consent to law comes through education, and we cannot have the consent of those who do not 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 to the last degree.

Consent develops as Justice Frankfurter in the famous case, Cooper against Aaron, once declared, with the help of men who are charged with the responsibility of official power, as used in the leadership of our land.

In speaking of consent, Justice Frankfurter said:

Local customs, however harden by time, are not decreed in heaven. Habits and the political theories which must be entrenched and moderated. Experience attests that such local habits and feelings will yield, gradually though this be, to law and order. Anarchy, as it has been exerted not only by explicit teaching. They vigorously flow from the fruitful exercise of the responsibility of those charged with political leadership, who may be almost unconsciously transforming actualities of living under law.

I believe that Congress, in passing this civil rights bill, will exercise its responsibility to assure the rights and opportunities of all of its citizens. We have placed these rights, as the great Justice said, in the "transforming actualities of living under law."

This is the final hour of decision. It is an hour which requires us, now that the bill is to be passed, to put our hands to the plow and to work together in the days ahead as men of good faith, and with faith in our system of law, which protects the equal rights of all our citizens.

Mr. THURMOND. Mr. President, I yield myself such time as I may use.

This bill is the greatest grasp of Executive power conceived in the 20th century. It will make of the President a czar and of the Attorney General a Rasputin.

This bill is drafted with the clear, deliberate intent to destroy every effective constitutional limitation upon the extension of Federal Executive power over individuals and States. While the Federal controls created by the bill apply primarily to discrimination on the basis of race, sex, or national origin, they would set a precedent for the expansion of Federal dictation into almost every phase of business and individual relationship.

The powers given to the Attorney General under the bill are tremendous. The bill would grant to the Attorney General unprecedented authority to file suits against property owners, to file suits against plain citizens, to file suits against State and local officials, even though the supposed grievant has not filed suit. The Attorney General would become the grievant's lawyer at the taxpayer's expense.

The bill grants to the Attorney General, the unprecedented power to shop around for a judge that he prefers to hear a voting suit; the right to sue an owner of public accommodations before the owner is accused of a discriminatory practice; the right to sue State and local officials concerning public facilities and against local school boards, although no suit has been filed by any schoolchild, parent, or any other person.

The bill would give unprecedented power to the 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 set up its own controls, sanctions and penalties, including "termination of, or refusal to grant or to continue assistance," and, "any other means authorized by law."

Mr. President, how much time have I remaining?

The ACTING PRESIDENT pro tempore. The Senator has 1 minute remaining.

Mr. THURMOND. Mr. President, I wish to again remind the Senate that this bill is clearly unconstitutional.

It would seek to permit Congress to establish qualifications for voting, although this power is reserved to the States under the Constitution. This is
in violation of section 2 of article I, and the 10th and 17th amendments.

The bill attempts to apply the provisions of the 14th amendment to "private actions" although it is applicable on its very face only to State action. This bill is in direct conflict with the 1883 Civil Rights Cases, the 14th amendment to "private actions of the fifth amendment. The bill would deprive a person of property without just compensation in violation of the 15th amendment.

The bill makes an offense of speaking or writing against the objects sought to be accomplished by the bill. This is a violation of the first amendment.

The bill seeks to regulate businesses which are solely local in character. This is in violation of section 8 of article I, which regulates commerce among the several States.

The bill is designed to subject citizens to "involuntary servitude" by making them render personal services against their own choice, in violation of the 13th amendment.

The bill attempts to delegate legislative powers to the Attorney General and other officials of the executive branch in violation of section 1 of article I of the Constitution.

Mr. President, I hope that the Senate will defeat the bill.

TWO THINGS THAT WE DO

Mr. PROUTY. Mr. President, 103 years ago—when the House of this Nation was divided—to serve the cause of freedom and to make our people one, a man came out of Illinois.

One hundred and three years later, to open this New Congress, a son of the National House and to serve the cause of freedom, another man has come out of Illinois.

True it may be that no one man was responsible for the abolition of slavery. True it may be that no one man was responsible for our statute to prohibit discrimination. But, without Lincoln there would have been no Emancipation Proclamation, and without Drisker there would have been no civil rights bill.

From Jefferson to Johnson, from Lincoln to Dirksen, the roads are long and the journeys arduous.

Twice an assassin's bullet struck down the guiding spirit of liberty and twice the Nation awoke on. Frederick Douglass, Abraham Lincoln, John Fitzgerald Kennedy—all these are gone. How I wish they could know that in 1964 when there was heard the cry "Freedom now," the Congress answered "ever more."

"Farewell" is the solemn pledge we make this day. It is ours to keep—it is ours to bequeath to the yet unborn.

History will long remember the sturdy stoutheartedness of this undertaking—Drisker, Maxwell, Humphrey, Kuchel, and all the rest—but the journey will go on. Indignities will not end in this generation, nor in the next, but let it go out to all the world that we have begun their undoing.

One hundred years ago man in bondage was set loose. Perhaps 100 years hence man in prejudice will be set free—free in every inch and corner of this vast earth; free in full measure; free for all ages and times. These are the aims of a mighty and majestic people. Mr. President, I have often wondered during the course of these proceedings whether there was present some hand more splendid than our own. For, if ever the morning star of hope was to escape our view, he will def eat the bill.

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. The Senator from Montana is recognized for 10 minutes.

Mr. MANSFIELD. Mr. President, this is the anniversary of the late President John F. Kennedy's submission of the Civil Rights bill to the 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 task."

Mr. President, the Senate is about to fulfill its responsibilities in the resolution of the most divisive issue in our history. The attainment of this moment, in my judgment, is perhaps of even greater significance than the outcome of the vote itself, for it underscores, once again, the basic premise of our Government—that a people of great diversity can re solve even its most profound differences, under the Constitution, through the processes of reason, restraint, and reciprocal understanding. And what has been done in the Senate on the issue of civil rights is a blessing for "Except the Lord build the house, we labor in vain that build it."

Mr. President, the Senate answered "ever more."

Mr. PROUTY. Mr. President, Mr. Dirksen, Mr. Humphrey, Mr. Mankin, Mr. Kuchel, Mr. Smathers, the Senators from California [Mr. Kuchel], who filled the job of floor leader for the Republicans. The floor captains, both Democratic and Republican, made every effort 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. Allan], the Senator from Massachusetts [Mr. Saltonstall], the Senator from Kentucky [Mr. Cooper], the Senator from Washington [Mr. Magnuson], the Senator from Rhode Island [Mr. Pastore], the Senators from Colorado [Mr. Hart], the Senator from Pennsylvania [Mr. Clark], the Senator from Illinois [Mr. Douglas], the Senator from Hawaii [Mr. Inouye], the Senator from Colorado [Mr. Allard], the Senator from Kansas [Mr. Carlson], the Senators from New York [Mr. Javits and Mr. Keating], the Senator from Pennsylvania [Mr. Scott], the Senator from New Jersey [Mr. McGovern], the Senators from all others—who worked long and hard in conferences and on the floor. And I should like to note, too, the contribution of the Senator from Iowa [Mr. Hickenlooper], and certain of his Republican colleagues, who, in their deliberations, in the end, found the route to agreement which made cloture possible.

In so doing, they placed the demeanor and responsibility of the Senate, as an institution, above personal feelings.

The courage and dedication displayed by Senator Clair Engle were contributions, too, which should not and will not be forgotten.

And finally, Mr. President, there has been the insistence of the opposition on prolonged debate. It was learned and thorough, and it played an essential role in refining the provisions of the bill. But the function of those processes was to discourage self-righteousness on the part of the majority. There is no room for unwarranted sentiments of victory if the legislation we have molded is to be given constructive meaning for the Nation in the years ahead.

If we are about to enter upon a second Reconstruction—as the Senator from Georgia (Mr. Russell) called it—then it must be a reconstruction of
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 approach is necessary if we are to triumph over the passage of this bill, but to a profound humility. No one, let me say, understood this reality better than the late President John Fitzgerald Kennedy. This, indeed, is his moment, as well as the Senate's.

Mr. President, William H. Stringer wrote an excellent article, entitled "The Senators' Creed," which was published earlier this week in the Christian Science Monitor. The copy of his article I quote from is 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 passage of a pending 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 years, but the Members of the Senate conduct themselves in a manner befitting "gentlemen's club"—usually sets a standard. Mr. President, it will soon be time to call the roll, to record the yea's and nay's, and then to proceed to the other business of the Nation, which, of necessity, will go on long. Mr. DIRKSEN, Mr. President, we are on the threshold of what I suppose everyone will consider a historic vote.

I am deeply grateful to the majority leader [Mr. Mansfield] for his patience, his tolerance, and his sense of self-effacement in all the tedious struggle that has gone on for nearly 100 days; and I am truly grateful to the deputy majority leader [Mr. Humphrey], because of the attributes he has brought to this struggle. I join Mr. Goldwater and Mr. Scoop to say that "gentlemen's club"—usually sets a standard. Mr. President, it will soon be time to call the roll, to record the yea's and nay's, and then to proceed to the other business of the Nation, which, of necessity, will go on long. Mr. DIRKSEN, Mr. President, we are on the threshold of what I suppose everyone will consider a historic vote.

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Mr. President, it has been a tedious matter that has been a long labor, indeed. On looking back, I think a little of the rather popular television program called "That Was the Week That Was." I think tonight we can say, "That was the year that was," because it was a year ago this June that we first started coming to grips with this very challenging controversy on civil rights.

