The House met at 10 o'clock a.m. Rev. J. C. Murphy, Community Methodist Church, Arlington, Va., offered the following prayer:

For this House, representing the purest form of democracy known to man, we give Thee humble thanks.

Guide our Representatives to the subllime faith that all problems may be solved through Thy wisdom. May the issues today be settled so wisely that each may go home and “dwell safely, every man under his vine and under his fig tree.”

Open each mind to any new light. Let all motives be so far above suspicion that the “wolf and the lamb shall feed together, and the lion shall eat straw like the bullock.”

May there be enacted no legislation today that if multiplied would weaken our Nation. We pray in the name of Him who came that all the kingdoms of this world might become His. Amen.

The THE JOURNAL

The Journal of the proceedings of Saturday, February 8, 1964, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed, with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 7956. An act to amend title 10, United States Code, relating to the nomination and selection of candidates for appointment to the Military, Naval, and Air Force Academies.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 1233. An act to amend the Federal Property and Administrative Services Act of 1949, as amended, so as to authorize the Administrator of General Services to enter into contracts for the inspection, maintenance, and repair of fixed equipment in Federal buildings for periods not to exceed 5 years, and for other purposes;

S. 2394. An act to facilitate compliance with the convention between the United States of America and the United Mexican States, signed August 29, 1963, and for other purposes, S.J. Res. 10. Joint resolution providing for the recognition and endorsement of the 17th International Publishers Conference.

The motion was agreed to.

IN COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 7152, with Mr. Knowl in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on Saturday, February 8, 1964, the Clerk had read through title VII ending on line 23, page 83 of the bill. Are there further amendments to title VII?

Mr. CELLER. Mr. Chairman, I ask unanimous consent that all debate on title VII and all amendments thereto conclude in 2 hours, namely: 25 minutes to 1.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. SMITH of Virginia. Mr. Chairman, reserving the right to object, the gentleman has a double-barreled request.
there; one part is that the debate conclude at the end of 2 hours, and the other is a specific time. Other matters may intervene. I think the request goes a little further than a literal interpretation.

Mr. CELLER. Mr. Speaker, if there is no objection, I will modify the request to have all debate on title VII and all amendments thereto conclude at 1 o'clock.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. HALLECK. Mr. Chairman, request the right to object, so far as I am concerned, I think it would be very much in line with what I understood was our conversation just before we adjourned on Saturday, that we would have a definite time for winding up the debate. As far as I am concerned I should think it would be much more in line with what I understood the agreement to be, that debate shall close at 25 minutes of 1 o'clock.

Mr. CELLER. You have heard the statement of the gentleman from Virginia that there may be some intervening business which would reduce the hours. The purport of the request is to have 2 hours actual debate on title VII and all amendments thereto. Two hours think is more appropriate.

Mr. HALLECK. If the gentleman will permit me to say so, we could have one amendment after another with a division vote and a teller vote. We could be here all afternoon debating title VII. I do not understand that is what you are trying to do. I thought we were trying to move forward. If the time is fixed at 25 minutes to 1, amendments can be offered, they can be voted up or down expeditiously, and I think that is what it should be.

Mr. CELLER. Would not the 2 hours include teller votes and procedures of that sort?

Mr. HALLECK. Not as I understand the rules. Under my reservation, may I propound a parliamentary inquiry?

The CHAIRMAN. The gentleman will state it.

Mr. HALLECK. If the limit is 2 hours, would that 2 hours include teller votes or division votes, or matters of that sort, or would it be actually 2 hours of debate?

The CHAIRMAN (Mr. KROON). If the unanimous-consent agreement is that there be 2 hours' debate, division votes would not be taken out of the 2 hours.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that all debate on title VII and all amendments thereto close at 1 o'clock.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. SMITH of Virginia. Mr. Chairman, much of conversation went on here in the House of Representatives on Saturday. The gentleman from New York I know desires to reach some fair arrangement about this, but that was broken up; you limit it to terminate at a specific hour, which you are asking for the same thing you asked for Saturday night. We might have a quorum call here. Make it 2 hours like the gentleman originally suggested, and I do not think there will be any objection, so far as I know.

Mr. CELLER. Mr. Chairman, I repeat the request that all debate on title VII and all amendments therein conclude at 1 o'clock.

Mr. WILLIAMS. Mr. Chairman, I object.

Mr. CELLER. Mr. Chairman, I move that all debate on title VII and all amendments thereto conclude at 1 o'clock.

The CHAIRMAN. The question is on the motion before the gentleman from New York (Mr. CELLER).

The question was taken; and on a division (demanded by Mr. WILLIAMS) there were—ayes 211, noes 73.

So the motion was agreed to.

Mr. ROONEY of New York. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ROONEY of New York. Mr. Chairman, on Saturday the Committee of the Whole adopted a sex amendment to the pending bill on a teller vote of 168 ayes to 133 noes. I voted against it feeling it was only offered to cause mischief and should not be in this bill. I should like to read at this point an editorial published in this morning's New York Herald-Tribune entitled "The Sex and Civil Rights." It reads as follows:

The smoothly functioning coalition of Republicans and northern Democrats that has been pushing the civil rights bill forward stumbled over one serious amendment of the many put forward by southerners to delay, weaken, or disrupt the measure. That was the proviso forbidding discrimination in employment on grounds of sex, as well as race, religion, and national origin.

It may seem strange to many—as it did to me—to think we could go so far without provisions for women. Yet the tangle of statutory provisions governing the employment of women remains, as well as such complex socioeconomic questions as marriage and maternity.

The ban on discrimination against women passed; whether it will remain is, of course, dependent on the stormy future fate of the bill, which may face the Senate, and then—if it surmounts the almost inevitable filibuster—a conference committee. The goal of the House was, however, not as an unplanned byproduct of a confused debate, in which the implications could not be studied with the care they deserved. The issue was raised for mischievous reasons, and it may well have unhappy effects.

AMENDMENT OFFERED BY MR. SIKES

Mr. SIKES. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Stokes: On page 71, line 15, after the word "Senate" strike out the remainder of line 15 and line 16 and substitute; "and, on the other hand, after the word "desirable" add a new sentence: "The Commission shall submit to the President, and to the Congress, a comprehensive report of its activities, findings, and recommendations not later than September 30, 1968."

Mr. SIKES. Mr. Chairman, the Committee has set up in the bill a permanent Commission. I seek simply to limit its life to 4 years. This was done to the Civil Rights Commission in this bill. The language which I propose is taken from present law. I hope it will make the American people feel that it is logical to adopt the language. It gives the Congress and the Nation time to observe the operations and to determine the need for a permanent Commission.

For 30 years there have been efforts to foist an FEPC onto the American people. Periodically, it has been done but each time it has been short lived simply because it makes no sense. If the American people do not want it, let us try to slip it in the back door. You try to make it part of a catch-all bill which would reduce all American enterprise to a totalitarian system. You cannot, by law, make all men equal; make everyone conform. It just will not work. But I will tell you what this bill would do. It would give the Russians their first opportunity to pass us on all fronts—to take over world leadership. For under this bill as far as we can see into the future, we would be struggling with human rights and seeking to control Congress to prop up a failing economic system which we ourselves had undermined by this foolish legislation.

When Khrushchev said he would bury the West, he probably had in mind a procedure just like this, by which America would destroy itself. But in his wildest dreams, I doubt that he envisioned our two major political parties scrambling for top hold on the shovel with which to dig the grave.

This bill would kill the American free enterprise system. The great industrial system which has been our pride is built on initiative. There can be no initiative where incentive is destroyed by incessant interference; where you dare not reward ability for fear you will be charged with discrimination; where you dare not employ not skill but one of every kind, class, religion, and color.

The entire section on FEPC should be stricken. Then at the very least, let us go through in line 20, page 71, after the word "desirable" add a new sentence: "The Commission shall submit to the President, and to the Congress, a comprehensive report of its activities, findings, and recommendations not later than September 30, 1968."

Mr. SIKES. Mr. Chairman, the gentleman's amendment, I see no reason why we should have both a President's
Mr. GROSS. Let me say to the gentleman that I happen to be a member of the Subcommittee on Manpower Utilization of the Committee on Post Office and Civil Service. I am apprehensive that the Equal Employment Opportunity Committee activities go far beyond Government contracts. We have investigated the operation of this Committee.

Mr. GROODELL. That is the basis for the Committee.

Mr. GROSS. So far as the Equal Employment Opportunity Committee is concerned, there are no holds barred. They are all over the landscape and every facet of employment in this Government.

Mr. McCULLOCH. Mr. Chairman, will the gentleman from Iowa yield?

Mr. GROSS. Yes. The gentleman from Iowa is not looking for a Federal judge'ship. I yield to the gentleman from Iowa.

Mr. LINDSAY. Mr. Chairman, I demand the regular order.

Mr. GROSS. Mr. Chairman—

Mr. McCULLOCH. Mr. Chairman—

Mr. GROSS. Mr. Chairman—

The CHAIRMAN. The gentleman from Iowa yielded to the gentleman from Ohio.

Mr. McCULLOCH. Mr. Chairman, I wish to say to the gentleman from Iowa that one of the main reasons for providing for the Commission in the legislation was to give the Commission legislative stature. The Committee of which the gentleman has spoken is a Presidential Committee under an Executive order.

It was the well nigh unanimous, if not unanimous, decision of the subcommittee that that was the compelling reason for the legislation.

Mr. SIKES. Mr. Chairman, will the gentleman yield to me?

Mr. McCULLOCH. I have not finished on this point.

Mr. GROSS. I will yield to the gentleman from Florida.

Mr. SIKES. It appears you have struck the opposition where the hair is short. As is so often the case, the gentleman from Iowa is right. With two tables full of experts here in the Chamber scurrying to find an answer to a very simple question, nobody has been able to come up with one which possesses either logic or fact.

It appears pretty obvious there will be under this bill a double layer of official meddling in everybody's business throughout the country. There will be two Commissions—at double cost—competing for priority.

Mr. GROSS. The gentleman is exactly right.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. Sikes).

The question was taken; and on a division (demanded by Mr. Sikes) there were—aye 86, noes 131.
So the amendment was rejected.

Mr. SMITH of Virginia. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH

In addition, Mr. Chairman, I think it should be pointed out that there is one further protection to any employer that is included in the prior acts mentioned. You will find on page 80, line 14, the word “or.” In other words, if the employer decides it does not want to go to the Commission to apply for exemption, it can, without even consulting the Commission, bring civil action in the U.S. district court in the district where such records are kept. There is a double-barreled choice. This is an added safeguard. It may cause us some difficulty in enforcing this law, but, nevertheless, it has been included.

Mr. ROOSEVELT. The gentleman is correct.

Mr. GILL. Mr. Chairman, will the gentleman yield?

Mr. ROOSEVELT. I yield to the gentleman from New York.

Mr. GOODELL. Mr. Chairman, will the gentleman yield?

Mr. GILL. I would like to point out that there is one further protection to any employer that is included in the prior acts mentioned. You will find on page 80, line 14, the word “or.” In other words, if the employer decides it does not want to go to the Commission to apply for exemption, it can, without even consulting the Commission, bring civil action in the U.S. district court in the district where such records are kept. There is a double-barreled choice. This is an added safeguard. It may cause us some difficulty in enforcing this law, but, nevertheless, it has been included.

Mr. ROOSEVELT. The gentleman is correct.

Mr. GILL. Mr. Chairman, will the gentleman yield?

Mr. ROOSEVELT. I yield to the gentleman from New York.

Mr. GOODELL. Mr. Chairman, will the gentleman yield?

Mr. GILL. I would like to point out that there is one further protection to any employer that is included in the prior acts mentioned. You will find on page 80, line 14, the word “or.” In other words, if the employer decides it does not want to go to the Commission to apply for exemption, it can, without even consulting the Commission, bring civil action in the U.S. district court in the district where such records are kept. There is a double-barreled choice. This is an added safeguard. It may cause us some difficulty in enforcing this law, but, nevertheless, it has been included.

Mr. ROOSEVELT. The gentleman is correct.

Mr. GILL. Mr. Chairman, will the gentleman yield?

Mr. ROOSEVELT. I yield to the gentleman from New York.

Mr. GOODELL. Mr. Chairman, will the gentleman yield?

Mr. GILL. I would like to point out that there is one further protection to any employer that is included in the prior acts mentioned. You will find on page 80, line 14, the word “or.” In other words, if the employer decides it does not want to go to the Commission to apply for exemption, it can, without even consulting the Commission, bring civil action in the U.S. district court in the district where such records are kept. There is a double-barreled choice. This is an added safeguard. It may cause us some difficulty in enforcing this law, but, nevertheless, it has been included.

Mr. ROOSEVELT. The gentleman is correct.

Mr. GILL. Mr. Chairman, will the gentleman yield?

Mr. ROOSEVELT. I yield to the gentleman from New York.

Mr. GOODELL. Mr. Chairman, will the gentleman yield?

Mr. GILL. I would like to point out that there is one further protection to any employer that is included in the prior acts mentioned. You will find on page 80, line 14, the word “or.” In other words, if the employer decides it does not want to go to the Commission to apply for exemption, it can, without even consulting the Commission, bring civil action in the U.S. district court in the district where such records are kept. There is a double-barreled choice. This is an added safeguard. It may cause us some difficulty in enforcing this law, but, nevertheless, it has been included.

Mr. ROOSEVELT. The gentleman is correct.

Mr. GILL. Mr. Chairman, will the gentleman yield?

Mr. ROOSEVELT. I yield to the gentleman from New York.

Mr. GOODELL. Mr. Chairman, will the gentleman yield?

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Mr. ROOSEVELT. The gentleman is correct.

Mr. GILL. Mr. Chairman, will the gentleman yield?

Mr. ROOSEVELT. I yield to the gentleman from New York.

Mr. GOODELL. Mr. Chairman, will the gentleman yield?

Mr. GILL. I would like to point out that there is one further protection to any employer that is included in the prior acts mentioned. You will find on page 80, line 14, the word “or.” In other words, if the employer decides it does not want to go to the Commission to apply for exemption, it can, without even consulting the Commission, bring civil action in the U.S. district court in the district where such records are kept. There is a double-barreled choice. This is an added safeguard. It may cause us some difficulty in enforcing this law, but, nevertheless, it has been included.

Mr. ROOSEVELT. The gentleman is correct.

Mr. GILL. Mr. Chairman, will the gentleman yield?

Mr. ROOSEVELT. I yield to the gentleman from New York.

Mr. GOODELL. Mr. Chairman, will the gentleman yield?

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Mr. ROOSEVELT. The gentleman is correct.

Mr. GILL. Mr. Chairman, will the gentleman yield?

Mr. ROOSEVELT. I yield to the gentleman from New York.

Mr. GOODELL. Mr. Chairman, will the gentleman yield?

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Mr. ROOSEVELT. The gentleman is correct.

Mr. GILL. Mr. Chairman, will the gentleman yield?

Mr. ROOSEVELT. I yield to the gentleman from New York.

Mr. GOODELL. Mr. Chairman, will the gentleman yield?

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Mr. ROOSEVELT. The gentleman is correct.

Mr. GILL. Mr. Chairman, will the gentleman yield?

Mr. ROOSEVELT. I yield to the gentleman from New York.

Mr. GOODELL. Mr. Chairman, will the gentleman yield?

Mr. GILL. I would like to point out that there is one further protection to any employer that is included in the prior acts mentioned. You will find on page 80, line 14, the word “or.” In other words, if the employer decides it does not want to go to the Commission to apply for exemption, it can, without even consulting the Commission, bring civil action in the U.S. district court in the district where such records are kept. There is a double-barreled choice. This is an added safeguard. It may cause us some difficulty in enforcing this law, but, nevertheless, it has been included.

Mr. ROOSEVELT. The gentleman is correct.

Mr. GILL. Mr. Chairman, will the gentleman yield?
allowed to proceed for 2 additional minutes.)

Mr. GOODELL. This in effect requires the Commission, after public hearings, to lay out the rules or regulations on recordkeeping. Then the employers know what they are required to do. If these rules and regulations are too severe, any employer can go to the Commission and get an exemption or, as the Chairman pointed out, he can go directly to court. No other labor statute where recordkeeping is required gives that remedy to the individual citizen in such clear and workable fashion. The individual citizen is given the kind of recourse to courts to say that the requirements are unrealistic, overly burdensome, or otherwise too harsh in his particular case. We do require that the action be brought within 6 months of the occurrence. The recordkeeping beyond that point will be eliminated. Unless the charge is brought within 6 months of the occurrence there can be no authority for the Commission to move into the case. And, therefore, the Commission would have no authority to require recordkeeping beyond that period.

Mr. ROOSEVELT. I want to thank the gentleman and say to him that I pay tribute to the endeavors of the minority members of the committee in helping to write this part of the proposal, because I think it is because of the completely bipartisan approach to this recordkeeping section.

Mr. HARRIS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I have listened to the information given by the gentleman from California [Mr. ROOSEVELT] and the gentleman from New York [Mr. GOODELL] on the committee about how insignificant this provision will be. I hope the Members will stop for just a moment and think what is being done. If my good friends and very able and distinguished colleagues in California, Mr. EDWARDS, and New York, Mr. PELLY, have tried to lead us to believe here, that there is nothing to this, then it seems to me that we are simply ignoring a realistic responsibility.

We, in the Congress, and think for a moment. How many of us realize what the requirements are today from the Bureau of the Budget for information from every business of this country, the Department of Commerce, the Department of Labor, the Federal Trade Commission, and so on and on as it is with these great and powerful agencies of the Government.

Mr. Chairman, I want to say there is nothing to it, if businesses is protected. Let me read to you and ask you to follow me as I read on page 79, and listen attentively. I am reading from page 79, line 15, paragraph 20 (1):

Every employer, employment agency, and labor organization subject to this title shall (1) make and keep such records relevant to the provisions hereof as are required to be kept by employers regarding employment practices which have been or are being committed, (2) preserve such records for such periods, and (3) make such reports thereon.

Now, listen: as the Commission shall prescribe by regulation or as reasonable, necessary, or appropriate for the enforcement of this title or the regulations or orders thereunder.

Then I will ask you to read the other sentence, down to line 8 on page 80.

The Commission in the enforcement of this title, require each employer, labor organization, and joint labor-management committee subject to this title which controls an apprenticeship or other training program to maintain such records as are reasonably necessary to carry out the purpose of this title, including the chronological order in which persons were received, and shall furnish to the Commission, upon request, a detailed description of the manner in which persons are selected to participate in the apprenticeship or other training program.

Then you would tell us there is no extraordinary authority delegated, that a business can then go to the Commission or to the courts and get relief.

Let me read you these so-called protective assurances:

Any employer, employment agency, labor organization, or joint labor-management committee subject to this title which requires the application to it of any regulation or order issued under this section would result in undue hardships, the Commission may, for an exemption from the application of such regulation or order, or (2) bring a civil action in the United States district court for the district where such records are kept. If the Commission or the court, as the case may be, finds that the application of the regulation or order to the employer, employment service, or labor organization in question would impose an undue hardship, the Commission shall, in the case may be, may grant appropriate relief.

Do you know anything about proceedings and how easy it is for very capable and able employees in these agencies of the Government to make a case on the record as to what is reasonable and necessary to carry out a rule promulgated under this authority? A short time ago the Federal Trade Commission in complying with the regulation it proposed to the Bureau, the Federal Trade Commission sent the so-called 1,000 forms for information. It was one of the most impractical, illogical, and ridiculous requests by a Federal agency on these businesses of this country, in my judgment, that has ever been approved by a respectable agency of the Government. We had requests all over the country from those to whom this request was sent, the 1,000 largest of our corporations and businesses. They made such loud outcries as to what was required of them and how much it would cost that, finally, somewhere along the line—I do not know—was modified. And the agency, the Federal Trade Commission, seeing how ridiculous it was, did not cancel and softened it.

Let me tell you something else. When you require this kind of information with the authority that is given to an agency of the Government, I fear what is going to happen. We, in the Congress, are going to get from these businesses, from our districts and all over the country, such demands and requests as we suspect we will have to put more personnel on our own staffs to take care of them.

Mr. Chairman, this amendment ought to be approved.

The CHAIRMAN. The time of the gentleman has expired.

Mr. EDWARDS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise in opposition to the amendment. I take this time to ask a question of the gentleman from California [Mr. ROOSEVELT]. I ask the gentleman, approximately how many States now have FEPC legislation?

Mr. ROOSEVELT. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS. I yield to the gentleman.

Mr. ROOSEVELT. In response to the gentleman, I would say the latest figures we have are 26 States and Puerto Rico that now have FEPC laws of their own. They do differ in some respects, but generally I would say most of them have statutes which certainly would require this bookkeeping process at the present time, and therefore there would be no duplication in existence, certainly, at least not to most of the 26 States and Puerto Rico.

Mr. EDWARDS. Are these generally the larger industrial States?

Mr. ROOSEVELT. Yes, they are generally the larger industrial States. So far as the States are concerned, they do not have FEPC legislation; they generally are States where I would say the lesser part of industry would be affected.

Mr. EDWARDS. So would you say we should not have the great deal of duplicate recordkeeping as has been alleged here today?

Mr. ROOSEVELT. Not only would I say that because I think that has been made very clear, but I want to add if the gentleman who just spoke previously from the well has read the rest of the section, he would note that in this statute there is an exemption or way out as to anything that might conceivably be considered an undue hardship. That is not true of all other regulatory statutes and, perhaps, the gentleman could direct himself to an effort to correct the other statutes so that all the statutes might conform with this one. I certainly would support such a move.

Mr. EDWARDS. I thank the gentleman.

Mr. Chairman, I urge that the pending amendment be rejected.

Mr. ABERNETHY. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, with regard to this title and the entire bill, I would like to call the attention of the House to page 2542 of the Record. I particularly wish to direct a question to my colleague, the gentleman from Ohio [Mr. MCCARTHY].

On page 2542 of the Record, the gentleman from Washington [Mr. PELLY], inserted a statement to the effect that this bill would not apply to the people of the State of Washington. I would like to particularly the FEPC provisions. It is evident that there is great objection to this bill in the State of Washington. So the gentleman from Washington [Mr. PELLY] and the gentleman who has just spoken, would try to convince the folks out there that the Federal Government will not be breathing down their necks. The gentleman from Washington [Mr. PELLY], in
his remarks included a letter from the ranking minority member of the Committee on the Judiciary, the gentleman from Ohio [Mr. McCulloch], and also a letter from one Edwin Guthman of the Department of Justice, which Department incidentally has been well represented on this floor day after day, waiting hopefully for the extraordinary powers in this bill. They have been hanging over the upper railing and running up and down the steps eagerly without any doubt whatever secured and hanging over the upper railing and running hopefully for the extraordinary that it would not be applicable to them.

I have heard some Members complain that these people were applying pressure when they failed to vote against amendments which we have offered. But back to the point I was about to make.

The gentleman from Ohio [Mr. McCulloch] in his letter to the gentleman from Washington [Mr. Pelly], who had indicated he had received numerous complaints about this legislation from his constituents and evidently was concerned about it, said, and I quote:

In your State, as with many other States with a majority of colored people, a majority of the members of the State legislature will be no cause for the Federal Government to intrude in these areas at all.

In that paragraph he was speaking of FEPC.

I ask the gentleman from Ohio [Mr. McCulloch] if the business people of the State of Washington, who are quite upset about this bill, according to the gentleman from Washington [Mr. Pelly], will be exempt from keeping these records? Or from this title? Or from the bill?

Mr. McCulloch. It is my understanding that the State of Washington has.

Mr. Abernethy. I did not ask the gentleman that. I know the State of Washington has an FEPC. I have asked the gentleman if the business people of the State of Washington would be exempt from this bill, and particularly from keeping the records which the pending amendment proposes to strike.

Mr. McCulloch. Mr. Chairman, if the gentleman wishes me to answer the question, I shall be pleased if he will give me time to answer the question.

Mr. Abernethy. Will the gentleman answer? Will they be exempt?

Mr. McCulloch. I was going to say to the gentleman from Mississippi that the State of Washington, I am advised, has an FEPC law which has been on the books for some time.

Mr. Abernethy. Which I have just stated.

Mr. McCulloch. Which is a strong bit of legislation which requires the keeping of records. Without having every line of the statute before me, I could not say every paper would not be required.

Mr. Abernethy. Yes.

Mr. McCulloch. I say that statute there would be no new burdens on a State such as Ohio.

Mr. Abernethy. I cannot yield further.

Mr. McCulloch. Or on a State such as Ohio.

Mr. Abernethy. I do not yield further.

I thank the gentleman for his very evasive answer, which is quite contrary to the statement in his letter which I have just read. In that sentence he specifically advised the gentleman from Washington [Mr. Pelly] that the people of the State of Washington would not have any problem with this legislation and that it would not be applicable to them. That was the purpose in seeking the letter from the gentleman. And it was with the hope that all their other questions, which I placed in the Record for the specific purpose of convincing people of the State of Washington that they would not be within the provisions of the bill. But believe me, they will soon find out.

I should like to ask one or two other questions. I should like to ask the members of the Committee on Education and Labor and of the Committee on the Judiciary was voted to report the bill, and particularly the FEPC title, if you yourselves, who voted to report the bill are complying with the principles of FEPC in the employment of your own office staff?

There are 25 members of the Committee on Education and Labor. A majority of them voted to report this FEPC title. There are 35 members of the Committee on Judiciary. A majority of them voted to report the bill, including FEPC.

I believe it would be well and of interest to the people of the country, to the colored employees, that they be informed as to whether they have on their colored constituents, and particularly to their colored constituents, if each committee member who voted for FEPC would either arise now and advise the committee how many colored employees they have in their office.

Their constituents ought to know if they are practicing what they are preaching. Well, do you wish to stand and identify yourself as a hypocrite? Or do you not. No one is standing. But you can be assured that each of you will be called on to make your position known.

I am going to insert in the Record following remarks, the names of the members of these committees. So, I here and now invite them to put a statement in the Record as to how many colored employees they have in their offices.

Mr. ROOSEVELT. Mr. Chairman, will the gentleman yield?

Mr. Abernethy. I see the gentleman from California has risen. I know he has several Negro employees. He has complied.

I am pleased that he has the courage to stand, to say that he voted to report the FEPC title, and that he has an integrated office staff. I know his constituency appreciates courage. Are there others now? I do not see any other members of these committees arising. So they have all-white staffs. But for the masses, they must be harassed by the Federal snoopers of FEPC and forced to integrate their personnel and to go for their jobs. Is this justice? Is this America?

Now, Mr. Chairman, I am listing below the names of members who serve on the Committee on Education and Labor, and the States from which they come, and also the names of the members of the Committee on the Judiciary and the States from which they come. A majority of each of these committees voted, in committee, in favor of the FEPC title of this bill. Of course, all members of the committees did not vote for such. Some voted against the title, particularly those from my part of the country. The members who did vote to force businessmen to hire employees, regardless of race, evidently should practice such with their own employees. Only two members, Mr. Roosevelt and Mr. Corman, both of California, both of the Labor Committee, have spoken up and said they have integrated office staffs. Surely there are others, else no such title would have been included in this bill.

If there are no others, then these Congressmen are guilty of fixing double standards, one for others and another for themselves.

The members of the committees and their States are as follows:

EDUCATION AND LABOR

ADAM C. POWELL, CHAIRMAN, NEW YORK.

CHARLIE PERRY, PENNSYLVANIA.

EDITH GREEN, CALIFORNIA.

PHIL M. LANDRUM, GEORGIA.

JAMES ROOSEVELT, CALIFORNIA.

FRANK THOMSON, NEW JERSEY.

ELMER J. HOLLAND, PENNSYLVANIA.

JOHN H. DENT, PENNSYLVANIA.

ROMAN C. PFUSKINSKI, ILLINOIS.

DOMINICK V. DANIELS, NEW JERSEY.

JOHN BLADES, MINNESOTA.

JAMES C. CORIAN, WASHINGTON.

RALPH J. SCOTT, NORTH CAROLINA.

HUGH L. CAREY, NEW YORK.

ANNE S. HAWKINS, CALIFORNIA.

CARLTON R. SCHOLES, NEW YORK.

SAM M. GODFREY, FLORIDA.

THOMAS P. GILL, HAWAII.

GEORGE E. BROWN, CALIFORNIA.

FRED FERINGHUT, NEW JERSEY.

WILLIAM H. ATHERTON, OHIO.

ROBERT J. GALBREATH, GEORGIA.

ALBERT H. QUIGLEY, MINNESOTA.

CHARLES E. GOODELL, NEW YORK.

DONALD C. BRUCE, ILLINOIS.

JOHN M. ASHBROOK, OHIO.

DAVE MARTIN, NEBRASKA.

ALPHONSO BELL, CALIFORNIA.

JAMES G. SNYDER, KENTUCKY.

PAUL FINDLEY, ILLINOIS.

ROBERT TAYLOR, JR., OHIO.

JUDICIARY

EMANUEL C. CLEL, NEW YORK.

MICHAEL A. FEIGHAN, OHIO.

FRANK CHEFL, KENTUCKY.

EDWIN W. WILLIS, LOUISIANA.

R. S. ROSENFELD, NEW JERSEY.

E. L. FORREST, GEORGIA.

BYRON G. ROGERS, COLORADO.

HERBERT D. DOWNEY, MASSACHUSETTS.

JACK BROCK, TEXAS.

WILLIAM M. TUCK, VIRGINIA.

ROBERT S. ANDERSON, SOUTH CAROLINA.

JOHN DOWTY, TEXAS.

BASIL L. WHITNER, NORTH CAROLINA.

ROGER L. LINDSAY, ILLINOIS.

HERMAN TOLL, PENNSYLVANIA.

ROBERT W. KASTERMEIER, WISCONSIN.

JACOB H. GILBERT, NEW YORK.

JAMES J. CORIAN, CALIFORNIA.
Step forward gentlemen and be counted.

The CHAIRMAN. The time of the gentleman from Mississippi has expired. Mr. ROGERS of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this is one of the most important amendments that has been offered to this legislation. Now, I realize that back to the Congress there is a tendency to become so worked up over international problems and national problems that some forget about the little man, but those of you who do not realize that there are individual people in business throughout this country are absolutely swamped with the requirement to fill out all kinds of Federal forms just have not acquainted yourselves with the business in your district. That is one of the most tragic problems we are faced with today, and here is what has happened.

As was pointed out to you by the distinguished chairman of the Committee on Interstate and Foreign Commerce [Mr. HARRIS], this bill delegates to these agencies the right to make rules and regulations governing businessmen, big and little. Now what happens? These agencies write rules and regulations applicable to these small businesses to make these little business people keep the records and do what they themselves should be doing rather than the little business people. They descend upon them and they say, "Do you have these records ready? If you do not have these records ready, you are in violation of the law." Now, who is paying the salary of that man from the Federal Government who descends upon that little businessman? That little businessman is not only required to hire an accountant to keep these records, but he also has to pay the salary of the man who descends upon him and wants him to hire an accountant to keep the books. Yes, and he is going to move into the already overstocked labor pool, and you are going to have a further unemployment problem on your hands.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Texas. I will be happy to yield to the distinguished gentleman from Arkansas.

Mr. HARRIS. The members of the committee make a great to-do about how they protect business when they feel the requirements will go far beyond reasonableness. Is it not a fact that under present law with all of these other agencies today, they have the same right that businessmen may, if they feel an agency or a commission has gone beyond reason, request the Commission and under the Administrative Procedure Act and other requirements of the law, ask them for relief. Then, if they go too far, in fact, they can go to court and determine whether or not that is a proper procedure.

Mr. ROGERS of Texas. That is exactly right. What they are trying to do, if the chairman will permit me, is to make these people keep a separate set of records, keep an additional record, in order to lessen the workload on the Government employee and increase the workload and the financial burden on the taxpayer.

Mr. HARRIS. Is it not true every agency of the Government has capable employees, and in the development of the records on the applicable rules proposed to be adopted, that record is usually upheld by the court since the court can only consider on the record?

Mr. ROGERS of Texas. The gentleman is eminently correct. The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. ROGERS of Texas. Mr. Chairman, I ask unanimous consent to proceed for 3 additional minutes.

The CHAIRMAN. From what objection to the request of the gentleman from Texas?

Mr. ROOSEVELT. Mr. Chairman, reserving the right to object—and I am not going to object in this instance—I may point out that every time we extend the time of one Member to speak beyond 5 minutes we are penalizing somebody who may want to discuss an amendment which he has or will offer.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. HARDY. Mr. Chairman, reserving the right to object, I might observe that the gentleman from California had his time extended only a few minutes ago.

Mr. ROOSEVELT. I did not ask for it, and I am not objecting now.

Mr. HARRIS. I did not ask for it, and I am not objecting now.

Mr. ROGERS of Texas. I yield to the gentleman from Arkansas.

Mr. HARRIS. Mr. Chairman, what I am trying to say is that the Members of the House know that there is nothing to the contention of protection through the courts. I know they do not want to mislead Members but we must understand that the Members of the House know that there is nothing to the contention of protection through the courts. Is it not a fact, Mr. Chairman, that the provisions that could be used to spy on people could not be used in the enforcement of this act. That is not true at all. All you have to do is to read the act itself. You delegate to these agencies and departments downtown the right through the staff to write these rules and regulations and to do as they please in making a determination and exercising their discretion. It will be argued that there is a provision for judicial review. I am familiar with the law, knows that this provision will not protect the individual, if he tries to go to court. But how many of these little fellows in business are able to get to court? Most of them cannot afford to pay the court cost, let alone the legal fees that would be necessary.

Mr. FEIGHAN. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Texas. I yield to the gentleman from Ohio.

Mr. FEIGHAN. Mr. Chairman, does not the gentleman think it would be an exacting and burdensome to require the staff through our own committees to do the work of writing these rules and regulations, instead of delegating that authority to these non-elected persons who are not responsible to nobody, at least not to any electorate.

Mr. ROGERS of Texas. Let me say to the distinguished gentleman from Ohio that I think we are violating the Constitution by giving away our legislative powers when we delegate to these departments the power to write these
rules and regulations from which, as the
gentleman knows—and he does know be­
cause he is an able lawyer—there is no
effective appeal. There is only lip serv­
ice to an appeal.

Mr. DORN. Mr. Chairman, will the
gentleman yield?

Mr. SMITH of Texas. I yield to the
gentleman from South Carolina.

Mr. DORN. Dr. Galloway of the Con­
gressional Library is not a politician; he is
a statistician. He wrote a great book on
the American people. Dr. Galloway is rec­
nized authority on this House and on the
Federal Government in general. Dr.
Galloway is reported as saying after years
of study that 90 percent of the rules and reg­
ulations with the full force and effect of law are not made by this
Congress but by the bureaus, depart­
ments, and agencies of the Federal Gov­
ernment. Mr. Chairman, unelected of­
ficials of the Federal Government are not
responsible to the people. This Congress
is rapidly losing its right to even pass
laws.

Mr. ROGERS of Texas. And let me
add this. If you keep on doing this—
you talk about people needing an edu­
cation or wanting an education—you are going to find that they need an
education, because they are going to
need a Ph. D. to stay out of the peni­
tentiary.

Mr. FOUNTAIN. Mr. Chairman, I
mean to strike out the requisite number
of words.

Mr. Chairman, I hope this body will seri­ously consider the amendment of­
adopted today. That an able gentleman from Virginia, Judge Smirr.

This amendment deals with one of the
most sensitive subjects in American life.

Mr. Chairman, the time has already
arrived—in fact, it is later than we think.
The hour has struck. One man's votes
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more abundant way of life. From days of toil in the fields as a child, at work and at play, through youth into adulthood, until this day, I have been closely associated with many members of the Negro race. Many of them are my closest friends. I cherish these friendships, but legislation of this kind, and some of the things which have occurred throughout our history, for the last 2 years, have impaired communications between us and between our two races. As I have said, since the very day of my birth I have been associated with Negroses in one capacity or another. I hear something about the ups and downs of some of them. I have borne their burdens with them. I have pled their causes before city boards, in the courtroom, and in community life. I will continue to do so. Their problems have been upon my heart and upon the hearts of the people of North Carolina and, I believe, people throughout the South. I am free to say that the Negroes of this year to do now with courage, and conviction, what was not done in the past. For the future, we must be there, solving the problem too slow for many and too fast for others but with a spirit and a will, with courage, and conviction, conscience, commonsense, and judgment, the job will be well done.

The cooperative efforts already demonstrated in my home State and all over the South, except for a few unpleasant spots here and there, when we look at the facts, are the result of the willing and the able, responsible local people of both races, people closest to the problem, people who know what can and in due time will be done. But the problem must be there, the thing that must be done, the problem too slow for many and too fast for others but with a spirit and a will, with courage, and conviction, conscience, commonsense, and judgment, the job will be well done.

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Mr. Chairman, the Charlotte Observer of Charlotte, N.C., yesterday, February 9, published an extremely thought-provoking editorial entitled, "Rights Bill Would Endanger the Rights of the Majority," it describes this legislation as follows:

Rights Bill Would Endanger the Rights of the Majority

The hopes of millions of Americans and the fears of millions of other Americans are wrapped up in the far-reaching civil rights package now being debated in Washington. Both the hopes and the fears are understandable, for this legislation will deeply affect our lives and the lives of those in succeeding generations.

This involves an awesome responsibility in Congress, a responsibility that has not been properly exercised in the House as it worked legislatively. The proper legislation to turn bright castles into ashes. There are words that must be employed before we can go on this bill because the individual liberties of Americans are too precious for Congress to seek good ends through bad means.

What we are about to do is to give the agents of the Federal Government broad and sweeping powers which they have never been able to employ before. This is a drastic change in Washington's historic role, and we should know what we're about.

This is not racist talk. We have no patience with those who are playing the race card. In their power to deny basic American freedoms to a minority and now weep copiously over the government's action of this kind, and the atmosphere in which this legislation was produced. The effects of the Federal Government legislation will extend not only to the present generation with reason and restraint. But experience has taught us it is a way of turning bright castles into ashes. Constructive changes already have been made in the bill despite the limitations on hearing and debate. Much more needs to be done. The Senate must be urged not to swap the individual American, not just Negroes, will be secure in their persons and effects against unreasonable Government searches.

The search for justice is going on, as it should, within our highest deliberative body. But the U.S. Senate must remember this is not a sociological treatise but a bill that it is writing, law that it will place in the hands of geometrically the minority.

Mr. Chairman and my colleagues, we do not need this law. Certainly of its provisions, as I have hereto pointed out, are obviously unconstitutional. What we do need is a law, one that commits us individually and collectively.
As we seek peace on the international front, while standing firm like the Rock of Gibraltar, let us together on the home-front—men and women of all races and creeds and colors—work uneasingly for the day when “reunion shall strike from the hand of force the sword of hate and pluck from the heart of war the germ of greed.” When love, liberty, justice, and understanding shall strike up in this Nation and all other nations of the world, finding their place and making their abode in the hearts of men, and when all tongues, awakened to hope by the inspiration of our example—your example and my example, the example of all races of people—will follow with the march of years that luminous pathway which leads to a destiny beyond the reach of vision, but surely within the providence of Almighty God.

Mr. McCulloch. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I take this time by reason of the fact my name was mentioned, and a letter which I had written to Mrs. May was referred to, but was not quoted from in some of the important aspects of this matter. If the gentleman who made the comment about me when I was on the way out to work on some other features of this legislation will stand, I will read the part of the letter which is of importance. I quote from the letter, a copy of which appears at page 2542 of the CONGRESSIONAL RECORD.

Here is what I said:

"The two States have publie accommodation laws and 25 States have FEPC laws. Washington State has effective legislation in both areas which, of course, are far more familiar with than I. Thus, in your State, as with many other States with effective legislation, there will be no cause for the Federal Government to intrude in these areas at all.

Mr. Abernethy. That is exactly what I said.

Mr. McCulloch. I have not yielded, because I had not finished reading the letter yet. The next paragraph of the letter is to this effect:

"The civil rights bill is primarily aimed at correcting abuses in those areas of the country where local authority fails to take effective action.

I now interpolate, I am sure the Members of this House have a general knowledge of those States.

Whenever a State or locality meets its obligations in the area of civil rights, then the right need for Federal intervention will disappear.

That is the end of that paragraph. I repeat here what I said in the letter. When those sections of America proceed to do what they are doing to their citizens those fundamental rights that are so clearly described in the Constitution of the United States there will not be the need of such fear and trembling, or such apparent peril and trembling shown by many of the opponents of the legislation.

Now I yield to the gentleman from Mississippi.

Mr. Abernethy. I read exactly what the gentleman has just read in the paragraph on page 2542. This is what the gentleman said and what I read:

Thus, in your State, as with many other States with effective legislation, there will be no cause for the Federal Government to intrude in these areas at all.

Mr. McCulloch. I do not yield any more.

Mr. Abernethy. I do not want you to yield any more.

Mr. McCulloch. The gentleman has read only a part of the letter which I wrote to the gracious lady from Washington. I stand by it. Again, I suggest that if some of the sections of this country which have failed and neglected and refused to implement the Constitution would proceed to do so, they would have no need to fear this legislation.

Mr. Corman. Mr. Chairman. I rise in support of the remarks of the gentleman from Mississippi.

Mr. Chairman, I take this time to answer the remarks of the gentleman from Missouri.

Now the telephone number in our District office is 1776. Our telephone in the District is answered "1776—Georgia Washington." It has had a good effect. It is our subliminal effort to foster patriotism.

She happens to be a Negro but that is not the reason she was hired.

Mr. Abernethy. Mr. Chairman, will the gentleman yield?

Mr. Corman. I yield to the gentleman.

Mr. Burke. Mr. Chairman, I rise in support of the entire civil rights legislation. It is my fervent hope that peace and tranquility will prevail throughout our whole Nation once this bill becomes enforceable. Our late beloved President John F. Kennedy believed that laws should be enacted in order that all of our citizens would enjoy the same rights and equal privileges. On February 28, 1963, the President transmitted to the Congress a message pertaining to civil rights. Subsequently, on June 19, 1963, President Kennedy transmitted a second message containing recommendations pertaining to civil rights. Hearings were held by the Committee on the Judiciary and as a result we have before us this bill which is far reaching and will give to all of our citizens protection under the laws in the areas of voting, public accommodations, public facilities, public education, federal assisted programs, equal employment opportunities, and makes permanent the Commission on Civil Rights. I support all these sections in the bill.

President Lyndon Johnson is sincerely carrying forward the program laid down by our late President on this problem of civil rights. Let us join with him during this critical period in binding the Nation's wounds and in a spirit so well pronounced by Abraham Lincoln, as we approach his birthday, let us pass the necessary requirement to keep and certainly it should be the pattern for our committee.

Our committee decided and this Committee of the Whole decided last Saturday night that it wanted to regulate in this field to prove and not to prove that we have decided that already. I hope we will decide with the same clear voice that, if we are going to do it, we are going to do it honestly. We should not hold up one area of legislation or another to eliminate discrimination and then not make the regulations effective.

Mr. Burke. Mr. Chairman, will the gentleman yield?

Mr. Corman. I yield to the gentleman.

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Mr. Burke. Mr. Chairman, will the gentleman yield?

Mr. Corman. I yield to the gentleman.
Mr. CRAMER. The reason why I offer this amendment is, in the first place, because of the concern which I previously expressed about the procedure set up under this section 707 for the prevention of these discriminatory practices. I know of no instance where the words "crediting a charge" have been used in the law but that is not the case. I do not mean it is a mere scintilla of evidence; that is, a small amount of evidence, is adequate to give credence to the charge and, therefore, credit to the charge and, therefore, even though we might have a number of cases, or a minute amount of evidence that discrimination actually exists, that then the persuasion—and it is pretty substantial—of the Commission can be brought into play.

I am concerned about the phrase "reasonable cause to believe the charge," because, if there is even a scintilla of evidence that discriminates, it will go to court to try to appeal that finding. If it is largely a futile and vain enterprise, because, if there is even a scintilla of evidence supporting the Commission's finding, the court will uphold those findings. This Commission would not have such power. This Commission is to be charged with only flexibility in investigating. If it finds facts which it believes justify further action, it may attempt to consolidate and thereafter take the matter to court. The Commission must be the judge of its own actions to be charged with the responsibility of investigating.

We should not deprive the Commission of its only real authority; that is, the right to lay down some general standards as to what kind of evidence must be preserved in order to decide to be determined in court. To do so would completely strip the section of any effectiveness at all.

It is a nice device to make the Commission completely ineffectual. I say that the Commission could not operate without this kind of authority.

We have restrained the Commission in every way we could think of. We have made the requirement reasonable, necessary, and appropriate. We have permitted access directly to the court, if the Commission exceeds its authority. Before any regulations are set up, there will have to be public hearings. The burden will be on the Commission to prove its case.

If I would say that discrimination was covered under the law, the burden would be on the employer himself to prove himself innocent. That would not be the case in regard to this Commission. The burden is to be completely on the Commission to go to court and prove that discrimination has taken place. The charge would have to be made within 6 months of the occurrence. Thereafter the recordkeeping problem would not occur.

I hope the section will be upheld and the amendment defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. Sarrin].

The question was taken; and on a division (demanded by Mr. KYL) there were—ayes 61, noes 135.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. CRAMER

Mr. CRAMER. Mr. Chairman, I offer an amendment.

The Clerk reads as follows:

Amendment offered by Mr. CRAMER: On page 74, line 23, strike out "reasonable cause exists for crediting the charge" and insert "there is reasonable cause to believe that the charge is true".
Mr. ROOSEVELT. I agree with the two gentlemen from New York.
Mr. CRAMER. I thank the gentleman, and I yield back the balance of my time and ask that the amendment offered by the gentleman from Florida.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana.
The amendment was agreed to.

AMENDMENT OFFERED BY MR. WILLIS
Mr. WILLIS. Mr. Chairman, I offer an amendment.
The Clerk reads as follows:
Amendment offered by Mr. WILLIS: On page 65, line 2, strike out "100" and insert "150" and on page 65, line 5, strike out "50" and insert "100" and on page 65, line 6, after the word "employers" insert a comma and the following language: "and during the second year after such date persons having fewer than 50 employees and their agents shall not be considered employers."

Mr. WILLIS. Mr. Chairman, under this bill the ultimate coverage will reach establishments having 25 or more employees. Under the bill, for the first year persons having fewer than 100 employees would not be covered. For the second year persons having fewer than 50 employees would not be covered. Then beginning with the third year and permanently thereafter persons having more than 25 employees would be covered.

My proposal would mean that for the first year an establishment having 150 or more employees would be covered. For the second year, establishments having 50 or more employees would be covered. For the third year, establishments having 50 or more employees would be covered and for the fourth year and permanently thereafter the bill would cover establishments having 25 or more employees.

Mr. Chairman, I have talked to quite a number of Members about this. As a matter of fact, what I was striving to do was to get something better. I would have hoped that ultimately the coverage would not exceed 50 employees. I have tested the sentiments of Members and hoped this amendment could be agreed to.

Mr. LINDSAY. Mr. Chairman, will the gentleman yield?
Mr. WILLIS. I yield to the gentleman from New York.

Mr. LINDSAY. Mr. Chairman, I ask unanimous consent that the Clerk reread the amendment offered by the gentleman from Louisiana.

(The Clerk again read the amendment offered by the gentleman from Louisiana, as above recorded.)

Mr. WILLIS. Mr. Chairman, I ask unanimous consent that the word "second" be stricken and that the word "third" be inserted in lieu thereof in this amendment.

The CHAIRMAN. Without objection, the Clerk will report the amendment offered by the gentleman from Louisiana.

Mr. RODINO. Mr. Chairman, will the gentleman yield?
Mr. WILLIS. I yield.

Mr. RODINO. Does the gentleman mean that for the first year any establishment having less than 50 employees would not be covered?
Mr. WILLIS. No. For the first year it would be 150; the second, 100; the third, 50; the fourth year, 25, and thereafter permanently 25.

Mr. RODINO. It would extend to establishments with 25 or more employees only at the end of the third year and the beginning of the fourth year?
Mr. WILLIS. Yes, exactly.

Mr. CELLER. Mr. Chairman, I am inclined to accept the gentleman's amendment, but I want to understand what it is.
Do I understand for the first year the title is not affected? It only operates for 1 year?
Mr. WILLIS. Yes; that is correct.

Mr. CELLER. After the first year, then your amendment would operate against the labor unions or an employer with 150 employees or more?
Mr. WILLIS. That is correct.

Mr. CELLER. Then the following year, the third year, it would operate against labor unions or employers with 100 employees or members?
Mr. WILLIS. That is correct.

Mr. CELLER. And the fourth year it would operate against 50 employees, or members?
Mr. WILLIS. That is correct.

Mr. CELLER. And the fifth year, 25?
Mr. WILLIS. That is correct.

In my remarks I went up to the fourth year because I was beginning with the effective date of the bill, but as the gentleman requires it, it is correct.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. WILLIS. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. WILLIS. Let us see if the chairman and counsel understand the amendment.

Mr. CELLER. I think I understand it.

Mr. O'HARA of Michigan. Mr. Chairman, will the gentleman yield?
Mr. WILLIS. I yield to the gentleman from Michigan.

Mr. O'HARA of Michigan. I agree that the gentleman's amendment does just what he said with respect to employers. However, in response to the questions of the chairman, he indicated that it would have a similar effect and application to labor organizations. I would like to point out to the gentleman it will not unless a similar amendment is offered to page 66, subsection (e), beginning with line 4 and running down to line 12.

Mr. WILLIS. That is correct. I was going to conform this amendment to that passage later on.

Mr. LINDSAY. Mr. Chairman, will the gentleman yield?
Mr. WILLIS. I yield to the gentleman from New York.

Mr. LINDSAY. Would the gentleman accept an amendment which would provide on line 5, instead of "fifty" it would read "seventy-five"; in the third year the figure would be "fifty"; in other words, one hundred, seventy-five, fifty, and thirty-two.

Does not that seem to be acceptable to the gentleman?

Mr. O'HARA. The gentleman follow that, or shall I restate it?

Mr. WILLIS. I hope that would be unnecessary. It is pretty hard to have to offer an amendment when what you originally sought was something beyond this. I would like to test the accuracy of the chairman and the ranking minority member before going into that.

Mr. CELLER. I think the suggestion made by the gentleman from New York is appropriate. If it is agreed to, I will agree to the amendment.

Mr. MCCULLOCH. Mr. Chairman, will the gentleman yield?
Mr. WILLIS. I yield to the gentleman from Ohio.

Mr. MCCULLOCH. I am of the opinion it would serve a useful purpose if the suggestion of the gentleman from New York [Mr. CELLER and Mr. LINSAY] were followed.

Mr. WILLIS. I accept the suggestion.

Mr. CELLER. The gentleman will accept the amendment, so that labor unions will be treated exactly like employers?
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The CHAIRMAN. Does the gentleman make that request?

Mr. WILLIS. I do.

The CHAIRMAN. Will the gentleman state the request for the modification of this amendment?

Mr. WILLIS. That similar language in terms of figures be employed on page 66. It would be that the first figure of the amendment would be the figure "one hundred", the second figure would be "seventy-five", and the third figure would be "fifty".

Mr. THOMPSON of New Jersey. Further, what specific figures would apply to the figures on page 66?

Mr. WILLIS. Exactly.

Mr. THOMPSON of New Jersey. Where specifically do they go in?

Mr. WILLIS. The gentleman had the line a minute ago.

Mr. LINDSAY. In line 5, of the bill strike "fifty" and substitute "seventy-five".

Mr. WILLIS. That is correct.

Mr. LINDSAY. Line 5, page 65. The amendment then should read, "Strike "fifty" and substitute "seventy-five".".

Mr. WILLIS. Yes.

Mr. RODINO. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. I yield to the gentleman.

Mr. RODINO. However, the amendments should be accepted together; therefore I ask unanimous consent that the large amendment going to page 65 and page 66?

Mr. WILLIS. I was going to offer a separate amendment after we had finished with this amendment.

Mr. RODINO. Would it not be preferable for the gentleman to offer them together?

Mr. WILLIS. Mr. Chairman, I ask unanimous consent that my original amendment be amended to include the conforming amendment so far as the figures are concerned on page 65.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Clerk will report the amendment offered by the gentleman from Louisiana as now modified.

AMENDMENTS OFFERED BY MR. WILLIS

The Clerk reads as follows:

Amendment offered by Mr. Willis: Page 65, line 8, strike out "fifty" and insert "seventy-five"; and page 65, line 6, after the word "employers" insert a comma and the following language: "and, during the third year after such date, persons having fewer than fifty employees and their agents shall not be considered employers".

Mr. LINDSAY. That is correct. Then on line 6 it is exactly the same.

Mr. WILLIS: Yes; and then you would have added the language: "and, during the third year after such date, persons having fewer than fifty employees and their agents shall not be considered employers." Mr. LINDSAY. That is correct. I thank the gentleman.

The CHAIRMAN. Without objection, the Clerk will report the amendment of the gentleman from Louisiana as modified.

There was no objection.

AMENDMENT OFFERED BY MR. WILLIS

The Clerk reads as follows:

Amendment offered by Mr. Willis: On page 65, line 8, strike out "fifty" and insert "seventy-five"; and on page 65, line 6, after the word "employers" insert a comma and the following language: "and during the third year after such date, persons having fewer than fifty employees [and their agents] shall not be considered employers." And on page 66, line 11, strike out "fifty" and insert "or fifty and more during the third year".

Mr. WHITENER. Mr. Chairman, I move to strike out the last word and to revise and extend my remarks.

Mr. Chairman, on February 9, 1964, the Charlotte Observer, the largest newspaper in the State of North Carolina, which is owned by the Knight newspaper chain, will not publish in Akron, Ohio, had an excellent editorial entitled "Rights Bill Would Endanger the Rights of Majority."

Mr. Chairman, at this point, I include the entire editorial as a part of my remarks.

RIGHTS BILL WOULD ENDANGER THE RIGHTS OF THE MAJORITY

The hopes of millions of Americans and the fears of millions of other Americans are wrapped up in the far-reaching civil rights package now being debated in Washington. Both the hopes and the fears are understandable, for this legislation will deeply affect our lives and the lives of those in succeeding generations.

This involves an awesome responsibility in Congress, a responsibility that has not been properly exercised in the House as it worked against undue intensive political pressure from civil rights groups.

The danger of allowing the rights battle to be fought out in the streets of our Nation is obvious. But there is a danger just as serious, though not as spectacular, in baring the rights of the majority to abuse while seeking to legitimize the rights of a minority.

There is a duty here to posterity that is so important that we cannot afford to be stampeded into hasty action, no matter how great the pressure on that body.

Every word and phrase of this 49-page bill must be examined to determine its possible effect on personal freedom. Powers are delegated to the executive branch which have got to be circumscribed where they are now "open-end." There are words that must be clearly defined—"discrimination," for one.

This is not a matter of impugning the motives of those who have drawn the bill. They are mixed up on the highest moral plane. The caution flag must go out on this bill because the issue involved is too precious for Congress to seek good ends through bad means.

What we are about to do is to give the agents of the Federal Government broad and sweeping powers that they have never been able to employ before. This is not to regard the Federal Government as some alien power intent upon doing us harm.

It is our Government, just as much as the one in the State capitol or at city hall. But it has always been the prerogative of the people to reserve to the States or to themselves the powers not expressly given by the Federal Government in the Constitution. This is a decision about making a drastic change in Washington's historic role and we should know what the consequences of these new powers by those whose faces we cannot see now. Given an understanding of the amendment in which this legislation was produced, agents of the Federal Government logically will exercise their new powers on the premise that every State or personal right that the framers of this bill ask us to minimize or give up.

It is an appeal, too, that Members of the Senate seek to establish their power as an open-end. That would make both figures on page 66?

Mr. WHITENER. Mr. Chairman, I move to strike out the last word and to revise and extend my remarks.

Mr. RODINO. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. I yield to the gentleman.

Mr. RODINO. However, the amendments should be accepted together; therefore I ask unanimous consent that the large amendment going to page 65 and page 66?

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There was no objection.

The Clerk will report the amendment offered by the gentleman from Louisiana as now modified.

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It is our Government, just as much as the one in the State capitol or at city hall. But it has always been the prerogative of the people to reserve to the States or to themselves the powers not expressly given by the Federal Government in the Constitution. This is a decision about making a drastic change in Washington's historic role and we should know what the consequences of these new powers by those whose faces we cannot see now. Given an understanding of the amendment in which this legislation was produced, agents of the Federal Government logically will exercise their new powers on the premise that every State or personal right that the framers of this bill ask us to minimize or give up.

It is an appeal, too, that Members of the Senate seek to establish their power as an open-end. That would make both
This ease of yielding on an important provision is too much like Shakespeare's lady, who said, a thousand times, "No," that she would never yield, and then immediately yielded.

If we get in a position of starting to yield on coverage points like this provision, we begin to weaken the bill. I look ahead to a very long session this afternoon, if this continues. I look ahead to a weakening of other provisions in the bill, because this would be an indication of a change of position and general weakening on this legislation, overall.

Mr. GOODELL. Mr. Chairman, will the gentleman yield?

Mr. FULTON of Pennsylvania. I yield.

Mr. GOODELL. I wish to express to the gentleman my complete agreement with what he has said. I do not believe this kind of amendment should be accepted. We may vote, with a seconder that is merely a fraud and deceit. I hope there will not be many more diluting amendments accepted.

Mr. FULTON of Pennsylvania. I thank the gentleman, and am glad to see we hold the same position.

I want to warn the Members who are here, who are for adequate civil rights legislation, of this weakening of a strong civil rights bill. This is something like a daisy. All that is needed is the first crack which widens and weakens the whole structure. I oppose any policy of yielding in order to try to pick up additional votes, and I advise the consideration of the whole bill may be broken down. So I do not believe the committee should accept amendments of this kind which weaken the coverage and reduce the number of people who have their civil rights protected.

Although this is not a major amendment, it would derogate from the principle of civil rights and of course limit the protection of the Amendment.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. FULTON of Pennsylvania. I yield to my good friend from Louisiana.

Mr. WAGGONNER. The gentleman realizes, of course, that there were 10 amendments offered by the committee at the beginning of consideration of this title.

Mr. FULTON of Pennsylvania. The gentleman makes a good point. I would say to the gentleman from Louisiana I think this has gone far enough, and at a certain point there should be no more changes and yielding. That is why I likened it to Shakespeare's lady, who continually said she would not yield and then immediately did.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana (Mr. Willits).

Mr. CUMMINGS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mrs. Frances P. Bolton).

Mrs. FRANCES P. BOLTON. Mr. Chairman, on Saturday there was considerable confusion, as all will admit.

When the gentleman from Virginia (Mr. SARRAZIN) so graciously offered the amendment to include the word "sex" there was an omission, by mistake I am sure, in regard to two principal areas of the title.

On line 18, page 68, after the word "religion" there was an omission of adding the word "sex." That is the hiring and firing area which, after all, was the reason we sought the change. The other you may have to add page 69, line 5, after the word "religion."

I hope that the House will wish to remedy the omissions by unanimous consent.

Mr. SMITH of Virginia. Mr. Chairman, will the gentleman yield to me?

Mr. McCULLOCH. I yield to the gentleman from Virginia.

Mr. SMITH. I just want to say, in the hurry of preparing that amendment, I went through the title pretty thoroughly, and I thought I did have the word "sex" inserted wherever the categories occurred. It was a mistake on my part in overlooking that, and I very much hope that the gentleman's amendment will be accepted.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. McCULLOCH. I yield to the gentleman from New York.

Mr. CELLER. In order to have the amendment considered properly, I think you may have to add page 69, line 3, and also on line 5 of page 69.

Mrs. FRANCES P. BOLTON. I have it on line 5. I do not have it on line 3. I will be very happy to, Mr. Chairman.

Mr. CELLER. Mr. Chairman, on page 77 there is a committee amendment that would also require the addition of the word "sex."

Mrs. FRANCES P. BOLTON. Will the gentleman add that, too, then?

Mr. CELLER. Will the gentlewoman repeat the words on page 69 where the word "sex" is added?

Mrs. FRANCES P. BOLTON. On page 68, line 18, after "religion" and on page 69, as the gentleman suggests, on line 3 after "religion" and on line 5 after "religion" and then, I believe, as the gentleman suggested, on line 10 on page 77 and on line 17.

Mr. CELLER. And you will add it on page 77 in the committee amendment?

Mrs. FRANCES P. BOLTON. Yes, that will be added.

Mr. GOODELL. Mr. Chairman, will the gentleman yield to me?

Mr. McCULLOCH. I yield to the gentleman from New York on the Committee on Education and Labor.

Mr. GOODELL. I wonder if the gentleman would not intend that the requirement for no discrimination against an individual on the basis of sex would also be subject to a bona fide occupational qualification exception. Would she not accept adding the word "sex" on page 70, lines 7 and 8, after the words "national origin" and on page 71 in two instances on line 7. There are so many instances where the matter of sex is a thing of bona fide occupational qualification. For instance, I think of an elderly woman who wants a female nurse. There are many things of this nature which are bona fide occupational qualifications, and it seems to me they would be properly considered here as an exception.

Mrs. FRANCES P. BOLTON. What line is that on page 70?

Mr. GOODELL. Page 70, lines 7 and 8, after the words "national origin" and twice on page 71, line 7, after the words "national origin" where it has been added by other amendments.

Mrs. FRANCES P. BOLTON. I have not studied that. It was not brought to my attention by the staff. But if that is the sense of the House, I will be very glad to accept it.

Mr. GOODELL. I would appreciate it. Mrs. FRANCES P. BOLTON. Thank you very much.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. McCULLOCH) has expired.

The Chair will state that there is no request before the Committee at the moment.

Mrs. FRANCES P. BOLTON. Mr. Chairman, there is the unanimous-consent request that those words be added.

The CHAIRMAN. Will the gentlewoman from Ohio send up the request so that the Clerk may report it?

AMENDMENT OFFERED BY MR. COLMER

Mr. COLMER. Mr. Chairman, I offer an amendment.

Mr. CUMMINGS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CUMMINGS. Mr. Chairman, was the unanimous-consent request of the gentlewoman from Ohio agreed to or was there objection?

The CHAIRMAN. The Chair will inform the gentleman from New York that the unanimous-consent request of the gentlewoman from Ohio has not been reduced to writing. The Chair did not share the unanimous-consent request during the course of the colloquy between the gentlewoman from Ohio and the gentlewoman from New York.

The Clerk will report the amendment offered by the gentlewoman from Mississippi [Mr. Colmer].

Mr. HARRIS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HARRIS. Mr. Chairman, I understood that the gentlewoman from Ohio made a unanimous-consent request with reference to a conforming amendment. The gentlewoman from Virginia [Mr. Sarrazin] advised her that she intended to include the conforming amendment, which the gentlewoman from Ohio wanted to offer. The gentleman from New York then suggested to the gentlewoman from Ohio that there were other places in the bill that should be included in the subject of the conforming amendment. The gentlewoman from Ohio asked the gentleman from New York if he would include those and he
Mr. CHAIRMAN. The Chair will state to the gentleman from Arkansas that those requests have not been reduced to the proper form so that the Clerk could report them, so that the Chair could put them to the Committee.

AMENDMENT OFFERED BY MR. COLMER

The Clerk reads as follows:

Amendment offered by Mr. Colmer: On page 70, at the end of section 704, add the following new subsection: as used in this title, the phrase "unlawful employment practice" shall not be deemed to include any action or measure taken by an employer, labor organization, joint labor-management committee, or employment agency with respect to an individual who is a member of the Communist Party of the United States or of any other organization required to register as a Communist-action or Communist-labor organization by final order of the Subversive Activities Control Board pursuant to the Subversive Activities Control Act of 1940.

Mr. POFF. Mr. Chairman, will the gentleman from Mississippi yield for a parliamentary inquiry?

Mr. COLMER. I yield, very briefly.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. CHAIRMAN. In light of the limitation on time may I inquire what amendments will be voted upon when the time expires? I have two amendments at the desk which I may or may not offer, depending upon developments. I would like to be advised whether I will be recognized to offer the amendments and if so when that time will occur.

The CHAIRMAN. The Chair will state to the gentleman from Virginia that up to 1 o'clock the Chair will undertake to recognize such Members as he can. After 1 o'clock the Chair will recognize those Members offering amendments and the question on each amendment will be put immediately without debate.

Mr. POFF. I thank the Chair.

Mr. COLMER. Mr. Chairman, this is a very simple amendment. It simply provides that it shall not be deemed "unlawful employment practice" under the provisions of this bill to refuse employment to a Communist or a member of any subgroup providing that certain groups are required to register with such an agency.

Or to put it in different language, generally an employer will not be penalized under the Act if he fails to employ a Communist or a member of such subgroups who otherwise would come under the provision of this section.

Mr. CHAIRMAN. I have given a great deal of time and effort to this bill. I have also, I might point out, been around this House for a good many years. I was here when all of this movement was introduced. I was mislabeled, a misnomer, discredited, and the rights. I think I know something of the historical background of this movement.

Yes, Mr. Chairman, I have been here for approximately 16 years when the first FEPC bill was introduced; likewise, I was here when all of these so-called Powell amendments were offered as amendments to bills being considered on the floor of the Senate, and the speaker of the House, Mr. FEIGHAN. Is not the intent of this amendment opposed by the gentleman from Mississippi as being of doubtful constitutionality, and that if stricken from the title by the courts it might also imperil the vitality of other provisions.

Let me make it perfectly clear that this is not the case. Section 717 is a separability clause, as is section 1003. These two provisions make it unmistakable that the invalidity of any provision of title VII or of any other title, or of any addition or exception to this or any other title, or of any application of the same, shall not affect the validity or application of any other provision or application. Therefore, I see no need to oppose this amendment relating to refusals to hire Communists because such terms are not of doubtful constitutionality.

Mr. ROOSEVELT. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Florida.

Mr. ROOSEVELT. I, too, accept the amendment under the terms which the chairman of the Judiciary Committee has expressed, and I do so primarily because of the speech the gentleman from Mississippi made. If we oppose this amendment it would put you in company with Communists or pro-Communists. I do not think any Member should be put in that light. I believe in the patriotism of every Member of this House. By insinuation it should not be allowed to be questioned. Therefore, I accept the amendment.

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Louisiana.

Mr. ROOSEVELT. I call to the attention of the Members that this is a very carefully prepared amendment. It uses the language employed in the Internal Security Act. In other words, by an act of this Congress we are talking about people who apply to register with the Attorney General. It is nothing novel. It is a very carefully prepared amendment, and I am glad the chairman has agreed to accept it.

Mr. FEIGHAN. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Ohio.

Mr. FEIGHAN. Is not the intent of this amendment to protect loyal American citizens and to distinguish loyal American citizens from those citizens who are not loyal Americans?

Mr. CELLER. I do not want to subscribe to that statement in toto. I want to make my statement within the confines of the bill. The bill simply is intended to prevent discrimination based on race, creed, color, or national origin. It has nothing to do with subversive activities.
Mr. DORN. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. DORN. Mr. Chairman, this amendment of the distinguished and able gentleman from New York (Mr. Cellar), is essential to the security of this Nation. Communists and subversives have been all too active under our present laws. We have been too lenient. Communists can buy textbooks and scientific books at almost every newsstand and every bookstore. They have access to many of our blueprints and patents.

This civil rights bill, as written, could force an American business firm to hire a Communist or some participant in subversive activities. It would be unthinkable to have a Communist working in our business firms and in transportation which are so essential to the preservation of our way of life. Our frontline of defense is now our industrial output, technology, and our resources. To force an employer to hire Communists and subversives will endanger our American way of life and would be the surest way to undermine America as the arsenal of democracy and the heart and core of the free world.

I urge, with all the sincerity at my command, that this House adopt this amendment and save our American industrial and private enterprise system from espionage and sabotage.

Mr. Chairman, no business should be forced by the Federal Government to employ a Communist. This section of the bill only points out how utterly absurd and unnecessary is the entire bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi.

The amendment was agreed to.

AMENDMENT OFFERED BY MRS. FRANCES P. BOLTON

MRS. FRANCES P. BOLTON. Mr. Chairman, I offer an amendment.

Mr. Chairman, in my judgment, if this amendment or the one on atheism were being considered by itself, and it were brought to the floor with no hearings and no testimony, such a piece of legislation would not receive 100 votes. In fact, it probably would be laughed off the floor by some of the gentlemen who this week are openly and honestly seeking to kill the entire bill.

Mr. Chairman, this legislation brought to the House in a bipartisan way by the Judiciary Committee is legislation born out of necessity and it has been nurtured by the cruel discriminations, the injustices—yes, and man's inhumanity to man in State after State. This title which we are loading with so many extra burdens is a very important section of this bill. In fact, voting rights and desegregation of public accommodations are not found in the educational opportunities and job Open Congress
opportunities are made available to all regardless of race or color. In James Baldwin, I believe, who so eloquently said that civil rights will mean very little to that Negro who does not even have a dime for a lousy cup of coffee. I repeat, this FEP section and the piggyback amendments, have we so soon forgotten the electric cattle prods, the firehoses and the police dogs?

Mr. WYATT. I believe it is our duty to correct these injustices—it is to try to say even at this late time, 100 years after the Emancipation Proclamation, that the majority of people in the United States do believe in justice and equality and civil rights, and fairplay. Let us not further weaken this section of the bill or any section of the bill but rather let us by our votes make it abundantly clear that this Congress intends to have the Federal Government exercise its power in ending discrimination against Negroes wherever it is humanly possible.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

The amendment was agreed to.

AMENDMENT OFFERED BY MR. DOWDY

Mr. DOWDY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Dowdy: Strike out title VII and in lieu thereof insert the following new title VII.

"PROPOSED TITLE VII—EQUAL EMPLOYMENT OPPORTUNITY"

"PART A—ESTABLISHMENT OF A COMMISSION"

"The Commission on Equality of Opportunity in Employment"

"Sec. 201. The President shall hereby create a Commission to be known as the Commission on Equality of Opportunity in Employment, which shall be composed of seven members who shall be appointed by the President by and with the advice and consent of the Senate. Not more than four of such members may be of the same political party. One of the original members shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, one for a term of five years, one for a term of six years, and one for a term of seven years, but their successors shall be appointed for terms of seven years each, except that any individual chosen to fill a vacancy shall be appointed only to fill the unexpired term of the member whom he shall succeed. The President shall designate one member to serve as Chairman of the Commission, the other six members of the Commission may be removed by the President upon notice and hearing for neglect of duty or malfeasance in office, but for no other cause.

"(b) A vacancy in the Commission shall not impair the right of the remaining members to exercise the powers of the Commission and four members thereof shall constitute a quorum.

"(c) The Commission, shall have an official seal which shall be judicially noted.

"(d) The Commission shall at the close of each fiscal year report to the Congress and to the President concerning the cases it has heard; the decisions it has rendered; the names of persons and duties of all individuals in its employ and the moneys it has disbursed; and shall make such further reports on the subject as it may deem necessary.

"(e) Any member of the Commission shall receive compensation at the rate of $20,000 a year.

"(f) The office of the Commission shall be in the District of Columbia, but it may meet or exercise any or all of its powers at any other place. The Commission may, by resolution of both Houses, authorize such agents as it may designate, conduct any investigation, proceeding, or hearing necessary to the proper performance of its duties in the United States. Any such agent, other than a member of the Commission, designated to conduct any investigation, proceeding, or hearing shall be a resident of the judicial circuit, so defined in section 41 of title 28, United States Code, within which the alleged unlawful employment practice occurred.

"(g) The Commission shall consider and adopt rules and regulations consistent with the title to govern its practice.

"(h) The Commission shall consider reports as to progress under this title.

"Rules of procedure of the Commission"
"Powers of the Commission." "Sec. 203. (a) The Commission shall have power—

"(1) to appoint, in accordance with the Civil Service regulations, to such contracts or subcontracts, or to other persons, such officers, agents, and employees, as it deems necessary to assist it in the performance of its functions; and such officers, agents, and employees shall be subject to the classification and tenure provisions of the Classification Act of 1949, as amended; attorneys appointed under this subsection shall not be limited to the recruitment or advertising for appointment, failure or refusal to hire, promotion, demotion, layoff, and other terms and conditions of employment, rates of pay or other forms of compensation, employment opportunities, conditions, or privileges of employment.

"(b) The employment practices covered by this title, or any program established to provide apprenticeship or other training programs to limit, segregate, or classify its members or to exclude or to expel from its membership, or otherwise to discriminate against, any individual because of his race, sex, creed, color, or national origin.

"(c) To cause or attempt to cause an employer or to discriminate against an individual because of such individual's race, sex, creed, color, or national origin.

"(d) All testimony shall be taken under oath.

"(e) In case of contumacy or refusal to obey a subpoena issued by the Commission, or if, upon the preponderance of evidence, including all the testimony and other evidence relating to the investigation, the Commission or any member thereof, shall have power to issue such subpoenas as may be necessary to compel the attendance and testimony of witnesses and the production of any evidence relating to any investigation, proceeding, or hearing before the Commission, its member, or agent, or to make such technical studies as are appropriate to effectuate the purposes and policies of this title and to make the results of such studies available to interested governmental and nongovernmental agencies.

"(4) To hold such hearings as the Commission shall deem advisable for compliance, enforcement, or educational purposes under this part. Such hearings shall be public unless all parties thereto agree that they be private.

"(b) All departments, agencies, and independent establishments in the executive branch of the Government shall cooperate with the Commission and shall carry out the orders of the Commission relating to the termination of discriminatory employment practices, and the refusal to enter into or permit the entering into of such contracts and subcontracts.

"(c) The Commission shall engage in conciliation and encourage the furtherance of an educational program by employer and labor-management committees to study and to eliminate the basic causes of discrimination in employment on the ground of race, sex, creed, color, or national origin.

"Investigatory powers." "Sec. 304. (a) For the purpose of all investigations, proceedings, or hearings which the Commission deems necessary, the Commission, or any member thereof, shall have power to issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence relating to any investigation, proceeding, or hearing before the Commission, its member, or agent, or to conduct such investigation, proceeding, or hearing.

"(b) In case of contumacy or refusal to obey a subpoena issued by the Commission, or if, upon the preponderance of evidence, including all the testimony and other evidence relating to the investigation, the Commission or any member thereof, shall have power to issue such subpoenas as may be necessary to compel the attendance and testimony of witnesses and the production of any evidence relating to any investigation, proceeding, or hearing before the Commission, its member, or agent, or to make such technical studies as are appropriate to effectuate the purposes and policies of this title and to make the results of such studies available to interested governmental and nongovernmental agencies.

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"Procceedings before the Commission." "Sec. 212. (a) Whenever a written charge has been filed by or on behalf of any person claiming to be aggrieved by reason of a discriminatory employment practice covered by sections 201 or 211 of this title, the Commission shall investigate such charge and determine whether the preliminary investigation has been made. If the Commission shall determine that probable cause exists for crediting such written charge, it shall endeavor to cause such charges to be investigated by such practices by informal methods of conciliation, persuasion, or information. If, after the filing of such charges, the Commission shall determine that probable cause exists for crediting such written charge, it shall endeavor to cause such charges to be investigated by such practices in any subsequent proceedings. If the Commission shall determine that probable cause exists for crediting such written charge, it shall endeavor to cause such charges to be investigated by such practices in any subsequent proceedings. If the Commission shall determine that probable cause exists for crediting such written charge, it shall endeavor to cause such charges to be investigated by such practices in any subsequent proceedings. If the Commission shall determine that probable cause exists for crediting such written charge, it shall endeavor to cause such charges to be investigated by such practices in any subsequent proceedings. If the Commission shall determine that probable cause exists for crediting such written charge, it shall endeavor to cause such charges to be investigated by such practices in any subsequent proceedings. If the Commission shall determine that probable cause exists for crediting such written charge, it shall endeavor to cause such charges to be investigated by such practices in any subsequent proceedings.
discriminatory employment practice

2011, the Commission shall state its findings of fact, and shall notify such local labor organization that it intends to issue an order to such local labor organization, which order, unless in thirty days or some additional period as the Commission may determine, the Com mission shall make and enter upon the pleadings, enforcing as so modified, or setting aside in labor organization and thereupon shall have notice thereof to be served upon the local by a preponderance of the evidence on the jurisdiction of the proceeding and of the petition is made a transcript of the entire record in of appeals or, if the court of appeals to which application might be made is in vacation, the court of appeals or, if the court of appeals to which application is made to the district court or other United States court or courts in the judicial circuit wherein the discriminatory employment practice in question was alleged to have been engaged in or wherein such person or entity is located, or in which such activity occurred, and it shall file such modified or new pleadings and testimony upon which the order complained of was entered and the findings and order of the Commission under section 215. The provisions of section 111 of the United States Code, as set out in section 255, shall apply to any provision of this title. The Commission is authorized to establish and maintain cooperative arrangements with State and local governments, as well as with nongovernmental bodies, to assist in achieving the purposes of this title.

"An act to provide for the enforcement of this title and such other relevant information as may be necessary to the performance of their duties, as well as with nongovernmental bodies, to assist in achieving the purposes of this title.

"Forcibly to obstruct, resist, or prevent any person in the exercise of any right or privilege granted or protected by this title or to engage in any discriminatory employment practice within the jurisdiction of the Commission under this title shall be invalid, the remainder of this title and such other relevant information as may be necessary to the performance of their duties, as well as with nongovernmental bodies, to assist in achieving the purposes of this title.

"Repeal

"An act to provide for the enforcement of this title and such other relevant information as may be necessary to the performance of their duties, as well as with nongovernmental bodies, to assist in achieving the purposes of this title.

"Separability clause

"An act to provide for the enforcement of this title and such other relevant information as may be necessary to the performance of their duties, as well as with nongovernmental bodies, to assist in achieving the purposes of this title.

"Petitions filed under this title shall be heard expeditiously.

"PART C—NONDISCRIMINATION IN GOVERNMENT SERVICE

"Sec. 220. (a) The Commission shall continuously scrutinize and study employment practices of the Government of the United States and its agencies to determine whether there exists or exists evidence of discrimination within the executive branch of the Government.

"(b) All executive departments and agencies shall continually conduct studies of Government employment practices within their responsibility. The studies shall be for such form as the Commission prescribes and shall include statistics on current employment patterns, a review of current procedures, and the recommendation of positive measures for the elimination of any discrimination, direct or indirect. Reports and recommendations of the Commission shall be considered by the President as hereinabove provided, and by the appropriate United States court of appeals, if application was made to the district court or other United States court or courts in the judicial circuit wherein the discriminatory employment practice in question was alleged to have been engaged in or wherein such person or entity is located, or in which such activity occurred, and it shall file such modified or new pleadings and testimony upon which the order complained of was entered and the findings and order of the Commission under section 215. The provisions of section 111 of the United States Code, as set out in section 255, shall apply to any provision of this title. The Commission is authorized to establish and maintain cooperative arrangements with State and local governments, as well as with nongovernmental bodies, to assist in achieving the purposes of this title.

"Judicial review

"Sec. 219. (a) Any contractor, subcontractor, local labor organization, or other person aggrieved by an order of the Commission under this title may obtain a review of such order in any United States court of appeals of the judicial circuit wherein the discriminatory employment practice in question was alleged to have been engaged in or wherein such person or entity is located, or in which such activity occurred, and it shall file such modified or new pleadings and testimony upon which the order complained of was entered and the findings and order of the Commission under section 215. The provisions of section 111 of the United States Code, as set out in section 255, shall apply to any provision of this title. The Commission is authorized to establish and maintain cooperative arrangements with State and local governments, as well as with nongovernmental bodies, to assist in achieving the purposes of this title.

"(b) Upon such filing by a person aggrieved the reviewing court shall conduct further proceedings in conformity with the standards, procedures, and limitations established by section 10 of the Administrative Procedure Act. Upon such filing, the court shall conduct further proceedings in conformity with the standards, procedures, and limitations established by section 10 of the Administrative Procedure Act.

"(c) No objection that has not been urged before the Commission, its make and enter upon the pleadings, enforcing as so modified, or setting aside in labor organization and thereupon shall have jurisdiction of the proceeding and of the question. Such order shall provide that such local labor organization shall cease and desist from such discriminatory employment practice, and to take such affirmative action as will effectuate the policies of this title.

"(d) If either party shall apply to the court for leave to adduce additional evidence not adduced at the hearing before the Commission, the court, after the issuance of such order a written petition to make and enter upon the pleadings, enforcing as so modified, or setting aside in labor organization and thereupon shall have jurisdiction of the proceeding and of the question. Such order shall provide that such local labor organization shall cease and desist from such discriminatory employment practice, and to take such affirmative action as will effectuate the policies of this title.

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"(g) The jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the appropriate United States court of appeals, if application was made to the district court or other United States court or courts in the judicial circuit wherein the discriminatory employment practice in question was alleged to have been engaged in or wherein such person or entity is located, or in which such activity occurred, and it shall file such modified or new pleadings and testimony upon which the order complained of was entered and the findings and order of the Commission under section 215. The provisions of section 111 of the United States Code, as set out in section 255, shall apply to any provision of this title. The Commission is authorized to establish and maintain cooperative arrangements with State and local governments, as well as with nongovernmental bodies, to assist in achieving the purposes of this title.

"(h) Upon such filing by a person aggrieved the reviewing court shall conduct further proceedings in conformity with the standards, procedures, and limitations established by section 10 of the Administrative Procedure Act. Upon such filing, the court shall conduct further proceedings in conformity with the standards, procedures, and limitations established by section 10 of the Administrative Procedure Act.

"(i) Any contractor, subcontractor, local labor organization, or other person aggrieved by an order of the Commission under this title may obtain a review of such order in any United States court of appeals of the judicial circuit wherein the discriminatory employment practice in question was alleged to have been engaged in or wherein such person or entity is located, or in which such activity occurred, and it shall file such modified or new pleadings and testimony upon which the order complained of was entered and the findings and order of the Commission under section 215. The provisions of section 111 of the United States Code, as set out in section 255, shall apply to any provision of this title. The Commission is authorized to establish and maintain cooperative arrangements with State and local governments, as well as with nongovernmental bodies, to assist in achieving the purposes of this title.

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Mr. CRAMER (interrupting the reading of the amendment). Mr. Chairman, will the gentleman yield? I ask unanimous consent that this amendment be considered as read and state that it is similar to title II in the bill of the gentleman from Ohio, 3139. I am sure the chairman is thoroughly familiar with that. If we do not do that, we will not have any time left to find out what it is. It will be 1 o'clock, and I have an amendment I would like to offer.

Mr. ROGERS of Colorado. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman from Colorado will state it.

Mr. ROGERS of Colorado. Was that not the request made by the gentleman from Texas [Mr. Dowdy], and objection was heard and that is why we are reading the amendment? The request made by the gentleman from Florida is not now in order.

Mr. CRAMER. I renew the unanimous-consent request.

Mr. CELLER. I object, Mr. Chairman.

The CHAIRMAN. Objection is heard.

Mr. MICHEL (interrupting the reading of the amendment). Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MICHEL. By what clock are we operating this afternoon?

The CHAIRMAN. The one the Chair is looking at.

Mr. MICHEL. Mr. Chairman, I ask unanimous consent that the amendment be considered as read.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mr. CELLER. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard. The Clerk will continue to read the amendment.

The Clerk concluded the reading of the amendment.

Mr. ABERNETHY. Mr. Chairman, this is a very important amendment. I ask unanimous consent that the gentleman from Texas be allowed 5 minutes to discuss it.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

Mr. ROOSEVELT. I object.

The CHAIRMAN. Objection is heard.

Mr. ABERNETHY. Mr. Chairman, I have another request. There has been much discussion in the Chamber, and we could not hear the amendment being read. I ask unanimous consent that the amendment be read again.

Mr. ROOSEVELT. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. CRAMER. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. Dowdy of Texas moves that the Committee do now rise and report the bill to the House with the recommendation that the enacting clause be stricken out.

Mr. ANDREWS of Alabama. Mr. Chairman, will the gentleman yield?

Mr. Dowdy. I yield to the gentleman from Alabama.

Mr. ANDREWS of Alabama. Mr. Chairman, let me make one last request that this unconstitutional bill be defeated. This legislation is not needed or wanted by a vast majority of the decent, law-abiding people in this country. I believe that if a secret vote could be taken on this bill by the Members of the House that it would be defeated by at least 2 to 1.

It is my considered opinion that the bill is in violation of the letter and the spirit of the Constitution of the United States; that its passage would destroy the individual liberty that the Constitu­ tion was designed to protect, destroy not just the rights of the white citizens of this country, but also the rights of our colored citizens which it purports to protect; and that its passage would be a power grab that could lead to a totalitarian dictatorship by the Federal Government.

The proponents of this bill ignore the “natural” rights of man which no government has a right to violate. Among these rights is the right of every man to the fruits of his labor and the right of every individual to choose his associates. If these rights are denied, the individual will have no freedom, or to many they can be denied to all by whatever group or authority that might happen to be in position to exercise the power at the time.

Herein lies the danger. There is never any guarantee that a benevolent dictator­ ship, if such were possible, would remain benevolent.

All of the natural human rights are the right of parents to provide for the welfare and education of their children without the arbitrary interference of any person, group, or governing body who might, under the guise of “civil rights,” seek to impose their own social philosophy upon an unwilling people. The education of our children is a private and personal right of the parent. We cannot allow our children to be used as pawns to further the political fortunes, the ambition, or the social philosophy of any group or groups.

May I just say that the States have the only duty in this field of public education as has been delegated to the States by the people thereof through their respective State constitutions. If the people of the States delegate to their State governments the authority to provide public services for their benefit, they certainly have the power to withdraw this authority whenever in their opinion the service is no longer in the interest of or to the public good. If the people of the States have this right, and I contend they do, then they have the right and the duty to deny such authority to the Federal Government to whom no such authority has ever been delegated.

The founders of this country must have had unusual foresight. To protect individual human rights which are now threatened they created a central govern­ ment which was limited to executing the Constitution. It is, among other things, the enumeration in the Constitution of certain rights, shall not be construed to deny or disparage others retained by the people.

The 9th and 10th amendments are still parts of the Constitution, the basic law of the land, and cannot be repealed by the executive, by Congress, or by the court. Brown against Board of Education to the contrary notwithstanding.

The people of Alabama and of the Nation earnestly solicit your support at this critical time to the end that future generations may enjoy the freedoms we have known; without which we cannot expect to survive as a free people.

Mr. HALEY. Mr. Chairman, will the gentleman yield?

Mr. Dowdy. I yield to the gentleman from Florida.

Mr. HALEY. Mr. Chairman, I have doubts about the legislation which is before us today, and I am sure that many people in this Nation have the same doubts about the bill. We have heard good constitutional lawyers on each side of the controversy make good arguments. They certainly are not in agreement and this leaves a nonlawyer confused as to what the bill really does contain.

Opponents of the bill say that the legislation gives tremendous power to the central or Federal Government. Even the proponents of the bill concur in this point of view.

It is regrettable that there were not more opportunities for these matters to be discussed in this House. We are aware this legislation, beyond a doubt, is the most far-reaching bill to come to the Congress in 100 years.

There have been amendments offered which would have made this bill more acceptable to a majority of the people of this Nation—amendments that would have made this a more workable bill.

A coalition of liberals—Democrats and Republicans—have the votes and they have refused to accept any amendments which would have improved the legislation. I frankly do not think you could have amended the bill—because even the Ten Commandments would not have been acceptable under these circumstances.

It is unfortunate that a situation such as this should exist, or that legislation could be passed in this manner. Legislation is either good for the Nation as a whole—or it is bad for the Nation as a whole. I believe the legislation be con­ sidered that is aimed at the people of one section of the Nation.

When the Civil Rights Act of 1956 came to the floor of the House, I pre-
dicted that proposal would bring about unrest and discord throughout the country. I stated that insofar as my section of the country was concerned, this would not be a problem to the South within 20 years.

In speaking to this House on July 17, 1956, I said that I did not believe the civil rights legislation then before us would increase the strength of our Nation. I further stated:

Neither do I believe it will do anything to bring about better feelings between the races of the people of our country. In fact, in all of my life I don't think I have seen a bill that would tend to destroy the strength of this Nation any more than this particular one would do. The passage of this bill will not bring about the harmony between races that some people believe it will. It will merely stir up further hatred and discord. The motivating force behind this legislation is not the quest for harmony between races.

The only error in my prediction was that I thought I was wrong within 8 years rather than 30 years.

Dissension and riots have occurred in all parts of the country. The riots—and they are riots rather than demonstrations that ignore law and order—have spread throughout communities in the North. You know what has occurred in Cleveland, Chicago, Detroit, New York, Philadelphia, and other places.

I will make another prediction: This legislation, before us now, will not solve anything. People will continue to receive recognition and advancement of their own merit and their accomplishments as individuals. No legislation will ever bring about the situation in which an individual will receive recognition and respect—other than that which he merits because of his personal achievements.

In the Southland Booker T. Washington and George Washington Carver by their own efforts and accomplishments brought about greater recognition. In the North, there are people who have studied this legislation, action by action. This is a civil rights bill—it is an unwarranted extension of Federal control over the lives and businesses of all Americans.

I say the same thing about this bill that I said in 1956. It will not bring harmony between races and the motivating force behind this is not the quest for harmony between races.

It is legislation of political expediency. If it is enacted in its present form, it will not endure. If the people of this country have to live with this bill, when they come to know its meaning—the Congress of the United States will quickly come to know their bitter wrath.

Mr. DOWDY. Mr. Chairman, the substitute amendment in the bill that I have been reading, I wish we had sufficient time to discuss it. I shall briefly state what it involves.

I am sorry there was so much noise in the Chamber during the reading of the substitute amendment, the substitute amendment which has been read, so the equal-rights-for-women provision is in the substitute and will be in it if it is adopted.

I mention, it would improve the bill a lot to adopt this lesser evil. Then not so many businessmen will have so many burdens upon them that they cannot stay in business.

There are some other amendments I wished to offer, and which I shall offer, but there will not be time for an explanation of them. I mention a few briefly.

One amendment would provide, on page 68, a change in regard to the words "to fail or refuse to hire or to discharge." I would incorporate in the language "to hire or to discharge." Hence, it would make it easier to hire or to fail or refuse to hire or to discharge or to fail or refuse to discharge.

The reason for that provision is to give some protection to the employer. Under the civil rights legislation which would be faced with an injunction to force him to hire a certain number of people or a certain kind of people, and then some of the pressure groups, rabble rousers, sit in and mobs and rioters might come in to put pressure on him to make him hire even more of that particular race, color, creed, or origin than he was under order to hire. By including "to hire" you would make it easier for the employer to have some recourse, to go to the Commission and ask for protection from the pressure being put on him.

Another amendment would strike out the provision that would permit someone else, on behalf of an aggrieved person, to file charges, instead of the aggrieved person filing his own charges. This would put an end to the multiplicity of suits, and violations of the statutory statutes of many of our States. It is not a good practice to permit someone else to make a complaint for another person.

One other amendment which would be to alter the seniority system or merit system of hiring an exception to the rule of race, color, creed, and so on, in order that an employer may make a hiring decision or determination based on the merit system or seniority system or based upon the prospective employee's ability either in quantity or quality. Let the employer use those tests as well as the test of race, color, and creed. This amendment was in the substitute and will be in it if it is adopted last year.

The substitute amendment which will be read to you in which there are some new definitions added. I define "race" to include the Caucasian race, and I define "color" to include white, and I define the "religion" to include the word "Protestants" and the phrase "national origin" to include people born in the United States of America.

From the discussions we have had on the floor here there seems to be some doubt that these things were covered. This last amendment would at least make the bill applicable to everybody.
and if there is any protection in the bill for anybody, it would give everybody the same equal protection under the law, if there is any protection in the bill. It looks to me like most everything in the bill is a burden rather than a protection. It takes away and destroys rights, giving nothing in return. This bill could be described as a legislative attempt to install the U.S. Constitution and the Bill of Rights.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. DOWDY. Mr. Chairman, I ask unanimous consent to revise and extend my remarks before the vote on the substitute amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. DOWDY. Mr. Chairman, the original bill sought to be artful; the provisions have been lengthened. The first sought to explain and justify; this proposes to blunt its way.

[Paragraphs discussing the provisions of the bill, its implications, and the views of the speaker on its effectiveness.]