On the 5th of June, my own party, after 2 days of labor and conference, came forward with a consensus to express its views on the subject. That consensus is printed in the Congressional Record. I shall read only a portion of what we said in the course of that statement. Here is a general and acceptable statement of principle. In the course of the conference, a word was removed, and then it was restored; a phrase was removed, and then it was restored. Finally, we came up with a declaration of which I think we can all be proud. For other things, the statement included the following:

It is the consensus of the Senate Republican conference that: "The Federal Government, including the legislative, executive, and judicial branches, has a solemn duty to preserve the rights, privileges, and immunities of citizens of the United States in conformity with the Constitution which makes every native-born and naturalized person a citizen of the United States, as well as the spirit and meaning in which he resides. Equality of rights and opportunities has not been fully achieved in the long period since the 14th and 15th amendments to the Constitution were adopted, and this inequality and lack of opportunity and the racial tensions which they engender are out of character with the spirit and meaning in which the nation pledged to justice and freedom."

I recite one other paragraph from that statement of principle:

The Republican Members of the U.S. Senate, in this 88th Congress, reaffirm and reassert the principles of the party with respect to civil rights issues, and further affirm that the President, with the support of Congress, consistent with its duties as defined in the Constitution, must protect the rights of all U.S. citizens regardless of race, creed, color, or national origin.

Mr. President, that conference took place on June 5, 1963, and this is June of 1964. So with a sense of propriety I can say for the bone pickers who will be setting it down on the history books that "this is the year that was."

After this statement of principle came the conferences at the White House. Those also occurred in the month of June. I remember how patient the late President of the U.S. was when he met first with the Joint leadership, and then with individual Members, and then with the minority Members in the hope that he would have only one opportunity to present to both branches of the Congress could be scheduled for early action. I recited once before that I and my party had chided the late President of the U.S. for his dereliction in the matter, and said that there was a promise and a pledge that when a new Congress began in 1961 there would be early action on the civil rights issue.

When that action was not forthcoming, there was our criticism, until at last that bill was submitted.

Then came the grinding of the legislative mill. That mill grinds slowly but it grinds exceedingly fine. What has happened in "the year that was" is a tribute to the patience and understanding of the country, to the Senate, and generally the people of this Republic. It was marked, of course, by demonstrations and marchings, and one occasion by some outbursts of violence. But the mills have ground before, Mr. President, where a moral issue was involved, and it is not too far from fact and reason to assume that the course of events in "the year that was" affords a model history of this blessed and continuing Republic.

For example, I mention that in the field of child labor, when even President Wilson observed, years ago, that the Beveridge bill was obviously absurd, the mill continued to grind, and at long last the Congress undertook to prevent the worst abuses of an inhuman practice of goods that had been produced by the sweated toil of children. There was a moral issue.

In 1906, after the reports of Harvey Wiley—President McKinley had gone before civil service system assertions on the Senate floor. The speeches that were delivered about the intrusion of Federal power sound absolutely incredible today when we undertake to reread them. But there was an inexorable force. In the past 30 years, while I have been here, I have not seen a single Congress that has not added to the Pure Food, Drug, and Cosmetic Act.

I mentioned on the floor of the Senate on Tuesday that when the legislature in New York State inhibited work in the bake shops of that State beyond 10 hours a day and 6 days a week, the law was stricken down by the highest court in the land. Then in the Wilson administration came the Adamson law, which provided for an 8-hour workday on the railroads. Today who will stand in his place and quarrel with those limitations upon the workday and the workweek?

I was in the House of Representatives in 1934 when the Social Security Act was placed upon the statute books. I remember the fulminations, the castigation, and the outbursts that the act was unconstitutional. But it is on the books and it is accepted; and all the trenchant editorials, all of the truculent statements, and all the speeches on the floor of the House and Senate were swept away by some inexorable force.

I do not remember the beginning, but I mentioned before that in 1888, when a group of crusaders went to Chicago to enlarge, if they could, an interest in the labor legislation. They only six people who attended the meeting, but it required only one bullet—a bullet from an assassin—to reach President Garfield's heart to completely change the mood of the country and, as a result, in 1883 the Pendleton Act went on the books.

Will any Senator stand in his place today in this or any other body and undertake to sweep it aside and call for recall of the Pendleton Act?

Theodore Roosevelt and Gifford Pinchot argued and worked to get into the public domain great quantities of ground for the benefit of the people, and were met by every barricade and obstacle. But truth and righteousness and a sense of justice were brought to bear, it required no constitutional amendment to bring it about. Nor did it require a constitutional amendment to bring about our forward thrusts in the interest of the people and in the interest of the expansion of enjoyment for the living of our people. The same thing can be said about the minimum wage. I had my fingers crossed about it many times. My friend
from West Virginia nods his head in approval. He remembers very well when we were on a subcommittee together. We accepted that proposal as a matter of course.

These are programs that touch people. Today they are accepted because they are accepted as a part of the forward thrust in the whole efforts of mankind to move forward.

I reemphasize the fact that it required no constitutional change to bring this about, because it appeared there was latitude enough in that document, the oldest written constitution on the face of the earth, to embrace within its four corners these advances for human brotherhood. It leads us—let 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 editorialists in every section of the country, no matter what the resistance of people who do not wish to change, it will not be denied. Mankind ever forward goes. There have been fulminations to impede, but they have added to 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.

It is a great and slow, but steady, movement. We think of the word dramatic I think of what Woodrow Wilson said in World War I. I was in uniform on the Western Front. There was a movement in this country to send Theodore Roosevelt there to head a division. He was a great appeal. Letters by the hundred of thousands moved into the White House. Woodrow Wilson settled the issue with a single sentence. He said, "The answer is 'No' because the business in hand is undramatic.

This is not dramatic business. Here we are dealing with a moral force that carries us along.

Argue and fuss and after all the extremes, our President—our people still go forward, and we will not be worthy of our trust if we do not give heed to the great, mobile force that carries humankind along its path.

There was a time when the attributes of life, when life itself, when all those things we hope for a human being, did not count too much in the scale of every-day values. When Peter the Great went to Poland on a visit, he was told, "We have invented a new torture machine. We put the man in and the machine breaks his ass under." He said "I would like to have a demonstration." He was told, "We have nobody in prison on whom to demonstrate." He said, "It is all right. Take one of my retinue and break his body." Those words are repeated to only a few hundred years ago.

There was a queen named Marie Antoinette. History records that as she was going through the countryside she saw groveling peasants trying to subsist on roots and herbs and whatever nature had to offer them. One of the servants said to her, "They are groveling peasants, without bread to eat." History records the cynical answer that she gave in response. She said, "Let them eat cake."

What an answer. But history would not accept that answer, because the thrust of humankind has been ever-forward and upward.

I remember the day when I sat with General Eisenhowever in his office. I saw a note on my desk that was written like Marshall Zhukov to me. He said, "It is. I want to tell you a story about him and when they gave me my deccoration—I forges whether it was the Red Star, or the Order of Lenin. He said, "You know, he is a great general, and he is an intriguing fellow, but he is very cynical. He has little regard for human life on the battlefield. When I told him of one of our officers and I told him I sent a messenger into the area so our soldiers could proceed, Zhukov said, "Oh, you sent in your messengers? We do not do that. One life—what is it? One thousand lives—what are they? Poor!" That shows a disregard for human life and for all the attributes that go with it.

So today we come to grips finally with a bill that advances the enjoyment of living; but more than that, it advances the equality of opportunity.

I do not emphasize the word "equality" standing by itself. It means equality of opportunity in the field of education. It means equality of opportunity in the field of employment. It means equality of opportunity in the field of participation in the affairs of government, and the day in the life of a citizen when he can go to the polls under a representative government, 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—that great work on which they labored in the hope that all those in that area might wander afield. Always there was a high beckoning tower to bring them back to the point of orientation. But then came the confusion of tongues, for that is exactly what "babel" means. That is the greatest unfinished project in the history of mankind. There probably will be greater, unfinished projects, and every generation will have to confront them.

They will also be found in the domain of freedom. They will be found in the pursuit of happiness as the Declaration of Independence asserts. They will be found in the realm 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.

That is why I say, my friends, I must put 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 constituencies.

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, "No man is an island; 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 constituencies."

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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. We carried the day. I did it in the House of Representatives.

Three times—God willing—my people have permitted me to do it in the Senate of the United States.

There is involved here the citizenship of people under the Constitution who, by the 14th amendment, are 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 challenged 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.
Mr. DIRKSEN. Mr. President, in line with the sentiment offered by the poet, "Any man's death diminishes me, because I am involved in mankind," so every denial of freedom, every denial of equal opportunity for a livelihood, for an education, for a right to participate in representative government diminishes me.

There is the moral basis for our case. It has been long and tedious; but the mills will continue to grind, and, whatever day or hour we stand on the threshold of a historic rolcall, 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 close by expressing once more my gratitude to the distinguished majority leader for the tolerance that he has shown all through this long period of nearly 100 days.

But standing on the pinnacle of this night, looking back, looking around, looking forward, as an anniversary occasion requires, this is "the year that was," and it will be so recorded by the bone pickers who somehow put together all the items that portray man's journey through time in the 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 year and next have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 73, nays 27, as follows:

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Mr. MANSFIELD. I move to lay that motion on the table.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the bill as amended by the Senate be agreed to.

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, will not be the usual Saturday session.

I ask unanimous consent that at the conclusion of business today, the Senate stand in adjournment until 12 noon on Monday next.

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

Mr. MANSFIELD. Mr. President, for the information of the Senate, in response to the question asked by the distinguished minority leader, it is anticipated that on Monday the Senate will start consideration of the Interior appropriation bill, to be followed, although not necessarily in this order, by the Treasury and Post Office appropriation bill, the atomic energy authorization bill, the National Aeronautics and Space authorization bill.