The CHAIRMAN. The House has considered the question of the bill and the amendments offered to it. The bill and amendments have been disposed of. The Sergeant at Arms is directed to close the journal of the House at this point.}

[Additional text discussing the passage of the bill and its implications, along with a brief concluding statement.]
The Clerk read as follows:

Amendment offered by Mr. CRAMER: On page 78, strike lines 6 through 18 and insert: "(b) Where there is a State or local agency which has power under existing State or local law to prohibit discrimination in employment in cases covered by this title, the Commission shall not exercise jurisdiction unless and until the Commission, after formal hearing, has made an express finding (which shall be subject to judicial review) that existing State law will not reasonably accomplish the objective of this title."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. CRAMER).

The question was taken; and on a division (demanded by Mr. CRAMER) there were—ayes 103, noes 124.

Mr. CRAMER. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. Rodino and Mr. CRAMER.

The Committee again divided, and the tellers reported that there were—ayes 142, noes 161.

So the amendment was rejected.

Amendment offered by Mr. DOWDY

Mr. DOWDY. Mr. Chairman, I offer Amendment No. 1.

The Clerk read as follows:

Amendment offered by Mr. DOWDY: Page 68, line 14, after the ""(1)"" strike out all of line 14 and insert in lieu thereof, ""to hire, or to fail or refuse to hire, or to discharge any employee, or to discriminate against any employee in terms, conditions, or privileges of employment;"" and in line 15, after the word ""otherwise;"" insert ""or favor or;"" and page 69, line 1, after the word ""applicants"" insert ""to refer for employment, or;"" and page 69, line 8, after the ""(1)"" strike out all of line 8 and insert ""to accept or to exclude, or to compel or to fail to expel from its membership, or."

Mr. DOWDY. Mr. Chairman, there is marked inconsistency and inadequacy in the procedures which are set forth in this bill to assure equal employment opportunity.

Injunctive relief is the generally prescribed remedial tool. This injunctive relief, so defined, is extended only against persons such as employers, and is not extended to affect employers where improper or illegal methods threaten injury, or trespass, or deprivation against those employers.

Under title VII, for example, it becomes an unlawful practice for an employer to ""refuse to hire"" because of race, color, religion, or national origin. There is no accompanying or corollary procedure for the employer to enjoin against unlawful collaboration, or use of force or trespass in derogation of the principles sought to be established by the bill.

If it is unlawful to refuse to hire, it is, per se, unlawful to hire solely because of race, color, religion, or national origin. Equal opportunity is a self-leveling, equating result. No relief is afforded an employer against the use of force, violence, or trespass, to force employment for the forbidden reasons. He should have full and equal protection under the law.

The discrimination protected against in this bill, becomes a discrimination compounded in character if there be no restraint placed upon advocates or users of violence to achieve, through illegal methods, the discrimination sought to be eliminated in the bill.

The civil rights bill is premised upon concepts which partake of social struggle and social warfare. Newly founded rights encourage peoples, even nations, to engage in excesses. These excesses, it must be admitted, have been evidenced on the fringes of the social struggle. To arm one group with injunctive relief and to deny another group the same relief, is to invite and tempt violence, as well as inequity.

With the purposes of the civil rights bill are enacted into law, there should be no further reason or occasion for violence, trespass, collusion, or coercion with respect to the enforcement of rights defined under the bill, or alleged rights sought improperly.

It becomes a matter of inescapable conclusion that what constitutes an unlawful employment practice is not only injunctive restraint, is no more reprehensible than an unlawful practice to obtain employment; the latter must be similarly subject to injunctive restraint. Thus are the foundations of the bill; that:

Section 704(a) of the bill be amended to make it an unlawful practice to hire as well as to refuse to hire solely because of race, color, religion, or national origin; then, implementing the injunctive provision, an employer, as well as applicant can secure injunctive relief against weapons of force and violence, conspiracy, intimidation, and blackmail.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

The amendment was rejected.

Amendment offered by Mr. DOWDY

Mr. DOWDY. Mr. Chairman, I offer amendment No. 2.

The Clerk read as follows:

Amendment offered by Mr. DOWDY: On page 74, line 13, strike out the words "or on behalf of".

The CHAIRMAN. Objection is heard.

The question is on the amendment offered by the gentleman from Virginia.

The amendment was rejected.

Amendment offered by Mr. DOWDY

Mr. DOWDY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DOWDY: On page 64, line 8, after the title, strike out the remainder of the 8 and all of line 9 down to and including the word "circumstance" and on page 64, line 10, after "title" strike out the remainder of all of line 11, and all of the words on line 12 down to and including the word "invalid".

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

The amendment was rejected.

Amendment offered by Mr. DOWDY

Mr. DOWDY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DOWDY: On page 68, after line 9, insert the following: "The point of order that that amendment was voted down. It was offered by the gentleman from Virginia.

The CHAIRMAN. The Chair sustains the point of order.

Amendment offered by Mr. DOWDY

Mr. DOWDY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DOWDY: Page 68, after line 9, insert the following: "The point of order that this amendment is not germane to any employer whose hiring and employment practices are pursuant to (1) a seniority system: (2) a merit system: (3) a system which predicated its practices upon..."
Mr. DOWDY. Mr. Chairman, the purpose of the amendment is to provide for the systematic use of an employer to obtain the best qualified employees, regardless of race, color, religion, or national origin."

The amendment speaks for itself, and has a recent precedent. Last year, this Congress, in the Equal Pay Act of 1983, contained identical provisions.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. Dowdy).

The amendment was rejected.

AMENDMENT OFFERED BY MR. DOWDY

Mr. DOWDY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Dowdy: Page 68, after line 5, insert new definitions, as follows:

"(a) The word 'race' when used in this title or otherwise in this Act shall mean all races, including the Caucasian.

(b) The word 'color' when used in this title or otherwise in this Act shall mean all colors, including white.

(c) The word 'religion' when used in this title or otherwise in this Act shall include all religions, including the Protestant religions.

(d) The phrase 'national origin' when used in this title or otherwise in this Act shall include all countries of origin, including the United States of America."

Mr. DOWDY. Mr. Chairman, the debate is not before the House in this Act shall include all persons alike.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. Dowdy).

The amendment was rejected.

AMENDMENT OFFERED BY MR. DOWDY

Mr. DOWDY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Dowdy: Page 84, line 8, strike out sec. 717 and insert in lieu thereof:

"Sec. 717. If any provision of this title shall be held invalid, the remainder of this title shall not be affected thereby."

Mr. DOWDY. Mr. Chairman, section 717, as contained in the pending bill is ridiculous. It provides that should a lawsuit be tried involving some provision of the title which the court finds to be invalid, nevertheless, the provision would continue to be valid as to all other persons. What this amounts to, the court would have to hear suits and declare personal invalid 22 at a person, individually. This amounts to repealing precedent. My amendment would correct this by providing that once a provision is declared invalid, it will be invalid in to affect other provisions of the title.

I urge the adoption of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. Dowdy).

The amendment was rejected.

AMENDMENT OFFERED BY MR. MCCLORY

Mr. MCCLORY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. McClory: On page 79 strike out lines 6 through 18 and insert in lieu thereof the following:

"(b) Where there is a State or local agency which has power to eliminate and prohibit discrimination in employment in cases covered by this title which shall not exercise jurisdiction under this title unless and until the President of the United States has determined that such agency no longer has such power or is no longer adequately exercising such power."

Mr. MCCLORY. Mr. Chairman, the amendment which I offer would limit the Federal authority in the area of equal employment opportunity to States which do not already have adequate laws or which are not adequately enforcing the laws they have enacted.

Although I have received assurance that the Federal Commission would recognize the authority of the 23 or more States which have commissions known as Fair Employment or Equal Job Opportunity Commissions, I would like to see the positions of our States strengthened and safeguarded further in this important area. That is the aim and purpose of the amendment which I now offer.

Mr. Chairman, while the States' authority, under their respective laws affecting fair employment, unless and until it is shown and the President has determined that a State, in question, neither does, nor has no adequate laws on the subjects covered in the Federal law, or, second, is not adequately exercising its authority.

In the State of Illinois we have labored to create a workable and adequate law dealing with equal job opportunities. The Illinois law is working well and is receiving general support from both labor and management, as well as the general public. The Federal Government should neither pre-empt this important function now being exercised by the Government of the State of Illinois, nor should the Federal Commission—created by H.R. 7152—be permitted to supersede the authority of the very able Illinois Fair Employment Practices Commission.

My amendment would grant further protection to the rights and prerogatives of our Illinois citizens and discourage— if not prevent—exercise of Federal authority under title VII of H.R. 7152, unless and until the State of Illinois should fail or neglect to exercise its authority in this area. This same additional protection would redound to the benefit of the other States.

I urge a favorable vote on this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. McClory).

The amendment was rejected.

AMENDMENT OFFERED BY MR. ROGERS OF TEXAS

Mr. ROGERS of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Rogers of Texas: On page 64, line 4, strike out lines 4 through 6.

Mr. SIKES. Mr. Chairman, I propose that no part of this section become effective immediately upon enactment. As the bill is now written, some sections would become effective immediately. Other sections would be effective 1 year after the enactment of the bill. Obviously no part of a measure so broad and far reaching should become effective immediately. The Nation will need time to prepare for the shock to its economic system which most certainly would result.

At the very least, the Congress should give the American business community—and the great majority of the people—this little respite.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. Sikes).

The amendment was rejected.
Mr. ROGERS of Texas. Mr. Chairman, this amendment is offered for the purpose of preventing the visitation of dire difficulties on some individual farmers and ranchers in this country. I am sure there are many of us who are aware of the present situation, that is, the part of those who drafted the legislation; however, the danger is present regardless of who is at fault. The act, as I understand it, is applicable to all individual engaged in agricultural pursuits, including water projects such as irrigation and reclamation projects devoted solely to agricultural purposes. This would mean individual farmers and ranchers could be required to comply with all facets of this measure, such as keeping all necessary records, making all reports, and complying generally with the many burdens placed upon the largest corporation. Many of these people do not have the time or the means to comply with this act. In fact, they do not have the time to understand and fill out all of the reports desired by the Federal Government and the State governments under other laws. To add to this burden is to subject these people to laws which are placed upon the taxpaying citizens, wanting to exercise their freedom under the Constitution and make a living for their families, to discriminate trials, and tribulations never intended under our theory of government.

The amendment is offered in the identical language used in the Fair Labor Standards Act to exempt those engaged in agricultural pursuits. It seems to me that, if the exemption is applicable under the Fair Labor Standards Act, it should be applicable under this or any other act. You will note that on page 64 the term “employer” includes everyone—individual, partnership, and corporation—except the United States, a corporation wholly owned by the Government, an agency of the United States, or a State or political subdivision thereof, and it also includes a bona fide private membership club—other than a labor organization—which is exempt from taxation under section 501(c) of the Internal Revenue Code of 1954. My amendment would simply add a third exemption to include individuals engaged in agriculture. As I pointed out, this is the same exemption included in the Fair Labor Standards Act.

Unless this amendment is adopted and this exemption included, every farmer and rancher who is required to employ more than three full-time workers would be covered by the act. This would be true, even though the work was temporary and the employment was made necessary by an emergency that would result in the loss of the crop to the farmer or the loss of a herd to the rancher, unless such employment was provided. These individuals, who could aptly be called the family-sized farmers, have a difficult burden as it is to make a living for themselves and their families and to pay their taxes to help support the Federal Government. If you add to this burden it will mean that many of these farmers would simply throw up their hands in frustration on the farms. This would add to the unemployment situation which has been such a tragic problem for so many years.

I have brought down this headlong rush into uncharted seas, which is the course being pursued by those who are bent on passing this legislation. However, if you are bound and determined to resist the constitution and the change the basic concepts of the laws under which our country has prospered and grown great, I beg of you not to destroy the American farmer in the first assault you make on the populace.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The amendment was rejected.

AMENDMENT OFFERED BY MR. GROSS

Mr. GROSS. Mr. Chairman, I offer an economy amendment.

The Clerk read as follows:

Amendment offered by Mr. Gross: Page 86, line 8, strike out the figure "$2,500,000" and insert "$500,000" and on page 84, line 5, strike out "$10,000,000" and insert "$100,000".

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. Gross].

The amendment was rejected.

AMENDMENT OFFERED BY MR. WATSON

Mr. WATSON. Mr. Chairman, I have four perfecting amendments at the desk. I would like them to be read in order.

The Clerk read as follows:

Amendment offered by Mr. Watson: On page 77, strike out all of the lines 12, 13, and 14.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina [Mr. Watson].

The amendment was rejected.

AMENDMENT OFFERED BY MR. WATSON

Mr. WATSON. Mr. Chairman, I offer a conforming amendment.

The Clerk read as follows:

Amendment offered by Mr. Watson: On page 70, line 21, change the period to a comma and add the following: "Providing said discriminatory practice opposed by or testified against by said employee or applicant has been confirmed by the Equal Employment Opportunity Commission, the highest court in which said matter is adjudicated."

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina [Mr. Watson].

The amendment was rejected.

AMENDMENT OFFERED BY MR. WATSON

Mr. WATSON. Mr. Chairman, I offer one final amendment.

The Clerk read as follows:

Amendment offered by Mr. Watson: On page 70, line 21, after the word "little" change the period to a comma and add the following: "Providing said discriminatory practice opposed by or testified against by said employee or applicant has been confirmed by the Equal Employment Opportunity Commission, the highest court in which said matter is adjudicated."

Mr. WATSON. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the record.

Mr. CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. WATSON. Mr. Chairman, while I am sorry opportunity is not as the most serious invasion of the constitutional rights of our States and our citizens, I feel that section VII will prove to be the most serious section so far as its adverse effect upon our businesses throughout the Nation.

The proponents of this measure have repeatedly rejected every amendment, although most of them have been entirely logical and necessary in order to reduce, in some measure, the adverse effects of this section on the business life of our communities. As I pointed out, though, the objection is not on the part of the proponents of this measure in its effect upon the employer or any white employee, but they have become totally obsessed with the interest of our Negro citizens alone.

The amendments which I have presented, and which must be voted upon without the benefit of debate because of the determination on the part of the leadership of both parties to restrict debate, should nevertheless be passed by this House. While these amendments could not possibly eliminate all of the unconstitutional provisions of this section, I believe they will contribute immeasurably to bringing some degree of equity and fairness to the bill.

One of my amendments would strike the provision requiring the courts to give preferential treatment to employment complaints, and I fail to see any validity in giving such priority. Certainly, we have not become so calloused, indifferent, or racially crazy that we shall ignore the rights of a widow and her children seeking redress in the courts for the loss of a husband and father. Yet, under the provisions of this
section, the interest of such citizens is completely subverted and subordinated to those who would allege discrimination in employment, and it is reasonable to conclude that there will be a rash of suits, many of which will have no merit. Another amendment which I have proposed would prohibit the Equal Employment Opportunities Commission established under this section from unwarranted and unnecessary interference with normal business operations of our employers. Not only does this section grant these Federal agents of this Commission the right to look into those phases of a man's business operations as are directly related to alleged discriminatory practices, but these agents would be further permitted unlimited powers which would ultimately disrupt, if not destroy, a man's business. Certainly no one could object to an amendment to the bill, which would add a safeguard. Another amendment proposed at this time is one which would add a safeguard, or otherwise eliminate the need, for any amendment providing that an employer would not be required to consider a chronic troublemaker or professional complaint filer for employment or promotion. Certainly the professional complaint filer or casemaker who presses, both from the outside and in this body, to oppose practically every amendment that appears before him, believes is deserving of everyone's support. Although, unfortunately, again, the majority has decreed that debate should be cut off, it is my amendment providing that a complaint cannot pursue the matter further in the courts unless at least two members of the Equal Employment Opportunities Commission give him the good of their support. It seems to me that one of the bills which the bill presently reads, it is only necessary for a complaint to secure the approval of one member of the Commission, and it seems totally unfair to allow the employment opportunities as are directly related to alleged discriminatory practices, but these agents would be further permitted unlimited powers which would ultimately disrupt, if not destroy, a man's business. Certainly no one could object to such an amendment to the bill, which would add a safeguard.

Another amendment which I believe is deserving of everyone's support. Although, unfortunately, again, the majority has decreed that debate should be cut off, it is my amendment providing that a complaint cannot pursue the matter further in the courts unless at least two members of the Equal Employment Opportunities Commission give him the good of their support. It seems to me that one of the bills which the bill presently reads, it is only necessary for a complaint to secure the approval of one member of the Commission, and it seems totally unfair to allow the employment opportunities as are directly related to alleged discriminatory practices, but these agents would be further permitted unlimited powers which would ultimately disrupt, if not destroy, a man's business. Certainly no one could object to such an amendment to the bill, which would add a safeguard.

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man from New Jersey [Mr. Rooso] the gentleman from California [Mr. Cor- man], the gentteeman from New York [Mr. Goodell], the gentleman from Ohio [Mr. Vanik] may extend his remarks at this point in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. VANIK. Mr. Chairman, through­

out my debate on this amendment, I am pleased that we have been able to preserve the integrity of this title without fatal amendments. During the course of the action on this bill, I have encountered all kinds of self-help which is essential to his pride. The pro­

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vast step will have been taken toward

This section is a key section of the

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Mr. ROOSEVELT. Mr. Chairman, I ask unanimous consent that the gentle­

man from Ohio [Mr. Vanik] may extend his remarks at this point in the Record.

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closely as he chooses at home or in other purely private places, but he cannot in a public place carry the privacy of his home with him, or ask that other people step aside when he appears. It is impossible for most white people to realize fully the profound hurt suffered by Negroes when he is turned away from a motel or hotel, or from a lunch counter, simply because of his color. It is a deeply humiliating experience. Its scars are deep and lasting.

Despite the Supreme Court's school desegregation decision of 1954, more than 2 million Negro children are still condemned to deliberately segregated classrooms. Fewer than 9 percent of the Negro children in the South are obtaining equal nonsegregated education. There still remains 1,888 southern school districts where segregation is the rule—and scores of other districts where de-segregation is merely token in form. Unless the pace of school integration is increased rapidly, we will have segregated schools for the next 100 years, and Negroes as a rule will continue to suffer the crippling effects of inferior educational standards and the degradation of second-class citizenship. The inevitable resultant lower level of education will help to weaken the overall strength of the Nation.

The civil rights bill now before us will help both to accelerate and to secure the transition to unsegregated schools that comply with the Constitution.

The reports of the Civil Rights Commission have dramatically demonstrated that the effort to secure the most basic of all rights—the right to vote. Despite 4 years of Federal litigation and vigorous and sustained action by the Department of Justice, all or most Negroes in hundreds of communities are still denied the right to register and vote for those who will govern them.

Negroes and other minorities are still discriminated against in many programs and activities supported by Federal funds.

Countless numbers of Negro, oriental, Mexican, and other workers, both skilled and unskilled, are subjected to hazardous and degrading discrimination in obtaining decent jobs and earning the income they both need and deserve.

Racial discrimination harms not only the person against whom it is directed, but also scars the mind and the morals of those who indulge or acquiesce in it. In addition, the country as a whole is weakened because substantial numbers of its people are thus deprived of adequate education, employment, recreation, voting participation, and other essentials of our national life to which all citizens ought to contribute to the maximum of their abilities.

These problems are not confined to any one section of the country. They are national. Their impact on the Nation is far beyond any localities. They cannot be solved solely by voluntary groups and individuals. They cannot be left solely to the cumbersome and divisive procedure of the courts. It is the duty of the Government to deal with these problems. It is the duty of the Congress to set the moral tone and to provide the leadership and the machinery for implementing the national policy. The time has come for direct and positive legislation on a major problem of our time—racial discrimination.

The civil rights bill, based on the admitted validity of power of Congress under the 14th amendment and the commerce clause of the Constitution, is a wise and proper way to use the processes of law to effectuate our national moral policy.

Mr. CHIEF JUSTICE WARREN said that the Emancipation Proclamation freed the slave but ignored the Negro. Millions of Negroes—law-abiding American citizens—are still subjected to unlawful violence and indignities. They are denied the privileges of citizenship. Yet they must pay taxes, serve on perilous military duty, and meet all other responsibilities of citizenship. The time for full equality in sharing the benefits of citizenship—as well as its obligations—is long past due.

The enactment and implementation of the civil rights bill—H.R. 7152—will immensely strengthen the image in the eyes of the free and uncommitted nations of the world. It will also strike a decisive blow at the propagandists eager to exploit reports of deprivations and violations of individual rights in the United States.

But above all other reasons, the Civil Rights Act of 1964 must be passed because, as President Johnson said in his state of the Union address, it is right and just, and that it is wholly in accord with our Constitution.

Mr. Chairman, every citizen in America is entitled, not merely to "tolerance," but to the right of full and equal opportunity to share in the same life, liberty, and pursuit of happiness as every other citizen.

The Civil Rights Act of 1964 is not a panacea. But enactment of this bill by the 88th Congress will be a major step toward the achievement of full equality for all Americans. I urge and hope that it be enacted promptly.

Mr. ROOSEVELT. Mr. Chairman, I ask unanimous consent that the gentle­man from New York [Mr. MURTA] may extend his remarks at this point in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MULDER. Mr. Chairman, I would have hoped that in trying to perfect this amendment, writing the word "sex" into the bill that the proponents of the amendment would have given thought to the many statutes on our books which protect women in employment.

We have laws that limit the number of hours they may work in certain indus­tries. We have laws that limit them from working nights in certain indus­tries. We have laws that require special facilities for women in certain indus­tries. All of these laws affecting women, which have been fought for, by, and for women over the years, may be repealed by implication, by the amendment as adopted and as it is now sought to be perfected.

Any such provision of law should be carefully studied by the Education and Labor Committee. At this point no complete hearings should be separately reported to the floor for consideration.

Without impugning anyone's motives, we must take note of the fact that many of the Members who supported this amendment are the very same people who voted against a bill to protect the women of our country.

I am as anxious as anyone else to be sure that the women in our country shall not only continue to receive the utmost respect but that they be treated fairly and equally and without discrimination, and that they are absolutely protected where they need protection.

Mr. MATSUNAGA. Mr. Chairman, I ask unanimous consent that the gentle­man from Pennsylvania [Mr. NIX] may extend his remarks at this point in the Record and include extraneous matter.

The CHAIRMAN. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mr. NIX. Mr. Chairman, another crucial moment has arrived in our deliberations on H.R. 7152, making it necessary to reiterate the cold, hard, inescapable fact that each title of this legislation is of utmost importance. This portion of the proposed bill is essential because it deals with a most vital right—a right which is basic and unconditional—to every person's effort to maintain himself at a decent level of living through honest, constructive, and remunerative labor.

The purpose of this title is clearly and simply set forth:

To eliminate * * * discrimination in employment based on race, color, religion, or national origin.

Equally significant is that portion which refers, explicitly, to the means by which this purpose is to be achieved. Those means are remedial, curative, and corrective; whereby the economic health of the Nation would be improved through fuller and fairer utilization of available and potential manpower.

It is incontrovertible that the national full employment policy is seriously imperiled and substantially unrealized; that this legislation which guarantees full use of our human resources is a must.

The intolerable practice of falling or refusing to hire a qualified job appli­cants or otherwise discriminating against any one because of race, color, origin; or the equally pernicious practice of limiting, segregating, or classifying employees so as to deprive them of equality of employment opportunities or employment status because of race,
color, religion, or national origin is wrong and must be made legally wrong. The law in 27 States says so.

Thus, no major employer of American Negroes, however, any labor union whose activities substantially involve interstate or foreign commerce is exempted from the provisions of the bill as regards equal employment opportunity.

Recognizing that actions under title 7 are subject to established judicial process of law, in keeping with the American tradition of giving everyone his day in court. The application of the injunction remedy reinforces both this basic legal concept and the legally corrective character of the means by which the equal employment opportunity policy would be implemented. It is a signal tribute to the authors and supporters of this measure that the idea of punishment for its own sake, the idea of retribution, was never permitted to be incorporated in any of the sections of this legislation.

Because of the compelling importance of this legislation as well as of this title, I will spell out some of the conclusive evidence. I would remind you of the intransigent mind of any doubt, any misconceptions, and any valid basis for denial of the truth and Implications of my remarks.

First, it cannot be controverted that, for no reason other than race or color, the Negro worker is the last hired, the first fired, the lowest paid. Secondly, it cannot be disputed that racial discrimination in employment exists everywhere in the Nation.

Third, while the degree varies and the form differs, the very existence of such practices is intolerable to anyone of human fabric. It is no longer doubted that the Negro is human and a citizen of the United States.

Therefore, I say this to you: We can no longer indulge in the luxury, or in the fantasy, of the appearance which characterized the unreasonable discriminations which this title would correct. Because the American Negro worker, the craftsman, foremen, and whitecollar employees is four times the rate for Negroes by more than 2 to 1; because Negro service workers and nonsalaried laborers exceed white percentage by more than 3 to 1; and because seven times as many Negroes are in household services than 3 to 1; and because seven times as service workers and nonfarm laborers exceed white percentagewise by more than whites, we are under a strict obligation to face the situation with corrective measures.

The categorical and unassailable conclusion to be drawn from the record of American employment practices is that we must act now. I submit, further, that the appropriate type of action is before us at this moment. There is no more important right than to earn a decent and honest living without impairment due to unreasonable discrimination.

If this title is not enacted, then all of the other rights which are protected will be of no consequence. How does it benefit the Negro? He benefits in any other right, and is unfairly deprived of the means of subsistence—if he is discriminated against in the honest acquisition of food, clothing, and shelter.

Mr. Chairman, I appeal to the sense of justice which I know every one of my colleagues possesses; and, on this basis, I ask for a positive and constructive demonstration that this body is prepared to discharge its clear responsibility, by adopting into law H.R. 712.

Mr. Chairman, I ask unanimous consent that the gentleman from California (Mr. HAWKINS) may extend his remarks at this point in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HAWKINS. Mr. Chairman, as one of the supporters of a strong Civil Rights Act, I am amazed at the illogical reasoning of those who oppose human rights in the name of freedom and Americanism.

Equality of the rights of citizens is the foundation upon which our republican form of government rests. In furtherance of this, Congress has passed antidiscrimination laws, but others have done either little or just the opposite.

In the debate over this bill the representatives of these backward States plus a few others have sought to defend a system of bigotry and racism with meathaten ideas already declared unlawful or out of step with our times.

In using crime statistics of the Federal district of Washington, for example, to "prove" that brotherhood and democracy cannot work, civil rights opponents are guilty of only exposed a sordid record of congressional shortightedness in not providing a decent program and adequate budget for our own Nation's Capital.

A rape case in Washington involving a Negro as the assailant reflects no more the general behavior of the Negro people and the fallibility of democracy than does the merciless bombing of Negro people in Alabama by white mobs because of their desire to maintain the racial hierarchy of the American white man.

No decent American citizen can tolerate disrespect for law and order without encouraging contempt for law. Denying Negroes the right to vote; preventing them from peaceably petitioning their government; abusing them with guns, clubs, tear gas, cattle prod, and dogs; and discriminating against them in schools, public accommodations, and employment, are practices that cannot be swept away in debate by waving the flag, appealing to emotions, using old cliches, or twisting the Constitution.

The great weakness in the segregationist case is that it is built on circumstances existing in 1896 when the principle of "separate but equal" was enunciated by the Supreme Court of Ferguson. This idea was exploded in 1954, if not before, when the Supreme Court ruled that "separate educational facilities are inherently unequal." The Court merely recognized evolutionary changes that segregationists were unwilling to see, the great progress in our country in education and human understanding, and world-wide force that is against us.

Today the free peoples of the world are on the march—everywhere. In Europe, Asia, and Africa as in our country, and in Mississippi, California, people yearn for freedom, security, self-government, and human dignity.

Reference in this debate to this march in terms of a disorderly, whisky bottle throwing group reveals ignorance of our own history and a contempt for the rights of petition, assembly, and free speech.

This civil rights bill is only a beginning. It is incomplete and inadequate; but it represents a step forward.

We must not stop with its passage but go to the enactment of a fuller and more comprehensive civil rights program that will include education, full employment, medical care, old-age security, and other rights as well as the further extension of our civil rights and liberties as American citizens.

Mr. ROOSEVELT. Mr. Chairman, I ask unanimous consent that the gentleman from California (Mr. ROYBAL) may extend his remarks at this point in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROYBAL. Mr. Chairman, perhaps the most controversial section of the civil rights legislation considered by the House of Representatives this year is contained in title VII and is designed to guarantee Americans equal opportunity in employment in industry affecting interstate or foreign commerce.

Briefly, we have three major tasks in this area to achieve: First, to achieve more equal employment opportunities to members of minority groups: First, we must stimulate greater national economic growth, increasing the number of jobs available and reducing the high unemployment rate; second, we must greatly expand present education and vocational training programs for young, unskilled and displaced workers; and third, we must move to eliminate discrimination in training, employment, and advancement in every area over which the Federal Government has rightful jurisdiction.

Title VII is concerned with that third task.

To illustrate the urgent importance of enacting this title, permit me to quote three statements on the subject.

The late President Kennedy wholeheartedly endorsed title VII's approach to the problem when he declared:

There can be no more significant case for our democratic form of government than the achievement of equality in all our institutions and practices—and particularly in employment opportunities.

The then Vice President Johnson pulled no punches in his forceful address to last year's annual Governor's conference in Miami, when he asserted:

Whatever the reasons, it is wrong that Americans who fight alongside other Americans in war should not be able to work alongside the same Americans, wash up alongside them, eat alongside them, win alongside the same Americans, wash up alongside them, eat alongside them, win employment opportunities.

The late President Kennedy wholeheartedly endorsed title VII's approach to the problem when he declared:

There can be no more significant case for our democratic form of government than the achievement of equality in all our institutions and practices—and particularly in employment opportunities.

There can be no more significant case for our democratic form of government than the achievement of equality in all our institutions and practices—and particularly in employment opportunities.
our manpower resources and a constant re-
fection on a nation dedicated to the pro-
pojration that all men are created equal.

In general, title VII defines discrimi-
nation in hiring, firing, referral, train-
ing, and membership in labor organiza-
tions, or on-the-job discrimination.

The Equal Employment Opportunity Com-
mission is authorized to prevent discrimina-
tion in business establishments, in order to
establish non-discriminatory hiring practices.

Title VII establishes the Equal Em-
ployment Opportunity Commission to prevent
and remedy discrimination in business estab-
lishments, and to enforce Title VII
of the Civil Rights Act of 1964.

The Commission may obtain infor-
mation from employers concerning their
employment practices.

The Commission may also bring
legal action against employers, employ-
ment agencies, and labor unions for
violations of Title VII.

The Commission is authorized to
initiate civil action against employers who
violate Title VII.

The Commission may also
initiate civil action against employers
who violate Title VII.

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who violate Title VII.

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percent of all the bookkeepers must be white and 57.8 percent colored? Does it apply to shipping clerks, stenographers, engineers, and all types of help in any particular establishment?

What if the 42.2 percent or 57.8 percent of their respective races are not available to be hired, who are capable of performing this work in any of such positions?

Does it mean that if there are 46 percent of the population of a given county or city who are members of the Baptist Church, that upon proper application for membership of that church, that certain numbers are being discriminated against, that the employment practices of a particular firm must be changed to fit the 46 percent pattern of members of that faith? Does it mean that if there were 2 percent of the population in a given county who were members of the Chinese race, that they too must share all types of positions of whatever character in such proportion upon proper application to the Equal Employment Opportunities Commission?

This title is bad legislation. Other titles are most objectionable, but title VII should be stricken. It would re-make the pattern of business operation in this country. We, as legislators, as Statesmen, as representatives of a sovereign people should not overthrow the moral and sound principles which have made our country great and strong. This title and this bill should be defeated. It is an extreme concentration—a usurpation of power by the all-powerful Central Government.

Mr. Chairman, the Negro in the district that I am privileged to serve is moving forward rapidly. His economic status has advanced at just as rapid a rate. In 1940 the per capita income in the State of Arkansas was $256. In 1962, the last year for which I have been able to get the figures, the per capita income was $1,604. In 32 years time the advance in income per person was nearly seven times what it was. The 1963 figures will show another increase.

I have and some of the sheriffs and collectors in the First Congressional District to furnish some information regarding the larger colored taxpayers in their counties. I attach their replies. Sheriff F. P. Hickey, of Phillips County, Helena, Ark., submitted quite a long list of landowners, as well as successful professional and business men who are members of the Negro race. Sheriff Hickey's list follows:

PHILLIPS COUNTY, ARK.

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<tr>
<th>Acres owned</th>
<th>Acres owned</th>
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<td>House, Fred and Paralee</td>
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<td>Smith, Norvell</td>
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</tr>
</tbody>
</table>

Professional men: Dr. H. M. Profit, dentist, former president of the University of Arkansas Association (colored); Dr. J. D. Conner, phys­ician; Dr. D. M. Miller, physician; J. H. White, principal of Elias Miller High School, former president of Arkansas Teacher's Association; N. F. Marshall, general presi­dent of Arkansas Teacher's Association; former teacher in Helena-West Helena School system, now teaching in North Little Rock.

Liquor store owners: Lonnie Dotson, Henry Dismore, Margaret Slawter.

Gins owned and operated by colored: Our Gin in Marvell District; Phillips Co-op Gin, between West Helena and Blytheville; McCrory Co-op Gin, south of Helena; Tate Gin Co., Marvell District.

Phillips County also has a full-time county agen­cy and hires a demonstration agent to work with the colored farmers and house­wives.

Information from Sheriff William Berry­man, Mississippi County, Blytheville, Ark.; Sheriff and Collector from Dept. Camp­bell, St. Francis County, Forrest City, Ark.; Sheriff and Collector from Langston, Lee County, Marianna, Ark.; and Sheriff and Collector, Crittenden County, Marion, Ark., follows:


Hon. E. C. GATHINGS, Member of Congress, House of Representatives, Washington, D.C.

Mr. Chairman: With reference to your letter of December 11 requesting some specific information regarding successful Negro landowners and their holdings in this county.

We have numberu colored taxpayers in this county. I do not have the exact per­centage, but I know a large majority of the colored families in the city of Blytheville own their own homes.

We have a Negro dentist who has been a resident of Blytheville for quite a number of years. His property holdings here are valued by the tax assessor's office in the amount of $647,700. There is a Negro woman, whose husband was a business­man here and who died several years ago, leaving her several tracts of property valued by the tax assessor as being worth $830,500. There is a colored man who owns approximately 600 acres of land in one tract where land is selling for $200 per acre and over who also rents 400 or 500 acres more land. He is also a store owner. In this same commu­nity, land belonging to a deceased colored­woman sold at public auction for $84,000.

I recall another colored man whose land and rental houses are valued by the assessor for $140,400. Of course, all this property would probably be worth more than the amount of tax valuation.

We have approximately 500 acres of land and 500 or more buildings are owned by the Negroes in this county. On the tax roll, this property is valued at $140,000. If there is any more information you need along this line or if I can be of any further assistance to you at any time, please feel free to call on me.

Yours very truly,

WILLIAM BERRYMAN, Sheriff.
CONGRESSIONAL RECORD — HOUSE
February 10

OFFICE OF SHERIFF AND EX OFFICIO TAX COLLECTOR, ST. FRANCIS COUNTY, ARK., January 17, 1964.
Hon. E. C. Gathings
Congress of the United States, House of Representatives, Washington, D.C.

Dear Took: The following are just a few of the leading Negro business owners and professional citizens of St. Francis County. They are all substantial property owners and have some very large real estate holdings:

- Oliver Banks, successful farmer, owns business and buildings in Forrest City and Marianna, Ark.
- Dr. C. Clay, very successful dentist.
- Dr. E. J. Burke, who died a few months ago, was prominent in this section of the county for his work in the field of dentistry.
- Luther Bailey, very large landowner and successful farmer.
- Eugene Boyland, farmer, owns over 200 acres.
- W. L. Foster, lawyer, with substantial city real estate holdings.
- Henry Brown, farmer and minister.
- Lacey Kennedy, son of Winnie Kennedy, merchant and landowner.
- Robert Brown, merchant and landowner.
- Robert Conner, contractor and builder.
- Thelma Armstead, 242 acres (also a negro property owner).

All of the above are well respected citizens of our county and are active in all civic affairs.

Hope this information will be of some help to you, and at any time I can be of any assistance please call on me.

Yours truly,
C. C. Gathings, Sheriff and Collector, St. Francis County, Ark.

MARIANNA, ARK., December 18, 1963.

Hon. E. C. Gathings,
House of Representatives, Washington, D.C.

Dear Took: As regards your letter of December 11 regarding Negro landowners, tax-payers, and so forth from this county I submit the following information for your consideration:

1. Lacey Kennedy, son of Winnie Kennedy, successful mortician in this county for approximately 40 years. Annual business profits exceed $200,000 per year, owners of real estate worth in excess of $100,000. Highly respected by both white and colored people of this community.

2. Luther Bailey, probably the most outstanding school administrator of this area. Now retired and probably the finest influence on children (colored and white) the county has produced. No other person (colored or white) has done as much for public relations in this county as had Anna M. Strong.

3. Joe Nicholson, large landowner in southern part of county. Of ordinary intelligence but a willingness to work, Joe has acquired extensive holdings in this county and Phillips and pays approximately $700 to $800 in property taxes each year.

4. Oliver Bailey, near Moro, farms and owns approximately 200 acres, is a successful rice and soybean farmer. Annual tax bill runs upward of $500 each year.

5. C. Clay, owner of the black Forrest community, while not a large landowner, does have approximately 300 acres in cultivation and pays approximately $250 plus in taxes each year. Owns is highly respected by both white and Negro.

6. Mathew Ramsey, former owner of small black savannahs, has moved into city real estate and who probably is the largest individual renter (city property) in the county. Has been able to read or write.

7. Conner Grady, contractor and brick mason. Has managed to keep out real competition because of the quality of his work and who has been in this business over 30 years. Much in demand, Grady has probably constructed or helped construct over 500 fine homes in this county.

8. Elijah Hegg, the county’s Negro probation officer, who has been very instrumental in maintaining enrollment at all the Negro high schools in the county. A cotton and soybean farmer who owns approximately 180 acres, able to read or write.

9. James Lathrop, of near Brickeys, has very successful manner.

Yours very truly,
C. C. Gathings, Sheriff and Collector, St. Francis County, Ark.

MARIANNA, ARK,

Hon. E. C. Gathings,
House of Representatives, Washington, D.C.

Dear Took: In answer to your letter of December 11 regarding Negro property owners in Crittenden County, they are as follows:

1. Luke Anthony, 101 acres; M. E. Anthony, 161 acres; Thelma Armstead, 242 acres (also numerous improved town property; Bose and Elmo Baker, 256 acres; Luther Bailey, 120 acres; Lawrence Boys, 300 acres; Bessie Butcher, 160 acres; Walter Farley, 400 acres; Frank F. Foster, 240 acres; John Gammon, Jr., 374 acres; Lawrence Johnson, 576 acres; and Jeffery Morris, 73 acres; and Lawrence Richards.

I know personally Thelma Armstead who is the widow of the late Louis Armstead and he had the respect of many if not all the white people that were acquainted with him. I have known Luther Bailey for quite a long time and he is another that has respect of the white race. John Gammon, Jr., is another property owner seem­ing very successful. A. E. Grant is in the same category and a cooperative gin owned entirely by the Negro race also operated by them is named for him. Mr. Richards is not a property owner but rents enough acreage to produce in the neighborhood of 500 bales of cotton and is another substantial citizen. The others on this list are not known by me personally, but have heard nothing against their respectability.

Hopeing that this is something in the nature of what you wanted and apologizing for my lateness in answering this letter, I am,

Yours truly,
C. C. Gathings, Sheriff.

Mr. ROYBAL. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. ROYBAL. Mr. Chairman, one of the most important sections of the civil rights legislation considered by the House of Representatives this year is the one prohibiting discrimination on account of race, color, religion, or national origin in public accommodations—hotels, restaurants, theaters, and similar commercial establishments that offer their services to the general public.

In many ways this kind of discrimination is the most humiliating of all, and constitutes a daily affront to millions of our fellow citizens who make up the great mass of the public.

We need a national law to eliminate this daily repudiation of the doctrine of equality. Already, some 30 States, including California, have such laws to open their public accommodations—restaurants, theaters, hotels, retail stores, movies, other places of amusement, and similar establishments that offer their services to the general public.

The public accommodations section of the present bill—title II—provides a legal basis for private civil actions for injunctive relief from discrimination of this kind. In addition, it would authorize the Attorney General to initiate similar civil action when he believes the purposes of the section would be best served in that manner.

The provision is made in the law to encourage voluntary and local or State remedial action before or even during the time that private action is begun or is pending before the courts.

With some justifiable pride, I would like to point to the wording of the California statute as a good example of the all-inclusive nature of many of the State laws on public accommodation:

All persons within the jurisdiction of this State are free and equal, and, no matter what their race, color, religion, ancestry, or
It must be remembered that the nonwhites are employed at lower salaries and less desirable jobs. Seventeen percent of nonwhites have white collar jobs compared to 47 percent of the whites. Fourteen percent of nonwhites in total employment are unskilled labor—in urban areas—compared to 4 percent for the whites.

The Secretary of Labor, Mr. Wirtz, stated that Negroes comprise 90 percent of the nonwhite population and receive the brunt of discrimination in all forms of discrimination against the Negro race—a racial discrimination at all levels of employment, professional or otherwise, is a factor in human relations not only results in destroying economic advancement but in utter desperation weakens the child and contributes to the many social ills that beset many of the individuals of their race.

A bar to employment regardless of the qualification of the individual whether professional, technical, or menial nullifies efforts at bettering the life of Negroes in and stifies ambition and reason.

The provisions of the bill are worthless if employment opportunities are nil. The right to vote, to be served one's needs in public places including accommodations, desegregation of public education, receiving community relations services, and the Federal assisted program lever of forcing conformity mean nothing to a person who has no job and consequently no money. We have only to be reminded in the words of President Roosevelt that every man who is qualified and wants to work should have a job in a field that includes members of their race.

Even if this discrimination should be ceased it would take a generation to rectify the damage in the curtailment of these talents through economic and cultural deprivation perpetrated against the Negro. "...permit a continuance of these practices of discrimination is to destroy the ambitions of a race of Americans and stunt our economy."

Title VII, section 701(b), states that the provision would take away employer's freedom of employment practice to discriminate on the free flow of commerce among the States and with foreign nations and to "insure the complete and free enjoyment by all persons of the rights, privileges, and immunities secured and protected by the Constitution of the United States."

Title VII is simply supported by Congress power to regulate commerce among the States and with foreign nations—Article 1, section 8, clause 3.

Title VII covers employers engaged in industries affecting commerce—interstate, and foreign commerce and commerce within the District of Columbia and the possessions.

The title also applies to employment agencies procuring employers for employees and labor organizations engaged in such industries.

Unlawful employment practices: Title VII provides that it is an unlawful employment practice to discriminate on account of race, color, religion, sex, or national origin in connection with employment, referral for employment, membership in labor organizations, a participation in apprenticeship or other training programs—sections 702(b), 704(e).

The industries affecting interstate commerce are covered if employing persons or more during the first year after the operation-section 702(b) and the Commission has no powers of enforcement of its orders. This is the court's province.

The 29 States and Puerto Rico have some legislation designed to correct intrastate employment opportunity in private employment. It is in this field that the enmity of State and its local commissions indicate that a great deal can be accomplished in achieving fair employment opportunities through sagacity and persuasion, mediation, and conciliation.

Enforcement: In the case of refusal to comply—the Commission may seek relief in Federal district court—section 707(b). If Commission does not act the aggrieved party can file a civil suit himself to obtain relief—section 707(c). Thus a trial will be held.

Title VII is comprehensive. The 29 States and Puerto Rico have some legislation designed to correct intrastate employment opportunity in private employment. It is in this field that the enmity of State and its local commissions indicate that a great deal can be accomplished in achieving fair employment opportunities through sagacity and persuasion, mediation, and conciliation.

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The President is directed to hold conferences with Government representatives and representatives of groups affected by this legislation, so that plans can be made for the fair and effective administration of this act—section 719(c).

A bill prepared by the Department of Justice of the present State and local legislation sets out the following data:

Legislation passed in 1968 has altered somewhat the situation set forth in the Brown v. Board of Education case. Now, a State with a horary nondiscrimination law, now has a mandatory law by the Government. The term 'tribe' provisions only for public contracts, now has a generally applicable nondiscrimination statute now, and the State which formerly had no law, now has a generally applicable law.

A.
accepted the provisions of this Act, where such fraud or overreaching is at the expense of an Indian tribe. In the event of the misappropriation of funds of an Indian tribe, the Secretary shall have full rights of investigation and review, including authority to appoint an attorney to represent the Secretary in recovering the rights to such moneys or to receive from the court the right to seek assistance of courts of competent jurisdiction to that end.

"Sec. 607. (a) (1) Where any person, firm, corporation, or association or any person, firm, corporation, or association proposes to establish a new industry on any reservation (hereafter referred to as the 'reservation'), the Secretary of the Treasury, upon recommendation of an individual or group of Indians, and the Secretary of the Interior approves such contract after finding that it will be of significant aid to the tribe and that such contract shall be approved if it is a device whereby operations of an existing industry are transferred from Indian or non-Indian areas; nor shall the investor qualify for such incentives for any period during which less than half of the employees of such industry employed on the reservation are Indians.

"(2) Any contract entered into under paragraph (1) of this subsection with the approval of the Secretary of the Interior shall include provisions under which the tribe shall construct the necessary buildings and may make such improvements as may be required, for the operation of such industry, and may sell such buildings and improvements to the investor on a long-term basis to the investor.

"(3) Where any tribe is in need of funds to carry out construction or improvements under the provisions of the Act, the tribe may borrow such funds, under such regulations as the Secretary of the Interior may prescribe, but not more than the amount authorized by any Act of June 18, 1934 (48 Stat. 984, 986), June 26, 1936 (49 Stat. 167, 190), July 10, 1937 (52 Stat. 1145, 1150) and as amended and supplemented. For the purposes of augmenting such funds to the extent necessary to carry out this paragraph, the Secretary of the Treasury may use the proceeds of the sale of any securities issued under the Second Liberty Bond Act, and the purposes for which securities may be issued under such Act include such purposes.

"(b) No tax shall be imposed by chapter 1 of the Internal Revenue Code of 1954 on the income that may be earned by the proceeds of the contracts provided for by this section, to the extent that such income is attributable to the operation of a new industry established on the reservation, for the ten taxable years ending immediately after such investor first qualifies for the incentives provided by this section.

"(c) In the case of any capital investment made by any investor qualified for the incentives provided by this section, in the establishment of a new industry on a reservation, the basis of the property of such investor in such industry shall be determined under chapter 1 of such Code may, for the eleven years through the fifteenth taxable year after such investor first qualifies for the incentives provided by this section, be computed at the rate of 20 per centum of the basis of such property.

"(d) Where any member of a tribe who is receiving welfare income at the time he is employed in a new industry on a reservation is not entitled to any incentive for the purposes of the Act, the Secretary of the Treasury may use the proceeds of the contract entered into under paragraph (2) of this subsection, to the extent that such income is attributable to the operation of such industry, and may sell such buildings and improvements to the investor, at a rate of 4 per centum per annum. The proceeds of the contract entered into under paragraph (2) of this subsection shall be deposited in a fund for the purpose of meeting the welfare needs of the tribe, for the use of the Secretary of the Treasury.

"(e) Where a new industry is established on a reservation and the investor therein qualifies for any of the Incentives provided by this section, the investor shall be allowed a deduction from gross income, for the purposes of the Internal Revenue Code of 1954 (as amended), of an amount equal to thirty-six times the monthly welfare payment being made to such member of a tribe at the time he is employed in such industry. 

"(f) Any contract entered into under paragraph (1) of this subsection shall include provisions whereby the tribe and the investor agree to incorporate such provisions under which the tribe agrees to establish specific programs under which the tribe and the investor agree to cooperate in the training of employable Indians for positions in industries already existing or being established.

"(g) The Secretary is authorized to lease for rentals, which may range from a fair market rental downward to nominal or no rental, in such amounts as may be necessary to establish new industry on a reservation, any surplus or excess Federal lands (including improvements) under his jurisdiction.

"(h) The Secretary is authorized, in his discretion, to lend Federal Funds to investors in such industry for the construction of buildings and other facilities for investors seeking to qualify, or already qualified, for the incentives provided by section 7, but only if the rents to be paid by the industry over a period not exceeding fifteen years equal the original investment in Federal and tribal funds, plus interest thereon at a rate of 4 per centum per annum.

"(i) The National Housing Act is amended by striking out 'or (2)' and inserting in lieu thereof '(2)'; and by inserting immediately after the words 'immediately after' the words 'and in the case of' the words 'tribally owned land on any Indian reservation where such leasehold is for not less than twenty-five years, and is subject to an option to renew for an additional period of not less than twenty-five years'.

"(j) The National Housing Act is amended by striking out 'or (B) and inserting in lieu thereof, (B)', and by inserting immediately after the words 'or immediately after' the words 'with respect to a tribal leasehold interest in his' the words 'tribally owned land on any Indian reservation where such lease is for not less than twenty-five years, and is subject to an option to renew for an additional period of not less than twenty-five years'.

"(k) The National Housing Act is amended by striking out 'or (B) and inserting in lieu thereof, (B)', and by inserting immediately after the words 'or immediately after' the words 'with respect to a tribal leasehold interest in his' the words 'tribally owned land on any Indian reservation where such lease is for not less than twenty-five years, and is subject to an option to renew for an additional period of not less than twenty-five years'.

"Sec. 616. (a) Section 18 of title 18, United States Code, shall apply to Indians and non-Indians alike within the area set aside for any industry on a reservation established by an investor who has qualified for the incentives provided for by section 7 of this Act.

"(b) Chapter 53 of title 18, United States Code, is amended by adding at the end thereof the following new section 1164:

"1164. Bribes affecting Indians

"(a) Whoever offers, gives, or accepts money or thing of value to, by, or at the direction of an officer, employee, or agent of an Indian tribe or community with intent to influence him, or to influence some other tribal official, employee, or agent in the making of any decision or action on any question, matter, cause or proceeding pending before the tribe or tribe agency, or with intent to aid in any employment thereof, shall be fined not more than twice the amount of such money or value of such thing or imprisoned not more than three years, or both.

"(c) The analysis of such chapter 53 is amended by adding at the foot thereof the following new item:

"1164. Bribes affecting Indians.

"(d) Section 808. (a) The Secretary of the Interior in making any decision under or pursuant to this section shall, for purposes of the Internal Revenue Code of 1954, in addition to any other benefits, for any taxable year, the investor shall be allowed a deduction from gross income, for the purposes of the Internal Revenue Code of 1954, of an amount equal to thirty-six times the monthly welfare payment being made to such member of a tribe at the time he is employed in such industry. 

"(e) Where a new industry is established on a reservation and the investor therein qualifies for any of the Incentives provided by this section, the investor shall be allowed a deduction from gross income, for the purposes of the Internal Revenue Code of 1954, of an amount equal to thirty-six times the monthly welfare payment being made to such member of a tribe at the time he is employed in such industry. 

"(f) Any contract entered into under paragraph (1) of this subsection shall include provisions whereby the tribe and the investor agree to incorporate such provisions under which the tribe agrees to establish specific programs under which the tribe and the investor agree to cooperate in the training of employable Indians for positions in industries already existing or being established.

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"(i) The Secretary is authorized, in his discretion, to lend Federal Funds to investors in such industry for the construction of buildings and other facilities for investors seeking to qualify, or already qualified, for the incentives provided by section 7, but only if the rents to be paid by the industry over a period not exceeding fifteen years equal the original investment in Federal and tribal funds, plus interest thereon at a rate of 4 per centum per annum.

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"Mr. Celler (interrupting the reading of the bill) Mr. Chairman, enough has been said of this amendment. It indicates that it is subject to a point of order, and I make the point of order that we have not completed the reading of the bill, therefore this is not the proper place to consider the amendment.

The CHAIRMAN. The Chair reminds the gentleman from New York that the amendment offered by the gentleman from North Dakota is pending, and in order by the resolution under which this bill is being considered. The gentleman is offering the amendment at this time, and the Chair would be impelled to hold this section of the amendment 207(a)(1) out of order.

Mr. Celler. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. Celler. Mr. Chairman, would it be in order to offer this amendment to title VII, or must there be a new title read?

The CHAIRMAN. The gentleman from South Dakota is offering his amendment as a new title VIII to the bill.
Mr. CELLER. Mr. Chairman, a further parliamentary inquiry.

The CHAIRMAN. The gentleman will ask for the amendment offered by the gentleman from South Dakota as a substitute amendment.

Mr. CELLER. Mr. Chairman, the amendment offered by the gentleman from South Dakota germane to title VIII, which is quite different from the Indian proposition is as follows:

The CHAIRMAN. The Chair is unable to answer the question for the reason the amendment offered by the gentleman from South Dakota has not been properly introduced.

Mr. CELLER. Mr. Chairman, I reserve the privilege of answering the amendment until the amendment is read.

The Clerk continued the reading of the amendment.

Mr. BERRY (interrupting reading of the amendment). Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with.

Mr. ASPINALL. Mr. Chairman, I object.

Mr. ROOSEVELT (interrupting reading of the amendment). Mr. Chairman, I ask unanimous consent that the further reading of the amendment be dispensed with.

Mr. WILLIAMS. I object, Mr. Chairman.

Mr. BERRY. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

Mr. BERRY. Mr. Chairman, we have had 10 days of consideration, or lack of consideration, if you wish, concerning the segregation of the Negro people. The purpose of this amendment is to eliminate the segregation of the American Indian. Originally the American Government segregated the Americans, more effectively by the American cavalry. Down through the years we have removed the barbed wire fences from around the reservations but in recent years they are still segregated because we have removed them.

I have a friend—and I have known him for a good many years—who came up to South Dakota from Texas in one of the last big cattle drives. He came up as a rider for the Matador Cattle Co. He was 18 years old, and at that time the Matador Cattle Co. had all of the Standing Rock Indian Reservation under lease. He has told me a good many times how during those years all of the riders for that company had to carry passes in order to get on or get off of the Standing Rock Indian Reservation.

Now, Mr. Chairman, this is within the lifetime of one man. In recent years we have removed the cavalry and the barbed wire fences from around the reservation, but the reservation today is just as segregated as the day it was when my friend was riding for the Matador, by reason of what I call a mental block. I do not know whether any of you realize it, but every Indian born on an Indian reservation or every allotted Indian is considered by law to be incompetent until the Secretary of the Interior declares by a certificate that he is competent to handle his own business and his own personal affairs. The title to his land is held in trust by the Federal Government. He cannot even lease his own land. These reservation areas today are broken up into what is known as range units. If you were an Indian and you have a quarter section of land in a range unit, you have nothing to say about whether that land is being used and you have nothing to say about who the renter will be and you have nothing to say about the amount of the lease. The Federal Government makes a contract but they do not take care of the land. In addition to that, Mr. Chairman, they collect the rent. If you happen to be on relief, then, Mr. Chairman, the lease check is turned over to the welfare department to be doled to you on the same basis as other welfare funds. Not even in darkest Russia does an individual have less liberty and less freedom than an allotted Indian on an Indian reservation or every allotted Indian born on an Indian reservation or every allotted Indian is entitled to the reservation, and then the cost of transportation of the finished product from the reservation makes it so expensive that it is impossible for these plants to compete unless there is some kind of a direct subsidy, or unless there is some kind of a tax incentive. And that is exactly what this amendment proposes to do, namely, provide that tax incentive to offset the high transportation costs.

Just as a sideline, 17 years ago the Senate subcommittee held hearings in Puerto Rico on the economic conditions of the Puerto Rican people. The report of their report to the effect that the situation in Puerto Rico was "unsolvable." Then 16 years ago Puerto Rico's retiring Governor Roosevelt Tugwell, chairman of the title for this book about the island, "The Stricken Land." Today this "stricken land" has the highest per capita income of any of the Latin-American countries that will provide. One, it will authorize an Indian tribe to enter into a contract with an industry to come onto the reservation and establish a plant on the reservation. Following the Puerto Rican program down there, in this bill will provide.

My colleague is going to offer an amendment to strike the surplus materials from this amendment. When it is stricken, there are four things that this amendment will provide. One, it will authorize an Indian tribe to enter into a contract with an industry to come onto the reservation and establish a plant on the reservation. Following the Puerto Rican program down there, in this bill will provide.

Second, when a contract has been made between the tribe and the company, it does not take effect until it has been approved by the Secretary of the Interior. He has authority to either approve or veto any contract.

Third, when the contract has been made, when it has been approved by the Secretary of the Interior, the industry will be given a 10-year Federal tax exemption on that business—providing that each year when the industry files its income tax return it files with that return a certificate that more than 50 percent of the employees are enrolled Indians.

And fourth, it makes available FHA housing loans on the reservation where the Indian people are employed and have an income.

Now, these are the four things it does. And I want to point out, Mr. Chairman, this cannot be used as a windfall to some big corporation, first, because the Secretary of the Interior has the veto power over this contract before it is approved. If it looks like some kind of a windfall he will veto it. Secondly, because each year the company must certify that more than 50 percent of its employees are enrolled Indians.
rolled Indians. This limits the program to small businesses because most reservations are not too large and the 50-percent limitation will keep the industry small. The time of the gentleman from South Dakota has expired.

Mr. BERRY. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. BERRY. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. The gentleman says his proposed amendment would make available FHA loans to Indians on reservations. Does he refer to the section that says the Community Facilities Administration shall be authorized to make FHA loans in accordance with the purpose for which the same purpose and to the same extent he is authorized to make loans under title II of the housing amendment to any smaller unit.

Mr. BERRY. Yes.

Mr. EDMONDSON. So it is a group housing or public housing loan you are talking about, and not individual loans?

Mr. BERRY. It also makes available housing loans.

Mr. EDMONDSON. I wish the gentleman would show me where it makes housing loans to individuals on individually owned land because the only section I find is one.

Mr. BERRY. It does make individual housing loans available and community housing as well.

I want to say in closing that this bill provides for integration of the Indian reservations because when an industry comes to the reservation the majority of the managers and skilled workers will for a time be non-Indians. They will come to live on the reservation, they will take their families with them, and we will have schools operated by school districts, and attended by both Indians and non-Indian children instead of the segregated schools of today. When they, if they come to build a family, they will have their children in the schools they build.

I want to say that this bill will provide a program for an Indian family to earn his living and a living and rearing a family through private industry.

I have here many letters from Indian tribes, from church groups and from individuals supporting this amendment and expressing their hope that it may be included in this bill.

Mr. ASPINALL. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from South Dakota (Mr. BERRY) and I am confident that he may see fit to offer such amendment.

To say that I was surprised that H.R. 980 was made in order as an amendment to H.R. 7152 is a misstatement of the facts. H.R. 980 by assignment from the Speaker could possibly receive such treatment from another member of the committee or from the Committee on Rules as indicated by their exercising jurisdiction of this matter without notice being given to the chairman of the House Committee on Interior and Insular Affairs of their intention or their contemplated actions.

Mr. Chairman, the amendment offered by the senior member of the delegation from South Dakota is not and in no sense intended to be considered as being germane to the provisions of H.R. 7152. If there were any logical argument for it being considered germane and the rule granting the rule would not have been worded in the language that it was. The inclusion of such a subject in the matter under debate is a discredit not only to the committee but it is a disservice to the members of the various Indian tribes which it purported to benefit.

The senior member of the South Dakota delegation, one of the ranking minority members of the committee I, chairman, has had this legislation before the House of three Congresses. I have cooperated with him in every way, trying to get the legislation in position so that it could be constructively considered by the committee. Yet the Member from South Dakota did not even show the courtesy to present or to the ranking minority member to advise either of them that he was asking for the Rules Committee to yank this bill out of the Committee on Interior and Insular Affairs and send it directly to the floor of the House without the orderly and constructive consideration that should be given to all important pieces of legislation. After the rule was granted and I reproached the Member for his lack of courtesy, his remark to me was that he really did not expect to get the rule but that he was endeavoring to get some publicity for the Member the benefit of the doubt and state here that I hope what he meant was that he was trying to get publicity in favor of a few, and I say a few adversely, Indian communities which might ultimately benefit from this type of legislation. It is my opinion that no constructive or worthwhile legislation can be developed from this bill as proposed by the senior Member from South Dakota.

And, Mr. Chairman, I think the method by which this amendment was made in order to the committee does a disservice to our colleagues.

Now let me hasten at this place to add that I understand what prompted the action of my colleagues on the Committee on Rules who represent the areas of the South, and my criticism does not go to their individual or collective action but goes to the feeling that they have felt compelled to oppose this legislation with every weapon at their command. However, I do feel that they have belittled and weakened their cause.

They have gone to an expenditure of time and effort by those who have other orderly and demanding duties to perform in order to perfect the case against this amendment.

Mr. Chairman, the amendments of H.R. 980, or what would be left of it if the Member from South Dakota had his way, will not be of any significant benefit to our fellow citizens of the Indian race. I am not contending at this time that some such program, properly considered and thought out, might not be beneficial. What I am saying is that what is proposed here will not be beneficial. It will be the reverse. It will cause some of the unsuspecting members of the Indian tribe to think that the House of Representatives is desirous of helping them. But it is not, in my opinion, and I believe that however can come of what is proposed at this time. One of the difficulties that the Indians have had to face throughout the years has been the professed friend- oxygen; grants form the administrative branch of the Government but, in most instances, not of any significant benefit to the House of three Congresses. I have from the administrative branch of the House without the orderly and demanding consideration that should be given to all important pieces of legislation with every weapon at their command, the Members of Congress, the Members of Congress, to the matter of civil rights but it is a discredit not only to the committee but it is a disservice to the members of the various Indian tribes which it purported to benefit.

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The second part of the bill will perhaps be regarded as the most important part. The incentives provided for new industry are as follows:

1. Exception of the new industry from Federal income tax for 10 years.
2. Accelerated amortization of capital investment, in accordance with the 10-year period of tax exemption.
3. Deduction from gross income of 36 times the monthly welfare payment made to an Indian receiving a welfare payment. This deduction would be available in each of the next 5 years following the 10-year period of tax exemption.
4. Leases of surplus or excess Federal land and improvements at nominal or no rental.
5. Loans of tribal and Federal funds for the construction of buildings and facilities.

The tax incentives are designed to apply automatically, without any agreement with the Federal Government. The Treasury Department recognizes the Federal participation in a program as envisioned by the bill is desirable, it should be directed through the Secretary of the Interior, particular emphasis being placed on the needs of the Indian or in terms of relieving the Federal Government of a part of its financial burden.

3. If a new industry with a substantial number of employees is established on a reservation, it will be made for housing and community services for the employees who must live in the vicinity of the industry. The development of shanty towns or slum areas would defeat the purpose of the program. There will be an urgent need to provide sanitation facilities, streets, water, fire protection, housing, etc., and because the location is on an Indian reservation the tendency will be to look to the Federal Government for the purpose.

The Treasury Department recognizes the Federal participation in a program as envisioned by the bill is desirable, it should be directed through the Secretary of the Interior, particular emphasis being placed on the needs of the Indian or in terms of relieving the Federal Government of a part of its financial burden.

4. Marginal enterprises may be attracted by the income tax incentives with the intention of moving to more favorable site or areas. Tax incentives are withdrawn.

The first part of the bill, which deals with tribal jurisdiction and control over tribal property, presents a number of technical problems. Some of the provisions are ambiguous and incomplete, and some of them will raise practical difficulties. We shall be glad to work with the committee staff in rephrasing this part of the bill if the House decides to adopt it.

The third part of the bill relates to Federal jurisdiction over the area. Section 9(a) makes it applicable to any Indian or in terms of relieving the Federal Government of a part of its financial burden.

The Treasury Department is primarily concerned with the provisions in which would provide special tax incentives to firms establishing a new industry on a reservation, with Indians constituting at least 50 percent of the employees. These incentives would consist of:

1. Complete exemption from Federal income tax for the first 10 years.
2. Special tax deductions for depreciation in each of the next 5 years amounting to 20 percent of the original cost of the property or equipment.
3. The third part of the bill relates to Federal jurisdiction over the area. Section 9(a) makes it applicable to any Indian or in terms of relieving the Federal Government of a part of its financial burden.

The Treasury Department believes that the provisions of the proposed legislation would establish a far-reaching precedent for the use of special tax treatment to achieve similar objectives. As such, it believes that the bill is desirable, it should be done on the basis of direct appropriations where the cost is known and the benefits can be directed through specific outlays where they are most needed.

In view of these considerations, the Department recommends the deletion of section 7 of the bill.

In addition, the Department would be opposed to limiting the return on Federal funds loaned directly to private borrowers to an interest rate of 4 percent as would be provided in section 8 of the bill. We recommend that the interest rate be established at a rate less than a rate determined by the Secretary of the Interior by taking into consideration the current market yields on outstanding marketable obligations of the tribal government, the character of the term the Federal funds are outstanding, plus an amount deemed adequate by the Secretary to provide for the value of the anticipated taxes and non-tax revenues, and the probable expenses and probable losses to the extent consistent with the purposes of the proposed loan program.

The Department has been advised by the Bureau of the Budget that there is no objection to the submission of this report to your committee.

Very truly yours,

FRED C. SCHMIDT, JR.
Acting Secretary of the Treasury.
should not be rendered on the basis of a tax subsidy.

With respect to the loan features of the bill, section 7(a) would authorize Indian tribes to construct buildings for new industries or to renovate existing buildings. To obtain financing for such construction, section 7(a)(3) of the bill would authorize Federal funds to be paid from certain existing revolving funds and to augment the revolving funds, the Secretary of the Treasury would be authorized to make advances to such funds in amounts specified in appropriation acts. The Secretary of the Interior would be required to pay interest on the advances at the average rate on outstanding marketable obligations of the United States. In addition, section 8(c) would authorize the Secretary of the Interior to lend Federal funds to be used in conjunction with tribal funds for the construction of buildings for new industry.

The Treasury Department as a matter of general principle is opposed to new loan programs or the expansion of existing loan programs except when essential to implement impelling national policy objectives. The loan authority that would be provided by the bill should be considered in light of that general principle.

Should the loan features of the bill be favorably considered by the Department, the Department believes that the proposed legislation should be revised so as to assure that an interest subsidy would not be provided in the loan program. Consequently, it is recommended that the bill establish an interest rate on loans to private borrowers at a rate not less than the average rate on outstanding marketable obligations of the United States with maturities comparable to the term of the loans, plus an amount deemed necessary by the Secretary of the Interior to cover administrative expenses and probable losses. In addition, the Department recommends that the rate of interest to be paid on advances by the Secretary be based on the interest rate on current market yields on outstanding marketable obligations of the United States with maturities comparable to the term the advances are outstanding rather than the current average rate on all outstanding marketable obligations of the United States.

The Department has been advised by the Bureau of the Budget that there is no objection to the submission of this report from the standpoint of the administration's program.

Sincerely yours,

FRED B. SMITH
Acting General Counsel.

U.S. DEPARTMENT OF THE INTERIOR.

Hon. WAYNE N. ASPINALL,
Chairman, Committee on Interior and Insular Affairs, House of Representatives, Washington, D.C.

Dear Mr. Chairman:

This responds to your request for a report on H.R. 980, a bill to provide a program for an "Operation Bootstrap" for the American Indian in order to improve conditions among Indians on reservations and in other communities, and for other purposes.

The Department has no objection to the proposal to extend income tax exemption as an inducement to investors to locate in particular areas which are subject to the tax. We are inclined to favor, the granting of full exemption for such periods as are raised on which there are conflicting and strong held opinions. Moreover, the issues involved are not sufficiently acquainted with the problems involved to say that the provisions of the proposed program are the best way to accomplish this purpose.

On the other hand, we definitely do not favor the provisions of sections 7 and 8 of the bill which would grant special tax exemptions and provide a special loan program to industries on Indian reservations. The concept of extending income tax exemption as an inducement to investors to locate in particular areas is one which requires very careful consideration; and if such exemption is to be used as an inducement, it ought not be limited to Indian reservations but should be made available to all areas in which the Government has a special interest in economic development. By the same token, we see no necessary relationship between the proposed loan program which is not already adequately being met by the area redevelopment program.

Since both of these latter provisions would place other equally or more needy areas at a great disadvantage in the attraction of industrial and community development, and since the provisions of the Area Redevelopment Act, we cannot endorse this bill in its present form.

We have been advised by the Bureau of the Budget that there are no objections to the submission of our report from the standpoint of the administration’s program.

Sincerely yours,

LAWRENCE JONES,
Acting General Counsel.
Mr. Chairman, I want to thank my colleagues for the confidence you have had in me on the Committee on Interior Affairs and in its chairman. Just last Friday night by unanimous consent you permitted to pass a bill which had been thoroughly studied by the subcommittee. I am authorized to say by the gentleman from Florida [Mr. HALEY] that is the way we always try to bring legislation before the House of Representatives. 

Mr. Chairman, the amendment to the amendment that is to be offered by the junior Member from South Dakota is just as cut time as are all of the votes in Congress on H.R. 980. What the Member has attempted to do is to remove those portions of the bill which apparently he feels do not involve civil rights. However, the procedure whereby the lease and extension are simultaneously exercised, may not be technically difficult and thus to inhibit the use of FHA-insured financing.

The Department of the Interior has interpreted the Indian Leasing Act of 1935 to permit leases of up to 25 years. In my opinion, it would be a great disservice to the Indian tribes and not mislead them into thinking they are going to receive benefits which I can assure you are not provided for in the bill. The FHA has been referred to the House to the Committee on Ways and Means so that the committee may study the bill and Insular Affairs as to the effect of the legislation on our fiscal affairs and advise us of such committee's position.

In closing, may I say to my colleagues that they need have no fear that the Committee on Interior and Insular Affairs will not give consideration to the bill and its amendments. The gentleman from Florida [Mr. HALEY] has been very attentive in his responsibility to the Indian tribes, and whenever his Subcommittee on Indian Affairs has the time and gives its support to legislation you can be sure that such legislation is in order and will more than likely accomplish whatever it is supposed to do.

The time of the gentleman has expired.

Mr. SENNER. Mr. Chairman, I ask unanimous consent that the gentleman from Colorado [Mr. ASPINALL] may proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. SENNER. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman from Arizona.

Mr. SENNER. I should like to associate myself with the gentleman's remarks and comment thereon. As the gentleman knows, I represent more American Indians in my district than any other Congressman in this House, or any other State in this Union. I have received the
following telegrams from two of my Indian reservations.

With the permission, I would like to read them at this time:

Have made a cursory examination of H.R. 980. Feel that bill has much merit. However, I do not believe the Indian agencies have faith in House Interior Committee and recommend that you not vote for bill as attached to civil rights bill but that bill be reintroduced and sent to Senate. I am prepared to appear in front of Senate Interior Committee for study and to give Indians sufficient time to appear and consult with committee.

Leruz Olivas, Chairman, White Mountain Apache Tribe.

I received this other telegram which is as follows:

Re “Operation Bootstrap” for Indian reservation desire H.R. 980 completely divorced from so-called civil rights bill and passed as separate measure, after study by House Interior Committee and appropriate Federal agencies reports and consultation with tribes.

ABBOTT SEKAQUAPTEWA, Chairman, Hopi Tribal Council, Oraibi, Ariz.

Mr. Chairman, I have also received other telegrams from several of my other Indian reservations. They indicate they were in favor of the Berry amendment as printed in the Federal Register and passed as separate measure, unless study by Interior Committee and appropriate Federal agencies.

Mr. ASPINALL. I yield to the gentleman.

Mr. ASPINALL. Of course, the gentleman is correct. Their attention was called to the Berry amendment since the Committee on Rules made its consideration in order to pass it in spite of the fact that it is not germane to the bill that we are now considering. Many of the responses result from the drive by lobbyists here and elsewhere who love the Indians so much that they make their living working for them and desire to make it appear that what is proposed here is worthwhile giving the legislation due consideration. All this in spite of the fact that many tribes have called by telephone and have stated their letters that they are opposed to the legislation because it has not been well thought out. They realize that ill-considered legislation will react against their best interests. They will be the beneficiary because the Member from South Dakota says they will receive, but it is my opinion that they will be penalized.

Let the Committee on Interior and Insular Affairs follow its usual procedure and let us give thoughtful consideration to this legislation. The gentleman from South Dakota went back some 300 years and now he is complaining because this bill in which he has some interest for 6 years is not taken care of at once. If it is good legislation, and if it can be perfected, we can take care of it with the proper consideration that such matter deserves.

Mr. ALBERT. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman.

Mr. ALBERT. Mr. Chairman, this bill that has been proposed here as an amendment to the pending bill is applicable to Indians on reservations. The amendment would not apply to Indians who do not live on the reservations but who live on their own individually allotted land. The State of Oklahoma is one of the States with an important Indian population, and as I see the matter, unless it gets additional consideration as suggested by the gentleman from Colorado, which will deal with the entire subject, it would be useless so far as the State of Oklahoma is concerned, many of whom are just as much in need of help as Indians in any other State.

Mr. ASPINALL. The gentleman from Oklahoma is entirely correct.

Of course, in this respect this proposed amendment imposes an inequity on the very people and on the race of people that it is contended the amendment will help. It is just too bad that it is this way.

The gentleman from Pennsylvania (Mr. BERRY), the ranking minority member of the full Committee on Interior and Insular Affairs, will speak on the legislation and he will assure my colleagues to my left that at the proper time this Committee will consider that it deserves.

We shall be in a position now, as soon as the Committee on Ways and Means makes its report back to the Committee on Interior and Insular Affairs, to consider the effect on the Treasury, that can give consideration to it.

Mr. RIVERS of Alaska. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman.

Mr. RIVERS of Alaska. Mr. Chairman, I wish to associate myself with the presentations made here by the chairman of the full Committee on Interior and Insular Affairs, the gentleman from Colorado (Mr. ASPINALL) and the gentleman from Arizona (Mr. SENNEX).

I think this matter should be processed in an orderly manner and through the appropriate legislative committees and not be treated as legislation on the floor of the House, as part of a civil rights bill, and without the Committee on Interior and Insular Affairs and the Committee on Ways and Means. I yield to no one in regard to the scope of my concern for the economic well-being of the Indians, including the Indians and Eskimos and Aleuts of Alaska, which is the reason I wish to see this matter given adequate consideration as a separate subject.

Mr. ASPINALL. This is the first time that any bill has ever been referred from my committee in this particular manner.

The CHAIRMAN. The time of the gentleman from Colorado has expired.

(By unanimous consent, Mr. ASPINALL was given permission to proceed for 1 additional minute.)

Mr. BERRY. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman.

Mr. BERRY. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman from South Dakota, a member of my committee.

Mr. BERRY. I thank the chairman for yielding time.

I appreciate everything the gentleman has said. By the same token, it has not been too easy to get the report, as my chairman indicated.

Mr. ASPINALL. This was proposed during the administration of the Republican Party. The first reports came up under the signature of Assistant Secretary Roger Ernst, who was Assistant Secretary at the time the Honorable Fred Seaton was Secretary. The reports were adverse.

Mr. BERRY. Favorable, if amended.

Mr. ASPINALL. They were not amended. Mr. BERRY. On advice from South Dakota has never presented those amendments. They are not in the bill as proposed at the present time.

Mr. BERRY. I yield to the bill of the amendment. Mr. ASPINALL, I moved the amendments. Mr. BERRY. I yield to the gentleman, and let us consider that bill.

The CHAIRMAN. The time of the gentleman from Colorado has again expired.

(By unanimous consent, Mr. ASPINALL was given permission to proceed for 1 additional minute.)

Mr. ASPINALL. Mr. Chairman, I move for the 1 minute to answer the last statement by the gentleman from South Dakota.

At the National Congress of American Indians convention at Bismarck last September, Commissioner Nash indicated his sympathy for the bill but stated that a favorable report could not be made because of the objections of other Federal agencies.

The same arguments against the legislation voiced by the Secretary of the Treasury in 1960 are expressed again in the report just received. This is the reason why there has not been any further consideration.

In fact we have sufficient time to consider the bill, and perhaps until we have time to get rid of some of the other bills which seem to have priority of attention so far as my colleague from South Dakota is concerned, we simply cannot take care of such important legislation.

Mr. RUMSFELD. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman from Illinois.

Mr. RUMSFELD. I have listened to the gentleman’s statement. I believe the history behind the proposal is quite interesting. The gentleman has mentioned a number of times that there are objections to the proposal.

The committee will have to vote shortly. I wonder if the gentleman will use a minute or two to explain some of the objections.

The ASPINALL. The objections come from the four departments, as I have stated. They will be included in the Record, so that my friend can read them and they are quite germane to the bill itself. I may say.

Mr. CELLER. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

The amendment would incorporate into the pending measure the bill, H.R. 980, to provide for a program of what
is called “Operation Bootstrap” on the alleged grounds that it would help the Indians accept the idea that the national government can function as "no-man’s land" for the civil rights bill as an elephant is to a pussy cat. It probably is sought to be added to the civil rights bill to so weigh it down so that the civil rights bill might be killed. Pray tell me how in thunder an Indian reservation is relevant to a labor organization, or how financing Indian factories is relevant to discrimination on the basis of race, color, national origin, or sex.

If you approve this amendment, you will approve a most gauche method of bringing bills before this House.

I certainly should like to have the power, which apparently resides in the gentleman from South Dakota, to have my bills given this kind of preferential treatment, avoiding the scrutiny of the proper standing committee and securing immediate clearance from the Rules Committee. I have some bills before the Rules Committee which have been gathering dust for many, many months, and I have been striving to get them out of the Rules Committee. I should like to have them tacked onto some other bill, utterly irrelevant, and then have the rule indicating the bill.

I have not the foggiest idea as to what the amendment is all about, but it is well to give some legislative history on the bill. It would appear that it was put before the Committee on Interior and Insular Affairs January 9, 1963.

On January 24, 1963, more than 1 year ago, the Subcommittee on Indian Affairs of the Committee on Interior and Insular Affairs requested reports from the Departments of Treasury, Interior, and Commerce, as well as the Housing and Home Finance Agency, on H.R. 980. None of these reports has yet been received by the Committee. No hearings have been held or scheduled nor has any other action been taken by the subcommittee.

The result is that we have among us here a most extremely complex legislative measure concerning which the House has been given absolutely no official committee comment or advance information. In the 86th Congress a hearing was held on H.R. 7701, a predecessor bill, but inspection of this hearing indicates that the Department of the Interior had serious reservations about the bill and the Department of the Treasury opposed the tax provisions. No representative of any Federal agency appeared at the hearing the 86th Congress a hearing was held on H.R. 7701, a predecessor bill, but inspection of this hearing indicates that the Department of the Interior had serious reservations about the bill and the Department of the Treasury opposed the tax provisions. No representative of any Federal agency appeared at the hearing the 86th Congress a hearing was held on H.R. 7701, a predecessor bill, but inspection of this hearing indicates that the Department of the Interior had serious reservations about the bill and the Department of the Treasury opposed the tax provisions.

Moreover, the bill, as its title indicates, is an industrial promotion proposal applicable to Indian reservations. The tax incentive, of course, would, of course, be of vital interest to the Ways and Means Committee of the House, but I understand that until last Saturday 2 weeks ago, the Committee had not even been consulted about its territory for far-reaching, specialized consequences, later the tax terms and exemptions of the bill. On the motion of the distinguished chairman of the Committee on Interior and Insular Affairs, the House discharged that committee from further consideration of H.R. 980 and referred it to the Committee on Ways and Means. Of course, that committee has had insufficient time to study the bill's provisions.

We should wait until that committee has had sufficient opportunity to go into a detailed consideration of the bill and its report is filed. Then we might be able to act.

I repeat, that I have not the vaguest idea whether or not the proposals of H.R. 980 are desirable or undesirable. But it is a matter of simple logic that the House should not be asked to consider legislation of such far-reaching, specialized consequence without the views of the appropriate Federal agencies, including the Bureau of Indian Affairs, the Housing Commissioner, and the Treasury, nor without an analytical committee report. There is not a word of testimony or analysis concerning the provisions of H.R. 980 or its legal consequences before the House.

Beyond this, there is nothing in the text of H.R. 980 that would remotely serve to advance the stated objectives of the pending bill, H.R. 7152. The amendment should be rejected.

Mr. BATTIN. Mr. Chairman, I rise in favor of the amendment.

Mr. Chairman, I would say to the chairman of the Committee on the Judiciary, the gentleman from New York (Mr. Celler), who just left the well of the House, that I am surprised that our colleague from South Dakota had more time in consideration than H.R. 7152 did in the Committee on the Judiciary before it was reported and we have been debating this bill for 10 days.

I also notice a great absence of people on the floor and just a few minutes ago we had a full house. Has some pressure group been taken care of now so that we do not have to worry about any one else? I think not. There are tax loopholes in the amendment; the gentleman from New York says. Did he read the trade expansion bill? If some industry in this country gets hurt because of foreign competition, we do not give them a tax break; we give them a subsidy. What difference does it make whether we use technical language or the general effect of what will happen. Maybe the gentleman has not ventured into the Indian territory. He is not a resident.

If you want to talk about discrimination, if you want to talk about lack of opportunity, go there. I cannot help but think of what the Indian said in a talk with Vice President Barkley. He told him to watch our immigration laws. The Indian did not, he said, and look what happened to him. He is not some dummy. And what are we going to do to try to help him out of the situation he presently finds himself in?

The bill itself is rather simple. We gave the Indians back part of their land. We are now giving them the right to mortgage it and do what is necessary to attract industry. We are offering an incentive, a tax break, to build an industry, give employment, let the Indian raise himself by his own bootstraps, rather than having to come back here year after year and accept some sort of a dole from the Federal Government.

If you want to prove socialism does not work, go to an Indian reservation. There, down there is 90 percent guaranteed by the taxpayers of this country against expropriation, against damages by strike and insurrection, and against nonconvertibility of money? We give them a tax break; we give them a subsidy. What difference does it make what they really want and that is an opportunity to work—an opportunity to make a living, to give them the opportunity for someone to come in, build an industry, give employment, let the Indian raise himself by his own bootstraps, rather than having to come back here year after year and accept some sort of a dole from the Federal Government.

Mr. BERRY. Mr. Chairman, will the gentleman yield?

Mr. BATTIN. I yield. I yield to the gentleman from South Dakota.

Mr. BERRY. Mr. Chairman, under the Foreign Aid Act is it not true that we have an amendment known as the Hearst amendment under which we give to any corporation that establishes an industry in the Western Hemisphere a 27-percent tax benefit?

Mr. BATTIN. That is correct.

Mr. BERRY. Do we not reduce the corporation tax from 52 percent down to 38 percent and at the same time do we not provide that any investment made down there is guaranteed by the taxpayers of this country against expropriation, against damages by strike and insurrection, and against nonconvertibility of money? We give the Indians back part of their land, they have too much pride to get out into the streets. Mr. BATTIN. I yield to the gentleman from South Dakota.

Mr. BERRY. Mr. Chairman, under the Foreign Aid Act is it not true that we have an amendment known as the Hearst amendment under which we give to any corporation that establishes an industry in the Western Hemisphere a 27-percent tax benefit?

Mr. BATTIN. That is correct.

Mr. BERRY. Do we not reduce the corporation tax from 52 percent down to 38 percent and at the same time do we not provide that any investment made down there is guaranteed by the taxpayers of this country against expropriation, against damages by strike and insurrection, and against nonconvertibility of money? We give the Indians back part of their land, they have too much pride to get out into the streets. Mr. BATTIN. I yield to the gentleman from South Dakota. How much would this cost?

Mr. BATTIN. I did not offer the amendment; the gentleman from South Dakota did, but we are talking about giving a tax break for 10 years to those people who would establish an industry on a reservation, so that any loss we would not be the one who would be offset by employment benefits and in the payment of taxes by employed peoples in the years to come. I am certain that in the long run there would not be an any revenue to the United States.

Mr. BERRY. Mr. Chairman, will the gentleman yield further?

Mr. BATTIN. I yield.
Mr. BERRY. I understand that through the Department of HEW and the Indian Bureau, there was spent a little over a quarter of a billion dollars last year just for the Indian people. How much benefit do they gain from that? Very little. Certainly this would not cost anything like that.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. BATTING. I yield.

Mr. GROSS. When it comes to the main issue which has been tried for days and have been unable to get a specific answer to the question of how much of this bill will cost without the Berry amendment?

Mr. CELLER. Mr. Chairman, I ask unanimous consent that all debate on this amendment and the amendments thereto close in 40 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. REIFEL. Mr. Chairman, I object.

Mr. CELLER. Mr. Chairman, I move that all debate on this amendment and all amendments thereto close in 45 minutes.

The CHAIRMAN. The motion is on the motion offered by the gentleman from New York.

The motion was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. SAVOY) for 5 minutes.

Mr. SAVOY. Mr. Chairman, I am very sorry that the gentleman from New York (Mr. CELLE) , the chairman of the Committee on the Judiciary, has walked off the floor. If the gentleman thought that what he said here a few minutes ago was so horrible, the gentleman had the opportunity when the rule was up on the civil rights bill to vote against the rule and have an open rule where only germane amendments could have been adopted. Thereby he could correct the ills about which he talked. However, the gentleman did not say anything about it. I think it was perfectly proper to have a rule waiving points of order.

Mr. Chairman, according to the rules of the House, the Committee on Rules made this amendment germane. Now, I do not think they should have done that, but they did.

Mr. Chairman, I am opposed to including H.R. 980 in the bill that is presently pending before us.

H.R. 980, 86th Congress, introduced by our colleague, the gentleman from South Dakota, Representative E. Y. BERRY, seeks to improve the lot of reservation Indians by encouraging industrial development on the reservations in several ways. I believe such development would produce gainful employment, it would be necessary to offer some type of Federal subsidy.

This bill falls into three major parts: the first deals with tribal constitutions and charters and the control over the use of tribal property; the second part concerns incentives to encourage the establishment of industries on Indian reservations; and the third portion involves Federal criminal jurisdiction over reservation Indians on the area to be occupied by the industry, appeals to the Federal courts from decisions rendered by tribal courts, and matters relating to bribery or attempted bribries.

As introduced, H.R. 980 would encourage the development of Tribal natural resources of reservations in several ways.

First, Tribes would be authorized to create corporations which would build their right to sell to industrial firms on a long-term basis, subject to the approval of the Secretary of the Interior. Funds for the construction of these plants might come from tribal funds, Federal or commercial loans to the tribal corporation.

Second, industrial firms buying or leasing these plants, which would be exempt from Federal, State, and local taxes for 10 years.

Third, the firm receiving the right to amortize property eligible for depreciation on a 5-year schedule.

Fourth, the firms receiving a deduction for Federal tax purposes equal to three times annual welfare payments paid to an Indian prior to his industrial employment; and

Fifth, the firms receiving Government aid in connection with the on-the-job training for Indian employees.

You will recognize these features as being among those operating in Puerto Rico and the Virgin Islands.

Mr. REIFEL. I might call attention to the fact of what we have done with reference to these two territories. We have created a tax-exempt haven that is not good for the country in my opinion. There is now a measure before the Committee on Interior and Insular Affairs to take a real good look at what has happened in those two places. What has happened there is not in accordance with the American system, and I am sure will cause all of us trouble in the future.

Other features of H.R. 980, as introduced, includes section 9 which extends the National Housing Act to certain Indians, with section 10 which would make section 13 of title 18, United States Code, "Laws of States Adopted for Areas Within Federal Jurisdiction" and chapter 53 of title 18, United States Code, "Offer to Officer or Other Person" applicable to Indians.

When the gentleman from South Dakota (Mr. BERRY) makes his deletions from this bill he says he will have removed those portions which do not involve civil rights. I am somewhat at a loss to follow his reasoning in permitting some of the language to remain since the Indian population would stand by itself. For example, I do not see how sections 1 and 2 can be made operable without sections 3, 4, and 5. To me, those sections are necessary provisions and have been removed. By themselves, sections 1 and 2 leave a great deal to be desired. Likewise, I find it difficult to see how section 7(a) can be effective without having the funds which would have been made available under section 7(a) (3).

Section 9, referring to National Housing, remains in the bill and presumably is so. Why section 10 (a) and (b), concerning law and order jurisdiction and bribery are removed is something I cannot understand. To me, they appear to be a part of this bill's issue.

It is interesting to note that on March 4, 1960, the Assistant Secretary of the Interior reported:

"We endorse the purpose of the bill, and we recommend that the bill be enacted if satisfactory answers to the problems referred to below can be worked out.

So far as I can find, no attempts to answer the questions posed by Assistant Secretary Ernst have been made in H.R. 980. It introduced At the National Congress of American Indians Convention in Bismarck last September, Commissioner Nash indicated his sympathy for this bill but stated a favorable report could not be made because of the objections of the Bureau of the Budget.

The same arguments against the legislation were voiced by the Secretary of the Treasury in 1960 as are expressed today. Perhaps if H.R. 980, as introduced, could have been more carefully studied and restyled with more time and care, it could have been a reasonable amendment to the civil rights bill. As it now stands, I find that the residue contains nongermane material and is lacking items which appear to me, at least, as being within the scope of civil rights legislation.

The CHAIRMAN. The Chair recognizes the gentleman from South Dakota (Mr. REIFEL).

Mr. REIFEL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. REIFEL to the amendment offered by Mr. BERRY: strike all of sections 803, 804 and 805; and in subsection 3 of section 807, following the words "amended and supplemented," strike all of the remainder of that paragraph to and including the word "purposes."

Strike all of sections 810 and 811.

Add a new section 810 to read as follows:

"Nothing in this act shall take precedence over or abrogate any treaty entered into by a tribe with the United States."

Mr. ASPINALL. Mr. Chairman, will the gentleman yield?

Mr. REIFEL. I yield to the gentleman from Colorado.

Mr. ASPINALL. This will bring the amendment in line with what the senior Member from South Dakota proposed when he spoke on the bill originally?

Mr. REIFEL. Yes, except to add certain language in the last paragraph, reading:

Nothing in this act shall take precedence over or abrogate any treaty entered into by a tribe with the United States.

I think in a rights bill one of the things we ought to do, if there are any rights left to the Indians, is to do this, and the House should not have any objection.

Mr. Chairman, I support the Berry amendment to the civil rights bill to provide new equality of opportunity for the original American.

For a long time, through the Bureau of Indian Affairs alone, is spending staggering amounts of money on Indian health, education, and welfare programs without really getting to the core of the problem—preparing these
disadvantaged Americans to compete equally in our complex society.

In fiscal 1964 the Indian Bureau will spend more than $1.1 billion, or more than $100 million higher than the cost of Indian programs in 1960. Total cost of Bureau of Indian Affairs program services during the past 5 years alone is more than $10 billion.

Indians are the most economically depressed areas in the entire Nation. Virtually every one of them has been designated a depressed area and is receiving additional Federal assistance through such programs as the Area Redevelopment Administration and accelerated public works.

In addition, the taxpayer provides further Indian support through Public Law 874 to assist with educational costs. All these programs have been of assistance to the Indian American. Yet when one visits these reservations he sees in every corner of any reservation that are nothing short of shocking. Somehow we are missing the mark in really helping these people get on their feet and become dignified, self-supporting citizens.

The distinguished chairman of the House Committee on Interior and Insular Affairs [Mr. ASPINALL] conducted a study of 90 of the 130 Indian reservations in an effort to learn the true nature of the Indian labor force.

Out of a total Indian reservation population of 380,000 covered by that study, the committee found approximately 150,000 in the working age group of ages 18-54. Of these, approximately 30,000 were classified as unemployed for one reason or another, leaving a potential employable labor force of 120,000.

The unemployment rate among these 120,000 Indian Americans was 49 percent. Think of that—49 percent unemployed. Consider how admirably high this unemployment rate among American Negroes and one can see why it is fitting and proper to include Indian assistance measures in the civil rights bill.

Many Indians who were classified as employed in that survey work for only portions of the year, existing the remainder of the year on welfare payments.

If conditions are so bad, opportunity so lacking, why do not more Indians leave the reservations? Many try every year. Some succeed in finding jobs and opportunity in the white man's world. Most do not. They return to the reservation surroundings if he is ever to taxpaying citizens of thousands of Indians in off-reservation employment, even with the benefit of special training, in large measure have amounted to a shift of the Indian from the countryside to the world of work for only portions of the year, existing the remainder of the year on welfare payments. This is a mission much in the tradition of electrifying rural America. Here we are to bring the light of opportunity to Indians, not for industry.

The Bureau of Indian Affairs has endorsed a program of this type in the past. As a longtime administrative officer of that agency before I came to Congress, I felt it is fully in keeping with BIA objectives.