I would also, for the information of the Senate, state that after consulting with the distinguished minority leader—and I would hope with the concurrence of the Senate—we would be allowed to pass a number of unobjected-to items on the calendar. They are items which have been cleared. We would like to do it this evening.

The ACTING PRESIDENT pro tempore. The Senator from Illinois is recognized.

NATIONAL COMMISSION ON FOOD MARKETING

The ACTING PRESIDENT pro tempore. The Chair lays before the Senate a message from the House of Representatives, amending the joint resolution (S.J. Res. 71) to establish a National Commission 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.
the performance of the duties vested in the Commission.

(b) Each member of the Commission who is appointed by the President may receive subsistence as authorized by law (5 U.S.C. 73b-2) for persons in the Government service employed intermittently.

Sec. 4. Duties of the Commission.

(a) The Commission shall study and appraise the kind of food industry that would best serve the food industry; and yet assure efficiency of production, assembly, and other necessary expenses incurred by Members of the Commission, and shall be reimbursed for travel, subsistence, and other expenses incurred by them in the performance of the duties vested in the Commission.

(b) The Commission, or any three members thereof, may be punished by the court as a contempt for the collection of indebtedness of persons resulting from erroneous payments (5 U.S.C. 46c) shall apply to the collection of erroneous payments made to or on behalf of the Administration for the administrative control of funds (31 U.S.C. 665(g)) shall apply to appropriations of the Commission. The provisions of this joint resolution shall not be required to prescribe such regulations.

Ninety days after submission of its final report, as provided in section 4(b), the Commission shall cease to exist.

Sec. 5. Powers of the Commission.

(a) The Commission, or any three members thereof, may conduct hearings anywhere in the United States or otherwise acquire data and express opinions for the purposes of the investigation, for which payment shall be made in the form and manner deemed best to carry out the purposes of the investigation before any person who is designated to compel testimony and the production of evidence.

(b) Any district court of the United States in the courts of the United States.

(c) The Commission is authorized to direct that the information obtained by it is to be published such information in the public interest and would not give an unfair competitive advantage to any person, and information which would separately be found in Oregon, Oklahoma, New Jersey, or on an isolated base of our military services overseas.

I am pleased to learn that under the leadership of its new president, Mrs. Jennelle Moorhead, of Eugene, Oreg., the NCPT’s oversea branch, which was founded in 1965, has operated schools in the European Congress of American Parents and Teachers Convention.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the action taken recently on Senate Joint Resolution 61, which was reported from the Committee on Appropriations with amendments.

RESOLUTIONS OF THE NATIONAL CONGRESS OF PARENTS AND TEACHERS CONVENTION

Mr. MORSE. Mr. President, the National Congress of Parents and Teachers, as Senators know, is an organization composed of hardworking men and women devoted to the best interests of the American public schools whether it be found in Oregon, Oklahoma, New Jersey, or on an isolated base of our military services overseas.

I am pleased to learn that under the leadership of its new president, Mrs. Jennelle Moorhead, of Eugene, Oreg., the National Congress of Parents and Teachers—PTA—

(is) to pay witnesses the same fees and mileage as are paid in like circumstances in the courts of the United States.

(b) Any district court of the United States within its jurisdiction may, on application or on its own motion, order an appearance by a party in an action for which payment shall be made in the form and manner deemed best to carry out the purposes of the investigation.

(c) The Commission is authorized to direct that the information obtained by it is to be published such information in the public interest and would not give an unfair competitive advantage to any person, and information which would separately be found in Oregon, Oklahoma, New Jersey, or on an isolated base of our military services overseas.

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 power and objectives of the industry from producer to consumer.

The effectiveness of the services including the dissemination of market news, and regulatory activities of the Federal Government in terms of present and probable developments in the industry; and

The effect of imported food on United States food prices, wages, and employment.

(b) The Commission shall make such interim reports as it deems advisable, and it shall make a final report of its findings and recommendations to the Congress by July 1, 1965.

Sec. 6. Administrative Arrangements.

(a) The Commission is authorized, without regard to the civil service laws and regulations or the Classification Act of 1949, to appoint and fix the compensation of an executive director and the executive director, with the approval of the Commission, shall be considered an employee of the Commission. The head of any executive department or independent agency of the Federal Government is authorized to detail, on a reimbursable basis, any of its personnel to assist the Commission in carrying out the work.

(b) In the collection of any information obtained by it is to be published such information in the public interest and would not give an unfair competitive advantage to any person, and information which would separately be found in Oregon, Oklahoma, New Jersey, or on an isolated base of our military services overseas.

I am pleased to learn that under the leadership of its new president, Mrs. Jennelle Moorhead, of Eugene, Oreg., the 12 million membership National Congress of Parents and Teachers—PTA—is reaffirming its support for needed improvements in the overseas dependent schools. The NCPT’s overseas branch, the National Congress of American Parents and Teachers, serves in 61 countries where the Dependent Schools, the overseas schools for the children of American parents serving the United States abroad, has compiled its firsthand observations in

CONGRESSIONAL RECORD—Senate
June 19
EIGHTY-FIRST CONGRESS
SECOND SESSION
S. 2075
A Bill to authorize the Secretary of Agriculture to conduct a study of the food industry.

SEC. 1. Short Title. This Act shall be known as the "Food Industry Act of 1965."
a series of resolutions designed to provide academic training at least equivalent to that received by the domestic counterpart.

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 achievement; and Whereas this conference has underscored the urgency for positive action to achieve quality education for all and also compensation of 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 classes and 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 representation in Washington, D.C., to seek the financial aid and teacher staffing necessary to provide adequate academic training for handicapped children; and be it further resolved, That the military services look toward action that will discourage assignment 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 dependent schools have opportunity to them the services of registered nurses with sufficient medical supplies and, further, that the National Congress of Parents and Teachers酮 seek in Washington, D.C., to have a program of this nature included in the budgetary recommendations from the Congress of the United States.

**EUROPEAN CONGRESS OF AMERICAN PARENTS AND TEACHERS**

Whereas teachers’ working conditions and salary schedules are determined by Public Law 66–91; 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 66–91 is in the best interests of the overseas dependents’ schools; that this European Congress of American Parents and Teachers urge the Committee on Education of the Congress of Parents and Teachers to undertake to assist in bringing about the necessary implementation of Public Law 66–91.

**STUDENTS’ ASSISTANCE—HIGHER EDUCATION**

Mr. MORSE. Mr. President, Mr. Robert B. Frazier, associate editor of the Machinist, on May 24, 1964, published an article in which he detailed the difficulties faced by individuals serving on scholarship selection committees caused by the lack of funds to assist the able and deserving student who has applied for scholarship assistance.

The experience which has been so lucidly and conclusively set forth by Mr. Frazier is one which I am sure is shared by any individual who has been given this type of responsibility.

The article points up, in my judgment, the importance of having recognition and substantial aid given to our young people with talent but without money through the establishment by the Federal Government of a broad-scale scholarship incentive program.

It is my hope that in the near future the Education Subcommittee of the Senate Committee on Labor and Public Welfare can bring to the floor legislation incorporating such a scholarly component. Certainly Mr. Frazier’s experience is strong testimony upon the need for such a program.

Mr. President, I ask unanimous consent that the article to which I have alluded be printed in the Record at this point in my remarks, together with an article which appeared in the June 4, 1964, issue of the Machinist, under the byline of Mr. Sidney Margolius.

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

*From the Oregon Register-Guard, May 34.*

**Tuition Boosts Don’t Help: Lack of Cash for College Causes Waste of Talent**

(By Robert B. Frazier)

A boy in southern Oregon will graduate from high school next month with a grade point average of 3.8. (A 4.0 is perfect.) This boy is president of the student body and has played football. His test scores, another indication of his ability, are good. He’d like to be a lawyer. But lawyers have to go to college, and therein lies his problem. Both his parents are dead. He can hardly stay in high school.

A few miles away there lives a farmgirl who, because of chores, has only a limited amount of time to study. Yet there has been president of the student body and editor of the yearbook. Because she once got a B in gym her grade point average is “only” 3.97. She’d like to go to college. Is the University of Oregon within her financial grasp and study social science. But, with three younger brothers and sisters and a family income of $6,550, she will need help.

These cases and dozens more came to my attention this spring when I served as representative of the University of Oregon Dad’s Club on the scholarship selection committee. The dads give 1 scholarship of $500 and 10 more for full tuition, which is $390 this year and may be as much as $496 next year. I had to pick out the most deserving students. I had only 16 to give out. Every application screamed for a richly deserved award.

The job was both heartwarming and heartbreaking—so many deserving applicants! Will that orphan kid get a chance to go to college? Will that farmgirl be able to attend the University of Oregon?

Mr. President, I ask unanimous consent that the following be printed in the Record of the Senate at this point in my remarks:

*From the Machinist, June 4, 1964.*

**Education 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, next to the high- 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 Charleen Glezner, 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 new students from families with incomes from $6,000 to $10,999 were offered aid; 87 percent of those from $11,000 to $15,999 families, and an even 93 percent of those with incomes of $15,000 or over.

In numbers the contrast is even more drastic. Of the total of 7,844 students considered, $2,989,654 by $3,267 by $1,500 and $4,260 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.