The Treasury Department argues the merits of an $11 billion tax cut at a time of unprecedented national prosperity; yet, we fail to see the wisdom in a temporary tax break for some new industries who will make employable, productive, taxpaying citizens of thousands of Indians now living off the taxpayers at an ever-mounting cost with no end in sight.

If, as the Treasury contends, there are disparities in singling out Indian reservations for this special tax treatment, which would be temporary and self-limiting and produce greater Federal tax revenues in the long run, why do we give depletion allowances for risk capital entering mineral exploration operations? What about the disparity of Area Redevelopment Administration and accelerated public works handouts to selected communities across the Nation with two-thirds of the Nation's counties paying the full cost of this operation? Indians differ from other disadvantaged groups such as the aged and the handicapped. They are a unique Federal responsibility we as a Nation have never fully met.

The Treasury Department fears preferential loan treatment may be given to those Indians choosing to locate on Indian reservations. Yet it finds acceptable the preferential treatment given to rural electrification cooperatives in the way of 2-percent Government loans.

The Nation much in the tradition of electrifying rural America shall we be bringing the light of opportunity to the Indian America. It is temporary, not self-perpetuating special treatment.

The American people and the eyes of the world will be watching this vote to determine whether this Nation wants to do something worthwhile in extending opportunity to our original mainland citizens, the Indian Americans. As we have put off the Negro these 100 years, are we to go on keeping the Indian out of sight, out of mind? The distinguished colleague, the Honorable E. V. Baxley, an articulate and courageous champion of Indian causes down through the years. I com-
Mr. EDMONDSON. Mr. Chairman, do we not have a division of the time?

The CHAIRMAN. We do have a division of the time.

Mr. BERRY. Mr. Chairman, I will yield 4 of my 5 minutes to the gentleman from Oklahoma.

The CHAIRMAN. The Chair recognizes the gentleman from Oklahoma (Mr. EDMONDSON).

Mr. EDMONDSON. Mr. Chairman, let me begin by saying I have the deepest respect for the genuine concern of the gentleman from Colorado [Mr. ASPINALL] and the gentleman from Montana, as well, who are properly and legitimately concerned about the problem of the lack of opportunity of the Indian people of the United States. I do not think there is any question about the fact that on reservation land and on trust land and on land that is owned in fee by Indians throughout the country, we find some of the most severe economic problems we have in the United States today.

I think the Secretary Johnson recognized it in his state of the Union message by making specific reference to the need for a more aggressive program to deal with the problems of lack of economic opportunity for the Indians.

Now the question is, Is the proposal which is offered here in the amendment offered by the gentleman from South Dakota [Mr. BEARY] and as amended by the gentleman from Vermont [Mr. REIFEL] and the gentleman from Montana [Mr. EDMONDSON] a constructive step at this time and is it properly something that we should adopt in connection with the bill pending before us?

I do not believe it needs very much of a student of the parliamentary situation nor very much study of the proposal now before us to conclude that this is not the time and this is not the place to adopt the proposal that has been advanced.

For my own part, I am deeply sympathetic to the need for incentives for the location of factories on the reservations. I certainly recognize the merit in the proposal to revise the credit provisions particularly in our housing legislation today. I know that Indian people located on reservations have great needs, and I could digest at this point to debate with my good friend from Arizona as to who has the most Indians, because I believe the Second District of the State of Oklahoma has probably more Indians than any district in the United States. I know the Second District of the State of Oklahoma has more than 2% of the whole State of South Dakota.

But at the same time, recognizing these needs and recognizing the problems of the Indian people, I must insist that the proposal that has been advanced is not in harmony with the proposition that is pending before us at this time which is known as the civil rights bill.

My good friend, the gentleman from South Dakota, said that this is designed to end segregation among Indians. I submit to you, if you examine the provisions of the bill, it is not going to bring benefits and the things it seeks to do, which may be entirely worthwhile, are concentrated almost entirely on the reservations. The job and credit opportunities and the housing benefits they have been talking about and the factory location benefits that they are talking about are all located on reservations.

Thousands of Indians who live off reservations and who live on their own allotments and land have little land and have no benefits under such a program and no hope of any benefits. How would they be benefited? They would have to go back to the reservation. That is something that would not be good to you—Go back to the reservation. But where other Indians are suffering today with a lack of an adequate land base and with a lack of adequate opportunity—go back, take your chances there under the so-called Operation Bootstrap.

This is a proposal that in fact will promote segregation. Maybe it will simultaneously promote prosperity on the reservation—I do not know—I would hope that it would—but it is not the kind of proposal that is going to promote what our Indian [Mr. ASPINALL] is going to promote. On the contrary, it offers to encourage an increase in segregation of our Indian people.

There are some leaders among Indian people who favor that, and they are men of good intentions. I know men who have the welfare of Indian people at heart and many of them who believe that that is the route to follow. There are others who believe that the route of education and vocational education and relocation is the route that offers better long-term opportunities for the Indian people.

For my own part, I would like to see additional opportunities for Indians on reservations and Indians off the reservations as well.

Mr. Chairman, I think this bill as we have thus far acted upon it attempts to move in that direction. The pending bill is aimed at reducing discrimination against people of all races and of all creed and color over the country. Regardless of the merit present in the Berry proposal, I do not think we ought to dilute this bill by the adoption of the proposed amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa [Mr. GROSS] for 5 minutes.

Mr. GROSS. Mr. Chairman, I ask unanimous consent that my time be given to the gentleman from Minnesota [Mr. LANGEN].

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota [Mr. LANGEN] for 10 minutes.

Mr. CUNNINGHAM. Mr. Chairman, will the gentleman yield?

Mr. LANGEN. I am happy to yield.

Mr. CUNNINGHAM. I should like to ask the gentleman from Oklahoma [Mr. EDMONDSON], who has just spoken, if there are any oil wells on the Indian reservations in his district.

Mr. EDMONDSON. There are some Indian reservation lands and individual allotments with oil wells on them.
There are many more Indians who are destitute and without any trace of oil, even to put in automobiles.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. LANGEN. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I wish to observe, as did my colleague, the gentleman from Montana, in response to the distinguished chairman of the Committee on Interior and Insular Affairs, the gentleman from Colorado, very briefly.

Mr. ASPINALL. My only comment to my friend, the gentleman from Iowa, cannot find one instance, during his time in the House, in which the Committee held no hearings on the bill presented for the past 10 days.

It is of interest to note that despite all of the broken contracts and despite the fact that the United States has been paying for two wrongs do not make a right. We have attempted to consider a bill.

Talk about segregation. Yes, we have segregated the American Indians to the point of designating an area in which they must live and in most cases the poorest area in that particular section of the country.

We have said to them, "You either live here or you are not entitled to any further benefits or claims that may be accruing to you." Yet, at this point, we find a reluctance on the part of this House even to consider them. I ask you in all sincerity if these points of segregation, if these hardships and the deplorable life that exists in the American Indian these years has not been brought about by this Government's either failure to act or not to act.

Now, then, are we as a legislative body after having spent all of this time discussing the degree to which we are about to establish equity, going to desert the Indian; are we now going to find ourselves practicing iniquity, practicing inequity right in this very same body that has for all this time been attempting to convince the people of this country that we have the interest of all of our citizens in mind? I wish many of you had had the occasion to visit an Indian reservation such as I have done a good many times. If you had gone through and noted the tarpaper shackles, yes, and the conditions under which they live, all these years has not been brought about by this Government's either failure to act or not to act.

Mr. LANGEN. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. My only comment to my friend, the gentleman from Iowa, is that two wrongs do not make a right.

Talking of the gentleman from Minnesota [Mr. ANDREWS]. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS. North Dakota. Mr. Chairman, will the gentleman yield?

Mr. LANGEN. Mr. Chairman, I thank my colleague for his most convincing remarks. Let me make just one more point. The amendment we have before us is very, very simple. It is merely to provide an incentive for industry to locate near a reservation so that the jobs might be provided; yes, and it proposes to do so without any exemption. It does not provide for any further Government restriction. It does not let Government reach out for any further in its control and involvement in the operation of the mill. No, rather, it does the reverse. It gives an opportunity for private industry, if you will, to come to the rescue of a situation that has been deplorable throughout this Nation for all of these many years. I can heartily recommend to you the adoption of this amendment.

The Chairman. The time of the gentleman from Minnesota has expired.

Mr. DINGELL. Mr. Chairman, it is a rather remarkable procedure we have here today. I would like to start by asking the author of this bill how much this is going to cost.

Mr. BERRY. I would say considerably less than the program that we have today.

Mr. DINGELL. Will the gentleman tell us whether there has been any cost estimate made with regard to this bill?

Mr. BERRY. There has been, but it has not been completed. However, it is relatively small.
Mr. DINGELL. Since the gentleman is the author of this bill or amendment, he can tell me how much this is going to cost.

Mr. BERRY. It will be less than the one-fourth billion dollars, which we are now spending and annually appropriated.

Mr. DINGELL. The gentleman says less than a quarter of a billion dollars. 

Mr. WATSON. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and sixteen Members are present, a quorum.

Mr. DINGELL. The gentleman has told us that this bill is going to cost less than a quarter of a billion dollars. I assume as the sponsor of this bill he knows how much less than or more than a quarter of a billion dollars it will cost. 

Mr. BERRY. It has been estimated that the program may cost $1 million.

Mr. DINGELL. How much?

Mr. BERRY. One million dollars for the whole bill, or a quarter of a billion?

Mr. DINGELL. One million dollars for the whole bill.

Mr. DINGELL. The gentleman just told me that it is going to cost less than one-fourth billion dollars. One million dollars is a great deal less than one-fourth of that number.

Mr. BERRY. One-quarter of a billion dollars is what we are spending now. This program is estimated to cost about $1 million. But it will take some 40,000 people off the relief rolls which will greatly reduce the actual cost.

Mr. DINGELL. I am entitled to an answer. Can the gentleman tell me where he got this estimate of $1 million?

Mr. BERRY. From the Treasury Department.

Mr. DINGELL. How much is the so-called back-door spending under this program?

Mr. BERRY. There is no back-door spending.

Mr. DINGELL. That was taken out because the gentleman found out that would kill the bill, is that correct?

Mr. ASPINALL. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Colorado.

Mr. ASPINALL. Mr. Chairman, I have a report from the Treasury Department under date of January 31, 1964, and there is no such figure as $1 million as the cost of this program. There is no such figure in any of the reports from the departments downtown.

Mr. DINGELL. I thank the gentleman. The fact of the matter is, Mr. Chairman, that here we have a bill that covers about 15 pages, with some 9 or 10 sections, which has not been studied by any of us. It is opposed by the Treasury Department; it is opposed by the Commerce Department; it is opposed by the Interior Department; it is opposed by the Department of Health, Education, and Welfare. I thank them that some of the things in this bill are good. But I think we ought to go through this bill in a careful and orderly manner. I think we ought to consider it in the appropriate manner. It ought to be heard and considered first in the appropriate committee.

I appreciate the plight of the American Indian. But I notice a number of things in this bill. Certain tax incentives are given to individuals who will locate in Indian areas. There is nothing which says that these tax incentives are going to go to the Indians or will be going to the Indians. 

Mr. BERRY. That is not true.

Mr. DINGELL. Greatly reduce the actual cost. One-fourth of a billion dollars is a great deal less than one-fourth of a billion. 

Mr. BERRY. It is the author of this bill or amendment, Mr. Chairman, who knows how much less than or more than a quarter of a billion dollars it will cost. 

Mr. DINGELL. I make the point of order that a quorum is not present.

The CHAIRMAN. The amendment. The same observation would apply to the gentleman from South Dakota [Mr. BERRY] and the gentleman from Colorado [Mr. ASPINALL], who are the three remaining speakers within the time allocated.

Does the gentleman from North Dakota [Mr. SHORT] waive his right at this time?

Mr. SHORT. I do, Mr. Chairman.

The CHAIRMAN. Mr. Chairman, the amendment is on the amendment offered by the gentleman from South Dakota [Mr. REIFEL] to the amendment offered by the gentleman from South Dakota [Mr. BERRY].

The question was taken; and on division (demanded by Mr. BERRY) there were—ayes 61, noes 59.

Mr. ASPINALL. Mr. Chairman, on that I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. REIFEL and Mr. ASPINALL.

The Committee again divided, and the tellers reported that there were—ayes 94, noes 124.

So the amendment to the amendment was rejected.

AMENDMENT OFFERED BY MR. LAIRD

Mr. LAIRD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LAIRD of Wisconsin to the amendment offered by Mr. BERRY of South Dakota: In section 902, following the words "Bureau of Indians," strike out the word "and insert in lieu thereof the words "within three years of".

The CHAIRMAN. The Chair recognizes the gentleman from North Dakota [Mr. SHORT].

Mr. SHORT. Mr. Chairman, I rise in support of the amendment offered by the gentleman from South Dakota, even though the amendment to the amendment offered by the gentleman from South Dakota [Mr. REIFEL] which would have improved the original proposal, was defeated.

I have joined my colleague in offering this same piece of legislation in every one of the Congresses since I have been down here, and this is nearly 6 years. It seems to me this would have been ample time to have considered the proposal extending to the Indians of the Nation not only in my State of North Dakota and not only in South Dakota, but the Indians in the entire Nation, an opportunity to really help themselves. I give this proposition was determined by the Committee on Rules as being germane to the civil rights bill,
because I think this is an appropriate time to discuss the question. I believe this bill is appropriate as a title to the civil rights bill because the Indians of this country are largely unemployed, they are largely poorly housed, they are positively and strictly segregated, and they are largely poorly educated. Many Indian schools. They certainly have a problem that is related to the problem we are discussing here in the civil rights bill.

The Indian is discriminated against in this country, and probably one of the most obvious places that he is discriminated against, and I think a lot of the people will be surprised to know this but he is discriminated against because he is a tribal member. My colleague appropriately for departmental reports is concerned, but nevertheless that is the accepted procedure in the House of Representatives. That is why we want to wait for so long as I can recall. My colleague never complained about it.

Mr. SHORT. I might say that I have found that it does little good to complain about bills not being taken up by a committee. I do not think the chairman of the Interior and Insular Affairs Committee has been holding back, but I also know that it is common practice to obtain departmental reports before taking up a bill in committee.

I may add that I have demonstrated at the jewel bearing plant at Rolla, N. Dak., that Indians are reliable and able workers in an industrial plant. We need the industry that could be established under provisions of this bill.

Mr. ASPINALL. Mr. Chairman, will the gentleman yield?

Mr. SHORT. I yield to the gentleman from Colorado.

Mr. ASPINALL. Mr. Chairman, I share my colleague's concern. My colleague as far as I can remember has never spoken to the committee on the welfare of the Indians, in relation to the proposed amendment. Does the gentleman recall any time when he has ever spoken to me about this bill or about the Indian interest in its provisions?

Mr. SHORT. I would say to the gentleman from Colorado with all sincerity that I have introduced this bill in three sessions of Congress, and I have asked the gentleman an appropriately for departmental reports, which the gentleman has received. I think I have indicated my interest in this bill. What would the gentleman have me do that I have not done?

Mr. ASPINALL. I would have you press a little further as you are doing at the present time, in trying to get departmental reports on this bill before the committee because we had an adverse departmental report; is that not true?

Mr. ASPINALL. That is right, but we have not had any reports until within the last two weeks. You see that is what I have been saying.

Mr. ASPINALL. I am not upholding the procedure of the House which seems to require that a committee should not proceed until the departmental reports are before it. That is in the Interior and Insular Affairs Committee has been holding back, but I also know that it is common practice to obtain departmental reports before taking up a bill in committee.

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May I add that I have demonstrated at the jewel bearing plant at Rolla, N. Dak., that Indians are reliable and able workers in an industrial plant. We need the industry that could be established under provisions of this bill.

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tax benefits to provide employment in other countries but not our own?

All I am asking is that we grant a similar revenue offset for the employment for our own people from whom we took this country.

Mr. ASPINALL. Mr. Chairman, I yield to the gentleman from Arizona (Mr. Udall).

Mr. UDALL. Mr. Chairman, in a few moments we shall vote on one of the important parts of the civil rights debate, the so-called Indian amendment.

We have heard a lot of misleading information, and I believe the next section of the pending bill. There is no need or necessity for this amendment.

The proposal which it is sought to add to this measure has not been adequately considered, and would not do this job. It is full of pitfalls and gimmicks. One was just pointed out. It would not apply to Indian tribes which have been terminated. It would not apply to Indians off the reservations, as the time and not the place to attach a bill of this kind. There have been no hearings before the Committee on Interior and Insular Affairs. The chairman of that great committee, Mr. BERRY, has spoken against it. The gentleman from Pennsylvania, the ranking minority member of the committee, has spoken against it. The Indians will be as fully protected as all other Americans in their job rights and voting privileges and use of public accommodations and every other right by the regular provisions in the titles of the pending bill. There is no need or necessity for this amendment.

The proposal which it is sought to add to this measure has not been adequately considered, and would not do this job. It is full of pitfalls and gimmicks. One was just pointed out. It would not apply to Indian tribes which have been terminated. It would not apply to Indians off the reservations, as the time and not the place to attach a bill of this kind. There have been no hearings before the Committee on Interior and Insular Affairs. The chairman of that great committee, Mr. BERRY, has spoken against it. The gentleman from Pennsylvania, the ranking minority member of the committee, has spoken against it. The Indians will be as fully protected as all other Americans in their job rights and voting privileges and use of public accommodations and every other right by the regular provisions in the titles of the pending bill. There is no need or necessity for this amendment.

This proposal has not been fairly and adequately considered. I know the gentleman from Colorado will see that this kind of legislation is adequately considered. Such a survey and compilation shall, to the extent recommended by the Commission on Civil Rights, which includes voting age by race, color, and national origin, and a determination of the extent to which such persons are registered to vote, and have votes cast in any statewide primary or general election in which the Members of the United States House of Representatives are nominated or elected, since January 1, 1960. Such information shall also be collected and compiled in connection with the Nineteenth Decennial Census, and at such other times as the Congress may prescribe.

AMENDMENT OFFERED BY MR. TUCK

Mr. TUCK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Tuck: On page 86, line 3, strike out all the language on lines 3 through and including line 16 on page 86, and insert in lieu thereof:

"Sec. 801. The Secretary of Commerce shall promptly conduct a survey to compile registration and voting statistics in geographic areas. Such a survey and compilation shall include a count of persons of voting age by race, color, and national origin, and a determination of the extent to which such persons are registered to vote, and have votes cast in any statewide primary or general election in which the Members of the United States House of Representatives are nominated or elected, since January 1, 1960. Such information shall also be collected and compiled in connection with the Nineteenth Decennial Census, and at such other times as the Congress may prescribe."

My amendment would direct the Department of Commerce to promptly conduct a survey along the lines contained in this bill, and thereby require that it be done in all the entire section and have nothing remaining in the bill pertaining to this survey. Mr. Chairman, let us continue with our regular decennial census in 1970. The amendment which I have offered would authorize the Secretary of Commerce to promptly conduct a survey and comply with the registration and voting statistics in geographic areas. Such a survey and compilation shall include a count of persons of voting age by race, color, and national origin, and a determination of the extent to which such persons are registered to vote, and have votes cast in any statewide primary or general election in which the Members of the United States House of Representatives are nominated or elected, since January 1, 1960. Such information shall also be collected and compiled in connection with the Nineteenth Decennial Census, and at such other times as the Congress may prescribe.
voters registered, and bring them to the polls and vote any man in or out of Congress in accordance with what they want to do.

Mr. Chairman, I certainly think that would represent a bad case of legislating. I would hope that my distinguished friend from New York [Mr. Celler], would accept my amendment.

Mr. Chairman, I want to take this opportunity to use the remaining minutes which I have, to say that I congratulate my friend the gentleman from New York [Mr. Celler] on the generous way in which he has conducted himself during this tedious debate. It is true that while we have asked for bread, at times he has given us a stone, but always with a smile. I particularly want to congratulate the distinguished Chairman of the Committee of the Whole House on the State of the Union [Mr. Keogh] for the very able and skillful manner in which he has presided over the deliberations of this body and for the fair and impartial manner in which he has presided during this historic Monday debate.

Mr. Celler. Mr. Chairman, I am constrained to rise in opposition to the amendment offered by the gentleman from Virginia [Mr. Tucker].

I wish with all my heart I could agree with the amendment offered by the distinguished gentleman from Virginia [Mr. Tucker].

His amendment would limit the areas in which these registration voting statistics would be gathered and would widen the scope of the entire title. I think that would be idle and it would be far better to limit the so-called investigations to certain areas. The resulting compilation of registration voting statistics by race, color, and national origin, are helpful to the Congress in determining the dimension of discrimination in voting and would aid the Congress in assessing the progress made in assuring to each qualified person the fundamental right to vote.

In order to avoid unnecessary burden and cost, however, the survey required will be made only in those geographic areas specified by the Commission on Civil Rights. The Commission on Civil Rights has been laboring ceaselessly for a long, long time on this subject. They have the expertise. They know where there are denials and where there are no denials. The Commission will recommend the extent to which the surveys and the resulting statistics should be secured with respect to race, color, and national origin. In this way it will be possible to focus on the areas and groups as important legislation.

In addition, title VIII would put the Commission in the position of following the recommendation in the 1961 Civil Rights Report, which at page 141 of the first volume recommends that the Congress direct the Bureau of the Census to accumulate, from many sources and in other places, the information which would be provided under title VIII is peculiarly necessary.

In addition, title VIII would put the Commission in the position of following the recommendation in the 1961 Civil Rights Report, which at page 141 of the first volume recommends that the Congress direct the Bureau of the Census to accumulate, from many sources and in other places, the information which would be provided under title VIII is peculiarly necessary.

Mr. ROBERTS of Texas. Is my distinguished friend from Maryland afraid to lay out before this body all the information? Let us get all the information so we can pass on it and look at it everywhere across the country. Is the gentleman afraid to let them get it all and allow it to the public?

Mr. MATHIAS. I would be glad to have the entire Nation surveyed when and if there is a need. I have in mind this information might be used by our distinguished colleague from Iowa, who refers to the cost. We do have a cost estimate for this title of the bill of about $1 million annually to do what might be expected to be done under the present provisions of the bill. But if you go into a nationwide survey including places where nobody is being deprived of the right to vote or is being discriminated against, then you are going into a tremendously increased expense, and for no public good.

Mr. ROBERTS of Texas. If you have to pay this information acquired for the Congress, if my State shows up badly, let it be shown to the world. But let us look into the whole picture. There is nothing wrong about that. It is not going to do the people of this country any harm. Let the Secretary of Commerce bring it all out. I am amazed the distinguished chairman of the Committee on the Judiciary does not accept the amendment.

Mr. MATHIAS. I think a mandatory nationwide survey would accumulate a great deal of extraneous information although there is no need for it. If it is assembled, a need exists. I am of the opinion that the Commission could recommend to the Secretary of Commerce that such information should be obtained and it would be obtained. That is the way the bill is set up. It would make a test of this kind. Let the people of Ohio know how they voted in the last election. It is not going to do them any harm.

Mr. HENDERSON. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, it is a matter of deep regret to me that I have to rise to oppose an amendment offered by my friend, colleague, and neighbor, the gentleman from New York [Mr. Celler]. I yield again reluctantly. I hope the amendment will be voted down.

Mr. MATHIAS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, isn't it a matter of deep regret to me that I have to rise to oppose an amendment offered by my friend, colleague, and neighbor, the gentleman from New York [Mr. Celler]? I yield again reluctantly. I hope the amendment will be voted down.

Mr. MATHIAS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, isn't it a matter of deep regret to me that I have to rise to oppose an amendment offered by my friend, colleague, and neighbor, the gentleman from New York [Mr. Celler]?
Attorney General to bring court actions to enforce rights recited in the bill. The entire expense of such litigation from the standpoint of the complainants is borne by the Federal Government, but the local governmental unit and/or individuals against whom the proceeding is brought must defend the suit at their own expense. This is hardly justice. It is brought must end the suit at their own expense. This is hardly justice. It is brought must end the suit at their own expense.

It has been interesting to me to hear at least some so-called liberals who, in a broad sense are for what they like to call civil rights, admit doubts that this bill would accomplish its ostensible purpose.

As I have consistently stated, the true goal of the civil rights bill is personal, social acceptance of Negroes by whites as well as by the Negro. This must be afforded the Negro by legislation or court decree, by Executive order or Federal bayonets. It will occur only when persons of good will of both races voluntarily determine in their own hearts that it should be so. I am sure that we are all agreed that there must be assured by law. If we adopt this bill, this section should at least be amended as recommended by the champion amendment offered by my good friend, the gentleman from Virginia. I am just at a loss, after you presented this matter to us, to say nothing of being pointed at certain State. This just is not fair or equitable.

The Congress in no other instance would do this. I believe I can speak, as Mr. Chairman, in a representative capacity, to say that if the House Post Office and Civil Service Committee, which has jurisdiction over a national census, were handling this provision, it would not give serious thought to taking a shotgun approach for any census, because that would not be fair or effective.

I urge Members to give serious consideration to the amendment offered by the gentleman from Virginia. I commend him for offering it.

Mr. WYMAN. Mr. Chairman, I move to strike the requisite number of words. Some of our most courageous constituents are going to revise and extend my remarks and to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

Mr. WYMAN. Mr. Chairman, I have not previously spoken in the course of this debate. I do not expect to speak again. But I have followed the discussion closely and as the hour approaches when we will vote on final passage I can no longer remain silent.

I am sure that we are all agreed that there is no longer such a thing as America as second-class citizenship. We are likewise agreed that public functions of both the States and the Federal Government must be open to all citizens regardless of race, color, or religion. It is surprising, damaging, and quite shocking that there should be no need to legislate such things; any need to enact laws that require human beings to so conduct themselves toward other human beings that such a minimum of mutual respect and decent treatment should have to be assured by law.

Yet in all this controversy certain essential fundamentals of government shine clearly if we will but think carefully. And now is the time for us to think carefully even if some parts of the National government may seem to run away with them on this subject. We are the representatives of the people—of all of the people, colored, white, sectarian, and nonsectarian—and it is for us to do the utmost we can put forward to the American people their rights and privileges under the most wonderful instrument for representative government ever devised in this world, the American Constitution.

A substantial proportion of the Members of this House are lawyers, sworn to uphold the Constitution as lawyers, and sworn against the Members. This is our oath, this is our duty, this is our responsibility, as we seek through the legalistic process to help supply some answers to some very pressing social problems that this country will in the not too distant future will have to face. We know we must do something about, not merely as Congressmen but as citizens of a truly free country. And it is worthy of mention that several of our membership are graduates of Harvard University and chairmen of important and even vital committees of the House. So it can scarcely be urged that indeed this is not the land of opportunity or that such opportunity is not open to all citizens regardless of race or color or religious preference.

In other lands we have seen what happens when the leadership has chosen to follow the path of the weakest of the means. Whether a beneficent despot, a tyrannical Fascist, or a cynical Communist, whatever this has been the direction of government it has been the people who have suffered. Freedom has been lost and human rights have been brutally disregarded in the courts, in the streets, and in the ghettos. We must be ever vigilant to make sure that our zeal to accomplish a lessening of social injustice that we do not ignore the wisdom of our Constitution or for that matter the plain and simple truth that even the Federal Government in the United States of America is one of limited powers.

Reduced to its lowest common denominator what does this mean for us in respect to the subject matter involved in these proposals that have been called the civil rights bill? It means that we must adhere to the Constitution and this in turn means that we may impose requirements of the Constitution on Federal or upon activities in the several States that are truly State action, and not more. It means finally that there is no power in this Congress to legislate as is here proposed in regard to private lives, private business, and individual activity within and among the several States having nothing to do with interstate commerce and not constituting State action.

And it is the sincerest hypocrisy to contend that by so defining such private conduct that it becomes constitutionally amenable to Federal law when the power to enact that law was never given to the Federal Government in the Constitution.
It is hypocrisy compounded by fraud upon the people to ignore these basic truths because some Members believe there are more votes for their re-election to be found in perpetuating the fraud than in protecting the constitutional rights of the people—all the people, both white and colored, Protestant, Catholic, Jewish, and of the other races as well. It is also a breach of the constitutional power and duties—over the powers and rights reserved to the States and to the peoples thereof, to regulate the pattern of living within State borders, and to the States as legislatively of each determining.

The last past time here when some pretty plain English was spoken—on the record and not just in the cloakrooms—so that we may get hold of ourselves and not go off the deep end with this legislation is unconstitututional extension of power under the Constitution for the minority, but the Constitution is as clear as a bell that except as State action may be involved, is just so constitutional power whatsoever in the Federal Government to do this in non-Federal matters. There are still many private rights in America that under our Constitution and as such are beyond the power of the Federal Government to regulate, and one of these is the right to pick and choose one’s associates, one’s friends and one’s customers in private commerce that is beyond the power of the Federal Government to regulate.

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admonition that all citizens of the United States shall be entitled to the equal protection of the laws, has long since been held to apply only to State action not to individual conduct within a State. Now we all know what State action is and what it is not. If the State police carry out a prescribed operation this is clearly State action. If a private law purports to deride the policy of segregation its adherence within a State is undoubtedly the same—but if the private establishments within a State determine in the exercise of their private property to discriminate against a customer, there is no constitutional power under the 14th amendment for the Federal Government to regulate it, whether or not a majority of Congressmen approve or disapprove of it.

And in title VII, called "Equal Employment Opportunity," there is a completely unconstitutional declaration of policy that purports to impose upon private employers a legal obligation by defining a right in citizens of the United States to be free from discrimination by employers in that private employment. Again, of course, there are more employees than employers, but where in the Constitution of the United States is there any authority whatsoever to allow the Congress by Federal law to control private employment practices in the several States to the extent of declaring whom a private employer may hire and fire short of juvenile laws and conditions of work? There is none, even as to employers who manufacture goods that find their way into interstate commerce, not merely to regulate it, whether or not a majority of Congressmen would have at this Nation would have at their disposal the exercise of, and control private property. These and associated instruments had the great flattery of being described terms of this bill (H.R. 7152) are ridiculous to reasonable to accommodate the traveler? The privileges to which anyone who pays taxes and bears the fee is reasonably entitled are guaranteed under organizations as a member of the House. A citizen some of the basic rights guaranteed under the Constitution of the United States. The same Members who defended the right of an atheist to conducting the Civil Rights bill. I find for the first time that this powerful committee of which I am a member not only has the jurisdiction as set forth in the rules of the House but has the duty to require the Post Office and Civil Service Committee, the Education and Labor Committee, and whatever
other committees anybody downtown suggested we ought to take over.

With a title VII, title VIII, where the Judiciary Committee has taken over the office of the Secretary of Commerce.

In other words, the Civil Rights Commission has regulatory powers over the operations of the Department of Commerce and the Bureau of the Census. Why do I say that? If the Members will read title VIII as it is written, on page 899, you will find that the Secretary of Commerce is given certain congressional directions to make surveys of voting statistics and registration statistics. However, that is not all the bill says. It does not stop there. It says that he can only make those studies which the Civil Rights Commission wants him to. What sort of operation is that?

Mr. Chairman, some of my friends on the other side of the aisle are worried for the first time about the cost of this bill. We had some discussion earlier about the amount of increases in cost. It seems reasonable.

We have just heard their wonderful speeches about the rights of the man involved and that we should not be worried about the money.

Mr. Chairman, when the rights of the people to know are involved, then they become worried about the money.

Mr. Chairman, as far as my State of North Carolina is concerned, we do not have any worry about voting statistical studies.

Mr. Chairman, if we are going to have meaningful statistics, we should adopt the amendment which has been offered by the gentleman from Virginia (Mr. Tuck). We should have the statistics for every State in the Nation. The lawyers understand why this provision is contained in the bill. We have in the existing civil rights law the nebulous language of "pattern and "practice." Section 203 is in the Department of Justice—and I do not blame the chairman of the committee for drawing this bill; he is too good a lawyer to have done it—someone down there suggested that the Bureau of the Census Bureau ought to obtain evidence to be used in court cases.

Mr. Chairman, this constitutes another new departure. When in the history of the country have we used the Census Bureau to develop evidence to be used in cases brought against citizens of this country? This is a new departure. This should not be tolerated.

I say, Mr. Chairman, those of us who believe in constitutional government and who believe in the proper operation of the Department of Commerce do not think this procedure should be followed.

We have just heard from a very distinguished gentleman, a lawyer of great note and one of the outstanding members of the American Bar Association, a man who appeared with distinction as attorney general of his state in the last two years and one who comes from a section of the country different in its racial complexion from the Deep South, who has raised some concern. Democrats who think along the same lines as the opponents of the bill from the Southern States. It has also people from all over the United States that reside in the State of Florida. They come from the North and South, and when they come from the Middle West, they come from the Far West. They represent a kind of a melting pot of America.

It does not matter which way I vote; I am going to lose some friends and lose some friends, but the reasons I am going to vote against this bill are the very reasons that were put forth by my colleague from New Hampshire.

Instead of offering a civil rights bill that might do something along on its proper course and on the proper track, the sponsors of this legislation have here presented a bill that, in my opinion, will not place powers in the hands of the Federal Government to an extent that the law-makers in Congress have never placed before. That is the reason I oppose it.

As a matter of fact, if this title VII in the bill goes through, it is going to change the private enterprise system in America for scores and scores of years.

Mr. Chairman, if the gentleman will yield, I do not know how many there are pending.

The CHAIRMAN. The Chair will state that there are no amendments pending to the title VII of the bill.

Mr. WILLIAMS. Mr. Chairman, the right to object, does the gentleman from New York know how many more amendments are pending at the Speaker's desk?

Mr. CELLER. If the gentleman will yield, I do not know how many there are pending.

The CHAIRMAN. The Chair will state that there are no amendments pending to title VII of the bill.

Mr. WILLIAMS. Mr. Chairman, I understand that there are several amendments yet to be offered.

Mr. CELLER. There may be.

Mr. WILLIAMS. Mr. Chairman; I object.

Mr. CELLER. Mr. Chairman, I withdraw my unanimous-consent request.

Mr. WILLIAMS. Mr. Chairman, I wish to strike the requisite number of words.

Mr. Chairman, like my colleague from New Hampshire, I have sat here for a few days listening to the debate on this civil rights bill, and I am impelled to offer a few grains here to the civil rights grist mill.

I would like to put it this way. As many of you know, I represent a district in the Deep South, in central Florida, but you can also recognize from my talk that I do not come from there. As a matter of fact, I come from a State where neighbors that of my colleague from New Hampshire, and we went to some of the same schools together. I subscribe to what he said 100 percent about putting the thing in proper perspective. I believe, in the exercise of emotion of integration and segregation, of color and all of the rest of the business that has been tangled up here for 10 days or more, and putting it in the perspective that I myself believe and the way I would like to have put it if he had not already said it. It is a matter of the constitutionality of the act, and it is a question of power too much power in the hands of the Federal Government.

Actually, in the district I represent, while it is in the Deep South, and has many southerners, there is no place of the same importance as the ones of the others of us have stated. I believe the message which he has given to us should serve to gird the loins of some of those who are weary in well doing and cause them to take a stand today that we are on this bill tomorrow, for the Constitution of the United States and for this form of government which has meant so much to every soul in the country, whether white, colored, or of whatever religious faith. I hope as it makes its way to the Senate.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that all debate on this title and all amendments thereto be limited to title VII of the bill.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. WILLIAMS. Mr. Chairman, reserving the right to object, does the gentleman from New York know how many more amendments are pending at the Speaker's desk?

Mr. CELLER. If the gentleman will yield, I do not know how many there are pending.

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Mr. CELLER. Mr. Chairman, I move unanimously that all debate on title VIII and all amendments thereto conclude at 5:30.

The motion was agreed to.

Mr. CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. SCHWENGEL. Mr. Chairman, I object.

Mr. CELLER. Mr. Chairman, I move that the amendments on title VIII and all amendments thereto conclude at time.

The motion was agreed to.

Mr. CHAIRMAN. The Chair recognizes the gentleman from Maryland (Mr. Morton).

(By unanimous consent, Mr. Mathias and Mr. DON H. CLAUSEN yielded their time to Mr. Morton.)

Mr. MORTON. Mr. Chairman, this has been a long and arduous struggle.

The two sides of this issue have been worked and reworked. Coming from a border area representing a district in which there has been some real trouble in the field of racial relations—and may I quickly add, a district where there has been some very fine progress made in this area—this bill has come by far and away presented me with my most difficult decisions during my first term of office.

There is no middle ground in the bay of decision. The hour is short upon us in saying yes or no to this strange and awesome law. Strange because of our sins of omission, in this free land which make it necessary to consider a proposition which could be dealt with by every local agency of government, every school board, every town council and every State legislature in the land. Awesome because it twists and turns every precept with which most of us have grown up—a man’s right to manage his affairs in his own interest and within the framework of local custom and law.

To me, the proposition of discrimination in places where people seek service or accommodation is unnatural and unwarranted, and I accept the objectives of this bill in this respect.

To me, the proposition of Federal control in the area of hiring and firing and the requirement of industry and labor to defend the roster of their people, their religion, their color, and their origin, extracts the freedom from our enterprise and will, in time, sap the strength of our economy.

All things in this business of legislating must be averaged and evaluated. Even with title VII in the bill—though I will vote for every amendment to get it out—I will vote for the bill.

But while we have been wrestling with this serious business of bringing forth laws under which American men and women can live and prosper, there has been an event which conscience I cannot leave ignored. It was a speech by one of our colleagues, the chairman of the House Committee on Education and Labor. This speech was delivered in Cambridge, Md., last Tuesday.

If the mission of the speaker was to achieve a new level of distrust, a new division of purpose, in short, a more difficult situation out of which that community must work itself—may I congratulate the gentleman from New York because for sure he hit the jackpot.

Among other things, he said, and I quote:

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Mr. DON H. CLAUSEN. Mr. Chairman, for this past week we have heard deliberation on this complex subject of civil rights. The debate has been informative, constructive and in some instances entertaining. The Judiciary Committee members leading the debate have been outstanding in their presentations and I want to commend them for their great contribution.

As provided in the preamble of the bill, H.R. 7152, the objective sought is to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in education, to establish a community relations service to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, and to establish a Commission for Equal Employment Opportunities throughout this great country of ours.

The multitude of amendments points out very clearly the varied differences of opinion with respect to civil rights. These differences are to be expected when one considers the long established traditions in the many sections of this country.

Accordingly, I have been very selective in my voting for these many amendments. Some Members have chosen to align themselves with the leadership of the opposition to the bill—following them blindly. Some Members have done the same with the advocates of the legislation. I choose not to follow either group, voting simply on the merits of the amendments as my conscience would dictate. I believe this to be the only responsible approach one can take when evaluating matters of this importance.

I have voted with my primary thoughts being directed toward improvement of the bill—seeking to adhere to the basic concepts of the Constitution.
STATEMENT OF DON H. CAUEN, MEMBER OF CONGRESS, ON THE CIVIL RIGHTS BILL

First of all, I would reflect back to my youth in Humboldt County, Calif., when I had a Negro teacher. This man made a profound impression on me. He taught me respect and fair play. His contribution at that stage of my life provided the foundation for whatever success I have enjoyed. It is my intent now to reciprocate. An elementary school was named in his honor, and whatever I do in the field of education, I will credit to my Teacher. He is irreplaceable.

Secondly, I deplore the need for this bill. The clear responsibility to see that every citizen of the United States has an equal opportunity to vote and obtain an education has been badly neglected by some of our States. These are not just moral rights, but rights basic to our form of government. These are the rights referred to in the 14th amendment of the Constitution, the provision which states that all citizens must have equal protection under the law. This amendment also states that the Congress may adopt legislation to implement this equal protection. Therein lies the key to States rights.

I think that the 14th amendment spells out the nexus of this entire debate; that rights and responsibilities go together in the United States. The Constitution gives certain rights to our citizens, and it gives the States some responsibility to see that these rights are honored. Because the States have failed or refused to meet their responsibility, Congress has become dutybound to implement constitutional principles.

Other titles of the bill, such as the public accommodations section and the fair-employment practices section, are largely moral issues. I do not think we can legislate morality; I do not think that these problems will ever be solved, except in the hearts of all Americans. Morals are the responsibility of society—our churches, schools, and families. Here again, the churches have not met, and the churches, schools, and family units face their greatest challenge.

Whatever step we take in the right direction is beneficial, to be sure. However, I present the scattershot approach in this bill. This measure has 10 different parts. Some are necessary, some are not. We are forced to vote in favor of this bill despite its faults, or we must vote against it in spite of its redeeming features. We spent several days debating amendments and legal language with regard to this bill. If this measure had been given a proper committee, as is the intent of our committee system, the members of the Judiciary Committee could have had the opportunity to improve the language of the bill. We railroaded the measure through committee in day.

Some of the major redeeming features of this bill, in my opinion, are the so-called antipreemptive sections. These may be labeled "State rights" sections, because they exempt the many States which have met their responsibilities in this field. I am proud to say that my own State of California is one of those which has adopted progressive legislation in the civil rights field and, as a result, will not be subjected to Federal control.

Those States which have not, as yet, met their responsibilities in this field also may become exempt, by adopting their own civil rights laws.

While I state again, full equality will come only in the hearts of all men, the equal voting and education titles of this bill will be a major help. By the voting section, many of our people will assume responsibility and will support those who are responsible by voting for their representatives and having representatives that are responsible to them. This is one of the needs right now in the District of Columbia.

The District is one of the clearest examples of this in our Nation. If the people of the District do not have the right to vote for their local government representatives, who can hold them responsible? What chain of command can we use to point to these people and ask: "Why haven't you cleaned up your city and reduced the overwhelming crime rate?"

The first, and greatest, major stride toward freedom under the Constitution must be to those who have less than we have. My position on this civil rights legislation is based on the fact that our restricted citizens look beyond the continental horizon for unlimited opportunity. Basketball star Bill Russell did it. While this legislation will provide the guidance and tools for this struggle, it will provide a "safety net" for the many problems facing us in this field. Quite frankly, I question whether the intent of this legislation will be realized. I wonder that the advocates' desires. Rather, I should like to suggest that we look beyond the horizon of our continental limits—seeking opportunity for progress. The development of our rights is not simply dependent upon our leadership—our security might well be at stake. The image we create could be the seed for opportunity, providing, of course, we have men of vision steering the Ship of State.

The CHAIRMAN. The Chair recognizes the gentleman from Alabama (Mr. Huddleston) for a minute and one-half.

Mr. HUDDLESTON. Mr. Chairman, I have an amendment at the desk. Is there an amendment pending?

The CHAIRMAN. The gentleman's amendment to the pending amendment: Mr. HUDDLESTON. No. Mr. Chairman; it is not.

The CHAIRMAN. The gentleman may be recognized at this time, but he will have to defer to offer his amendment later.

Mr. HUDDLESTON. Mr. Chairman, can I wait until the present amendment is disposed?

The CHAIRMAN. The time for debate has been fixed on this title and all amendments thereto.

The gentleman is recognized for 1½ minutes.

Mr. HUDDLESTON. Mr. Chairman, I am operating under a double handicap because not only am I limited to a minute and one-half of debate, but I am not even allowed to have my amendment read before I discuss it.

We should amend, if the Members of the House will follow me, is to line 10 of title VIII. At the end of line 10 I propose to add the following words: "Any person have their votes properly counted."

That would make that sentence read as follows:

Such a survey and compilation shall, to the extent recommended by the Commission on Civil Rights and opportunity was as we gradually had their votes properly counted.

And so on. Now, this right of suffrage is a two-pronged proposition. In the first place, it is essential as a guarantee of our constitutional liberties that every qualified citizen be allowed to vote. The second is that he have his vote, once cast, properly counted.

Those two rights go hand in hand and unless both rights exist, then there is no constitutional right of suffrage. The CHAIRMAN. The Chair recognizes the gentleman from Iowa (Mr. Schwenkel) for 1½ minutes.

Mr. SCHWENKEL. Mr. Chairman, today I rise in support of H.R. 7152. This, as has already been suggested, is the most important piece of legislation dealing with civil and human rights that have been considered in this House since the passage of the resolutions which became the 13th, 14th, and 15th amendments to the Constitution.

My feelings, my thoughts, my beliefs, and my convictions on civil rights are well known. They are documented and are part of the public record.

My attitude on this question comes from and has been influenced by my recent history of the United States. What freedom has done and can do for my country. My position on this civil rights question comes also from the conviction that all of us have more freedom today than at any other time in our country.

Lincoln called attention to the rewards of giving freedom when he reminded Congress, after he issued the Proclamation of Emancipation, that:

In giving freedom to the slave, we assure freedom to the free—honorable alike in what we give and what we preserve. Lincoln spoke for today, also, and to us. I believe, when he said:

"A shallow nobly save or meanly lose the last best hope of the earth. Other means may succeed; this could not fail."
plain, peaceful, generous, just—a way which, if followed, the world will forever applaud, and God must forever bless.

It is my belief, my colleagues, that if we when we pass the legislation before us we will, in addition, provide for the domestic tranquillity and attend to the general welfare which our forefathers called for in the adoption of the Constitution which this March 4 will celebrate its 175th birthday.

This assurance, if you could be convinced of it as I am, is reason enough to pass the legislation before us.

But, there are other reasons, and compelling ones, that bring me to the well of the House today to support this legislation.

One is an Iowa tradition and heritage of which I am proud and about which I should like to speak very briefly.

On March 19, 1866, a distinguished Member of Congress said:

Peace, prosperity, national harmony, progress, civilization, Christianity, all admonish us that our only safety lies in universal freedom.

The Congressman had stated a great and everlasting truth that should never be forgotten by this, the greatest legislative body in all the world; a body that has more power and opportunity to do good than any other comparable legislative body in all the rest of history.

The same man also said:

This, our experience with the principles involved has taught us, is a truism from which indifference will not enable us to escape nor dissemination release us.

And, the Congressman went on to explain in detail how the preamble to the Constitution sets forth the objectives which the people had in view in ordaining the Constitution—

When we give it our attention—

He said of the preamble—

we find it a very plain-spoken guide, void of guile or dissimulation. It discloses to us, first, that the Constitution is the work of the people; and this at once develops the thoroughly republico-democratic character of the Government established. It was a grand creation of the people for their own security. All of the powers embraced in the Constitution were placed there for the sole purpose of putting these objects above all others, and beyond the hazard of loss. These objects are not only compatible with, but absolutely necessary to, the existence and enjoyment of a free government.