Mr. President, I wish to point clearly that “too many rich families are getting too many scholarships and too many poor families are getting nothing,” charges Richard Deverall, staff representative of the AFL-CIO Education Department.
Department. Previously, the AFL-CIO Education Director, Mr. Rogin, had warned that by their very nature scholarships go only to the most brilliant and do not reach down to the many still capable and even able students that are held back. In 1965, there is a genuine four-alarm crisis in the making as this tidal wave of education-seeking kids besiege the colleges both for admittance and assistance in paying today's record-high tuition fees.

The College Scholarship Service, a cooperative service which published the analysis by West and Gleazer, itself is concerned about the urgency of providing more scholarship funds for education. The CSS has established to help colleges award student aid on the basis of actual need as shown in the parents' financial statement, rather than by giving academic premiums to those who are not in need.

In fact, the CSS seeks to provide a fair, uniform standard for awarding student aid, which today often is a competition among colleges for the best qualified students, and in which funds for needy students are not adequately considered.

The hope for moderate-income families, says Rexford A. Moon, director of the College Scholarship Service, is that more and more of the colleges and other scholarship donors are giving greater consideration to actual need. Of two similarly qualified applicants for aid, one may be better off because of educational advantages; they go to better schools in the well-to-do suburbs than the often crowded one-room schools in many neighborhoods; they have more motivation to do well in school because they expect to go to college, and sometimes get more attention from teachers and principals than the kids who don't get good grades marks early.

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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've got a lot of very difficult questions. Your answers will, I'm sure, be sensible, bold enough to take a stand on the issues, on which you feel deeply persuaded, and differences are not only possible but necessary.

Now suppose you try, in your own manner, follow this course. What will happen to you?

Well, Nicholas Murray Butler, the great president of Columbia University at the beginning of this century, said that the world is made up of three groups of people: A small elite group who make things happen. A somewhat larger group who watch things happen. And the great multitude who don't know what happens.

This means that the leaders, the makers of opinion in the world, are a very limited group. It is limited indeed.

So as you stand and are counted, you will first run into the group who equate newness with wrongness. If it's a new idea, it's wrong; and if it's wrong, it won't like it. These are the conventionalists.

Second, you're sure to meet cynics, people who believe anyone who is new to his nation is a fool. I know all of you have had to face up to situations which are sensible, and bold enough to take a stand on the issues, on which you feel deeply persuaded, and differences are not only possible but necessary.

And the great multitude who don't know what happens. "Make no little plans,"" Instead, I'd like to say this: Make no little compromises with whom you differ for some petty, insignificant, personal reason. Instead I would urge you to cultivate "mighty opposites"—people with whom you disagree on big issues, with whom you will fight to the end over fundamental convictions. And that fight, I can assure you, will be good for you and for your own soul. And it will honor your college and your country.

Why? The answer brings us back to where we started, to the subject of self-protection. Debate won't destroy the United States of America. For if the United States is any thing, it is a democracy. If you don't like the way things are, you can vote for a change. Preserve it, and we preserve the Union. Lose it, and the Union is lost.

And how about the individual? How can he protect himself? Well, in the end, despite all the buffets and scorn and ridicule he may have to take, intellectual courage won't destroy the American citizen. But intellectual cowardice will. If you want a sure prescription for hurt and defeat, it is this: Play it safe, stifle your thoughts, hold your tongue, follow the path of the unsafe, independent thinker.

Expose your ideas to the dangers of controversy. Speak your mind and fear the loss of something which only the healthy body, the happiness, the freedom of the mind, makes possible.
of the Spartanburg Herald of Spartanburg, S.C., entitled "Startling Decision by Supreme Court," is an editorial from the Greenville News of Greenville, S.C., printed on June 18, 1964, entitled "The Runaway Supreme Court"; and another editorial from the Spartanburg Herald dated June 17, 1964, entitled "S.C. Senate Has Gone Far in Reversing Balance."

I also ask unanimous consent, Mr. President, to have printed in the Record at the conclusion of these remarks an outstanding column on this same subject, written by Mr. David Lawrence, entitled "The Omnipotent Supreme Court: Apportionment Ruling Cited as Latest Example of Power Reversal," from the June 17, 1964, edition of the Evening Star of Washington, D.C.

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

[From the Charleston (S.C.) News and Courier, June 15, 1964, entitled "SHAKING OFF THE REPUBLIC"

The U.S. Supreme Court ruling that membership in both houses of every State legislature must be based solely on population is another in a long series of constitutional repeals by judges.

In assuming authority to rewrite the U.S. Constitution, the Court has declared 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 so familiar with government beyond the limits of the Constitution. We do not question the popularity of some of the Court's recent decisions. The same sort of laws might have been voted into effect had they been submitted in constitutional form. This same section—additionally guaranteed the same protection for local government to the States, the Constitution as applied to be bothered by any such trivialities as that.

[From the Greenville (S.C.) News, June 18, 1964, entitled "THE RUNAWAY SUPREME COURT"

Even though Greenville County stands to gain by it, most Greenvillians will join those who love the Constitution in deploiring the Supreme Court's decision on legislative apportionment. The Court's decree that State senates, as well as State houses of representatives, must be based on population, will give Greenville County a larger voice in South Carolina's upper chamber. If the same common sense and wisdom that are in this State and in almost every other State in the Nation as attempts are made to undo what experience and custom have built up during the past centuries are applied to the 50 States, of all the 50 States, perhaps only Nebraska will not feel the effect of this momentous and unprecedented intrusion into State legislative affairs. Nebraska has only one legislative body, the senate. All other States have two and the great majority if not all of them have based one house on population and the other on geography.

The precedent for this arrangement seemed ample to those who have written State constitutions over the years. The U.S. Constitution provided for just such an arrangement in creating the House of Representatives and the Senate.

While the Constitution does not provide in the case of the States, it has been felt that it should. For some 176 years, the two-house, population-and-geography system has been conditioned by the Federal Government. In principle, it has been adequate. Although it has been exploited to some degree, the disadvantages have never been felt to be so great as to require action by the Supreme Court.

The men who believed the work of our Founding Fathers to be worthy of emulation could not, of course, anticipate the arrogance of the Warren court. Swollen by conceit and consumed with impatience, the majority of that body will not be content until they have completely revamped our entire political and social system to suit their predilections.

The grave danger of this frame of mind was clearly pointed out in dissenting opinions by Associate Justices John M. Harlan and Potter Stewart. Justice Harlan decried the weakening of the political system which the majority opinion would create. He declared that if the Court continues on its present course, a compliant body politic may result. For why should an unrepresentative population take action when in the end it will be the Supreme Court which will speak with final authority?

The precedent set by the Court is, said, an instrument of government, fundamental to which is the premise that in a diffusion of governmental authority lies the greatest chance that this Nation will realize liberty for all its citizens.
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 Constitution that was not included from it, the Court in reality substitutes its views of what should be so for the amending process.

Justices should be in a separate dissent, added: "With all respect, I am convinced the decisions are a long step backward into that unwise state of affairs whereby the Court has in effect arrogated to itself what the Constitution specifically provides that disputes between States and the Federal Government shall come before the Supreme Court. This provision was not made for the Court to step in as a judicial body and assert itself as the arbiter of what it deems to be equitable. It was found the two State officials guilty of contempt.

The Supreme Court itself denied that they had any right to a trial by jury. One wonders where this development of the Supreme Court omnipotence is likely to end.

From the Washington (D.C.) Star, June 17, 1964

THE OMNIPOTENT SUPREME COURT: APPORTIONMENT RULING CITED AS LATEST EXAMPLE OF POWER GRAB BY JUSTICES

(By David Lawrence)

A majority of the Supreme Court of the United States has again overstepped the bounds of judicial self-restraint. This time the Court has chosen to ignore the language of the Constitution itself which gives to the States the right to fix their own voting districts for the two houses of each legislature.

No such usurpation of power by the judiciary has ever been recorded before in the whole history of the Republic as is being manifested by the present Court. The Supreme Court by its recent decision has declared the board of supervisors in a county how it shall tax and appropriate its money. It, moreover, has said that in effect there must be no prayer in the schools during school hours. And now it has undertaken to say that the 50 States of the Union cannot have their legislative houses based upon any form of representation the constitution of the State may proclaim, but must conform to the Court's notions of what should be so for the Supreme Court of the United States itself.

If the foregoing observations are too critical of the Court's decisions, any doubt are dispelled by the actual words of the Justices who dissented in the reapportionment cases handed down on Monday of this week.

Justice Harlan, for example, declared that the failure of the Court to consider the language of the 14th amendment—on which the Court has been criticized so much and which the Court disdained to consider—" amounts to nothing less than developing constitutionalism." He added:

"The Court, in its recent decisions, has fashioned a constitution for the States. This constitutional rule, binding upon each of the States, forbids the States to set the Constitution of their State as an obstacle to the violation of human rights or the violation of some other fundamental human liberty and right of equal protection. It is a constitutional rule, binding upon each of the States, which the States have no right to nullify. The Court of Appeals of the Fifth Circuit in effect held that the States have such a right. But the Court today rules that the States do not have such a right. The Court today rules that the States are bound by the Federal Constitution as interpreted by the Supreme Court of the United States."

If the Court's actions were not critical of the Court's decisions, any doubt are dispelled by the actual words of the Justices who dissented in the reapportionment cases handed down on Monday of this week.

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Justices Harlan and White, in a joint opinion in which he was joined by Justice Clark, declared:

"With all respect, I am convinced these decisions mark a long step backward into that unhappy era when a majority of the members of this Court were thought by many to have convinced themselves and each other that the demands of the Constitution were to be measured not by what it says, but by whatever notions of wise political theory."

The rule announced today is at odds with long-established principles of constitutional development under the equal protection clause, and it stifles values of local individuality and initiative vital to the character of the Federal Union which it was the genius of our Constitution to protect.

"What the Court has done is to convert a particular political philosophy into a constitutional rule, binding upon each of the 50 States, forbidding the States to set their own Constitution as an obstacle to the violation of human rights or of some other fundamental human liberty and right of equal protection. It is a constitutional rule, binding upon each of the States, which the States have no right to nullify. The Court of Appeals of the Fifth Circuit in effect held that the States have such a right. But the Court today rules that the States do not have such a right. The Court today rules that the States are bound by the Federal Constitution as interpreted by the Supreme Court of the United States."

Thus, three justices of the Supreme Court criticize what their colleagues have done as a violation of the demands of the Constitution.

What can the people throughout the country who disagree with the Court do about its rulings? They might well urge Congress to pass a law taking from the Supreme Court all jurisdiction in apportionment cases. But an even better effort, perhaps, would be the passage of a new constitutional amendment reaffirming that the States of the Union have a right to apportion legislative districts under their own constitutions.

VISIT OF U.S. CITIZENS TO COMMUNIST CUBA

Mr. THURMOND. Mr. President, the Times and Democrat of Orangeburg, S.C., has published in its June 17, 1964, issue an outstanding editorial in support of the position taken by Congressman ALBERT WATSON against permitting U.S. citizens to visit Communist Cuba and agitate there in favor of communism. I commend the editor of this newspaper for his editorial which appeared in this newspaper and also with a letter which Congressman Watson has addressed to the Secretary of State and the Attorney General urging that passports be denied to everyone, and that they be denied entry into this country.

The time has come, Mr. President, for the people in America to decide whether they are going to be on the side of communism and socialism or whether they are going to be on the side of capitalism and freedom—and I might add, God.

I ask unanimous consent that this editorial entitled "He Tried—We Should, Too" be printed in the Record.

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

[The Orangeburg (S.C.) Times and Demo­
crat, June 17, 1964]
Advocated its destruction, Representative Warson. 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 evacuation be revoked and that the reentry be denied them.

Here is what he wrote:

"Dear Secretary and Attorney General, The Associated Press report from Havana where several students from a group of American students who went to Cuba and enjoy the privilege of being honored by the clergy and another for the Ku Klux Klan?" He said. "We are leading mobs in the street and urging defiance of the law and contempt for private property. Violence and anarchy because the leaders of this "propaganda" are so-called clergymen who seek to speak for the church, appearing before legislative committees in support of the church's attitude and activities that are, in my opinion, more fraught with dangers of fatal and harmful consequences. What is the effect of the separation of church and state?

The church leadership seems fully committed to seeking the passage of the civil rights bill, the true purpose of which is to attract minority bloc votes having the balance of power in a few States which, in the main, hold the balance of power in national elections. A Congressman from New Hampshire, former senatorial partner of that State, recently stated unequivocally on the floor of the House that this legislation is purely political and that it is not needed. The church appears to me to be taking an active part on the wrong side of each of these questions.

The church teachings are subject to different interpretations. Christ's statements to the Samaritan woman at the well and the Ca­naanite woman, claiming to speak for the church, appearing before legislative committees in support of the church's attitude and activities that are, in my opinion, more fraught with dangers, by secret ballot.

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by the wife of a retired bishop. The next step after the breakdown of the civil law is running the law or abdicating it. The leadership of the Christian faith would stand on the side of long-established constitutional principles. One would expect the church of my forefathers, make me increasingly reluctant to participate with and support those who, though well-intentioned, are, in my opinion, blind to the dangers Christians experience is still very close to us. The Christian church is frequently not a haven for the poor. 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 pray a simple prayer in school could ever be denied? We know the answer to the last question. How would we have answered the mob at the Bastille ended with Napoleon's cannon and barricades in the streets of Paris. The next question. How would we have answered the mob at the Bastille ended with Napoleon's cannon and barricades in the streets of Paris. The purpose of the bill is to authorize the Chief of Engineers to undertake a study of the adverse effects of duststorms from Long Island at Port Isabel, Tex., with a view toward establishing such remedial and protective measures as in his judgment may be deemed necessary to prevent such adverse effect.

CONSTRUCTION OF DAM ON THE ST. LOUIS RIVER, MONT.

The bill (H.R. 9934) to authorize the construction of a dam on the St. Louis River, Minn., was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1048), explaining the purposes of the bill.

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

The purpose of the bill is to authorize the Chief of Engineers to undertake a study of the adverse effects of duststorms from Long Island at Port Isabel, Tex., with a view toward establishing such remedial and protective measures as in his judgment may be deemed necessary to prevent such adverse effect.
The Senate proceeded to consider the bill (H.R. 8462) to authorize the conveyance of certain real property 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 real property, consisting of a tract of land containing 195.82 acres, comprising a portion of the 195.82-acre tract situated in the county of Dallas, Texas, as shown in volume 17, page 365 of the Plat Records of Dallas County, Texas, and the restrictive condition in said deed from the United States as grantor, acting by and through the Secretary of the Army, and the city of Grand Prairie, Texas, as grantee, and more particularly described as follows:

Being a tract or parcel of land lying and situated in the county of Dallas, Texas, and a part of the McKinney and Williams survey, abstract numbered 1045 and the Elizabeth Gray survey, abstract numbered A-1045, and being more particularly described as follows:

Beginning at a point on the east right-of-way line of Carrier Parkway (formerly South-West 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 A-1045, and being more particularly described as follows:

Beginning at a point on the east right-of-way line of Carrier Parkway a distance of 2,689.0 feet to the southeast corner of Grand Prairie Airport;

thence south 39 degrees 34 minutes 30 seconds west a distance of 1,599.8 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, 1,091 feet to the point of beginning, containing 127.99 acres, more or less, comprising a portion of the 195.82-acre tract situated in the county of Dallas, Texas, as grantor, acting by and through the Secretary of the Army, and the city of Grand Prairie, Texas, as grantee, more particularly described as follows:

Beginning at a 1/4-inch pipe at the intersection of the south boundary line of said Elizabeth Gray survey with the east right-of-way line of Carrier Parkway (formerly South-West Eighth Street Road) (formerly called Twelfth Street Road), said pipe being located south 39 degrees 26 minutes east, 20 feet from the southwest corner of said Elizabgh Gray survey, abstract numbered A-1045, and the city of Grand Prairie, Texas, as grantee, more particularly described as follows:

Beginning at a point on the centerline of the 195.82-acre tract located within the 67.83 acres described in section 1(a) of this Act, as the Secretary of the Army, after consultation with the Administrator of the Federal Aviation Agency, shall determine necessary to provide adequate lateral and transitional zone clearance for the operation and utilization of the airport (runway) located within the 67.83 acres of land described in section 1(b) of this Act, a site for a new airport has been selected and approved by the Administrator, Federal Aviation Agency; and

2. a plan for construction of airport facilities at the new site has been submitted to and approved by the Administrator, Federal Aviation Agency; and

3. the city of Grand Prairie has, through advertising and sealed bids, provided assurance that construction of airport facilities can be performed in accordance with the plan submitted to and approved by the Administrator, Federal Aviation Agency; and

4. the city of Grand Prairie has, after receiving sealed bids on the 127.99 acres to be sold and determining that the bid to be accepted is in an amount greater than the proceeds of the sale of the 127.99 acres, determined is capable of being developed and used as an airport adequate to meet the needs of Grand Prairie;

a. a site for a new airport has been selected and approved by the Administrator, Federal Aviation Agency; and

b. a plan for construction of airport facilities at the new site has been submitted to and approved by the Administrator, Federal Aviation Agency; and

2. a site for a new airport has been selected and approved by the Administrator, Federal Aviation Agency; and

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4. the city of Grand Prairie has, after receiving sealed bids on the 127.99 acres to be sold and determining that the bid to be accepted is in an amount greater than the proceeds of the sale of the 127.99 acres, determined is capable of being developed and used as an airport adequate to meet the needs of Grand Prairie;
In excess of the amount needed for acquisition and construction at the new site shall be paid to the Administrator of the Federal Aviation Agency. The Administrator is authorized to receive such excess proceeds and to use such proceeds for the purposes of the discretionary fund established under section (b) of this Act.

(c) The real property acquired by the city of Grand Prairie, Texas, with the proceeds of the sale authorized pursuant to subsection (b) of this Act shall be subject to such terms, exceptions, reservations, conditions, and covenants as the Administrator of the Federal Aviation Agency, after consultation with the Secretary of the Army, may deem appropriate to assure that such property will be held and used by the United States and its assigns, agents, permittees, and licensees (including but not limited to the Texas National Guard) shall have the right of joint use, without charge of any kind, with the city of Grand Prairie of the landing areas, runways, and taxiways for landings and takeoffs of aircraft, together with the right of ingress and egress to said landing areas, runways, and taxiways.

(e) The enactment of this Act shall in no manner serve to waive or diminish the existing obligations of the city of Grand Prairie, Texas, to operate and maintain these lands as a public airport until such time as a final determination thereon is made by the Administrator of the Federal Aviation Agency: Provided further, That the specific provisions of this section with the conveyance required by this subsection, the city of Grand Prairie, Texas, shall convey, without monetary consideration therefor, to the United States, acting by and through the Secretary of the Army, the tract of land containing the airport and landing areas, runways, and taxiways in the county of Dallas, State of Texas, the exact legal description of which is set forth in subsection (b) of the first section of this Act. The provisions of this Act relating to the soliciting and restrictive easements described in section 1(c) of this Act.

The amendment was agreed to.