My colleagues, the man who spoke these words sat where the gentleman from Ohio [McCulloch] sits today. He was the Republican chairman of the Judiciary Committee when the resolutions became the 13th, 14th, and 15th amendments. His name was James Falconer Wilson. He was from Fairfield, Iowa. His town is in the First Congressional District that is, my district.

Because of his brilliant, appropriate utterances, of which I have quoted only a few, his leadership on this question and his many other contributions, he is justly claimed by Iowans as one of the great statesmen in the history of America.

We, in Iowa, are proud to point out that on the final vote on those three all-important amendments, in the 38th, 39th, and 40th Congresses he was joined by every Iowa Congressman.

I have a special interest in those men. First, because they were from Iowa, but, also, because the three great Senators who served during the period of the passage of these laws—Senators Grimes, Harlan, and Kirkwood—were from the present First Congressional District.

In addition, Hiram Price, who also actively helped in the passage of this far-reaching legislation, then represented the Second Congressional District which included my hometown of Davencourt.

It should be pointed out that it was not easy then, just as it may not be easy for some of my colleagues from Iowa today, to support such legislation.

The people in Iowa's First Congressional District at the beginning of the Civil War had some grave doubts about the objectives of the war, including the slavery question. But they, as I do today, saw the moral question involved. They based their decision upon what they knew was morally right even though it may have been, in the minds of some of them then, politically wrong.

This, and experiences I have had in politics and government, have led me to believe and assert many times that nothing in the long run is politically right if it is morally wrong.

I am asking permission to have the voting record of those Iowa Congressmen and Senators on the resolutions which became the 13th, 14th, and 15th amendments inserted here for you to see and reflect upon. I am sure you will agree that their "yes" votes, made almost 100 years ago, look much better by every test than the negative votes that were cast by others.

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### I. Iowa congressional delegation for 38th, 39th, and 40th Congresses

#### A. 38th Cong.

<table>
<thead>
<tr>
<th>Name</th>
<th>Party</th>
<th>Committees</th>
<th>Vote on H. Res. 127 (14th amendment)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. James Harlan</td>
<td>Republican</td>
<td>Agriculture; Public Lands (chairman); Indian Affairs; Pacific Railroad,</td>
<td>Yes</td>
</tr>
<tr>
<td>2. James W. Grimes</td>
<td>Republican</td>
<td>Naval Affairs; District of Columbia (chairman); Public Buildings and Grounds</td>
<td>Yes</td>
</tr>
</tbody>
</table>

#### B. 39th Cong.

<table>
<thead>
<tr>
<th>Name</th>
<th>Party</th>
<th>Committees</th>
<th>Vote on H. Res. 127 (14th amendment)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. James W. Grimes</td>
<td>Republican</td>
<td>Naval Affairs (chairman); Patents and the Patent Office; Public Buildings and Grounds; Joint Committee on Reconstruction; Post Office and Post Roads; Public Lands; Pensions; Select Committee on Ventilation</td>
<td>Yes</td>
</tr>
<tr>
<td>2. Samuel J. Kirkwood</td>
<td>Republican</td>
<td>Post Office and Post Roads; Public Lands; Pension; Select Committee on Ventilation</td>
<td>Yes</td>
</tr>
</tbody>
</table>

#### C. 40th Cong.

<table>
<thead>
<tr>
<th>Name</th>
<th>Party</th>
<th>Committees</th>
<th>Vote on H. Res. 127 (14th amendment)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. James S. Wilson</td>
<td>Republican</td>
<td>Judiciary (chairman); Revitalization and Unfinished Business</td>
<td>Yes</td>
</tr>
<tr>
<td>2. Hiram Price</td>
<td>Republican</td>
<td>Pacific Railroad (chairman); Revolutionary Pensions</td>
<td>Yes</td>
</tr>
<tr>
<td>3. William B. Allison</td>
<td>Republican</td>
<td>Ways and Means; Expenditures Interior Department</td>
<td>Yes</td>
</tr>
<tr>
<td>4. J. B. Grinnell</td>
<td>Republican</td>
<td>Appropriations; Coinage, Weights, and Measures (chairman)</td>
<td>Yes</td>
</tr>
<tr>
<td>5. John A. Kasson</td>
<td>Republican</td>
<td>Appropriations; Coinage, Weights, and Measures (chairman)</td>
<td>Yes</td>
</tr>
<tr>
<td>6. A. W. Hubbell</td>
<td>Republican</td>
<td>Appropriations; Coinage, Weights, and Measures (chairman)</td>
<td>Yes</td>
</tr>
</tbody>
</table>
The Iowa people saw the wisdom and approved the judgment of these Iowa men, for they returned them repeatedly to Congress and otherwise recognized their contributions. We note that the three Senators and six Congressmen who served during the 38th, 39th, and 40th Congresses served a total of 71 years in the Senate and 42 years in the House.

There were two Governors of the State of Iowa from that list. One, Senator Allison, became a serious candidate for President. Two served as members of the President's Cabinet.

Mr. Chairman, here is an enviable record of which every Iowan may well be proud. It has become and will forever remain a rich and inspiring part of American heritage.

Now, Mr. Chairman, let me suggest that we reflect a little more on the preamble of the Constitution. It is clear that my predecessor did this 100 years ago as he so brilliantly led that successful fight for civil rights in that period.

This introduction is probably the most eloquent statement of noble purpose that can be found anywhere.

These words should have been enough to win the battle of equality of opportunity; but, alas, words alone have not been effective and they lack power of enforcement. Certainly what we say today will have little effect or little power.

This is why we must provide the executive with the power to enforce laws and to assure the gradual attainment of the objectives we all want. The legislation before us, while not perfect, will help do this. In the passage of this legislation we can show our determination to meet this problem constructively, positively, and fairly.

"We, the People." Those words have special meaning for me. They form the title of a book about this building, so close to all our hearts, in which we meet.

But, more than that, the word "we" means all the people. It doesn't say we white or we black; it says we the people. All of us, no matter what our color, race, or creed, are entitled to the rights, the privileges, and the grave responsibilities that follow the words "we, the people." The brotherhood of man is the basis of all of this world's great religions. As Markham said:

There is a destiny that makes us brothers;
None goes his way alone.
All that we are or ever dreamed of comes back into our own.

Our goal must also be to take from our hearts the prejudice and hate that stands between us and the fulfillment of brotherhood in its finest sense. For, when we see discrimination the least we can do is raise our voices in protest. That much all of us can do; that much all of us must do.

"In order to form a more perfect union." Our forefathers saw in their handshake an attempt to unify several States so as to further extend freedom and opportunity among them.

I do not believe they saw their work as the ultimate, but they took the first steps on the right road. Though it was risky and fraught with difficulties, they took it. We should emulate them. Their work has made the direction clearer and the going easier for us.

Robert Frost spoke of this most appropriately. His poem, "The Black Cottage," is mainly about the Declaration of Independence—the document that fired American hearts during the Revolution and inspired the Constitution. The poem reads:

That's a hard mystery of Jefferson's.
What did he mean? Of course the easy way
So to decide it simply isn't true.
It may not be. I heard a fellow say so.

But never mind, the Weather got it planted
Where it will trouble us a thousand years.
Each age will have to reconsider it.

This is as applicable to the Constitution as it is to the Declaration of Independence.

The Constitution was meant to be a living document. The founders, thankfully, provided for its growth, for change, and for the gradual extension of the basic freedoms. It must be reevaluated in the light of new opportunities to extend freedom and to make equal opportunity more certain.

Next, we come to the almost sacred words, to "establish justice."

Certainly this legislation will enhance the struggle to fulfill this also unrealized goal of our forefathers.

Justice rests upon equality, upon the principle that every citizen has an equal voice in the determination of his representatives at all levels of government, the principle that every man is equal before the law. If justice rests upon equality, then equality rests upon freedom. One of the best orations on the importance of freedom I have heard was given by that
learned historian, Bruce Catton, May 25, 1963, in Boston. He said:

"We are no longer concerned with the institution of chattel slavery. That is gone from our country forever. But we are concerned with the domestic tranquillity of this Nation been threatened to such a massive extent as it is today. If our observance of their centennial this year is to mean anything, it should be not of the past but of the present."

James Falconer Wilson—rests upon ** equality, democracy, and the elevation of the masses. There can be no true development of those qualities which make a nation great and prosperous unless its energies are so diffused as to reach all classes, all interests, all sources of power and embrace them all in its grand march of progress.

Lastly, the Constitution was ordained and established to secure the blessings of liberty to ourselves and our posterity. What beautiful and patriotic words they are. What a shame and pity it is that it remains for this Congress to act to carry out that mandate given in the preamble.

Here, almost 175 years later, these words are not yet entirely fulfilled. So, I say, let us not thrust aside the responsibility that is ours. Let us delay no more. But, rather, let us proceed by joining hands, man with man, brother with brother, to break down the bonds and bars that withhold from this Nation the full measure of the blessings of liberty not only for ourselves but for our preamble.

I would like to conclude by quoting from two men who were intimately associated with this same movement 100 years ago, James Falconer Wilson and Abraham Lincoln.

Wilson, closing debate on the 14th amendment as chairman of the Judici­ary Committee of the House, March 1, 1866, said in reference to that amend­ment:

I assert that we possess the power to do those things which governments are organized to do: that we may protect a citizen of the United States against a violation of his rights by the law of a single State; that by our laws and our courts we may intervene to maintain the proud character of Amer­ican citizenship; that we may make our whole system, is a part of it, without which the States can run riot over every fragment of the Constitution of the United States; that the right to exercise this power depends upon no express delegation, but runs with the rights it is de­signed to protect; that we possess the same latitude in respect to the selections of means through which to exercise this power that belongs to us whenever we exercise our proper express delegation; and the decisions that sup­port the latter maintain the former.

I believe those comments are equally applicable to the bill we are considering here.

Now, I close with Lincoln's finest state­ment in his second inaugural address where he issued a prayer, a plan, and a program that speaks to us today.

"With malice toward none, with charity for all; with firmness in right as God gives us to see the right, let us strive to finish the work we are in.

Mr. Chairman, if the title of state­manship can be given to historians, then I am sure Bruce Catton, author, his­torian, and publisher, is one—he writes accurately and eloquently—on the history of the Civil War.

From his deep understanding of the basic American philosophy learned from history he has reached clear conclusions on human rights and privileges. Last May 25, he spoke on this question during the annual assembly of the National Civil War Centennial Commission at Boston.

The program logically called for reflect­ting the great influence and leadership of Robert Gould Shaw while he lead a Negro company in battle during the Civil War.

Because his keen observations are pertinent to the subject and issue. I am including his fine dissertations at this time so that all Americans and at the same time increase their sense of respon­sibility in meeting such problems.

The general welfare

1964

Congressional Record — House

2763

The most obvious fact about Col. Robert Gould Shaw and his company, the 54th Massachusetts Infantry is that they were defeated. Colonel Shaw and many of his men died on the flame-swep ramparts of Battery Wagner; their assault failed; by all ordinary stand­ards, they were beaten hopelessly. And yet of course they were not really beaten. They won something—something priceless and permanent.

And the point that makes this ceremony of commemoration so significant is that what they won they won for us, here today. What they won still lives, and we are a part of it ourselves.

They won, not merely an end to human slavery, but a broader concept of human freedom.

For everything else they were fighting for the notion that freedom means the full equality of all the races of man. They were not simply trying to free a man from bondage; they were fighting for his acceptance—for the recognition of the real and dignity of all men. That is what is so significant to us today.

If our observance of their centennial this morning is to have any meaning at all, we must get to recognize our own con­tinuing responsibility. Colonel Shaw and
the men of the 54th Massachusetts were not
just fighting to destroy the institution of
slavery, but for freedom. In giving freedom
for you and me here today, for us fortunate
people who have all of the rights and privi-
leges that go with membership in the Ameri-
can family.

As happened so often, Abraham Lincoln
expressed it perfectly. In his message to the
Congress in December 1862, he put it this
way:

"We—are we here—hold the power and
be responsible. In giving freedom to
the slave we assure freedom to the free—
honorable alike in what we give and what we
do. I would not have it so that people
sincerely lose the last best hope of the earth.

We are no longer concerned with the
instituion of chattel slavery. That is gone
from our country forever. But we are con-
cerned with the cruel heritage that comes
down from it—second-class citizenship. It is
a matter of self-respecting ourselves when
in our immediate self-interest—to see that that also
is abdolished from our land for all time to
come.

This garment of freedom that we wear
so proudly is a seamless robe. Cut it any-
where and you ruin all of it. If there can be
a first-class citizenship anywhere in America—If the notion that one group of
people is somehow superior to another group
men—then all of us are in danger. We
fringe the rights and privileges of anyone
in America, we are infringing upon the rights and
privileges of everyone else in America. You
and I are not safe, if everyone is not safe.
What can be enforced against the least for-
tunes of our fellow citizens can also be
enforced against us.

It is interesting to see how Robert Gould
Shaw worked up his argument.

Colonel Shaw was an aristocrat, a man who
had everything to lose and nothing to gain,
a man of family and position and wealth. He
went among the people who had nothing at all;
the men just freed from bondage, who were
not yet even accepted as people with rights
and responsibilities. He identified his own humanity with theirs. The
point of his whole struggle was to help these
colors, until all, that
they were to be entitled to take their place
as equals in the great family of man.

On that night when the 54th regiment
marched five miles from Battery Wagner to
Colonel Shaw passed along the ranks of his
men just before the charge was made. He
held a long speech to them. He said
"Now—I want you to prove that you are men.
Men—not chattels, bits of property,
held on the level of the ox and the mule,
but immortal sons of the living God.

Because they did, all of us today are
better people. In the Book of Ecclesiastes it is
written that the spirit of man goeth upward,
but that the spirit of the beast goeth downward
into the earth.

Our generation have seen the spirit of
the beast running about in the land, in our
own country and all over the globe. By this
we know something about how it pro-
ceeded—makes its dreadful advance in
two stages.

The first stage is very simple, homely and
familiar to us all.

It begins with people like you and me:
begins in our own hearts and minds.
We say: No, I do not want to live on that
particular street—if I do I may have to live
next door to people who are somehow inferior
to me. My children may have to go to school
with other children who are not exactly like
those people in restaurants or in theatres,
I may have to rub elbows with them in the
same store, visit parks which they also visit,
travel on buses or trains in the next seat to
them. I will not do it.

That is what begins it.

The second stage brings people to the point
where they turn police dogs on schoolchil-
dren, or pull out troopers to blackjack
insulting citizens who are sitting on their
own front steps.

The third stage leads us straight up to the
men who will fix the靴es with the same stan-
dard guard at the gates of Buchenwald and Aushwitz.

If we take the first step, we have no cer-
tainty whatever that someone else will not
eventually take the last. That is where the
spirit of the beast is in us.

Whatever we do about this, let us not be
too self-righteous about it.

Every decent American is bound to feel sick
at heart when he considers what has hap-
pended recently in Birmingham. But I sug-
gest that instead of looking too fixedly at
Birmingham we look around us here, right
in our own neighborhoods. What has hap-
pended here is abominable—but are we our-
selves without responsibility?

I suggest that we would not have to walk
more than a short mile from this spot where
we are meeting this morning to find plenty
of people with the same rights who are living a
full, free, happy life diminished because of
the color of his skin or the way he pro-

vided in the country.

At the very least, when we see discrimination
practiced in our own backyard we can raise
our voices and assert: This, in my own city
and my own State, I will not have. That
much all of us can do. That much all of us
do.

We know by now where the spirit of the
beast goes. We know by looking at it. But
the spirit of man, let us always remember,
goeth upward.

Robert Gould Shaw and the men of the
54th Massachusetts regiment are an example of the soldiers whose memory we
honor this morning, we can begin right at
home, in our own city and our own State.

At the very least, when we see the spirit of
the beast goeth upward—up the steep ramparts of Battery Wagner, to death and an everlasting trans-
guration.

If our ceremony today has any meaning
at all, we must make up our minds to follow
the spirit they followed—upward.

The CHAIRMAN. The Chair recog-
nizes the gentleman from North Carolina
[Mr. Bonner] for 1½ minutes.

MR. BONNER. Mr. Chairman, I never
expected to live to see the day when this
would happen in this great legislative
body, regarded to be one of the greatest
in the world. To me, the disregard of
our Constitution—I have listened on the
floor of the House, I thought the debate—
which has been on a high plane I have
never seen before in this House—and
the effort to be made to support the Constitu-
tion of the United States in November
1940—I have sat here for a week and a
day and listened to amendments offered
to the bill to uphold the Constitution of
the United States. Those amendments
voted down. The Constitution in
my opinion disregarded. It
is difficult for me to understand.

I do question the sincerity of any
Member of this House. I was born and
reared in a country which lived under
constitutional government, a government
based on the Constitution of the United
States, which has lasted so well through-
out the years, and made possible for all
men to prosper and their children to have
opportunity of education.

It is difficult for me to find a way to do
other than not to vote for the bill.

Mr. Chairman, in my 23 years in the
House of Representatives, I have en-
couraged every citizen to represent all of the citizens of
my district, whether they be of peace, race, color, religion, or national origin, and
without discrimination as to the rights and
proper interests of one group as op-
posed to another. I believe that the
same principles in carrying out my duties
in the Congress, in its committees, and
on the floor of the House in regard to
the broader interests of the United
States, tripped all who are in its national
and international affairs.

I do believe in class legislation. I
have never voted for class legislation.
This is not a civil rights bill is class legisla-
tion. I cannot vote for it.

This bill, under the guise of putting an
end to racial discrimination, would
firmly plant the seeds of Federal dic-
 tion in the United States. These relations between private citizens have flour-
ished without interference. The freedoms, which under our Constitution have made our country great, would be
become the subject of political control.

Our private enterprise system would be
distorted beyond recognition, if, and
when, the Federal Government is given
powers by which it might—regulate who
shall or shall not be given a job—direct
the making of promotions to suit the
wishes of the administration in power—
assume the right to use the granting or
withholding of licenses as a method of
steering alleged racial discriminations—
interfere with matters such as wage or
salary scales for particular job classifi-
cations.

Mr. Chairman, never did I expect to
witness the disregard of the Constitu-
tion of the United States—the refusal of
an amendment to reaffirm the anti-
slavery amendment—the right of trial
by jury and other securities provided to
discrimination.

Under the pretext of trying to elimi-
nate discrimination in certain limited
areas, greater and more far-reaching
discrimination would be molded into per-
miscous law.

The sections of the bill dealing with
public accommodations would immedi-
cate create chaotic conditions, particu-
larly in small businesses throughout the
country. In eastern North Carolina for
example, there is a very fine restaurant
owned and operated by a Negro. He
chooses to serve white clientele, and
to maintain standards of dress and
comportment. In other cases establish-
ments choose to serve only Negro
patrons. Now they have the freedom
of choosing to do as they are doing. If
the choices they make are based on
theirs.

I am not a lawyer, but it is beyond my
conception that the power of Congress to
regulate interstate commerce should ex-
tend to the regulation of personal behavior or the right to select customers or prospective customers. Yet, if the public accommodations provisions of the bill are held valid by the Supreme Court, there is no end to the powers that could be exerted on the ground that it affects interstate commerce.

I regret that the Judiciary Committee of the House has seen fit to present to the House such an extreme proposal with implications and precedent-setting provisions extending far beyond our concepts of liberty and justice for all. This is a normal issue, and it should be worked out through negotiation and education of people of good will and dedicated understanding.

The CHAIRMAN. The gentleman from Iowa [Mr. Gross] is recognized for 1½ minutes.

AMENDMENT OFFERED BY MR. GROSS

Mr. GROSS. Mr. Chairman, I offer an amendment to the amendment.

The Clerk reads as follows:

Amendment offered by Mr. Gross to the amendment offered by Mr. Tuck: On page 86, line 18, strike out "1900" and insert "1948".

The CHAIRMAN. The gentleman from Iowa is recognized for 1½ minutes.

Mr. GROSS. Mr. Chairman, when the gentleman from New York [Mr. Celler], the chairman of the Committee on the Judiciary, spoke on page VIII, he repeatedly used the word "discrimination" and referred to the fact that this title was necessary because of discrimination. At length,镜子 we do not find the word "discrimination" in title VIII. I do not know why he seeks to limit discrimination to Negroes and Negro voting.

If we accept the chairman's statement that this provision is necessary because of discrimination, then let us apply it to those who have been discriminated against for honest votes in Texas, for instance, in the senatorial election of 1948. Let us apply it to those who cast honest votes in Texas in the senatorial election of 1948, who should have the benefit of collection or approval by a Federal judge finding the ballot boxes in some instances stuffed with trash and shredded newspapers.

Fraudulent elections, involving crooked voting, are an even worse discrimination and deprivation of the rights of honest citizens than a denial of the right to vote. I believe every person qualified to vote should have that right regardless of race or color. But this is meaningless if a crooked election is to deprive the honest citizen of the full force and effect of his vote.

Mr. Chairman, I also call attention to the 1960 election in Chicago where there were sweeping charges of fraudulent voting. There again it is alleged that the votes of qualified voters were not honestly counted. Those people were discriminated against. They lost their votes because of the fraudulent ballots that were cast. What is being done about this discrimination and fraud? Does it not seem strange that the Judiciary Committee and the Justice Department is unable to show any real interest in this brand of discrimination and protection of the rights of those whose votes have been counted?

The CHAIRMAN. The time of the gentleman from Iowa has expired.

The Chair recognizes the gentleman from Florida [Mr. Fuqua].

Mr. BENNETT of Florida. Mr. Chairman, I believe it is an unseasonable content that the gentleman from Florida [Mr. Fuqua] may proceed for an additional minute and a half.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. BENNETT of Florida. Mr. Chairman, now that we are in the final period of consideration of this bill, I would like to speak once more in opposition to this bill.

Our country has long been a haven of liberty. The quest of personal liberty was a primary motive of those who emigrated to our shores and of those who established our Government.

The bill before us not only violates our Constitution but it strikes a serious blow against the cherished ideal of liberty. If this bill becomes law, people who lose their freedom to choose their associates and their employees.

In our country we allow people to belong to the Communist Party, which seeks to overthrow our Government. We allow people to refuse to salute our American flag. We allow people to refuse to fight for our country. We are constantly tolerating people who want to see our country fail or who want no part of helping it. Much of this tolerance is based upon misconstruction of our doctrine of religious freedom. Yet I hold that this is a moral matter demanded by our religious ideals. It seems to me there is a paradox here.

In a country which tolerates all sorts of peculiar behavior based upon religious convictions, is it not possible that those same concepts of religious toleration should allow people to teach their children to love all people of all races but to discourage classes of people? Does this not lead to intermarriage with members of other races?

I want no part of establishing such bizarre concepts. Surely there are better ways of achieving our goal of peace with our Negro citizens, several of which measures I have already discussed in this debate.

I sincerely feel that a vote against this bill, is a vote for freedom, and that the bill as drafted has it in the intolerance of the Inquisition, which, of course, was also based on so-called religious and moral grounds. For these reasons, I feel that the entire bill violates the first amendment to the Constitution—the religious freedom amendment.

The CHAIRMAN. The Chair recognizes the gentleman from South Carolina [Mr. Rivers] for 1½ minutes.

Mr. RIVERS of South Carolina. Thank you, Mr. Chairman.

Mr. Chairman, those who are just before us are offering us the virtues of "Honest Abe" and rattle the bones in his memory tomorrow, on his birthday. I want to call to your attention what he said 100 years ago come the 21st day of March 1864 in the city of New York. When you talk to all your folks back home and they ask you about what you did in public accommodations, what are
you going to say when they reach in their back pocket and pull this out: Let not him who is houseless pull down the house of others but let him work diligently with his own hands as Paul exhorted all, thus by example assuring that his own shall be safe from violence when built.

Lincoln said this in reply to the Committee of Working Men's Association of New York, in the Congressional Record, Legislative Reference Service, Congressional Library.

He said this to a committee of a workingmen's association in New York City 100 years ago.

Mr. SCHWENGEL. Mr. Chairman, I challenge that statement because as I understood the gentleman I believe that some of his references are from a spurious statement. He never made that statement in New York. I would like to have the opportunity to debate that.

Mr. RIVERS of South Carolina. Mr. Chairman, I did not yield to the latter part of the gentleman from New York, Mr. SCHWENGEL's, objection, if you catch the point. But old "Abe" Lincoln never made a gratuitous statement.

Mr. Chairman, my veracity is about as unimpeachable as are some other people's, if you catch the point. But old "Abe" Lincon has never made a gratuitous statement. He proved me a liar, if you catch the point.

The CHAIRMAN. The Chair recognizes the gentleman from Hawaii [Mr. MATSUZAKA].

Mr. MATSUZAKA. Mr. Chairman, the proponents of the civil rights bill tell us that a hundred years is a long time—too long. And this I did believe, until very recently when an editor of Readex Digest made a startling revelation. He said he had spoken to a man who had shaken the hand that had shaken the hand of George Washington. This dramatically brought to my mind a realization that ours is indeed a very young Nation, although it is chronologically more than 180 years old. A hundred years, therefore, may not be as long a time as there may be to believe. There are those among us here whose grandfathers owned slaves and whose fathers knew Negroes only as slaves, for even after the great Civil War and the granting of the franchise to the Negro in many of the states, the remaining had to serve their masters by their own free choice and for their own economic security.

It is understandable, therefore, that those among us whose ancestors owned slaves would today oppose the passage of the civil rights bill. We who support the pending legislation understand this, and we want our good friends from the South to know that we do understand this. We realize what an emotional and tumultuous problem is here involved.

But we want our southern friends to understand that by constitutional amendment our supreme law of the land freed the Negro from servitude 100 years ago, and what we are attempting to do here is merely to give meaning to that greatest of human documents.

While we admittedly cannot legislate over the hearts and minds of men, as Father Leibniz of the President's Committee on Civil Rights has said:

Law, defining the goals and standards of the community, is itself one of the greatest changers of minds and hearts.

We are well aware, of course, that law, no matter how strictly enforced, cannot eliminate ingrained prejudices overnight. But I am confident that in time men will comply with the law forbidding discrimination not from fear of legal consequences but from a conviction that what the law requires is just.

To those who argue that the proposed civil rights measure now under consideration, let me say this: Throughout this long debate you have fought a losing battle, but you have fought gallantly and you have fought with all of that if this be any consolation at all, let me say that the whole world loves a gallant man and admires a clean fighter. And I might add that you all have won my love and admiration, but not my vote. Why not? Because you are trying to cling to the past and perpetuate a condition which is not right.

America is a land where people from every nation in the world have come to find personal freedom and opportunity. American society can be true to itself, therefore, only as rights are accorded to every person. Rights will be fully recognized only when every individual is recognized as the person that he is.

And discrimination based on race, color, religion, and national origin directly contradicts such an idea of rights. It tends to destroy the integrity of the American way of life.

I therefore urge the House to oppose the amendment which I have at the desk but which of which I am chair.

The CHAIRMAN. The Chair recognizes the gentleman from Alabama [Mr. ROBERTS].

Mr. ROBERTS of Alabama. Mr. Chairman, I rise in support of the amendment of the gentleman from Virginia. I think history has shown that every time you have tried to legislate in the field of personal rights you have failed to accomplish the mission of such legislation.

Here we have the paradoxical situation of a quasi-judicial commission directed to tell a Cabinet officer, the Secretary of Commerce, how to carry out the duties of that office.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan [Mr. STAEBLER].

Mr. STAEBLER. Mr. Chairman, I rise to oppose the pending amendments and to support the bill as presented by the committee. One of the arguments presented to this body in support of the amendments was that we need to study the whole country, we ought not to study parts of it.

Let me give you some figures that suggest the reason why we should study some particular parts. These are figures taken from voting statistics of 1960. These represent the percentage of the adult population that voted in 1960 in the Presidential election. The national figure was 63.8 percent. In other words, 63.8 percent of all adults is a vote in that election. The six highest States have these figures: Idaho, 80.7 percent; Utah, 80.1 percent; New Hampshire, 79.4 percent; North Dakota, 78.5 percent; South Dakota, 78.3 percent; West Virginia, 77.3 percent.

Mr. Chairman, the six lowest States have these percentages: Arkansas, 41.1; Virginia, 33.4; Alabama 31.1; South Carolina, 30.5; Georgia, 30.4; Mississippi, 25.5.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

The CHAIRMAN. The time of the gentleman from Georgia [Mr. WELTNER] for 1½ minutes.

Mr. WELTNER. Mr. Chairman, the end of discrimination on the basis of race is a worthy aim and few Americans will quarrel with the ideal of equality of opportunity. Certainly, as an individual, I must agree that racial discrimination is contrary to the great principles of the Republic. As an individual, I agree that racial prejudice is a moral wrong.

But, as a legislator, I am loath to impose by nationwide legislation that moral judgment upon others in areas clearly within the sphere of individual action. As a legislator, I am reluctant to sanction wholesale delegation of congressional responsibility empowering every agency of Government to eliminate or curtail congressional programs by rule or decree.

Accordingly, I will vote against this bill. In so doing, I am not unmindful of past injustices, or of difficulties ahead. I shall lend every effort to foster that climate of mutual regard and cooperation between the races—without which no law, no matter how stringent or far-reaching—can avail.

The CHAIRMAN. The Chair recognizes the gentleman from Montana [Mr. OLSEN] for 1½ minutes.

Mr. OLSEN of Montana. Mr. Chairman, I rise to speak on an amendment which I have at the desk but which of course will be voted upon at a later time than the pending amendment.

Mr. Chairman, I would ask for the attention of the Committee of the Whole on the Judiciary, the gentleman from New York [Mr. CELLER], since I have submitted my amendment to the gentleman and to the minority side. I wish to point out that the fact that the title VIII is to the effect that the information may be obtained from the Bureau of the Census and at such other times as the Congress may prescribe.

Mr. Chairman, if the Congress should prescribe a mid-decade census we will have to climb this mountain again in order to get the information as to this matter, as there is contained in title VIII no provision for general information concerning registration and voting statistics in a mid-decade census.

Mr. Chairman, in the committee on which I have the honor to serve, the Subcommittee of the Census and Government Statistics, of which I am chairman, we plan to hold hearings on this subject.

The CHAIRMAN. The time of the gentleman from Montana has expired.

The CHAIRMAN recognizes the gentleman from North Carolina [Mr. KORNEGAY].

Mr. KORNEGAY. Mr. Chairman, I ask unanimous consent to yield my 1½...
...minutes to the gentleman from Montana (Mr. Olsen).

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. OLSEN of Montana. Mr. Chairman, I believe it is only fair to point out to the Committee that if we are going to gather any information on registration and voting statistics, it would be desirable for us to have it in a mid-decade census, in 1985.

Mr. Chairman, I say this one more thing. There are just too many provisions. Certain portions have been cast in this manner because we believe in preserving the rights of all the people regardless of race, color, or creed.

I have strongly contested these points, but have won only a few small victories. I do not have the time to point out to you all of the unconstitutional and totalitarian provisions embodied in the bill and have been unable to do so in the 8 days we have debated. There are just too many provisions. Certain portions of it are so clearly unconstitutional that if this bill were to remain as part of the basic and fundamental powers of the States and of the local governments to regulate business and to govern the relationships of individuals to each other will have been provisioned.

Some of you have stated privately that you are against the bill, yet that you will stand on the floor of this House and vote in favor of passing this bill because you hope to gain a vote by such a vote. This is in derogation of your oath to support the Constitution. As for me, I refuse to barter the liberties provided to all of the people of the Constitution and sell their freedom for the hope of a vote.

I think too much of my oath as a Member of Congress and I value my self-respect too highly to commit such an act of perfidy. If this so-called civil rights bill will be a campaign issue in all of your districts including my own—yet I have made my decision and have faced the matter squarely as any sincere representative of the people should do. Al- ready, this bill is a campaign issue in my own district, where a liberal opponent has embraced this bill as dear to his heart. I have felt impelled to be unequivocal in my stand. I am not a fence straddler and it is not my nature to be such and I do not believe that the people of the Seventh Texas Congressional District elected me to betray them, as this bill, if enacted, would do.

Discrimination of every form is demonstrated in the bill but its authors were evidently too timid to refrain from defining "discrimination" at any place in the proposal. I believe this was wilfully done in order to make it easier for its execution, when and if they may seek by regulation rather than being bound by the provisions of law. In all the history of Congress, no committee has ever, brought forth a piece of legislation that would hand such dictatorial powers to the executive branch and particularly to the Attorney General. If this bill is enacted as written, I predict that within a few years, its strongest proponents of today will be coming before Congress begging to stop the discrimination brought on by this act against all of the people of this country of all races.

I have always supported equal rights under the law for all people; I have always been for the protection of the rights of every race, regardless of the color of skin, creed, or party. I have been in favor of the provisions of this bill, and have cast my vote for the passing of this bill.

...saving the unconstitutiona! and totalitarian power-and this is true, regard- less of race, religion, or color of the skin.

I do not think that the Democratic leader who lies beneath the eternal flame atop a hill in Arlington Cemetery would have cast his vote for the passing of this bill. Certainly, the leadership of the bill would be in a position to the ideal of nondiscriminatory living. In fact, this proposal is 11 bills rolled up into one, at least half of which enact discrimination into the fabric of America.

I would like to hear any one of the supporters of this bill give his definition of "liberty." That small, but meaningful word, "liberty"—the most precious word placed between the covers of a dictionary. I think that some of the supporters and even the authors of the bill would decline the opportunity to present such definition, because it just might tell us where we belong as children of mankind in this country.

Someone stood on the floor of the House a few days ago, and said that at a recent breakfast attended by President Johnson and Evangelist Billy Graham, the idea that there was a secret ballot on the bill, that it would not get 15 votes in favor of its passage—and I think that is true.

I have been elected to Congress six times in the past and I say to you if I have ever practiced discrimination against any person, group, or body, I do not think I would be here today on the floor of Congress as a Member of Congress. If there be any difference of opinion, he is calling the people of the Seven Texas Congressional District dishonest.

We must not move backward into the darkness of the past—let us not chain our leaders of the future with the shackles of totalitarianism contained in this bill. When we are provided with, we should look at ourselves, and forget party, left, right, middle, or anything else, and think of future generations. We must be hones- t and good to our countrymen, when we pass a law which is influential and which is chained, it dies. If all the Members of the U.S. Congress would be honest with themselves and with posterity—if they really care for the future of our great Na- tion, the walls of dictatorship that have been drawn in this legislation would be dropped, and these 11 bills, wrapped under one cover and called civil rights would be relegated to the infamous Hades from whence it came, and America could yet be called the land of the free and the home of the brave.

The plea is made that this legislation is necessary—yet it has been well said that necessity is the plea for every infringement of human liberty. It is the argument of tyrants and the creed of slaves.

My colleagues, from the depths of my heart and with all sincerity, I urge you, for the sake of all we hold dear, for the sake of human liberty, for the sake of posterity, to oppose this bill as it is here before us. By doing so, you can Insure for yourselves the blessing of future generations. If this bill is enacted you will be branded as the man for yourself the fervent condemnation by your children and your children's children for enslaving them.

As we approach the end of debate on whether to impose this instrument of dishonor and disgrace upon a free people, I stand here pleading and praying on behalf of the people in the words of that king of olden times—"deliver us into the hands of the Lord God: place us not in the hands of man."

Mr. STRATTON. Mr. Chairman, I ask unanimous consent to revise and extend my remarks at this point in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. STRATTON. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Virginia (Mr. Tuck). Actually, I have been very much interested in this whole matter of voting statistics, particularly insofar as they may relate to the abridgment or the impairment of the right to vote on the part of any of our citizens for reason of race, color, or national origin.

Indeed some months ago, in order to carry out the provisions of the 2d section of the 14th amendment to the Constitution, I introduced H.R. 9901. My bill would call for a full-scale census to be held, without waiting for the next decennial census; it would require the Bureau of the Census, in conducting that new census, to record the figures regarding the several rights to vote that had been abridged in any
way for any other reason than for participation in rebellion or other crime; and it would further require that the Bureau would then certify to the Congress a new apportionment of seats in the House of Representatives based on these figures and in conformity with the 2nd section of the 14th amendment.

Mr. Chairman, personally I would very much like to see H.R. 6601, added to this bill in place of the present title VIII. However, as I pointed out in my testimony last year before the Committee on the Judiciary in its public hearings on this bill, I am willing to refrain from pressing my own legislation in an effort to get a broader measure of agreement on an overall civil rights bill which we can pass here quickly in the House and which we can reasonably expect to pass also in the other body.

Title VIII as it now stands is at least a step in the direction I have proposed that we should go; it would at least give the full force of the 2nd section of the 14th amendment. It does not, however, require an immediate new census nor does it provide that the Bureau of the Census would be given the authority to determine, based on such a census, what the voting rights of persons should be, to determine not only the extent of the abridgment of voting rights in this country but also the extent to which the representation of various States must be correspondingly reduced by reason of this voting abridgment.

The title VIII were to go as far then as the survey of the Bureau of the Census should, of course, be conducted nationwide. But since the title as written does not go nearly as far as my bill would go, Mr. Chairman, then I think it does make sense that the somewhat more limited survey of the Department of Commerce should be pinpointed toward those specific areas where the very important records of the Civil Rights Commission which would tell us that the right to vote is indeed substantially abridged by reason of color and race.

For this reason I oppose the amendment offered by the Gentleman from Virginia [Mr. Tuck] there and insert at lines 7 and 8 strike out "Congress." and insert "Commission" and I urge the committee to accept this amendment.

Mr. Chairman, when President Kennedy first submitted his civil rights proposals to Congress a year ago, I supported them wholeheartedly and enthusiastically. I am pleased to testify this important legislation is still the same today and wholehearted support of the legislation. In fact I told the committee then that I felt we had already been debating the subject of civil rights for a hundred years; I said I felt the time had now come for action, and I urged the committee to move with all dispatch.

When, several months later, the Committee on the Judiciary had reported out its legislation and that legislation was languishing in the Rules Committee I felt the time had come for the House to sign the discharge petition to force the civil rights bill to the House floor.

So I am glad, Mr. Chairman, that at long last some important legislation is now before us, and since my position has already been so clearly stated in favor of this legislation, I have not wished to detain the Committee further on this action of this House by any lengthy restatement of my own position, or to press my own versions of civil rights legislation.

Let me just say, Mr. Chairman, that I am sure there are many ways in which this bill could be strengthened and improved. But the real battle here, and especially in the other body, has been and will in the next months continue to be, the battle to bring about this important legislative milestone from being watered down from the very fine bipartisan version agreed to within the Committee on the Judiciary.

I am glad to see that we have moved so far in this Committee without having impaired the original legislation in any very serious way. I am proud to have stood strongly against all these efforts to water down the bill.

Thus, Mr. Chairman, we have here now a very significant piece of legislation of which we can all be proud. It will vastly improve the opportunity of Negroes to vote. It will remove the barriers of segregation that have existed for years in public facilities in some States, which of course precipitated the demonstrations last year in Birmingham and elsewhere which in turn has only sparked the introduction of this new omnibus civil rights bill. It will greatly improve our progress toward carrying out the Supreme Court's decision on desegregation of public schools. It will bring a prompt and long-needed end to the insupportable business of using Federal tax funds to underwrite segregated educational facilities in the field—a so-called Powell amendment to apply to all Federal programs. And it will finally create a Federal Fair Employment Practices Commission to insure that in the future Negroes shall not be denied jobs because of their race or color.

So this is a historic bill. Of course it will not accomplish everything. Of course it will not end all American discriminatory practices which have grown up here in our country over some two centuries. But this is still a big giant step forward, Mr. Chairman, in the veterans of this important action on the long-standing promises of the Declaration of Independence that "all men are indeed created equal."

So I am happy to be able to support the bill and I urge its adoption by a very substantial majority at the proper time in this debate.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. Corman).

Mr. CORMAN. Mr. Chairman, I urge the Committee to reject this amendment and support title VIII. It will provide information which is badly needed by the Congress. We ought to get this information only in those places we need it, and the Civil Rights Commission is obviously the proper agency to determine where they are.

Every State has an advisory committee which will act as a guide to the Committee. The Civil Rights Commission will be adequately advised in all 50 States.

I would like to say to the gentleman from New Hampshire that he and I differ diametrically on the constitutionality of this law; however, the final arbiter of that issue is the U.S. Supreme Court. I realize the gentleman from New Hampshire (Mr. Wyman) is trying to change that system, but I do not think he will succeed in his effort. The final determination of constitutionality will be made by the nine Justices of the U.S. Supreme Court.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. Gross) to the amendment offered by the gentleman from Virginia (Mr. Tuck).

Mr. HORAN. Mr. Chairman, I ask unanimous consent that the amendment to the amendment be read.

Mr. MEADER. Mr. Chairman, I ask unanimous consent that the original amendment be read.

The CHAIRMAN. What is the objection? There was no objection.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Virginia (Mr. Tuck).

The Clerk reread the Tuck amendment.

The CHAIRMAN. The Clerk will report the amendment to the amendment offered by the gentleman from Iowa (Mr. Gross).

The Clerk reread the Gross amendment to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. Gross), to the amendment offered by the gentleman from Virginia (Mr. Tuck).

The amendment to the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. Tuck).

The question was taken; and on a division (demanded by Mr. Tuck) there were—ayes 83, noes 137.

So the amendment was rejected.

The CHAIRMAN. Are there any further amendments to title VIII?

AMENDMENT OFFERED BY MR. FUQUA

Mr. FUQUA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Fuqua: On page 86, line 6, strike out "Commission" and insert "Congress"; and in lines 7 and 8 strike out "Committee on Civil Rights" and insert "Congress."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida.

The amendment was rejected.
AMENDMENT OFFERED BY MR. HUDDLESTON

Mr. HUDDLESTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HUDDLESTON: On page 86, line 15, after the word "voted" at the end of line 16, insert the following: "and have had their votes properly counted".

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama.

The amendment was rejected.

AMENDMENT OFFERED BY MR. OLSEN OF MONTANA

Mr. OLSEN of Montana. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. OLSEN of Montana: Page 86, immediately following the period in line 16, insert the following:

"The authority contained in this section to conduct surveys and compilations shall be in effect until the effective date of legislation enacted after the date of enactment of this act providing for mid-decade census, sampling, and providing for the inclusion, in each mid-decade and decennial census of population conducted by the Secretary, of the registration and voting statistics and other information required by this section."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Montana.

The amendment was rejected.

The CHAIRMAN. If there are no further amendments to title VIII, the Clerk will read.

The Clerk read as follows:

TITLE IX—PROCEDURE AFTER REMOVAL IN CIVIL RIGHTS CASES

Sec. 901. Title 28 of the United States Code, section 1447(d), is amended to read as follows:

"An order remanding a case to the 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 1446 of this title shall be reviewable on appeal or otherwise."

AMENDMENT OFFERED BY MR. TUCK

Mr. TUCK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TUCK: On page 86, line 17, strike out all the language on line 17 through line 25.

Mr. TUCK. Mr. Chairman, the present section in the Code which title IX seeks to amend reads as follows:

"An order remanding a case to the State court from which it was removed is not reviewable on appeal or otherwise—"

Title IX would amend that section so as to add to the statute which I have just read these words:

"except that an order remanding a case to the State court from which it was removed pursuant to section 1446 of this title shall be reviewable on appeal or otherwise."

The effect of my amendment is to leave section 1447(d) of 28, United States Code, just as it is at present and just as it had been for almost 80 years.

It keeps all litigants, if the amendment is rejected, in the same position that I have offered, on an equal footing and that is the way they ought to be.

Title IX which I have just read will give to the civil rights litigant, and that type of litigant alone, the right to appeal from an order of the U.S. district court remanding his case back to the State court.

The legal problems involved in this are quite simple and not complicated at all.

This is an attempt to bypass the U.S. district judges and to bypass the State courts.

This title is an insult, gentlemen, to every U.S. district judge in America. It undertakes to reflect discredit not only upon these U.S. judges but also upon the honored judiciary of every State in the American Union.

This vicious package of legislation involves court procedure and thus has attracted less attention than any other part of the bill, but it is nevertheless as outrageous as many of these other parts of the bill.

The obvious purpose of this is simply to bypass and impede the processes of justice in our State courts.

The House floor is crowded with lawyers know, three types of cases which may be removed from the State court to the Federal court:

First, is cases which involve the interpretation of laws and treaties of the United States and the Constitution of the United States.

The second type of cases are those which involve a diversity of citizenship. This type of case is under section 1441 of title 28 which permits certain Federal officers who are being prosecuted in State courts to remove their cases. It is this section which they seek to amend by discriminating against all other types of litigants in favor of this particular type of litigant.

Since 1867 we have had a statute to which they refer, and which effect provides that an order by a U.S. district judge remanding a case to the State court is not reviewable on appeal or otherwise.

Federal courts for many years in all of the litigation on this subject, have interpreted this statute to mean just exactly what it says.

Now the removal of a case, as all lawyers know, from the State court to the Federal court is a simple process. All a litigant has to do is simply file a petition and the pertinent papers and the case is automatically removed.

The effect of such a procedure, as we know, is to deprive the State court of all powers of process and to deprive the court of all its power of order for him while that case is pending in the U.S. court. To allow this repeal from removal orders of U.S. district judges destroys the delicate balance of power which historically existed and been maintained between the State and Federal courts.

In such a situation, when you undertake to add to a statute as you now doing, it leaves the States and the local law-enforcement authorities of the States absolutely without any police power. It leaves them with nothing but anarchy.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

(By unanimous consent (at the request of Mr. ABBITT) Mr. TUCK was given permission to proceed for 5 additional minutes.)

Mr. TUCK. Mr. Chairman, I thank my friend and colleague from Virginia, our Democratic leader in our State. I am glad to know that what I am saying is pleasing to him, because what he said may have some effect upon my tenure in this honorable body.

Mr. ABBITT. Mr. Chairman, will the gentleman yield?

Mr. TUCK. I am delighted to yield to the gentleman from Virginia.

Mr. ABBITT. I commend the gentleman for the fine statement he is making. I commend his statement to our colleagues. I hope and trust sincerely that the amendment will be approved.

Mr. TUCK. I thank my friend, the gentleman from Virginia.

I have quite a lengthy legal argument I could make in behalf of the amendment. I have one of the Members to say that because of the temper existing in the House of Representatives at this time I fear it would do no good purpose.