...
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 of effort and expense exist, and determine effective, efficient, economical, and uniform administration of such programs could be achieved by changing certain requirements and procedures applicable thereto.

In reviewing such programs the Comptroller General shall consider, among other relevant matters, the 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 at least one hundred and twenty days before such authority is due to expire.

SEC. 5. Upon request of any committee referred to in section 3, the Advisory Commission shall be assisted by the Comptroller General of the United States in making such studies as the Congress directs.

Every 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 to political subdivisions of two or more States, or to political subdivisions of two or more States and one or more political subdivisions of a State, shall be accompanied by a statement describing the conditions under which such grants-in-aid are made, and shall contain such other provisions as the Congress may require or as the Comptroller General may recommend.

Each recipient of assistance under this Act which provides for a grant-in-aid from the United States to a State or a political subdivision thereof, or any political subdivision of a State or any agency or political subdivision of a State, shall report its findings and recommendations to the committee of the House or the Senate to which legislation extending such authority would be referred, shall at least one hundred and twenty days before such authority is due to expire.

SEC. 6. (a) Each recipient of assistance under this Act which provides for a grant-in-aid from the United States to a State or a political subdivision thereof, or any political subdivision of a State or any agency or political subdivision of a State, shall report its findings and recommendations to the committee of the House or the Senate to which legislation extending such authority would be referred, shall at least one hundred and twenty days before such authority is due to expire.

(b) The Head of the Federal agency administering such grant and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients that are pertinent to the grant received.

And, on page 7, at the beginning of line 2, to change the section number from "4" to "7"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. It is the purpose and intent of this Act to establish a uniform policy and procedure whereby programs for grant-in-aid assistance from the United States to the States or to their political subdivisions which may be enacted hereafter by the Congress of the United States be reviewed from time to time and, upon a subsequent review by the Congress to insure that (1) the effectiveness of grants-in-aid as instruments of Federal-State-local cooperation for such authority is specified by law, and such authority to make grants-in-aid by reason of such Act to States, political subdivisions, and other beneficiaries from funds not therefore obligated shall expire not later than June 30 of the fifth calendar year which begins after the effective date of such Act.

COMMITTEE STUDIES OF GRANT-IN-AID PROGRAMS

SEC. 6. (a) Each recipient of assistance under (1) any Act of Congress enacted after 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 any statute of the United States, shall report within twenty-four months immediately preceding the date on which such authority to be extended to the committee of the House and the Senate to which legislation extending such authority would be referred, separately to the Comptroller General, the total cost of the project or undertaking in connection with which such grant-in-aid is given or used, the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other matters as the Comptroller General may require.

(b) The Head of the Federal agency administering such grant and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients that are pertinent to the grant received.

DEFINITIONS

Sec. 7. For the purposes of this Act—

(1) The term "State" means the government of any State or any agency or instrumentality of a State.

(2) The term "political subdivision" means a local unit of government, including, as appropriate, 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.

The amendments were agreed to.

The amendments were agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1059), explaining the purposes of the bill.

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

The purpose of this bill, as amended, is to establish a uniform policy and procedure for periodic congressional review of grant-in-aid programs which are designed to assist States and their political subdivisions in meeting recognized national needs. Such reassessment by a formal, independent review is necessary to ensure that the benefits of Federal support are equitably distributed throughout the States, and that objective criteria are utilized in determining how grants should be apportioned among the States. The bill requires periodic monitoring of each program and terminates funds for any program which is shown not to be meeting its intended policy objectives.

The AMENDMENT TO REORGANIZATION ACT OF 1964

The bill (H.R. 3496) to further amend the Reorganization Act of 1949, as amended, so as to authorize the collection, reproduction, and publication of documentary source material significant to the history of the United States was announced next in order.

Mr. MANSFIELD. Over.

The AMENDING TITLE III of the Federal Property and Administrative Services Act of 1949 with regard to procurement of property and personal services by executive agencies.

AMENDMENT OF FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949 WITH REGARD TO PROCUREMENT OF PROPERTY AND PERSONAL SERVICES BY EXECUTIVE AGENCIES

The bill (S. 1232) to amend the Federal Property and Administrative Services Act of 1949 by revising paragraph (4) to read as follows:

"(4) The term, 'grant-in-aid', means money, or property provided in lieu of money, paid or furnished by the United States under a fixed annual or aggregate authorization.

(a) By striking out the semicolon at the end of paragraph (15) and inserting in lieu thereof the words 'property and personal services'.

(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 the word 'and'.

(d) By adding at the end of that subsection the following new paragraph:

2. The Secretary of the Interior with respect to procurement of personal services 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 bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

The AMENDMENT OF TITLE V OF THE FEDERAL AVIATION ACT OF 1958

The bill (H.R. 8673) to amend title V of the Federal Aviation Act of 1958, to provide that the validity of an instrument recording the recording of which is provided for in title III, which is substantially in conformity with the current code of procurement procedures, would exclude the procurement of personal services from the operation of title III, which is essentially a property management code of procedures. It would make certain limited amendments to the Federal Property and Administrative Services Act of 1949 (concerning fees of cost-type contracts, contracts for personal services, etc.) applicable to contracts negotiated by executive agencies under any law, not only title III.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

The bill would further enable the Administrator of General Services to prescribe uniform procurement policies and procedures for agencies and to develop uniform procurement practices for the benefit of both the Government and the businessman contracting with the Government.

The bill also proposed certain less significant improvements in procurement. The bill would further enable the Administrator of General Services to prescribe uniform procurement policies and procedures for agencies and to develop uniform procurement practices for the benefit of both the Government and the businessman contracting with the Government.

The bill also proposed certain less significant improvements in procurement. The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:
The Senate proceeded to consider the bill (S. 1338) to provide for the public printing and binding and the distribution of public documents. The bill was ordered to a third reading, read the third time, and passed.

The bill (S. 2149) for the relief of Aziza (Susan) Sasson, which had been re-referred to the Committee on Commerce, with an amendment, to strike out all after the enacting clause and insert:

That section 76 of the Act entitled "An Act providing for the public printing and binding and the distribution of public documents", approved January 10, 1926 (44 Stat. 620; 44 U.S.C. 246), as amended, is amended to read:

"a. The charts published by the Coast and Geodetic Survey shall be sold at cost of paper and printing as nearly as practicable. The price to the public shall include all expenses incurred in actual reproduction of the charts after the original cartography, such as photography, opaquing, platemaking, press time and binding operations; the full postage rates, according to the rates for postal services used; and any additional cost factors deemed appropriate by the Secretary, such as overhead and administrative expenses allocable to the production of the charts and related reference materials: Provided, That the costs of basic surveys and geodetic work done by the Coast and Geodetic Survey shall not be included in the price of such charts and reference materials. The Secretary of Commerce may direct; but on the order of the President, the price at which such charts and reference materials are sold to the public at least once each calendar year, shall be increased by an amount equal to the rate of increase in the cost of living index, as defined by the Bureau of Labor Statistics of the Department of Labor, for the twelve months ending the sixth month immediately preceding the date of the increase in price."

The amendment was agreed to. The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide that the price at which the Coast and Geodetic Survey sells certain charts and related material to the public shall not be less than the cost thereof." Mr. ALLOTT. Mr. President, I would like to say a word about the bill.

The ACTING PRESIDENT pro tempore. Mr. COLLETT.

Mr. ALLOTT. Mr. President, this is a bill which has had very widespread significance and involves one of the real areas where the Federal Government has attempted to compete with private enterprise in direct competition with private enterprise.

I want to say a word on behalf of the distinguished Senator from California, (Mr. Kuczyński), who has contributed so much to the passage of this bill. I think this is a real milestone toward stopping Government competition with private enterprise.

Mr. ALLOTT subsequently said: Mr. President, I move that the vote by which Calendar No. 1004, Senate bill 1336, was passed be reconsidered.

Mr. KUCEHL. Mr. President, I move to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1061) explaining the purposes of the bill.

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

REAL PROPERTY TRANSFERRED BY THE RECONSTRUCTION FINANCE CORPORATION TO OTHER GOVERNMENT DEPARTMENTS

The bill (H.R. 9064) to extend for 2 years the period for which payments in lieu of taxes may be made to certain real property transferred by the Reconstruction Finance Corporation to other Government departments was considered, ordered to a third reading, read the third time, and passed.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 203(a) (8) and 205 of the Immigration and Nationality Act, Czeslaw (Chester) Kaluzny shall be held and considered to be the natural-born alien son of Mr. and Mrs. Joseph D. Malinowski, citizens of the United States:

The Senate proceeded to consider the bill (S. 196) for the relief of Mrs. Audrey Rossman, which had been reported from the Committee on Commerce, with an amendment, to strike out all after the enacting clause and insert:

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1063), explaining the purposes of the bill.

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

Czeslaw (Chester) Kaluzny was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

MRS. AUDREY ROSSMAN

The bill (H.R. 9090) for the relief of Mrs. Audrey Rossman was considered, ordered to a third reading, read the third time, and passed.

GIH HO PAO

The bill (S. 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:

AZIZA (SUSAN) SASSON

The Senate proceeded to consider the bill (S. 1349) for the relief of Aziza (Susan) Sasson, which had been reported from the Committee on the Judiciary, with an amendment to strike out all after the enacting clause and insert:

That, for the purposes of the Act of July 14, 1960 (74 Stat. 566), Aziza (Susan) Sasson shall be held and considered to have been paroled into the United States on the date of the enactment of this Act, as provided for in the said Act of July 14, 1960.
The amendment was agreed to.  

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALEXA DANIEL

The Senate proceeded to consider the bill (S. 2163) for the relief of Alexa Daniel, which had been reported from the Committee on the Judiciary, with an amendment to strike out all after the enacting clause and insert:

That, for the purposes of section 322 of the Immigration and Nationality Act, Alexa Daniel shall be held and considered to be under eighteen years of age.

The amendment was agreed to.  

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MRS. ANNA SOOS

The Senate proceeded to consider the bill (S. 2320) for the relief of Mrs. Anna Soos, which had been reported from the Committee on the Judiciary, with an amendment to strike out all after the enacting clause and insert:

That the Attorney General is authorized and directed to discontinue any deportaion proceedings and to cancel any outstanding deportation warrants of arrest, and bond, which may have issued in the case of Mrs. Anna Soos. From and after the date of the enactment of this Act, the said Mrs. Anna Soos shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or 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 1952, may be naturalized by taking prior to one year the citizenship test as the same is prescribed by section 337 of such Act. From and after naturalization under this Act, the said David Lee Bogue shall have the same citizenship status as that which existed immediately prior to its loss.

The amendment was agreed to.  

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MILAGROS ARAGON NERI

The Senate proceeded to consider the bill (S. 2374) for the relief of Milagros Aragon Neri, which had been reported from the Committee on the Judiciary, with an amendment, to strike out all after the enacting clause and insert:

That, in the administration of the Immigration and Nationality Act, the provisions of sections 202(a) (5) and 202(b) shall be inapplicable in the case of Milagros Aragon Neri.

The amendment was agreed to.  

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARDIROS KOYOUUMJIAN

The Senate proceeded to consider the bill (S. 2376) for the relief of Mardiros Kouyoumjian and his wife, Mamik 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 28, 1961 (75 Stat. 650, 657), Mardiros Kouyoumjian and his wife, Mamik Kouyoumjian, shall be deemed to be without the purview of section 25(a) of that Act.

The amendment was agreed to.  

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GERARD PIUILLET

The bill (H.R. 6908) 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. 6643) for the relief of David Sheppard was considered, ordered to a third reading, read the third time, and passed.

DIEDE REGINA SHORE

The bill (H.R. 8964) for the relief of Diedre Regina Shore was considered, ordered to a third reading, read the third time, and passed.

ELISABETE MARIA FONSECA

The bill (H.R. 9220) for the relief of Elisabete Maria Fonseca was considered, ordered to a third reading, read the third time, and passed.

STATE TAXATION OF EMPLOYEES ENGAGED IN REGULATED INTER­STATE TRANSPORTATION

The Senate proceeded to consider the bill (S. 1719) to amend the Interstate Commerce Act and the Federal Aviation Act of 1958 in order to exempt certain wages and salary of employees from withholding for tax purposes under the laws of States or subdivisions thereof other than the State or subdivision of the employee’s residence, which had been reported from the Committee on Commerce with an amendment to strike out all after the enacting clause and insert:

That part I of the Interstate Commerce Act is amended by redesignating section 29 as section 27 and by inserting before such section a new section as follows:

"EXEMPTION OF CERTAIN WAGES AND SALARY OF EMPLOYEES FROM WITHHOLDING BY OTHER THAN RESIDENCE STATE"

"Sec. 26. (a) No part of the wages or salary paid by any water carrier subject to the provisions of this Act to any employee who performs his regularly assigned duties as such an employee on a locomotive, car, or other track-borne vehicle in more than one State, shall be withheld for tax purposes pursuant to the laws of any State or subdivision thereof other than the State or subdivision of such employee’s residence, as shown on the employment records of any such carrier; nor shall any such carrier file any information return or other report for tax purposes with respect to such wages or salary with any State or subdivision thereof other than such State or subdivision of residence.

(b) For the purposes of this section, the term ‘State’ also means the District of Columbia.”

Sec. 2. (a) Section 202(b) of the Interstate Commerce Act is amended by inserting after “Nothing in this part” a comma and the following: “except as provided in section 2261.”

(b) Part II of the Interstate Commerce Act is amended by inserting after section 226 a new section as follows:

"EXEMPTION OF CERTAIN WAGES AND SALARY OF EMPLOYEES FROM WITHHOLDING BY OTHER THAN RESIDENCE STATE"

"Sec. 2261. (a) No part of the wages or salary paid by any railroad, express company, or motor carrier subject to the provisions of this Act to any employee who performs his regularly assigned duties as such an employee by reason of his being employed by such a carrier on a railroad, 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 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.”

Sec. 3. (a) Part III of the Interstate Commerce Act is amended by redesignating section 223 as section 234 and by inserting before such section a new section as follows:

"EXEMPTION OF CERTAIN WAGES AND SALARY OF EMPLOYEES FROM WITHHOLDING BY OTHER THAN RESIDENCE STATE"

"Sec. 233. No part of the wages or salary paid by any water carrier subject to the provisions of this part to any employee who performs his regularly assigned duties as such an employee on a vessel in more than one State, shall be withheld for tax purposes pursuant to the laws of any State or subdivision thereof other than the State or subdivision of such employee’s residence, as shown on the employment records of such carrier; nor shall 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) The table of contents contained in section 301 of the Interstate Commerce Act is amended by striking out

"Sec. 303. Separability of provisions.” and inserting in lieu thereof:

"Sec. 303. Exemption of certain wages and salary of employees from withholding by other than residence State.

"Sec. 324. Separability of provisions.”
There being no objection, the excerpt was ordered to be printed in the Record, as follows:

The bill would amend the provisions under which national banks may make real estate loans on properly managed forest tracts, (1) by broadening the basis of the loan security from "economically marketable timber" to "growing timber, lands, and improvements"; (2) by increasing the permissible loan term from 10 to 15 years in the case of amortized loans and from 2 to 3 years in the case of unamortized loans; and (3) by increasing the maximum permissible loan ratio from 40 to 60 percent of the appraised fair market value in the case of both amortized and unamortized loans.

AMENDMENT TO FEDERAL CREDIT UNION ACT

The bill (H.R. 8459) to amend the Federal Credit Union Act to allow Federal credit unions greater flexibility in their organizations and operations was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1078), explaining the purposes of the bill.

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

H.R. 8459 would amend the Federal Credit Union Act so as to provide for Federal credit unions additional investment powers, greater administrative flexibility, and additional supervisory and protective powers.

Section 1 of the bill would extend the investment powers of Federal credit unions so as to include authority to invest in obligations issued by banks for cooperatives, Federal land banks, Federal intermediate credit banks, Federal home loan banks, the Federal Home Loan Bank Board, or any corporation designated by the Corporation Control Act as a wholly owned Government corporation.

Section 2 of the bill would authorize Federal credit unions to establish supervisory committees of not less than three members or more than five members, instead of the three-member requirement that the supervisory committee must consist of three members.

Section 3 of the bill would authorize the payment of interest refunds at the close of any dividend period, instead of permitting such refunds only on December 31 of each year.

Section 4 of the bill would authorize Federal credit unions, subject to regulations prescribed by the Board of Governors of the Federal Reserve System, to treat as security for a loan, insurance, or other financial obligations obtained under title I of the National Housing Act.

Section 5 of the bill would make it an offense under the United States Criminal Code for any person to make a false statement or willfully overvalue any real, personal, or securities of influence in connection with any application, loan, or the like.

AMENDMENT TO RESOLUTION WITH RESPECT TO PROMOTION OF HIGHWAY TRAFFIC SAFETY

The bill (S. 2318) to amend the joint resolution approved August 30, 1958, granting the consent of Congress to the several States to negotiate and enter into compacts for the purpose of promoting highway traffic safety was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the joint resolution approved August 30, 1958 (72 Stat. 835), is amended by inserting in the resolving clause after the word "States" the phrase "and one or more of the several States and the District of Columbia.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1079), explaining the purposes of the bill.

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

S. 2818 would include the District of Columbia within the provisions of a 1939 joint resolution authorizing interstate traffic safety compacts. The District of Columbia, for example, would be allowed to enter into an agreement concerning the posting of collateral by nonresidents arrested for certain traffic violations. The purpose of such an agreement would be to permit residents of Maryland or Virginia who are arrested in the District the privilege of receiving citations in the same manner as residents of the District of Columbia, in exchange for similar treatment to be afforded District residents.

BILL PASSED OVER

The bill (H.R. 287) to amend title II of the Social Security Act to include Nevada among those States which are permitted to divide their retirement systems into two parts for purposes of obtaining social security coverage under Federal-State agreement was announced as next in order.

Mr. MANSFIELD. Over.

The ACTING PRESIDENT pro tempore. The bill will be passed over.

EXPORTATION OF WORKING PARTS OF AIRCRAFT

The bill (H.R. 1608) to amend the Tariff Act of 1930 to provide that certain aircraft engines and propellers may be exported as working parts of aircraft, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1081), explaining the purposes of the bill.

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

This bill would provide that aircraft engines, propellers, and parts and accessories thereof may be exported into the United States for purposes of repair duty free if such articles are subsequently removed as part of an aircraft departing the United States in international air traffic.

DUTY-FREE IMPORTATION OF CERTAIN WOOLS

The bill (H.R. 2652) to amend the Tariff Act of 1930 to provide for the duty-free importation of certain wools for use in the manufacturing of polishing felts.
was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 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 separate retirement systems for purposes of the old age, survivors, and disability insurance program was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1083), explaining the purposes of the bill.