If I were able to indulge in the most ponderous eloquence and to be emotional on this subject—if the Members of this House are as deaf and blind to logic and legal discussions as they are to the meritoriousness of legislation, I feel sure my arguments would be in vain.

Mr. Chairman, I feel that we are somewhat in the position described to me one day by my old friend, the Honorable J. Melville Broughton, Mr. Broughton served as Governor of the great State of North Carolina at a time comparable to when I served in a similar capacity in Virginia. We were good friends. We visited with each other often. He related a story to me which I believe pretty well illustrates the situation in which we find ourselves here today.

He said that a colored minister of erstwhile good repute residing in part of North Carolina had become enmeshed in the talons of the law and was required to serve a term of 1 year and 1 day in jail. The warden, according to Mr. Broughton said that the warden assigned to that institution thought it would be a good idea and that it would help to rehabilitate the prisoner for him to preach the sermon on the next Sunday morning, and thought it might be helpful to the inmates to receive a message from one of their own number.

But the prisoner refused to do so. He said he would not speak in prison garb, but that if authorities would provide clerical regalia he would undertake to accommodate them. They did. The warden came over and sat down to listen to the sermon.

As soon as the warden took his seat the minister got up and looked straight in the eye and he said, "Brothers, I am going to preach on the Book of Daniel."

In fact, I am going to take my text from Daniel himself. The first point I want to make is that Daniel was in the lion's den with the lions. The second point I want to make is that Daniel was not afraid of the lions. And the third
and last point I want to make is "they darned lions weren't afraid of Daniel, either."

So that is sort of the situation we are in. Yes, they are doing it every day, they are doing it.....As they say in the Play "The Man in the Glass," When you gaze at your reflection there, you can see the truth of the saying, "Nothing appears so much as the truth, as when you see that in the glass." And you may be like Jack Horner and chisel a plum, and think that you are a wonderful guy, but the man in the glass says you're a bum. If you can't look him straight in the eye, you are not what you pretend to be. He is the fellow to please, never mind all the rest.

For he will be with you right up until the end, and you have passed your most dangerous, most difficult test. If the man in the glass is your friend, you may fool the whole world down the pathway of years and get pats on the back as you pass, but your final reward will be heartaches and tears. If you cheated the man in the glass.

The CHAIRMAN. The time of the gentleman from Virginia has expired. Mr. Cellier. Mr. Chairman, I am unalterably opposed to the amendment offered by the gentleman from Virginia, and I yield the balance of my time to the gentleman from Wisconsin [Mr. Kastenmeier].

Of course, the effect of the amendment offered by the gentleman from Virginia is to strike the entire title, all of title IX. I think it is necessary, even at this late hour, for the House to see why title IX is in the bill at all: in terms of its history. For that we need to go back to 1866-98 years ago—when the Congress did, with a view to write in the Bill of Rights, the right of citizens in various times and places and various situations would seek removal from State courts to be able to get justice. Section 1443 today is the successor of that 1866 law. We are not amending section 1443. We are amending section 1447, which would allow appeal on a remand, that is, a return to the State court for another trial. Section 1443 has been so narrowly construed by the courts that it is now being read as having been eliminated by section 1447. Nevertheless, on the surface of it, 1447 allows no appeal. It did for awhile. In the 1890's, from 1875 to 1887, all cases which were removed from the State courts could have appeal. Apparently in 1897 this was changed, although some people even argue today that the civil rights laws were an exception and the ability to appeal the remand was never meant to have been eliminated by section 1447. Nevertheless, on the surface of it, 1447 allows no appeal from remand at this point. Furthermore, 1443 has been so narrowly construed by the courts that it virtually only applies to one set of circumstances: that is, where a State law or a State constitution on the face of it denies equal rights to the defendant. The result is, as the Attorney General said when he came before our committee, that while a special statute has long permitted such removal, the nonavailability of an order of removal has made the provision almost useless.

We are not asking for an extraordinary remedy in this case, Mr. Chairman, but we are only asking that the law, frozen as it has been for almost 60 years so that the civil rights provisions of removal are almost useless, be reviewed, the power of appeal from the district court orders of removal be granted, and also, incidentally, that the court of appeals be authorized to reinterpret these laws. It would seem that under reinterpretation of 1443, which involves State criminal prosecution brought to intimidate the petitioner, cases involving such community hostility that a fair trial in the State or local courts is unlikely or impossible, and where the defendant is, by far most certain conditions which would seem likely or certain to preclude a fair trial, might now well be construed to be within the scope of said section. If so, once again we will breathe life into the Civil Rights Acts of 1866 and give meaning to the purpose intended. This will not destroy any balance of power, deliberate or may be, between the States and the Federal Government. All this does is to extend the possibility of appeal. Nor will it be dilatory, nor is it intended to be dilatory or to contribute to dilatory tactics by anybody.

Mr. Chairman, I sincerely urge the Committee to turn down this amendment and all others and to conclude with the passage of the Civil Rights Act of 1964.

Mr. Tuck. Mr. Chairman, I am delighted to yield to my distinguished colleague, the gentleman from Virginia [Mr. Tuck] for his further comments. I am delighted to compliment him upon the manner in which he has explained its content, purpose, and effect. May I suggest, however, that he should not at this early hour despair. The day may yet be dark enough for the good men to rally to his support and adopt the amendment. In any event, that is the purpose I take my feet and I hope I will be able to add in some small measure to what the gentleman has already so ably presented.

Mr. Tuck. Mr. Chairman, will the gentleman yield?

Mr. POFF. I am delighted to yield to my distinguished colleague.

Mr. Tuck. Mr. Chairman, I appreciate very much these plaudits coming from my very distinguished young colleague from Virginia. We have been friends a long time; our districts adjoin. After I had completed my term in Richmond and returned to my home in Halifax, a former distinguished U.S. Senator from the State of New Jersey paid me a visit and left with me a little poem which I hope I have committed to memory and which I will leave with you, providing you will not believe me to be making an effort to become overly dramatic. It is entitled "The Man in the Glass," and goes like this:

When you get what you want in your struggle for life
And the world makes you king for a day,
Just go to a mirror and look at yourself
And see what that man has to say.

For it isn't your father or mother or wife
Who judges upon you you must pass,
But the fellow whose verdict counts most in life
Is the man who stares back from the glass.
of a remand order simply because that remand order did not constitute what was called a final judgment. Then in 1964, Mr. Chairman, I think to understand that it would change it with respect to only one class of cases. As written the bill would authorize an appeal from a remand order in civil rights cases only. With respect to all other cases the remand order issued by the district judge would be final and there would be no right of appeal. If any provision of the legislation can justify the reason for particular treatment of one class of cases to the exclusion of all other classes of cases, I might be disposed to accept that.

Mr. Chairman, so far I have heard no objection in the Committee on Rules, in the Committee on the Judiciary, or on the floor of the House to justify this special unique treatment of one class of cases, namely, civil rights cases.

Mr. Chairman, why was the 1887 statute written denying appeal of remand orders? Principally because such an appeal would smack of extraordinary delay. What is a delay of crucial significance with respect to a remand order? Because when the case is originally removed from the State court to a Federal court the State court loses all jurisdiction over the litigation. It no longer has any power to maintain the status quo. No process can issue. During the course of the delay in civil cases the subpenas of the court expire and new witnesses whose identity can be learned only when the trial is in progress may leave the jurisdiction of the State court. If accessories before or after the fact come to light during the course of a criminal prosecution they could depart the jurisdiction of the State court and not be amenable to its process.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. POFF. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. POFF. In conclusion, Mr. Chairman, the gentleman's amendment will do no violence to the substantive rights of any litigant. This is true because under the law as it exists today a litigant who is aggrieved by the remand order of a Federal judge to the district court has the full right to protect his constitutional rights under the Federal appellate procedure from the State court.

Therefore, Mr. Chairman, I earnestly trust that the amendment offered by the gentleman from Virginia [Mr. TUCK] will be adopted.

Mr. DOWDY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, this attempt to bypass U.S. courts in a field of State courts as provided in title IX is the sleeper in this package of legislation. It is a direct slap at the U.S. district judges. It would cause chaos in the administration of justice. It is designed to paralyze the processes of all State courts in the field of civil rights. It would destroy the delicate balance which has been maintained throughout the years between the jurisdiction and powers of the parallel systems of Federal and State courts.

Title 38 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.

Section 1447(d) provides that "an order remanding a case to a State court from which it was removed is not reviewable on appeal or otherwise." Title IX would add to that "except that an order remanding a case to the State court from which it was removed pursuant to section 1447(d) shall be reviewable by appeal or otherwise."

Section 1443 of title 28 has to do with the removability of civil rights cases:

Any of the following civil actions or criminal proceedings filed in a State court may be removed by the defendant to the district court of the United States for the district and division embracing the place wherein such action or proceeding is pending:

(1) Against any person who is denied or restricted in the full and equal enjoyment of the privileges and immunities of citizens of the United States, or of all persons within the jurisdiction thereof.

(2) Against any person who is denied or restricted in the full and equal enjoyment of any right or privilege under this title.

This title is highly discriminatory. It would give so-called civil rights groups a special "weapon" all of their own, to use the terminology of Attorney William M. Kunstler of New York. It would effectively prevent for a long period of time any trial, Federal or State. The original litigations in Federal courts were left to the State courts in cases filed in Federal courts with recourse to the U.S. Supreme Court through appellate procedures. Then, as the process of removal and remand developed by trial and error, the present procedure was devised. Since 1887 it has proved to be the only feasible procedure and has been the law that the delegation of the U.S. district judge on the motion of the defendant has the effect of vesting in the State court the power to proceed with the case, without suspending or destroying the power of that court during the pendency of the action without regard to the necessity of any order by either a State or Federal judge. One of the litigants, by a simple filing of the petition and appointment of any court, may move the case to the Federal court. Thereafter no process of any kind can issue from the State court, no depositions can be taken, hearings scheduled or process issued. And all must be suspended. The State court is powerless to maintain the status quo. Upon the return date of subpenas theretofore issued, witnesses need not appear, and there is no way to fix the delay in civil rights cases. If they are sought for cross-examination in the cause may not be served with State subpenas and they may not be reached by Federal process because there has been no determination by the Federal court of its jurisdiction. Restraining orders cannot be issued in the State court, although the Federal court has the power to do so in aid of its jurisdiction, pending a determination thereof.

The legal relief available is an immediate application to the Federal court for a remand, on the basis that the removal improper and the State court lacks jurisdiction. This is a matter presented to the Federal judge for determination by him as a part of procedure when the Federal process becomes available. It is not within the control of the State courts.

Under the present statute, the litigant wishing the protection of the Federal courts had to go to an apple. The motion to remand is decided by a Federal judge. If the Federal judge determines that the Federal court does not have jurisdiction and that the State court should be permitted to proceed, the litigant still has the right to obtain a determination of Federal questions in due course of appellate review by the Supreme Court of the United States.

An order remanding a case to the State court from which it was removed is not reviewable on appeal or otherwise.

The practical effect of the amendment would be to place in the hands of a litigant in civil rights cases the power to destroy the efficacy of State proceedings, without any judge of any court having found that the State court was without jurisdiction and in the face of a finding by a U.S. district court that the State court had jurisdiction and the Federal court had no right to proceed in the cause. In a case where the State courts had enjoined the commission of unlawful acts, all process and all proceedings of the State court would be nullified for many months. By the time that the matter was reached on the appellate docket of the Court of Appeals of...
the particular circuit involved, the acts enjoined by the State court would have long since been carried to consummation in direct violation of orders of that court. These are the facts of the case.

A discussion of the details of modern removal practices will be helpful. A case is removed from the State to Federal court simply by an order of mandamus from the Federal court a "verified petition containing a short and plain statement of the facts which entitle him or them to removal" and other papers of the case (28 USC 1447(d). "The application for removal of a criminal prosecution may be filed at any time before trial" section 1446(c). Minimum bond is required, section 1446(d). Whether the Federal court has jurisdiction, i.e., whether the case was properly removed, is a question for the Federal courts.

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.

Judge Parker of the fourth circuit explained what is now section 1447(d):

The purpose of the statutory provision relating to the time within which such an application may be made is to provide the party who, not having sought the jurisdiction of the circuit court, succeeded on the merits in the State court, with the right to that reversal of his judgment, not because of error supervening on the trial, but because a disputed question of diverse citizenship had been determined by the State court, while as to applications for removal on the ground that the cause arose under the Constitution, laws, or treaties of the United States, that this finality was equally expedient, as questions of the latter character, if decided against the claimant, would be open to revision under section 706, irrespective of the ruling of the circuit court in that regard in the matter of removal.

It must be remembered that when Federal questions arise in cases pending in the State courts, those courts are perfectly competent to decide them, and it is their duty to do so.

As this court, speaking through Mr. Justice Stone in the case of Missouri Pacific R. Co. v. Fitzgerald, 40 L. Ed. 536, 543 (1900): so far as the mere question of the forum is concerned, Congress was manifestly of opinion that the determination of the circuit (now district) court that jurisdiction could not be maintained should be final, since it would determine the right of the party who, not having sought the jurisdiction of the circuit court, succeeded on the merits in the State court, with the right to that reversal of his judgment, not because of error supervening on the trial, but because a disputed question of diverse citizenship had been determined by the State court, while as to applications for removal on the ground that the cause arose under the Constitution, laws, or treaties of the United States, that this finality was equally expedient, as questions of the latter character, if decided against the claimant, would be open to revision under section 706, irrespective of the ruling of the circuit court in that regard in the matter of removal.

The history of what is now 28 USCA 1447(d) was explained by Mr. Justice Van Devanter in Employers Reinsurance Corp. v. Bryant, 81 L. Ed. 289, 292-293 (1937):

For a long period an order of a Federal court remanding a cause to the State court when it has been held not to be reexamined on writ of error or appeal, because not a final judgment or decree in the sense of the controlling statute. But in occasional instances such an order was reexamined in effect on petition for mandamus, and this on the theory that, if erroneous, amounted to a wrongful refusal to proceed with the cause and that in the absence of other adequate remedy mandamus was appropriate to the inferior court to exercise its authority.

By the act of March 3, 1875, chapter 127, 18 Statutes at Large 522, with the jurisdiction of the circuit (now district) courts, Congress provided, in section 5, that if a circuit court should be satisfied at any time during the pendency of a suit brought therein, or removed thereto from a State court, that "such suit does not really or substantially involve a dispute or controversy properly within its "jurisdiction," the court should proceed no further therein, but should dismiss the petition and order the cause to the court from which it was removed, as justice may require." Thus far this section did little more than continue a practice theretofore largely followed, but sometimes neglected, in the circuit courts. But the section also contained a concluding paragraph, wholly new, providing that an order "dismissing or remanding the said cause to the State court" should be reviewable on writ of error or appeal. This provision for an appellate review continued in force until it was expressly repealed by the act of March 3, 1887, which became effective in the Circuit Court of Appeals at San Francisco 552, which also provided that an order remanding a cause to a State court should be "final appealable order" and "no appeal or writ of error" from the order should be allowed.

The question arose whether the provisions of the act of March 3, 1887, should be taken broadly as excluding removals from all appellate review, regardless of how invoked, or only as forbidding their review on writ of error or appeal. The question was considered and answered by this Court in several cases, the uniform ruling being that the provisions should be construed and applied broadly as prohibiting appellate reexamination of such an order, where made by a circuit (now district) court, regardless of the mode in which the reexamination is sought. A leading case on the question was United States v. Mili. Cal. 131 U.S. 451, 90 L. Ed. 788, 11 S. Ct. 141, which dealt with a petition for mandamus requiring the judges of a circuit court to reinstatement in the circuit court, for injunctive relief filed in a State court on August 20, 1963, against the Congress of the U.S. 1963, against the Congress of the Racial Equality and others who had been conducting—with the usual violence—a typical nonviolent civil rights operation in that community. A temporary restraining order against certain unlawful activities was issued on that date, and the hearing on the application for an injunction was fixed for August 28, 1963.

Under Louisiana law an ex parte temporary restraining order cannot continue for more than 10 days, at which time the plaintiff must proceed to file an application for a preliminary injunction under the penalty of automatic dissolution of the restraining order. For good cause shown, and with the reasons therefor entered of record, the temporary restrain-
ing order may be extended for additional periods of not to exceed 10 days each, but only if the court has jurisdiction to act. A few minutes before trial on August 28, and without notice or warning, a removal petition was filed by defendants. At that time the order to return was under subpena for cross-examination, and officers were seeking an additional 20 or more imported agents of the defendant for service of similar summons. The motion effectively halted the State court action.

The U.S. district court extended the temporary restraining order to maintain the status of the U.S. district jurisdiction and a hearing on the motion to remand was fixed for September 6, at which time the matter was taken under advisement. On September 13, the court remanded the case, and the State court again extended the temporary restraining order.

During the interval, most of the witnesses sought for subpena were removed from the area and those under subpena were taken to the police station and released. The second order to return was issued, and the defendant was not to appear in court except upon formal hearing.

Of those arrested, 21 were also cited for contempt along with the Congress of Racial Equality and 5 individuals who were not under arrest.

On October 12, approximately 42 arrests were made for violation of several statutes in connection with picketing. Of those arrested, 21 were also cited for contempt along with the Congress of Racial Equality and 5 individuals who were not under arrest.

On October 15, while application was being made to the judge who issued the stay order pending its determination of its jurisdiction to hear an appeal from the Federal district court, the court that the fifth circuit had issued a stay order to the Federal court for service of similar summons. The Fifth circuit took the matter under advisement.

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The service of a removal petition was delayed when CORE agents on whom service could be served dodged service, although other agents immune from process remained active. When finally served, defendants sought and received a continuance until October 14. Efforts to serve additional agents of CORE with subpena for cross-examination were only partially successful, as these individuals "hid out" to avoid service.

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Of those arrested, 21 were also cited for contempt along with the Congress of Racial Equality and 5 individuals who were not under arrest.

On October 15, while application was being made to the judge who issued the stay order, the Attorney General was testifying in Washington to the effect that there was no authority for such an application. The defendant, the court that the fifth circuit had issued a stay order to the Federal court for service of similar summons. The Fifth circuit took the matter under advisement. The court that the fifth circuit had issued a stay order to the Federal court issued a new order to return.

The fifth circuit took the matter under advisement, called for briefs, and refused to take action but ordered dissolution of the sweeping stay which still emasculated the State court in the proceedings.

It should be noted that as soon as the fifth circuit stay was issued, agents of CORE who had hidden to avoid service for several weeks emerged from hiding and operated openly and within the jurisdiction of the fifth circuit in a manner that would permit them to be amended. It should be further noted that the Clinton case is actually in trial. I.e., this is not a case of staying execution of an order, but suspends proceedings of a State court in the middle of a trial, with all of the consequences of the process of the court, the inability of the court to subpoena witnesses because of the impossibility of serving them, and most importantly, the inability of the State court to extend its temporary restraining order after its expiration on October 24, without the danger of being in contempt of the court.

All of this was done under the present statute. If amended, it would permit this to be accomplished by the litigant in the face of an adverse holding of the Federal district court.

Attorney General Kennedy testified before the House Judiciary Committee on October 15, 1963, as follows:

The amendment allows an appeal to be made to the judge who issued the stay order. It is readily apparent that removal "useless" when the Federal court has no jurisdiction. Attorney General Kennedy's inference that Federal district judges have been less than honest in testing their own jurisdiction seems to be either an admission of their lack of understanding of the purpose of removal, the nonappeasibility of an order of removal has made the provision almost useless.

It is readily apparent that removal "useless" when the Federal court has no jurisdiction. Attorney General Kennedy's inference that Federal district judges have been less than honest in testing their own jurisdiction seems to be either an admission of their lack of understanding of the purpose of removal, the nonappeasibility of an order of removal has made the provision almost useless.

Justice is delayed and artificial obstructions are thrown in the path of the orderly disposition of cases. I believe that the Senate of the United States would have amended 1443 and 1447, but the committee took the most conservative approach and provided merely for an appeal of the remand decision. I would very much like to agree with the gentleman from Virginia (Mr. KASTENMEIER), who said there was no precedent at all, that the Congress wrote into the statute, 1449, a provision which did treat civil rights cases differently.

Furthermore, there was the Rice case cited by the gentleman from Virginia (Mr. Tuck) in his earlier discussion on the floor of the House during the week, in which the court held that the application for an appeal of a remand decision could not be sustained.

The U.S. Congress in 1947 passed a special statute permitting appeal of that type of remand decision. That constituted a precedent in one area of cases.

That happens to be an Indian lands case. I think there is ample precedent for this. Mr. Chairman, and I hope the Committee votes down the amendment.

Mr. LINDSAY. The gentleman from New York.

Mr. KASTENMEIER. I yield to the gentleman from New York.

Mr. LINDSAY. The gentleman from Virginia (Mr. POFF) is an excellent lawyer. He asked a very fair question which I think deserves an answer. He asked what is the special reason for having an exception to the general rule with respect to re-remands from State to Federal courts?

A distinguished gentleman will disagree with me, but the reason is this: You have a special problem which needs a solution. This, then, is a procedural remedy designed to handle this very special case and not for the other cases in which it has been especially difficult. Those trial lawyers who have been litigants in this area trying to put an end to the prevention of voting on the ground of race have found this problem a roadblock, an insuperable one.

The 15th amendment to the Constitution says:

The Congress shall have the power to enforce this article by appropriate legislation.
The 15th amendment to the Constitution was special legislation in itself designed to cure special problems. That is the reason, I submit, that the amendment exists.

The CHAIRMAN. The Chair recognizes the gentleman from Mississippi [Mr. WILLIAMS].

(By unanimous consent, Mr. WILLIAMS yielded to the gentleman from South Carolina.)

The CHAIRMAN. The Chair recognizes the gentleman from Iowa [Mr. SCHWENDEL].

Mr. SCHWENDEL. Mr. Chairman, a minute and a half does not give me much time to say some things I wanted to say, and to answer some questions. I am sorry I interrupted the gentleman from South Carolina, but when somebody misquotes Lincoln, I want to get the quotation right.

Mr. RIVERS of South Carolina. I am sorry I misquoted the gentleman. But when somebody misquotes Lincoln, I want to get the quotation right.

Mr. SCHWENDEL. Mr. Chairman, if I understood the gentleman I thought some reference to a set of "cannot" statements often attributed to Lincoln that are curious—I understood him to say that Lincoln made this statement in New York.

The spurious statements often attributed to Lincoln and which I received permission to quote in the RECORD at this point are as follows:

- The 10 points, which have been the subject of numerous inquiries, have been erroneously attributed to Abraham Lincoln. But the identity of the person who first willfully or unwittingly ascribed them to Lincoln has never been discovered.
- The text of the 10 points most frequently used is as follows:
  1. You cannot bring about prosperity by discouraging thrift.
  2. You cannot strengthen the weak by weakening the strong.
  3. You cannot help small men up by tearing big men down.
  4. You cannot help the poor by destroying the rich.
  5. You cannot lift the wage earner up by pulling the wage payer down.
  6. You cannot end спута м of trouble by spending more than your income.
  7. You cannot further the brotherhood of man by inciting class hatred.
  8. You cannot stifle the craw and social security on borrowed money.
  9. You cannot build character and courage by taking away a man's initiative and independence.
  10. You cannot help men permanently by doing for them what they could and should do for themselves.

The documentation

The earliest dated appearances of any of the 10 statements were in publications of the Reverend William John Henry Boetcker (b. 1873). One of these books, entitled "Inside Maxima, Gold and Mustard Seeds," was published from the Boetcker Lectures (Wilkinsburg, Pa., Inside Publishing Co., 1916) contains several maxims which bear striking resemblance to points 2, 3, 4, and 10; his "Open Letter to Father Charles E. Coughlin" (Erie, Pa., Inside Publishing Co., 1938) contains point 4 on page 86, and the same page contains lines which greatly resemble point 3.

Another printed advertisement entitled "The New Decalog," which Mr. Boetcker has distributed widely, contains points 2 and 3 and 4, and a slightly different version which, under the title "The Industrial Decalog," was included in the American Charter Com-
principle of civil and political equality of both races." And in 1866, in the second Inaugural Address, he sought "to bind up the Nation's wounds." One hundred years later the Citizens' Councils are striving to reopen those wounds and to rescue a nation which has been the Nation's curse. The Great Emancipator was never their ally and will not serve them now. History has passed them by. A new birth of freedom is in the making.

Mr. Chairman, to further clarify the Lincoln position and attitude I call attention to the following:

LEARNING TO LIVE WITH THE PAST

(Adapted for delivery by Prof. John Hope Franklin at the annual statewide assembly of the New York Civil War Centennial Commission, Albany, N.Y., April 17, 1961.)

A most formidable task for a people who would live to work with their own history is that of proving worthy of its greatness, overcoming its sordidness, and knowing the disadvantages. The capacity to make this distinction, in large measure, depends on the extent to which history and tradition have provided values and criteria by which to judge the past, the course of this country's history we early enjoyed an abundance of such experiences. We learned in the centuries that independence was preferable to tyranny, and we moved steadily in that direction. We learned that the greater the strength and wisdom than bigotry, and we engraved on our national conscience a promise that was to lead to learning tolerance. History taught us that human nature was becoming more civilized than the barbary of slavery; and in increasing numbers we became convinced of this view.

In the brief history of our country we have had the great variety of experiences that have provided a crucible, a testing of our values. We have seen triumph and defeat, joy and sadness, pleasure and pain, greatness and meanness. In the crucible of conflict and controversy we have emerged out of a conception of a way of life that, at once, excites our imagination and challenges our ingenuity. It is a way of life that places the highest premium on the freedom of the individual, the equality of all men, and the objective evaluation of the person and his cause. If the conception remains unrealized, it is no more our fault, for we are not so crass as to believe in conflict and controversy we have also developed some capacity to judge what aspects of what experiences contribute toward the realizations of the dream.

One of the greatest tests we have ever faced regarding our capacity to live with our history and to profit from its lessons is now before us. As we approach the centennial of our greatest national tragedy we do so with humility and, indeed, with some trepidation. We can make of this occasion a banal and blasphemous travesty or we can make of it an inspired moment of revaluation. We can regard it as a period to be forgotten or we can seize upon it as an opportunity to learn to live with our past. We can regard it as a period to be clouded by a hideous, hideous memory, or we can look squarely in the face holding to prove to the world and to ourselves the realization of our nation's dreams. It is indeed an exciting and challenging period that cannot see an end before we can escape truth or history or the tides of the seasons.

We must not be guilty of refusing to live with our past, and because an incredibly display of poor taste and even sacrilege has already attempted to caricature a great event in the making of our national history. The ludicrous, mock speeches, the hideous and barbarous celebrations, and the wild, irresponsible attacks on those who saved this Union in its darkest hour we must remember and to proclaim our notoriety.

One hundred years later the Citizens' Councils are striving to reopen those wounds and to rescue a nation which has been the Nation's curse. The Great Emancipator was never their ally and will not serve them now. History has passed them by. A new birth of freedom is in the making.
enormous amount of unfinished business. He could not finish it. Succeeding generations would not finish it.

We in this generation can complete the task began by those who fought and died to preserve the Union, eradicate the barbarism of slavery, and establish equal rights for all. We shall observe the centennial of the Civil War by redoubling our efforts to secure the rights of all persons if we seize this opportunity that is now ours. We can use this moment not to appease our enemies, but to remind ourselves of our own responsibilities.

We shall do no violence to the memory of any one who fought to save this Union. We shall again be able not to make a mockery of that tragic period and of this solemn moment of remembrance. We cannot do this by attacking President Lincoln, whose name some of us are unworthy to utter, and by seeking to create more than a breach of scandal around the name of everyone who fought to save this Union.

We cannot do this by appropriating millions of dollars to put on sham battles and going through ludicrous ceremonies that make a mockery of that tragic period and of this solemn moment of remembrance. We cannot do this by attacking President Lincoln, whose name some of us are unworthy to utter, and by seeking to create more than a breach of scandal around the name of everyone who fought to save this Union.

One hundred years ago today, on the eve of his 52d birthday, the President-elect had no idea what the weeks and months of political storms that followed in November had nearly had in store for him. The triumphs of the Republicans in the 1864 general election had made him President-elect, but he had no idea what this very next day would bring. The triumphs of the Republicans in the 1864 general election had made him President-elect, but he had no idea what this very next day would bring.

It is to this moment that we refer you, who have been summoned to lead his country in this dark hour.

Now he was busy saying his farewells and making his departure from the place he had been pleased to call his home for a quarter of a century. Before him lay the long and tedious journey through the civil wilderness. Although he was tempted to take a backward glance at his beloved Springfield, there was scarcely an hour that did not see the reflection of the great peace which patriots had fought and died almost from the very beginning of the Republic. He had so little time. His remaining days were devoted largely to the formidable task of making the surrender at Appomattox a victory more certain than...
A Negro physician is run out of his Mississippi home because he attempted to vote. He has his own doubts about the meaning of Appomattox. A Negro professor of University of Chicago is highly respected in his profession. He may well have doubts about the Negro's capacity to accomplish anything. A Governor demands and secures his dismissal from a State college on flimsy, unsupported charges of affiliation with an enemy of the State. A Governor of Carolina Negro is chased at the point of a shotgun from a gasoline station by a white proprietor who shouts that desegregation is a Communist plot and that he wants no Negro in his store. This is the way the Negro is treated in the birth pangs and the amplification of these principles that emerged from the Civil War. But was it? Listen to the replies made in the decade of the 1960's:

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a powerful impact on the whole family of nations on this planet. Thus, I am saying that in my judgment Abraham Lincoln is the greatest American and that God has ever bequested to man. And I am saying, that as a consequence of that fact, and the stage upon which he was born, he is the founder of a new aspect of religion that is unencumbered by a theology. This religion is a direct observance of injustice and inhumanity.

Thus, the person of this tall, gaunt, brooding, and hopelessly tortured figure, he stood. Abraham Lincoln. I mean that He was never a saint or a virtuoso, contemptible his words, read his decisions, but that I feel myself somehow in the midst of all the confusion, with a feeling of pure and unadulterated religious feeling. This is no statesman per se, and yet statesman he became. This is no warrior per se, and yet warrior is absolutely what he was.

Thus, a book a word, and yet isn't this precisely what he did? Then what, indeed, is he? For in the mythology of religion. The Western World, and indeed, the whole world, was waiting for a

**CONGRESSIONAL RECORD**

*HOUSE*

*February 10*

First discovered God. His faith in the religion of his fathers. Abraham Lincoln, the greatest American historian. Men are tabulating.

I believe Leo Tolstoy and H. G. Wells about Napoleon. I do not believe Napoleon's openmouthed constitution to the world history had he been given the opportunities that came so abundantly to the leaders of greatness for hundreds of millions of the innocent hac been given to the leaders of greatness for hundreds of millions.

I tell you this because until Lincoln came for the people as he couldn't with the inherent truths they are tabulating. Don't they know what it means to drive your personal tutor? And living with you

He depleted France and Europe of its military forces. The generals and personalities of the court? They have adulation they engender only chill the heart of men and freeze the blood. They are indissoluble to the unmitigated criminals of all times. They have a pretentious little Coriscan bandit: A liar. A cheat. A kidnaper. His portrait is the face of Napoleon. His face is the face of a really pretentious little

And there in the middle of the 19th century it came. It came in the person of this tall, gaunt, brooding, and hopelessly tortured figure. He stood. Abraham Lincoln. I mean that He was never a saint or a virtuoso, contemptible his words, read his decisions, but that I feel myself somehow in the midst of all the confusion, with a feeling of pure and unadulterated religious feeling. This is no statesman per se, and yet statesman he became. This is no warrior per se, and yet warrior is absolutely what he was.

Thus, a book a word, and yet isn't this precisely what he did? Then what, indeed, is he? For in the mythology of religion. The Western World, and indeed, the whole world, was waiting for a
The more you read about them the more the revulsion, or the pity, or the dismay and the political-sea-sick aspect.

The more you read about Abraham Lincoln, as Carl Sandburg tells us, the more he grows on you.

Masturbation crying to high heaven: Must it be this way?

Revolution stalked the Continent.

There was an end to ex post facto law.

There was an end to the lettre de marque.

There was an end to the general welfare, and secure the blessings of liberty to ourselves and our posterity.

The church provided positive sanctuary for the hunted masses yearning to breathe free,

for "the tired, the poor, the huddled masses yearning to breathe free," as Emma Lazarus described them in another context.

The colonists who had set sail for America from the old world were fleeing from religious persecution. They founded the Constitution and the Bill of Rights to protect these hard-won freedoms.

The Founding Fathers, including Thomas Jefferson, James Madison, and Benjamin Franklin, wrote the Constitution and the Bill of Rights to ensure that the United States would be a nation of free and equal citizens.

The Bill of Rights protects the individual rights of all Americans, including freedom of speech, religion, and the press.

The United States is a nation of immigrants, and the Bill of Rights serves as a reminder of the values that we hold dear.

Abraham Lincoln, the 16th President of the United States, during the American Civil War, risked his life for the Union's survival and for the abolition of slavery.

Abraham Lincoln was a great leader and a great man, and his legacy lives on in the United States today.

The Bill of Rights is a testament to the ideals that America was founded upon.

The more you read about Abraham Lincoln, the more you appreciate the sacrifices he made for the nation he loved.
was interested to learn how President Lincoln dealt with an insubordinate general."

Mr. ROONEY of New York. I do, Mr. Chairman.

Mr. ROONEY of New York. Mr. Chairman, despite the failure of Mr. Chairman, Mr. Chairman, if we can get back to the issue, let me underscore the fact that I stand here as a bleeding heart—a bleeding heart for all the people, not just the few. I have not referred to anyone specifically as a bleeding heart, but if anyone is offended, I say if the shoes fit, then wear it.

But we have heard a lot of people and our children who would like to have their case tried in court. Yet in this legislation you are going to provide for extraordinary judicial proceedings, not to accelerate his case, but to expedite matters. I shall not do so.

The CHAIRMAN. The gentleman from South Carolina will proceed in order.

Mr. WATSON. Mr. Chairman, if we can get back to the issue, let me underscore the fact that I stand here as a bleeding heart—a bleeding heart for all the people, not just the few. I have not referred to anyone specifically as a bleeding heart, but if anyone is offended, I say if the shoes fit, then wear it.

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rights and civil rights for the allegedly persecuted citizens; but at the same time there is no validity in the supposition that those of us who opposed this measure are against the guarantees of these same rights. Nothing could be further from the truth.

The fact is that we are fighting for the rights of all of our people, the 90 percent as well as the 10 percent, while as white as the black, the native born as well as the foreign born—yes, we are supporting the constitutional rights of all of our citizens by opposing the enactment of this inequitable and unconstitutional measure.

Mr. Chairman, were we to carry the contention of the proponents of this measure to its logical conclusion, no longer would we live in the United States. Almighty himself was prejudiced and opposed to human rights simply because He made some black, some white—yes, because He gave many of us healthy bodies while some were forever scarred. Our legislative as well as personal responsibility is not to believe that we can make the unequal equal, the white black, the lame walk or the mentally impaired sane, but our mission in life as well as in this Chamber is to lessen the burdensome lot of these unfortunate citizens. This will be done only so long as we keep the healthy strong so that they may strengthen the weak.

One of the greatest champions of the rights of our colored citizens was that noble President, Abraham Lincoln, who said: "I have strengthenen the weak by weakening the strong." It has been said that an ounce of performance is worth a pound of promises. To that I subscribe. In that statement we find an indictment of this bill for it is nothing but many pages of idle promises. It will not give one bona fide job to a single member of the minority group; the only jobs it will create will be those of the federal establishment therein and the additional Federal marshals and judges necessary to enforce it.

One hundred years ago our Confederate forefathers were fighting a similar battle for civil rights. So strong was their belief in the cause which they represented that they were willing to lift arms against fellow citizens. Although our zeal in the cause of constitutional government is just as strong today as it was theirs, we now appeal to you with reason and logic. Just as they, we ask nothing but what is just and right for the Negro as well as the employer for the proprietor as well as the patron—yes, for the 90 percent as well as the 10 percent. No section nor people should ask for less as we have been asked to accept less.

We offer no defense but the Constitution and God forbid that we should ever forsake its defense regardless of the opposition. In asking you to oppose this bill we are not asking for any sacrifice on your part. We ask you, as we have been sworn to uphold the Constitution and it will be a dereliction of your solemn duty not to do so. Pressure, regardless of how large, cannot be justification for violating your constitutional obligation.

Mr. Chairman, this bill has been provoked by lawlessness and no doubt, will be passed under strong pressure, and will ultimately reap its harvest of hate. The passage of this measure will hail the beginning of an era of business harassment and constitutional neglect. It will formally announce the advent of minority rule in America. It will be an admission that this Congress has succumbed to political pressure, that legislation is not the result of either wise counsel or responsible reasoning.

The majority in this House have not heard the words of those of us, primarily from the South, who oppose this bill, but future generations who follow after us will never stop asking why you did not hear and heed our warnings. Your numerical superiority does not prove the meekness of your position. Your votes in favor of this infamous bill will not prove the cause for which we fought wrong. No, the strength of your voting power does not prove the weakness of our position.

Mr. Chairman, the victory of the majority on this bill will be a hollow honor, based upon fear of pressure rather than faith in our people. I predict that the passing of this bill will be only the beginning of an unceasing and insatiable demand for a further destruction of our Constitution. You may think in passing this measure that you have stabbed the South, but such is not so. In actuality you have not broken the back of the Southland. You have just succeeded in breaking the heart of every lover of the Constitution everywhere.

If I may be permitted to paraphrase the words of Lincoln, I predict that future generations, as they are struggling under the heel of Federal dictatorship, will make a living example of the statement:

People might forget what we said here, but they will never forget what we did here to our beloved Constitution.

The CHAIRMAN. The Chair recognizes Mr. LEGGETT from California [Mr. LEGGETT] for 1½ minutes.

Mr. LEGERGETT. Mr. Chairman, we are in a position today as we were in the past 11 years, where the question of a Federal civil rights bill in American history exclusive of the 13th, 14th, and 15th amendments to the Constitution, will become a living example of the statement:

A man who stands up for something falls back on his heels if he fails to stand up for something else.

I believe our record should show that supporting the integrity of this bill on probably at least six score amendments on nonrecorded voice, standing, and teller votes is substantial numbers of Republicans and more than one hundred Democrats. Among the Democrats there is a number of courageous Members who demand that our votes be recorded on behalf of their states. You gentlemen have the admiration of those of us from the North, and the entire Nation.

I might state, however, that the South surely has no carte on narrow-mindedness on the civil rights issue. While allegations have been made during the debate that the proponents of this legislation are forced to do so, for most of us, nothing could be further from the truth.

Were I to vote according to my mailbag I would vote against this legislation as would many other Members. This does not mean that the people are against this bill—it means that the conservative societies are most articulate. No Representative from California is oblivious to the fact that he loses many votes to the North for each of the causes he has been a liberal supporter of. So why then do we take this position if we are not forced to do so? For the late President Kennedy and for many of us, this is a moral issue. We have said that the only moral issue here is property rights, many recognize the moral issue to include freedom of speech, press, and religion and the further right implicit in our Constitution for all Americans to participate in electing government leaders, and the right to an equal share of the facilities, accommodations, and schools protected and encouraged by State action.

I anticipate this legislation will be enacted, and what will this mean? I believe it will mean that bipartisanship from all sides is broken, that the sentiment and emphatically expressed overwhelming majority view that at no place in these United States will we tolerate a multiple-class citizenship. It means that the Court's action has been expressed in support of the 1954 decision of the Supreme Court of the United States, that separate but equal facilities do not satisfy basic constitutional guarantees.

It means that all of us must go forth from the Congress and support legislation validly enacted by the Congress. Many have derogated from the Supreme Court's decision. We must fight for the vote in the Southern States. You have not broken the back of the Southland. You have just succeeded in breaking the heart of every lover of the Constitution everywhere.

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Mr. MEADER. Mr. Chairman, I take this time to point out to the committee that title IX was not in the original administration bill. That was added by the subcommittee. So far as I can recall, in the three volumes of testimony very little was said about this provision and very little consideration was given to this change in Federal criminal procedure in the Justice Committee and none at all by the full Judiciary Committee.

I was concerned—and I so expressed myself in my additional views—that we might be taking action without knowing all its ramifications by granting appeal from a remand of a Federal court in a civil rights case but not in any other case. It is possible that dilatory tactics, by repeated appeals, might frustrate the execution of State law.

Also, we might be establishing a bad precedent to be extended to other types of cases. I believe the matter could very well stand for study.

The CHAIRMAN. The Chair recognizes the gentleman from Tennessee [Mr. Broock] for 1½ minutes.

Mr. BROOK. Mr. Chairman, I rise to associate myself with the remarks of the gentleman from New Hampshire, who challenged the constitutionality of the bill. We should note that these remarks were made by one of the top constitutional attorneys in the Nation. The gentleman, Mr. Wyman, has on at least two occasions been chairman of the American Bar Association's top standing committees. Mr. Wyman is also chairman of the standing committee on jurisprudence and law reform. I wish to add, not only do I strongly feel it is unconstitutional but also, in my sincere opinion, it is the most discriminatory piece of legislation ever written in the Congress of the United States. It will discriminate not only against the small businessmen but also against the workingman and the members of the workingmen's union who perhaps will lose his seniority rights, for which he has worked so hard.

Let me be specific. Title II relating to public accommodations and title VII relating to refusal to discriminate in their treatment of the so-called little man. We all know that a small union or a small business has neither the funds nor the personnel to defend itself against unfair charges pressed by the full might of the Federal Government. In like manner title VI relating to the withholding of Federal money gives our Government power to keep funds from the school milk lunch program or from needy families receiving welfare relief because of actions of people with whom they have no control. People whose homes have not been inspected or whose property have not been appraised.

We have witnessed this House voting against a Negro insurance firm which sells only to members of their own race the right to hire only Negro employees. We have seen provisions included to prohibit discrimination because of sex while at the same time equal treatment was not afforded to the American Indian. There are so many contradictions in the legislation we can only wonder at its real purpose.

I have heard some of my colleagues on this side of the aisle say that they are going to hold their noses and vote for this bill. If this is so, perhaps it would be well for those who are going out to expound on the greatness of Abraham Lincoln this week to remember well something Mr. Lincoln said. He said, "History is not made by the strong alone, but by the weak and the helpless alone."

If I were to try to read much less answer all the attacks made on me, this shop might as well be closed for any other business.

I do the very best I know how, the very best I can, and I mean to keep doing so until the end.

If the end brings me out all right, what is said can't hurt me, won't amount to anything. If the end brings me out wrong, 10 angels swearing I was right would make no difference.

Mr. Chairman, I believe that the workingmen, and I mean to keep doing so until the end.

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rights. We cannot ignore the fact that we are in the throes of a great social change, some even refer to it as a social revolution.

More than a hundred years ago, in 1863, Abraham Lincoln issued his Emancipation Proclamation assuring freedom and equality to all Americans. Now, a century later, millions of our citizens are still deprived of the same human rights. As we live in other parts of the country, we have recently seen strong evidence of the Impatience of the Negro people who are the victims of discrimination and race. This impatience is expressed in the form of marches, demonstrations, sit-ins, protests, appeals. Fortunately, they have been of a non-violent character, with a few exceptions. It would, indeed, be a dark and sad day for America if this impatience gives way to riots and bloodshed.

Negro leaders themselves are well aware and seriously concerned of the deteriorating state of the Negro. James Farmer, the national director of CORE—Congress of Racial Equality—one of the leading Negro organizations in the country, stated at the annual convention of his organization:

No one can stop the demonstrations. The question is: Can we keep them orderly and non-violent?

This is a matter which deserves much thought. Demonstrations can get out of control, and the consequences would then be most tragic for all concerned, Negro and white. Not only could it lead to destruction of the city, which would alienate the sympathy of millions of white people throughout the country who support civil rights. It would bring much harm to the very cause for which Negroes are fighting and would set that cause back, and it would do irreparable harm to our Nation's prestige abroad. These factors which should be seriously considered by Negro leaders, should be kept from demonstrations from becoming destructive and violent. This is a responsibility which they must assume.

Over and over the white people must realize that the Negro is tired of excuses and endless debates. He is alarmed, and even angry at times, when he sees that 100 years after the Emancipation Proclamation he is still far from enjoying rights of citizenship, he is still struggling for elementary justice, for the right to vote, the right to give his children an education, the right to decent housing—equal opportunities for employment, and the use of public accommodations. White people, too, must assume their share of responsibility under such circumstances by avoiding provocation, by avoiding participation, and by cooperating in the effort to assure civil rights for all Americans.

Let me make one point clear, however. It is this: We have Negroes for equal opportunities for obtaining a job, an education, proper housing, and so forth. Denying this right to them is indefensible. But granting a man a job merely because he is a Negro is also indefensible. Merit and ability should be the determining factors, and not the color of a man's skin, or his religious beliefs, or his national origin. All that we ask—and I am sure all that the Negroes themselves ask—is that they be given an equal opportunity, that the same yardstick that is applied to whites in employment, housing, education, public accommodations, and so forth, also be applied to them. That is a fair and just request.

At all levels of government, Federal, State, city, and private, we must work to find a peaceful solution to this problem which, as I stated earlier, is the overriding moral issue of our day. Americans must realize that the time for denigration and explanations has passed, and that the time for action has arrived. We must re-examine our sense of moral values and moral objectives. We cannot afford in good conscience to let the struggle of the Negro for true emancipation take place within a nation that seems to have forgotten its own moral values. Failure to provide civil rights for all our citizens under such conditions means that our Nation at a crucial time in human events when we need our full strength to cope with other domestic and international problems.

As a nation today, the struggle for civil rights, the thought comes to mind: Why this intolerance in this great country of ours toward the member of a minority group, toward the person who belongs to another faith or nationality? Did not all contribute of our brain and brawn to make the United States what it is today? Do we not all seek the security and the welfare of our Nation? And the children born in our country today know neither prejudice nor hatred of their playmates in their formative years. They are given by Almighty God inalienable rights of freedom and equality, which neither man nor law can take away from them or deny to them.

A nation that lives up to these rights and provides all of its citizens with the opportunity to be a happy and prosperous nation. A civilization or society that assumes the responsibility that what is granted to one will be granted to all should have no fear that people of color will be contaminated with communism. It cannot be vanquished because its people have something to live by and to fight for.