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

Section 1 of H. R. 3348 reinstates a provision of law which permitted the State of Maine to treat teaching and nonteaching employees who are actually in the same retirement system as though they were under separate retirement systems for social security purposes. The original provision, enacted as part of the Social Security Amendments of 1958, expired on June 30, 1960. The Social Security Amendments of 1960 reopened the provision until July 1, 1961. H. R. 3348 would reopen the provision until July 1, 1965. Section 2 of the bill amends title II of the Social Security Act to include Texas among the States which may obtain social security coverage, under State agreement, for State and local policemen and firemen under retirement systems.

FREE IMPORTATION OF SOLUBLE AND INSTANT COFFEE

The bill (H. R. 4198) to amend the Tariff Act of 1930 to provide for the free importation of soluble and instant coffee was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1084), explaining the purposes of the bill.

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

This bill would provide for the free importation of instant coffee (containing no admixture of sugar, cereal, or other additive). "Soluble coffee" and "instant coffee" are synonymous terms and will hereinafter be referred to as soluble coffee. The soluble coffee (containing no admixture of sugar, cereal, or other additive) to which this bill applies is the "dried water-soluble solids derived from roasted coffee."

SUSPENSION FOR TEMPORARY PERIOD IMPORT DUTY ON MANGANEESE ORE

The bill (H. R. 7480) to suspend for a temporary period the import duty on manganese ore (including ferruginous ore) and related products was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1085), explaining the purposes of the bill.

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

The principal use of manganese ore is for metallic purposes in the production of steel. Much smaller amounts are consumed in the production of dry-cell batteries and in the manufacture of manganese chemicals. Consumers of manganese ore in the United States are principally producers of manganese ferroalloys, primarily ferromanganese, and to a lesser extent silicomanganese.

During 1960 imports of manganese ore for metalurgical purposes were permitted for only about 1 percent of the manganese ore consumed in the United States for metallic purposes; only about 12 percent of consumption in the manufacture of dry-cell batteries; and about 4 percent of the ore used in producing chemicals and for miscellaneous applications. The balance of domestic consumption of manganese ore is supplied by imports, principally from Brazil, Ghana, India, Morocco, and the Union of South Africa. H. R. 7480 would temporarily suspend the present reduced rate of duty, established pursuant to trade agreement concessions, on manganese ore, including ferruginous manganese ore, and manganiferous ore, containing over 10 percent by weight of manganese. This reduced rate of duty is presently one-fourth cent per pound on the metallic manganese content of the ore.

PREVENTION OF DOUBLE TAXATION IN CASE OF CERTAIN TOBACCO PRODUCTS

The bill (H. R. 8268) to prevent double taxation in the case of certain tobacco products exported and returned unchanged to the United States for delivery to a manufacturer's bonded factory was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1086), explaining the purposes of the bill.

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

This bill would prevent double taxation in the case of certain tobacco products exported and returned unchanged to the United States for delivery to a manufacturer's bonded factory.

CONSTRUCTION OF EXISTING SUSPENSION OF DUTIES FOR METAL SCRAP

The bill (H. R. 10463) to continue until the close of June 30, 1965, the existing suspension of duties for metal scrap was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1089), explaining the purposes of the bill.

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

This bill would continue for 1 year (from the close of June 30, 1964, to the close of June 30, 1965) the existing suspension of duties on metal waste and scrap, etc., provided by Item 911.12 of the Tariff Schedules of the United States, and (2) the existing suspension of duties on cinder and mirror glass, etc., provided by Items 911.10 and 911.11 of such schedules.
Government orders was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1094), explaining the purposes of the bill.

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

This bill would amend item 911.20 of the Tariff Schedules of the United States to continue for 2 years, from the close of June 30, 1964, the existing provisions of law relating to the free importation of personal and household effects brought into the United States under Government orders.

EXTENSION OF PERIOD FOR TEMPORARY ASSISTANCE FOR U.S. CITIZENS RETURNED FROM FOREIGN COUNTRIES

The bill (H.R. 10466) to amend title XI of the Social Security Act to extend the period during which temporary assistance is provided for U.S. citizens returned from foreign countries was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1091), explaining the purposes of the bill.

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

The purpose of this bill is to extend for 3 years, from June 30, 1964, until June 30, 1967, the provisions of section 1113(d) of the Social Security Act which authorized provision of temporary assistance to U.S. citizens returned from foreign countries under certain circumstances.

CONTINUATION OF SUSPENSION OF DUTY ON CERTAIN COPYING SHOE LATHES

The bill (H.R. 10468) to continue until the close of June 30, 1966, the existing suspension of duty on copying shoe lathes was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1092), explaining the purposes of the bill.

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

This bill would amend item 911.70 of the Tariff Schedules of the United States to continue until the close of June 30, 1966, the existing suspension of duty on copying 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.

EXTENSION FOR TEMPORARY PERIOD SUSPENSION OF DUTY ON CERTAIN NATURAL GRAPHITE

The bill (H.R. 10537) to continue for a temporary period the existing suspension of duty on certain natural graphite was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1093), explaining the purposes of the bill.

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

This bill would continue until July, 1966, the present suspension of duty on natural anomorphic graphite, crude and refined, valued at $50 per ton or less.

TWO YEARS' SUSPENSION OF DUTY ON CERTAIN ALUMINA AND PERMANENT SUSPENSION OF DUTY ON CERTAIN BAUXITE

The Senate proceeded to consider the bill (H.R. 9311) to continue for 2 years the suspension of duty on certain alumina and to make permanent the suspension of duty on certain bauxite, which had been reported from the Committee on Finance, with an amendment to strike out all after the enacting clause and insert:

That (a) items 907.15, 909.30, and 911.05 of title I of the Tariff Act of 1930 (Tariff Schedules of the United States; 28 F.R., part II, pages 432 and 433, Aug. 17, 1963) are each amended by striking out "On or before 7/15/66" and inserting in lieu thereof "On or before 7/15/66-7/15/67." And (b) the amendments made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption after July 15, 1964.

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act to continue for 3 years the existing suspension of duty on certain alumina and bauxite."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1094), explaining the purposes of the bill.

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

This bill would continue for 3 years, until July 16, 1966, the suspension of duty on alumina when imported for use in producing aluminum, and on bauxite ore and calcined bauxite. The amendment deletes that provision of the House bill which would have placed bauxite permanently on the free list.

Mr. MANSFIELD. Mr. President, that concludes the call of the calendar.

TRANSACTION OF ADDITIONAL ROUTINE BUSINESS

By unanimous consent, the following additional routine business was transacted:

ADDITIONAL BILLS INTRODUCED

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

BY MR. DIRKEN: 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.

BY MR. MCCARTHY: S. 2929. A bill to amend subtitle C of the Consolidated Farmers Home Administration Act of 1963 in order 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.

THE GEORGE ROGERS CLARK RECREATION WAY

Mr. DIRKEN. 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 ownership of the right-of-way and adequate lands along it to assure scenic conservation and development of desirable public recreation areas. Last year, the National Forest Reservation Commission extended the Shawnee National Forest purchase unit to connect the two segments of the national forest.

This 100-mile proposed recreation way, sometimes referred to as the river-to-river road, would extend from Fountain Bluff on the Mississippi River to the Shawnee area of the Shawneetown, Ill., on the Ohio River.

This preliminary survey would be a major step toward accomplishing the desires of the local sponsors of this project. The study is estimated to cost approximately $40,000. This road and the attractions along the way cross lines of seven counties, and Federal and State agencies are involved. It also has an important place in the State's program of development through the board of economic development in Illinois, the department of conservation, and other agencies. George Rogers Clark, a Revolutionary War figure, is closely associated with this general area of southern Illinois. Mr. John Allen in his book, "The Legends and Lore of Southern Illinois," stated:"It was through his efforts, more than those of any other, that Illinois along with the remainder of the whole northwestern territory became a part of the United States. Most of the military activities that Clark conducted to accomplish this objective were enacted in Illinois."

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

The bill (S. 2928) to authorize and direct the Secretary of Agriculture to make a preliminary survey of the pro-
posed George Rogers Clark Recreation Way within and adjacent to the Shawnee National Forest in the State of Illinois, introduced by Mr. Dierenfeld 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 President to declare national emergencies and to order the requisitioning of property, to be held Tuesday, June 23, at 10 a.m., in the committee room.

ADJOURNMENT TO NOON ON MONDAY

Mr. MANSFIELD. Mr. President, if there is no further business to come before the Senate, I now move—and with a sense of relief—that the Senate stand adjourned to Monday, June 22, 1964, at 12 o'clock meridian.

Mr. MANSFIELD. Mr. President, the reading of the Journal of the proceedings of Friday, June 19, 1964, was dispensed with.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Miller, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

In executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

MESSAGE FROM THE HOUSE-ENROLLED JOINT RESOLUTION SIGNING

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled joint resolution (H.J. Res. 71) to establish a National Commission on Food Marketing to study the food industry from the producer to the consumer, and it was signed by the Acting President pro tempore.

ORDER DISPENSING WITH CALL OF CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the calendar, under rule VIII, be dispensed with for today.

The Acting President pro tempore. Without objection, it is so ordered.

TRANSACTION OF ROUTINE BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that morning business be proceeded with, under the rule as amended by the Church resolution, and under the usual 3-minute limitation on statements.

The Acting President pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. This will permit committees to sit until the morning hour is concluded.

COMMITTEE MEETING DURING SENATE SESSION

On request by Mr. MANSFIELD, and by unanimous consent, the Committee on Public Works was authorized to meet during the session of the Senate today.

LEGISLATIVE PROGRAM—REQUEST BY A SENATOR

Mr. MANSFIELD. Mr. President, before the Senate proceeds to the consideration, later in the week, 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., 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