It stands to reason that, in this crucial era for all of humanity, this is certainly a time for all men of good will to unite, to set aside their petty bickering, to rise above partisan and geographical lines, and to go forward together in their efforts to achieve security and peace. Unfortunately, the civil rights issue serves to divide us, to weaken us, to arouse sectional strife, and to detract our attention from other problems facing our country today. This is exactly what Khrushchev and his comrades in Moscow want—division in our ranks, chaos in our land, and our attention diverted away from the dangers facing our country today. I am opposed to such practices. I am opposed to treating Americans as second-class citizens by denying them basic rights enjoyed by all others. We must work toward a fighting for the supremacy of one people, the United States, or the supremacy of one race over another. Such practices can never be justified in the light of our moral and democratic principles, because there is no moral justification for racial or religious discrimination.

This country is comprised of people from all corners of the earth, all races, religions, and nationality groups. All of us
them have given the civil rights of the country and
are the property of the people under its constitu-
tion, and that the judicial power of the United
States includes the power to review the act of
any State legislature. The power is in the courts
of the United States to correct the errors of the
latter and to protect the rights of the former.
Mr. Chairman, the amendment is offered in
opposition to the amendment offered by the dis-
tinguished gentleman from New York (Mr. Fopf).
Mr. POFF, Mr. Chairman, I find all
to have taken place in this case, I am required
to answer both the gentlemen on the other
side of the aisle and the gentle-
men on my own side of the aisle. The
gentleman from Wisconsin (Mr. Kas-
tenmeier) called to my attention some-
thing which I confess I did not know. Indeed, there is another class of cases in
which appeal from a remand order is available. That has to do with cases involving Indian lands. However, what the
gentleman did not make plain was that it was only the United States has the
power to appeal such a remand order in
that class of cases.
If I according to the gentleman from New York, I want to emphasize that the
class of cases referred to in section 1443 is not confined to voting cases. Section 1443 describes all types of civil
cases as well as cases of the same or rather
large. But why we should single out
cases involving Indian lands. However, what
the gentleman did not make plain was that
that class of cases and the Indian cases
to offer a right of appeal from a remand order and deny the right of appeal in
those cases which have been removed from
the State courts to the Federal courts, no
one yet has satisfactorily explained.
Mr. Chairman, the amendment is offered to strike out title IX.
The CHAIRMAN. The amendment is offered by the gentleman from Virginia (Mr.
Ashmore) to close debate on title IX and
all amendments thereto.
(By unanimous consent, the time al-
looted to Mr. Roosevelt was granted to
Mr. Edwards.)
Mr. EDWARDS. Mr. Chairman, I
rise in opposition to the amendment offered by the distinguished
gentleman from Virginia (Mr. Tuck). First of all it is established law and has
been for nearly 100 years that the
defendant in a civil rights case can have
his case removed from a State court to a Federal court. This right to re-
move a civil rights case to a Federal court is contained in 28 United States
Code 1443. And particularly any of
the following civil actions or criminal
causation which are commenced in the
State court may be removed by the
defendant:
First. Against any person who is de-
ned or cannot enforce in the courts of
any State or Territory, the power
providing for the equal civil rights of citi-
zens of the United States, or of all
persons within the jurisdiction thereof.
Second. Against any act under color of
authority derived from any law of the
United States, or for refusing to do any
act on the ground that it would be in-
consistent with such law.
Mr. Chairman, I urge the defeat of the
amendment.
Mr. Chairman, the time of the
gentleman from California (Mr. Ed-
warrs) has expired. All time has ex-
pired. The question is on the amend-
ment offered by the gentleman from
Virginia (Mr. Tuck).
The question was taken; and on a divi-
dion (demanded by Mr. Tuck) there
was aye 76, noes 118.
Mr. Chairman, what we are doing here
is adding a judicial review of the order sending the civil rights cases back to the
State courts. It is a provision in title IX
that civil rights statutes are subject to appellate
review. That is what higher courts are for.
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which affect or may affect interstate com­merce. I therefore move for a change in this title, to strike out the last word.

The CHAIRMAN. Is there objection to the gentleman from New York?

Mr. Williams. Mr. Chairman, I understand that one member wanted to speak on this matter, but I do not see him on the floor at this time.

Mr. WILLIAMS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the genius of the American system of Government—the quality that distinguishes it from other and less fortunate systems—is the intricate system of checks and balances, and the distribution of powers provided by our Constitution. This system has served us well through all the 175 years. It has brought us from a third rate power to the position we enjoy today as the strongest and most powerful nation in the history of the world. But more important than the fact that our Nation, under the Constitution, has long been the world's citadel of freedom, protected against the dangers of oligarchic tendencies through the diffusion and distribution of governmental powers written into our Constitution.

Mr. Chairman, during the past several years, since the end of World War II, our venerable Constitution has been under assault from many quarters, beginning with a series of damaging political decisions handed down by the very courts whose duty it is to preserve the meaning of those letters of that document. It has suffered from Executive orders that seek to legislate by decree, and in the absence of approval by the Congress. I cannot bring myself to hold guiltless of the crime of encroachment against the reserved powers of the several States in the institution of various programs that have sapped away their sovereignty.

Because of conflicting philosophies as between those who advocated a weak Central Government and those who felt that the States should be merely subordinate subdivisions of the Federal Government, the struggle for supremacy has continued between the Central Government and the States. There was a time when the States were supreme in their domains. But the Federal Establishment was contained within narrow limits of jurisdiction. In recent years, that trend has been reversed, and now the Amendment is very close along the way toward total and complete domination over the States and the dissolution of their constitutionally delegated and reserved powers. The trend is away from the original republic of States and toward a completely autocratic centralized government.

Yes, Mr. Chairman, in our day and time we are witnessing a transition in the form of our Government, and I, along with millions of fellow Americans, am deeply concerned.

Yes, Mr. Chairman, times and conditions change, which demand that our Government be sufficiently flexible in its operation as to meet the needs of the day. I might add, however, that certain principles are as timeless in their application as the Amendment, that certain truths are eternal, and withstand the onslaught of time and change. Such truths and principles are the essence of our Constitution.

Mr. Chairman, I move that the bill before us now does violence to the Constitution, with its diffusion of powers and its system of checks and balances. The bill tampers with long recognized and constitutionally guaranteed civil rights of our people. It has already been shown by those who have preceded me in this debate to be an encroachment on the rights of the States to determine the qualifications of their electors; it compromises the right of our people to "be secure in their persons, papers, and effects" from unreasonable searches, and it obliterates the requirement that "no warrants shall issue except upon probable cause." The bill, Mr. Chairman, severely restricts the application of the first amendment guarantees. It abridges the right to trial by jury, and through enforcement of title II, it gives a stamp of approval to involuntary servitude.

Mr. Chairman, it was never intended that the powers to be exercised by the Federal Government be as broad or comprehensive as those contained in the Federal Government, in its original and historic concept, or in a limited government, with its power delineated by the Constitution. If that were not so, there would be no need for a written constitution. The very purpose of a written constitution is to specify and limit the powers to be exercised thereunder. A written constitution is necessarily a document of limitations.

Like the Ten Commandments, 8 of which are "thou shalt nots," 8 of the 10 articles that comprise the Bill of Rights are "thou shalt nots," each and every one of which concerns the limited powers of the Federal Government, and reserves all other powers to the States, respectively, or to the people.

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thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and prominence to abuse it which every average man is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in government is so obvious, and the necessity of distributing and constituting each part of it into separate departments, and constituting each the guardian of the public welfare against the interference of the others, has been evinced by experiments ancient and modern; some of them in our country and under our own eyes. To preserve the peace and the majority as to constitute them. If, in the opinion of the people, the distribution or modification of the constitutional powers among the different departments of government, will not produce the effects which are expected from them; let there be no change of government by which free governments are destroyed.

Mr. Chairman, we have witnessed a sorry spectacle in this Chamber since last Monday, when we began reading the bill for amendments. From one side, looking over your shoulders are agents of the Jessup Democratic Club; on the other side, riding herd over their sheep.

On the other side, peering from their perches are the political parasites of our day.

I have seen Members summoned out of the Chamber by these people and called on the carpet by these people and called on for having voted against the will of their constituents.

A legislative body is the expression of the will of the people. It is my duty to be the expression of the will of the people. I have yet to convince me that a legislative body is the servant of a political organization as to constitute them. If, in the opinion of the people, the distribution or modification of the constitutional powers among the different departments of government, will not produce the effects which are expected from them; let there be no change of government by which free governments are destroyed.

The only way we can be assured of the existence of a free government is to have the will of the people carried out by the legislative body.

Mr. Chairman, I do not hold these Members in contempt who are so weak as to surrender their honest convictions to this crowd of agitators; on the contrary, they are the best of their kind; for it is they, not I, who will have to shoulder the responsibility for having voted against the will of their constituents. Is it they, not I, who will have to shoulder the blame for their mistakes?

Mr. Chairman, for several days during the debate on this bill several Members, including myself, have wondered if the amendment to add the Community Relations Service would be in order and at what point in the bill. Now it has been offered by a member of the Judiciary Committee, the gentleman from South Carolina (Mr. Asseman). It should be recommitted in the interest of sound legislative procedures. But more than that, Mr. Chairman, the bill should be defeated in the interest of future generations. American citizens have the right to enjoy the freedoms that we inherited from our fathers before us.

Mr. Randall. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to commend the gentleman from South Carolina (Mr. Asseman), for his efforts in the preparation of this new title XI. Next, it is most encouraging to note that the gentleman from New York (Mr. Cellers) and the gentleman from Ohio (Mr. McCulloch) have indicated they by revealing why there is near unanimous Republican support of this bill. Apparently the ranking Republican on the Judiciary Committee and the Justice Department are making the rounds assuring Members outside of the South that the bill will have no effect on the people in their States.

These tactics point up the hypocrisy of their efforts. Mr. Mooney asserted that only the South will be affected. You know the old argument "those Southerners don't know how to run their own affairs. We must do it for them. We had a lot of experience following the Civil War. Our efforts to help the poor slaves met with such success that we are having to do it all over again after 100 years."

This type of tripe proves my contention that those furthest removed from the race problem are the first to propose a solution.

An oppressive majority may succeed in creating punitive legislation aimed at one region because it is politically popular to do so. But I can assure you that as the South solved this legislative problem once before, it will be done again. I am sure Members will have to suffer in the meantime.

The South has overcome many obstacles—political, social, and economic. Americans may think they are in the saddle now, but a rude awakening awaits them. When they become political altruists—and surely they will—whoever embraces them will despise them. America's future rests on this state of mind. The South have the patience to wait until public opinion manifests support for our position. It will not be long. When that hour comes, our representative form of government will have passed one more crucial test.

Mr. Chairman, this bill is literally crawling with vermin, snakes, and worms of every sort and kind. It should be recommitted in the interest of sound legislative procedures. But more than that, Mr. Chairman, the bill should be defeated in the interest of future generations. American citizens have the right to enjoy the freedoms that we inherited from our fathers before us.
Mr. Chairman, the objective of the Community Relations Service is to settle race problems across the conference table, if humanly possible, without resorting to methods that may require U.S. marshals or troops. When our late President Kennedy has his hands on civil rights, the newspapers in my district called me and asked what I thought was the best provision in the proposal. My immediate comment at that time was that the Community Relations Service was one of the best things in the bill. That was my view then and it is my view now. When the Judicial Committee’s substitute was adopted in place of the original version of H.R. 7132, title IV of the old bill containing the Community Relations Service was omitted. I understand that one of the reasons was a fear it would be just an added Federal burden of administration. The argument is not logical because it is not large enough to be called a bureau, but is a service which would pay its way many, many times and is conducive to otherwise necessary litigation. I have heard that some committee members preferred this section be added later by Executive order. Well, such an argument adds to the value of the service, but is sort of a lazy way out or the old “Let George do it” attitude. In this case it would be “Let Lyndon do it.” The truth of the matter is we are placing a tremendous burden of administration on the President by this new bill. In placing this burden on the President, we should give him the tools that will enable him to do a good job, and a fair job. This Community Relations Service is one such tool that he may use to avoid invoking the more severe penalties of the bill.

Examples of the value and benefits of such a community service have appeared throughout the country in the year 1963 where local or State racial commissions have acted to prevent race riots. There are many instances on record where race violence has been avoided by conference and reconciliation. Although there may be uneasy peace over here at Cambridge, Md., I think it is mainly because of the continuous efforts of leaders from both races who have been able to remain in close contact through regular conferences that has avoided a much worse situation.

Everyone will agree that as long as opponents can keep a bitter controversy in the talking stage there is a possibility that the controversy will not move into the fighting stage. This is based upon the principle that talking allows people to let off steam, which any psychologist would tell you always lessens personal tensions. In the arena of racial strife should have a chance to present their side of the controversy in a conference among leaders of the community. Even though they may not win the fight at the conference table great violence might be averted.

In every racially troubled community, there are undoubtedly many leading citizens who through ordinary circumstances agree to confer with each other. But the severe pressures of the moment often make it difficult, if not impossible, for these persons to approach each other for fear of losing face, much less sit down to talk face to face. What this great bill does is give those leaders who cannot admit publicly or openly that there is any basis for amicable settlement. I think this stage of conference should be a very important one in this bill. If they have had the chance and the invitation from some third party to sit down and talk it over. This is why it seems to me it is virtually indispensable that some organization be available to help bring together people of leadership from both races. In most parts of our country there is no such organization or commission, not even a local or State biracial commission. But even if there exists such a local group, it would need the help of dispassionate men who are not members of the community and not involved in any part of the tensions of the moment.

No one need fear that this process of mediation can block or slow down the vindication of constitutional rights. Many matters do not involve constitutional rights. Of course there are some problems that will have to be resolved in the courts. But even those which are susceptible to judicial resolution can often be handled much more quickly and economical by agreement.

This amendment specifically provides that the President should seek and utilize the cooperation of State and local agencies, if any. It further provides, when peaceful relations in a community are threatened, the Service may offer its help in the dispute, either on its own motion or upon the request of some State or local official or other interested person. The Service must hold confidential any information acquired in the routine performance of its duties. This means the Service would conduct its work without publicity in its efforts to seek the cooperation of State and local officials and all individuals involved.

The impact of H.R. 7132 on the country will depend, in large part, on how the measure is administered. I know it is the hope of every Member that it will be handled with fairness in a spirit of tolerance, for the rights of individuals on both sides of this great national controversy. President Johnson has had experience in this field as Chairman of the Committee on Equal Employment Opportunities. His heritage comes from the Southwest where there has long been moderate tension in relations between the races. If the President will intervene, the next time there will be neither a northerner nor a southerner. What could otherwise become a very abrasive law will be administered with sufficient temperateness, with the necessary tensions get soothed with firmness when required, that will accomplish the easing of racial tensions to the satisfaction of all who want fairness and a modus vivendi rather than confrontation and fanaticism. All of us are hopeful that the administration of this bill, when it becomes law, can be handled with avoidance of extremes. Persuasion and voluntary agreement when possible is better than the raw force expressed in terms of marshals and troops. Conference, mediation, conciliation, arbitration, and persuasion is the better way to proceed rather than through raw, unfeeling, legal force. Only in this way can the hopes of everyone be realized and the fears of everyone eased.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina (Mr. Armstrong).

The amendment was agreed to.

Mr. CELLER. Mr. Chairman, a parliamentary inquiry.

Mr. CHAIRMAN. The gentleman will state it.

Mr. CELLER. Do I understand that the amendment offered by the gentleman from South Carolina would be numbered title X?

The CHAIRMAN. That is correct.

Mr. CELLER. And that title X on page 87 would become title XI?

The CHAIRMAN. An amendment was submitted to be offered when that title is reached.

The Clerk read as follows:

**TITLE X—MISCELLANEOUS**

SEC. 1001. Nothing in this Act shall be construed to deny, impair, or otherwise affect any right or authority of the Attorney General of the United States or any agency or officer thereof under existing law to intervene in any action or proceeding.

SEC. 1002. If any provision of this Act or the amendment thereof to any person or circumstances is held invalid, the remainder of the Act and the amendment of the provision to other persons or circumstances shall not be affected thereby.

The CHAIRMAN. Does the gentleman from New York desire to offer an amendment to correct the title and section number?

Mr. CELLER. Mr. Chairman, I offer an amendment that Title X on page 87, line 1, be changed to title XI.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. CELLER

Page 87, line 1, strike out “Title X” and insert “Title XI.”

Page 87, line 2, strike out “Section 1001” and insert “1003.”

Page 87, line 7, strike out “Section 1002” and insert “1004.”

Page 87, line 10, strike out “Section 1003” and insert “1004.”

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

Mr. MEADER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MEADER: On page 87, after line 6, insert the following: “SEC. 1001. Nothing contained in any title, section, or amendment of this Act shall be construed as constituting or creating an intent on the part of Congress to occupy the field in which any such title operates, to affect any State law on the same subject matter, nor shall any provision of this Act be construed as invalidating any State law which is valid in the absence of such Act, except to the extent that there is a direct and positive conflict, such as provisions so that the two cannot be reconciled or consistently stand together.”
And renumber sections 1002 and 1003 as 1005 and 1004 respectively.

Mr. MEADER. Mr. Chairman, I ask unanimous consent that the numbers in my amendment be changed to conform to the amendment just adopted.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. MEADER. Mr. Chairman, this is probably one of the most important amendments to this bill. The phraseology of this amendment is nearly identical with H.R. 3, which has passed this House. It is the so-called nonpreemption provision.

The gentleman from Virginia [Mr. Smith] has been introducing this legislation for years. I know twice the Committee on the Judiciary has reported it and both times the House has adopted it.

This legislation was made necessary by the doctrine of the Nelson decision in which the Supreme Court of the United States, in the case of United States v. Butler of Pennsylvania passed in the late nineteen-twenties that statute itself a provision that we were unable to occupy the field in which this section operates to the exclusion of a law of any State, territory, Commonwealth, or possession of the United States, and no law of any State, territory, Commonwealth, or possession of the United States which would be valid in the absence of the section shall be declared invalid, and no local authorities shall be deprived of any power which is granted them by the state or territorial government over which they would have jurisdiction in the absence of this section.

In other words, unless we adopt this language, the States of California, Michigan, or any State that has acted in this field in the past and in the future, run the risk of having their ordinances or statutes held invalid because of the adoption of this civil rights bill, H.R. 112- the application of the preemption doctrine of the Nelson case. It is to preserve local civil rights laws that this amendment is offered.

How does it come about that this preemption doctrine would stifle these laws? We have, for instance, in Ann Arbor a case right now in the municipal court charging a barber with refusal to give service to a Negro. Because of the sweep of this Federal statute, if it had been in effect today, the defendant's attorneys would have come in and moved to dismiss the case on the ground that that ordinance was no longer valid since the Federal Government had preempted the field. I do not think anyone on this floor wants to run the risk of nullifying State and local laws which are designed to prevent discrimination and segregation.

I would think that this amendment ought to be acceptable to the majority of the committee as well as the committee members on my side. After all, where should these laws be enforced? If the people are protecting civil rights on a local basis, do you want to put them out of business and multiply the people you will have to hire to enforce Federal law in every nook and corner in the country? You know this law is very sweeping as far as the public accommodation section is concerned with respect to education and public facilities. By falling to adopt this amendment I think we would run grave risk of doing great harm to State and local efforts to achieve the equal rights enshrined in our Constitution.

Mr. ANDERSON. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ANDERSON. Mr. Chairman, I rise to move the adoption of the amendment offered by the gentleman from Michigan [Mr. Meader], because I am afraid of the impact that title VII as presently written will otherwise have on the States. The Federal FEPC is still a Federal FEPC laws on their State statute books. The problem of eliminating discrimination with respect to employment is one of tremendous importance. I am certainly not persuaded that a Federal FEPC with 155 employees and an annual budget of $3.8 million is going to get to the root of the problem. It would probably take a Federal FEPC with a budget of 100 times that mentioned in the debate unless we can enlist and energize the active support of State agencies to move against employers who willfully discriminate on the basis of race, color, religion, or national origin.

I am not persuaded by the soothing language of the provision in section 708(b) that says the Federal Commission shall "seek written agreements with the State or local agency." I am reliably informed that no significant cessions of Federal authority have ever occurred in the labor-management field by the NLRB to State labor relations boards. Federal administrators out to make a record and build up their own personnel are too busy seeing to the proper application of Parkinson's law to give much consideration to ceding their jurisdiction to State and local agencies.

The distinguished gentleman from Ohio [Mr. McCulloch] said a few days ago: I believe in the effective separation of powers and in a workable system whereby State authority is not needlessly usurped by a centralized government, but I also believe that an obligation rests with the Federal Government to see that the citizens of every State are treated equally.

I applauded his statement then, and I declare my support of that principle here today. However, I fear that unless this amendment is adopted you will see a needless usurpation of State authority by the centralized Government in Washington. I am not now talking about preserving States rights where a State has refused to shoulder its rightful responsibilities to guarantee to all citizens within its borders the rights, privileges, and immunities of citizenship that are set forth in our Constitution. I am not asserting a purely negative concept of States rights. By this amendment we are pleading for States rights in those jurisdictions where they are not common to sit by and see the spread of a vacuum caused by inaction which is then inevitably filled by the onrush of Federal power.

I agree with the gentleman of South Carolina [Mr. Doak], said the other day in his eloquent address on the importance of preserving State and local responsibility even though I shall vote for this bill and he will not. Where we have effective organs and agencies of State and local government which are moving to meet problems they should not be shunted aside by the doctrine of Federal dominion. This can in truth lead to the destruction of our Federal system. State commissions in my own State of Illinois, New York, South Carolina, and other States should be more aware of local problems and conditions and be better prepared to provide solutions than more distant Federal commissioners.

I believe this amendment is needed to prevent complaints when they find themselves confronted with State commissions, Federal commissions, and a Presidential committee on equal opportunity, all operating in the same field. It is costly, it is inefficient, and encourages contempt for, rather than compliance with, the goals we are seeking.
but not the spirit of the law by setting up State commissions which do not function effectively to attack the problems of discrimination in employment, I say no and I oppose.

The Federal Fair Employment Practices Commission will sue an employer under this section in a Federal court and the court will then simply determine whether the effective services of the particular State in the State agency to eliminate and prohibit discrimination in employment. If the court determines that the effective services of the State agency to accomplish this, then this section, as amended, would not constitute a bar to a Federal prosecution.

Mr. Chairman, I believe this is a necessary amendment—necessary to retain the effective services of existing State fair employment practices commissions. I believe it is also an important amendment if we really want to take steps to prevent discrimination of our Federal law by preventing the unnecessary centralization of Federal power in Washington.

The House of Representatives is concluding debate on what is undoubtedly the most significant piece of legislation which it will consider this year. I am going to vote for the civil rights bill as a matter of Christian conscience. The president of the American Jewish Congress, Rabbi Prinz, once said that when he was the Jewish rabbi in Berlin under Hitler, that he learned many things. He went to try:
The most important thing I learned under those tragic circumstances is that bigotry and hatred are not the most urgent problem. The most urgent, the most disgraceful, the most shameful and the most tragic problem is silence.

If we as Christians truly believe that man has been created in the image of God, if we truly believe that the great Commandment is to love them neighbor as thyself, then we can ill afford to be silent on one of the great issues of our time.

The Solicitor General of the United States put it this way when he said:
The present conflict over civil rights is a conflict between the ideals of liberty and equality expressed in the Declaration of Independence on the one hand, and on the other hand, a way of life rooted in the customs of many of our people.

It is not without sympathy that I observe the fact that passage of this legislation will spell the end of the last vestiges of a society where the American Negro has lived in a past tense and in many instances, even a kindly light, by the white segment of our society. However, the record in this case contains irrefutable evidence that amid the paternalism and the kindness are also to be found glaring and even shocking examples of discrimination and ill treatment which has been born and bred out of hatred and bigotry.

At a recent canvassing of Congress, I cannot ignore facts like these. Ten years after the decision of the Supreme Court in Brown against Board of Education, 89.9 percent of the school children in 11 Southern States of the Old Confederacy are still attending segregated schools. With respect to voting rights the evidence shows that there are more than 250 counties in which less than 15 percent of the Negro population has been registered and permitted to vote.

Among the most poignant testimony received by the Judiciary Committee when it was considering this legislation was that which related to discrimination practiced in many areas of the country with respect to the refusal to serve registered travelers of public accommodations facilities. Again the unrefuted evidence in the record shows that if a man has been born with a dark skin, he may find it necessary to travel literally hundreds of miles between certain cities, particularly in the southeastern part of the United States, before he can find a suitable place to rest and to sleep.

Surely, the Christ who paused to bring succor and healing to the bruised and wounded Samaritan along the wayside would not turn His face from the plight of the Negro, solely because of race, who are denied the privileges and immunities otherwise afforded citizens of the United States. If that be true, surely those of us who seek to follow Him as Christians cannot countenance in silence the indignities that inevitably result from racial discrimination.

I am personally satisfied after literally months of study and research that this legislation has a proper constitutional basis. However, in the end, that will certainly not be the most important consideration. The legislation will be improved by the adoption of the substitute. I hope it is unanimously agreed to.

The question is on the substitute amendment offered by the gentleman from Maryland to the amendment offered by the gentleman from Michigan.

The substitute amendment was agreed to.

Mr. MATHIAS. Mr. Chairman, will the gentleman yield?

Mr. MATHIAS. I yield to the gentleman from New York.

Mr. McCULLOCH. Mr. Chairman, the Meader amendment was a good one. The substitute may be even better.

The legislation will be improved by the adoption of the substitute. I hope it is unanimously agreed to.

Mr. Chairman, the question now is on the amendment offered by Michigan [Mr. MEADER] as amended by the substitute amendment offered by the gentleman from Maryland [Mr. MATHIAS].

The amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. WINSTEAD

Mr. CHAIRMAN. The question is on the amendment offered by Mr. Winstead.

Mr. Winstead. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Winstead: On page 87, line 8, after the word "appropriated" insert the following: "from and after January 1, 1966.

Mr. Chairman, I believe it is evident, after 10 days of debate and discussion here, that each Member of the House knows there is not a single Member of Congress who understands what the bill will do or how far-reaching it really will be. We also know that this is brought about largely on a political basis. I should like to have the funds delayed until we get all our campaigns over this fall, so that if there is any merit to this legislation we can approach it on a commonsense basis. My amendment would delay appropriated funds until January 1, 1966.

A Negro northerner came into my office before Christmas requesting that I sign a discharge petition for civil rights. He asked me if I had signed the petition, and I told him, "No," but I also told him, "I am glad you northern Negroes have at last caught up with professional white politicians, who have tried to put all the blame for your ills on the white people.

I believe it is about time that we found some other subject to "politic" about, and let the Negro rest awhile.

Mr. Celler. Mr. Chairman, will the gentleman yield?

Mr. MATHIAS. I yield to the gentleman from New York.

Mr. Celler. I am opposed to the amendment offered by the gentleman from Michigan [Mr. MEADER] and am heartily in favor of the substitute offered by the gentleman from Maryland.

Mr. MATHIAS. I thank the gentleman.
Who ever heard of such legislation as we have here? I say to you that a great number of liberal church people have flooded Congress with petitions against passing of the civil rights bill—probably more than the Negroes themselves—yet they are thinking only in terms of what they believe the Congress should do to right some wrongs which they consider have been placed upon the Negro race. In my opinion few of them have any idea what this bill contains. If so, they would oppose it.

I suppose that most of us—at least, many of us—think the Senate will tone the bill down. I believe that if the House Members thought that the Senate would accept this bill as written, it would be defeated on the floor of the House before this day is over.

I say to you, many things will happen if this goes into effect.

Some of you have made believe that the way the southern Negro were brought about because of the way he was treated in the Southern States. When the Supreme Court made its infamous school decision in 1894, many northern people said it would only affect the Southern States. But they now know that their States are also affected by it.

I say to the chairman of the Committee on the Judiciary, the gentleman from New York [Mr. WITNESS], the ranking member of the committee, the gentleman from Ohio [Mr. MCVINCH], I understand your States already have civil rights laws as strong as this bill. If that be true, why have you had to be so much in confusion in your States as is viewed on television and read in the newspapers, if law will solve your problems? I insist that this type of legislation will harm the Negro more than it will help him.

I happen to have had the privilege before coming here to work with the Negroes of my section, and I think I have rendered a service to that group of people.

My friends, the professional politicians who exclaim so loud about discrimination, will select a few Negroes and give them to the Cabinet positions but will have little or no concern for the welfare of the masses.

In my opinion, the Negroes are generally more interested in earning a living wage, being able to go to places of entertain- ment, and have sufficient food, than they are in sitting by the side of you or me or any white person.

Apparently, you are still anxious to use the Union as a scapegoat, especially those who voted against the amendment that was offered by the gentleman from Virginia [Mr. TRAVIS] to broaden a part of this bill to make it apply to all parts of the country. But you did not have the nerve to do it.

So, my friends, I just say this in conclusion, if you must pass this bill and if you will pass a part of it, be sure that this bill in keeping with my amendment, will be the end of the political uproar is over this summer, this bill will be less damaging to the Negro and to the country. I hope you will adopt my amendment and vote to defeat the bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi [Mr. WINTREIAL].

AMENDMENT OFFERED BY MR. WHITENER

Mr. WHITENER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WHITENER: Strike out line 13 on page 87 and insert in lieu thereof section 1103, if any provision of this act is held invalid the remainder of the act shall not be affected thereby.

At that time both the chairman of the Committee on the Judiciary and the ranking member of the Committee on the Judiciary [Mr. SMITH] accepted that amendment. Before I go into a discussion of it, I wonder if they are still of the same mind as they were then.

Now, my friends, the chairman of the Committee on the Judiciary has indicated they do not agree to that.

Let us analyze this amendment and see why it is important.

Some of you have made believe that those who contend for this legislation, very generally say that the Supreme Court decisions with reference to this overall problem are "the law of the land." As I understand it, this bill is held out to us to be the law of the land if it is passed by the Congress. But yet the proponents of the legislation are not willing for that to be true, because they say if any provision of this act or the application thereof to any person or circumstance is held invalid, the remainder of the act and the application of the provision to other persons or circumstances shall not be affected thereby.

So when the chairman of the Committee on the Judiciary, refuses to accept this amendment, he is saying in effect that if the Supreme Court of the United States should hold any part of this law to be unconstitutional as to some individual, that that would not mean it was unconstitutional as to another individual. By his position he says that if the Supreme Court holds that it is invalid as to a certain circumstance, it would not apply to any other circumstance. So I suppose that if a decision by the Court, if the will of the Congress is carried forward, would hold a portion or all of the act unconstitutional, that would not stop the Department of Justice or any of these agencies from proceeding against some other individual.

Now, I did not go to Harvard Law School, but I did go to one that I think is just as good. I was asked by one of the things which were told there in law school was that there was a doctrine of stare decisis, and certainly it ill behooves legislators to say by their action on this proposition we believe that that doctrine should be perpetuated.

I would point out further history in a legislative way. This same language was set forth in the Landrum-Griffin bill as it came to us, and when the amendment was offered both the handlers of the bill on the Democratic side and on the Republican side readily accepted the amendment because we few people thought it was proper. I say to you that there should not be a special separability clause for this type of legislation from that which is generally used in other legislation, and I ask that the amendment be approved.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina.

The amendment was rejected.

AMENDMENT OFFERED BY MR. SMITH OF VIRGINIA

Mr. SMITH of Virginia. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Virginia:

1. On page 87, beginning after line 6, insert the following new section:

"Sec. 1003. Nothing in this Act shall be construed to require an individual to render labor or service without his consent; nor shall any provision of this Act be held invalid if the performance by an individual of such labor or service, without his consent, is provided for by number Sec. 1003 and 1003 to read "Sec. 1003" and "Sec. 1004."

Mr. SMITH of Virginia. Mr. Chairman, I offered this amendment Monday to title II on public accommodations. I thought it would be adopted, but it was not.

Now I offer it again to the entire bill. It is an amendment to carry out the mandate of the Constitution that Congress shall have power to enforce the 13th amendment. The 13th amendment reads, in case some of you do not recall it:

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States.

Now, that was 4 or 5 days ago. Since that time we have had ample time to reflect upon our sins. Since that time the distinguished gentleman from New Hampshire [Mr. WYMAN] has made a very eloquent and able speech, this after- noon, on the Constitution of the United States. I think maybe in the little time we have had to reflect since I offered this before, some of you people who were rather inclined to laugh at my amendment might have come around to the moralers' bench, you might have re- thought upon your sins of Monas and be ready to redeem yourselves and pass this amendment which ought to be passed because it is within the Constitution of the United States, the 13th amendment, which was adopted following the Civil War.

You know, it is an anomalous situation: 100 years ago your ancestors came to this country, destroyed our country, devastated our homes, and all of this in the name of doing away with slavery. Does it not seem anomalous that 100 years later we should pass an amendment to the Constitution which states that constructed rebels must stand up and
fight for the 13th amendment which you placed in the Constitution to keep in effect the antislavery rule.

The situation is now reversed. The very people who have always stood for that amendment are now seeking to have it amended or eliminated, if this amendment is not accepted, will restore involuntary servitude, in direct defiance of the amendment which you adopted 100 years ago.

I do not expect you to adopt this amendment. I just want to make you feel ashamed of yourselves. I know what you are going to do about it. I know you are not going to adopt this amendment but I just want to see you squirm. I just want to see you feel ashamed of yourselves. I want to see you get up and argue against the 13th amendment which you placed on the books 100 years ago.

Now, come on; let us adopt one decent amendment; let us adopt one little decent amendment that is in conformity with the law, that is the law of the Constitution of the United States which you folks from the North put in the Constitution 100 years ago.

Mr. GRANT. Mr. Chairman. I rise in support of the amendment.

Mr. Chairman, the die is cast. This could well be called the Appomattox of constitutional liberties for all Americans. History will surely record this date.

July 4, 1863, 57 years ago in an hour of "triumph of arms," there occurred the most tragic era in American history. Prostrate and devastated—even more than its worst enemies could desire—for the veritable life of present-day Union, brave men and women of the South were trampled underfoot, and their homes and life savings were destroyed by scalawags and carpetbaggers. The freed slaves—many of whom remained with their former masters—were in their ignorance misled by many of those to whom they looked for guidance in their hour of need. This was a time when Congress lost its power of reason, when it passed laws limiting the power of the President to dismiss Federal officers, when it deprived the President's authority over the Army and depriving the Supreme Court of its jurisdiction over these laws.

Many of you Republicans, who still will be telling the Nation of the help you rendered in passage of this civil rights bill, will be telling their listeners what Jefferson meant when he said:

"That government is best which governs least."

It will be rather difficult, indeed, to explain your vote now enabling a bill that will mean less government. It opens the door for full Federal Government encroachment into every phase of American life. By the expressed power to determine whom you must rent or sell your home to, to ascertain whether your office or place of business is racially or religiously balanced, and also tell you whom you must serve. These things I do not object to. I understand such laws which are under the right and authorization by the Federal Government of appropriating funds for training institutes for the purpose of dealing effectively with desegregation. Title V concerns the Commission on Civil Rights which I have strenuously objected to and will continue to do so at every opportunity.

Title VI, providing for nondiscrimination in federally assisted programs, is aimed directly at the South. This will greatly endanger the Government's programs in housing, education, and welfare because it is very doubtful that Congress will appropriate funds as it has in the past.

Title VII, known as the equal employment opportunity section, is the same old FEPC that has been kicked around for the last 10 years. It is clearly one of the most difficult of all the civil rights bills, and, in the end, will not help those whom it purports to help. There are so many factors involved in the selection of an employer that broad and harsh criteria can be set out.

Incidentally, what has become of the God-given right to run one's own business and employ whosoever one pleases? This section can completely ruin one's business by forcing him to employ a person who would be objectionable to his customers. In addition to that, the Civil Rights Commission has already set up this section sets up another expensive Commission to harass and plague the people.

All in all, this legislation is unnecessary; the Constiution already contains laws which cover any wrongs that might occur—whether they be in the field of education, religion, employment, or otherwise. This legislation is ill-advised, vindictive and punitive. We now have a Nation under God where every citizen can live without fear of violence and where people of all races can enjoy freedom.

A great American whose birthday we so soon celebrate said: "A nation cannot survive half slave and half free." Yet, under the martyred President's words, we have not one civil rights bill. Yes; I repeat, slaves—slaves to an autocratic, all-powerful Government. This bill is a take-over by an all-powerful Government of the social, civil, and business life of the Nation.

This bill cannot be perfected; however, in an effort to save as many of the people's liberties as possible, over 100 amendments have been proposed, most of them voted down. Be that as it may, the adopted amendments have been helpful, and it is earnestly hoped that, if the bill cannot be defeated, that before final passage of it into law, many of the objectionable features will be deleted or amended.

I feel that during this debate a sincere effort has been made by the opponents to make a record which will be helpful to those who wish to study the legislative history of this legislation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. SMITH). The question is on the amendment of Mr. SMITH. The amendment of Mr. SMITH was taken up and indefinitely postponed, and the question being in doubt, the Committee divided, and there were ayes 81, noes 106.

Mr. SMITH of Virginia. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. SMITH of Virginia and Mr. ROBIN.

The Committee again divided, and the tellers reported that there were—ayes 98, noes 163.

So the amendment was rejected.

Mr. JENSEN. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. JENSEN. Mr. Chairman, after listening 10 long days to the pro and con debate on the so-called civil rights bill, I have come to the firm conclusion that if this bill H.R. 7152 is made the law of our land, the very people it seeks to benefit will learn it is the use untold harm to all the people regardless of race, color, or creed, by placing every American under dictatorial Federal control to a far
greater degree than we are experiencing at the present time.

Mr. Chairman, if for no other reason than I have just stated I could not find it in my heart after prayerful thought to support this bill in its present form.

I yield for a moment to the time when good patriotic Americans nationwide will be accused of discriminating against a person, be he or she white or colored, brought into court, finding that all of our American rights and privileges, the right to choose our associates in business, be they employees or employers.

When that right to choose is denied our people, be they white or colored, and the Federal Government dictates takes precedent over the civil rights laws of the States then many States rights as provided by our U.S. Constitution become mere scraps of paper and a forerunner to the abolition of all State rights. To that I refuse to be a party.

I yield to no man in my desire that every qualified voting age have the right to vote in every local, State, and national election and in accordance with our U.S. Constitution.

Also Mr. Chairman, to deny any American youth an equal opportunity of an education with others, because of the color of his or her skin, does not square with my ideas of our American way of life. Relative to the public accommodation section of this bill which plainly provides Federal jurisdiction and control over who shall be employed by private business, whether or not that business deals in interstate commerce, is in my studied opinion an infringement on the commerce clause in our U.S. Constitution, which I have taken the oath many times to uphold and defend so help me God.

In conclusion, let me say, Mr. Chairman, that, along with all the blessings and benefits of American citizenship it follows inevitably to those blessings and benefits, every American irrespective of race, color, or creed must accept and practice day in and day out the full responsibility of American citizenship.

AMENDMENT OFFERED BY MR. ABERNETHY

Mr. ABERNETHY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ABERNETHY: On page [blank] add two new sections, appropriately numbered, as follows:

"Sec. -- To provide for the expedient enforcement of this Act, the President of the United States is hereby authorized to appoint five hundred Judges of the United States district courts, the said judges to be in addition to those now authorized by law; and shall also appoint such additional prosecuting attorneys, United States marshals, inspectors, and jailers as he deems necessary.

"Sec. -- In addition to all other appropriately authorized, there is hereby authorized to be paid such such reimbursement as the Attorney General deems advisable, but not to exceed $100,000,000, for the erection of jailhouses, and compounds without regard to the provisions of Title VI prohibiting for the withholding of Federal funds in areas where discrimination is practiced."

Mr. GRANT. Mr. Chairman, will the gentleman yield?

Mr. ABERNETHY. I yield to the gentleman from Alabama.

Mr. GRANT. I am sure the gentleman from Alabama has made a study of this. Does he feel reasonably sure that 500 will be a sufficient number of judges?

Mr. ABERNETHY. Well, in order to carry out the objectives of this bill they are going to need a lot of new courts down in our part of the country, as well as some elsewhere. If 500 is not enough we can always come back for more. At least, this would make a good start.

Mr. SIKES. Mr. Chairman, will the gentleman yield?

Mr. ABERNETHY. Is the gentleman going to support my amendment?

Mr. SIKES. Yes. Does the gentleman's amendment include present company?

Mr. ABERNETHY. Present company? I do not know if I understand the gentleman but presume he wishes to know if we would be eligible to serve as a judge. I see no reason why Members should not go, I know some judges on the Supreme bench who have had much less experience. I am just trying to set up something in the bill for us. Up to now there is nothing in the bill for us but trouble, and more trouble.

You know there is going to be a lot of litigation between here and Texas. I do not know whether Texas will be excepted or not. It depends on the attitude down on Pennsylvania Avenue where Texas has a lot of influence.

This amendment provides for 500 new Federal judges and an appropriate number of district attorneys, marshals, and jailers. Also, we are going to need a lot of jailhouses. There is enough power in this bill to put thousands of people in jail for a lot of periods of time. The sponsors of the bill have overlooked the need. Their entire time has been expended in trying to find ways of putting more white people, especially southern whites, in jail. They have given no thought at all to providing appropriate facilities to care for us, once we are sentenced.

Now, under title VI of the bill the Federal Government cannot spend Federal money down there because the bill specifically provides that Federal funds be withheld from that part of the country where discrimination is practiced. So I have provided in this amendment, that these jailhouse projects can be constructed with Federal money notwithstanding the limitations imposed in title VI. Therefore, this will make it perfectly legal to spend Federal money on jails in the South.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. ABERNETHY. I yield to the gentleman from Iowa.

Mr. GROSS. Would the gentleman be willing to share a part of all of these jails with Chicago and New York City?

Mr. ABERNETHY. No, we would not want to integrate our jails with prisoners from Chicago, New York and so on. After all it is not the intention of the sponsors of this bill to send anyone from Chicago or New York to the other up county city to jail. The bill is directed at the South, at least, that is the primary direction.

These jails are for southern white folks only. There are the people who the sponsors of the bill are after. Of course, it might surprise and kick back on them, but I know they expect to have a favorable Attorney General, favorable administrators and so on.

All we of the South could possibly get out of this bill would be a few jobs for some of our people as judges, district attorneys, jailers, and the like, as well as some employment in constructing jailhouses. So, I hope you will go along with us on this amendment. Up to now you have voted down every constructive amendment. Since you can stand with us on one. Just one!

I would appreciate it if the chairman of the committee would help us on this. We have a lot of unemployment down there. This amendment would release much money in our midst. Just think for a moment how this would stimulate our economy. Then we could pay more taxes and help reduce the national deficit. Why it might be more stimulating than the tax reduction bill.

Mr. WINSTEAD. Mr. Chairman, will the gentleman yield?

Mr. ABERNETHY. I yield to the gentleman from Mississippi.

Mr. WINSTEAD. This bill is intended toward our section of the country, anyway. Apparently they did not intend to include Chicago and some other sections.

Mr. ABERNETHY. Of course, the gentleman is correct.

Mr. ANDREWS of Alabama. Mr. Chairman, will the gentleman yield?

Mr. ABERNETHY. I yield.

Mr. ANDREWS of Alabama. I want to support the gentleman on this amendment. I think that the nearer a man's home you can have the jailhouse, the better off his family will be.

Mr. ABERNETHY. And also to have a friendly jailer.

Mr. ANDREWS of Alabama. I like friendly jailers better than I do unfriendly jailers.

Mr. ABERNETHY. I thank the gentleman. He has made a very fine point.

Up to now every sensible amendment has been beaten down. The House has marched head on to pass this bill without change, and to make it just as cruel as they possibly could. The Members have bowed to the pressure of the Negro minority, as well as some religious minority or minorities, the identities of which have never been mentioned, although they have been called upon to put them in the Record.

You have had your day. The object has had to be achieved with this bill and to win the elections for your party in November. A few of you are going to stand up for sound constitutional government and vote against the bill, but outside of my section there will be only
a few of you. I have known many of you a long time. I regard many of you as my personal friends. I hate to say this but I feel I must—I would not pay the price to go to Heaven that many of you are paying to stay in Congress by voting for this monstrous and vicious measure. This leads to totalitarianism.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi.

Mr. ROGERS was taken; and on a division (distinguished by Mr. ABERNETHY), there were—aye 20, noes 130.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. ROGERS OF TEXAS

Mr. ROGERS of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROGERS of Texas: Page 87, after line 13, add a new title numbered title XI to read as follows:

"Evidence received in proceedings under any title of this act shall be subject to and in conformity with rule 43 of the Federal Rules of Civil Procedure. One of the Federal Rules of Criminal Procedure as the case may be."

Mr. ROGERS of Texas. Mr. Chairman, it is not my purpose in offering this amendment to debate it. But I do want to take this last chance to add some soap and water to this measure.

This amendment does nothing in the world but make the people having the hearings under all of the titles of this bill conform to the same rules of evidence that the Federal district courts must conform to under the Federal rules of civil procedure and under the Federal rules of criminal procedure.

Now the point is simply this. If you are dealing with the rights, privileges, powers, and immunities of man in this country, and that is exactly what you are dealing with, certainly the same rules ought to be applied in hearings in which those rights, privileges, powers, and immunities are at stake in the Federal district courts.

If those rules of procedure which have been adopted after a great deal of exhaustive thought on the part of the leading lawyers of the world are good enough for the Federal courts, I think certainly they are good enough to apply to the hearings and to the examiners on these matters that are coming before the Government under these proceedings.

If there is objection to the adoption of this amendment, then those people who are espousing this are not interested in proceeding along the road of basic law in this country under the Constitution. They are not only trying to circumvent basic law, but they are trying to circumvent the procedures by which it is supposed to be applied.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. Rogers).

The amendment was rejected.

AMENDMENT OFFERED BY MR. SIKES

Mr. SIKES. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SIKES: On page 87, lines 7, strike out lines 7 through 9.

Mr. SIKES. Mr. Chairman, this is not a frivolous amendment. The language used which propose to strike on page 87 reads as follows:

"There are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this Act."

I recognize the fact that this is a procedure which is followed—but it is not necessarily followed, and this language would constitute a blank check for whatever amount, in this broad bill, any administration might deem necessary to carry out its provisions.

"A billion dollars? $5 billion? $10 billion? Nobody knows. As this bill is written, the amount would be authorized in advance. No further authorization would be required, regardless of the amount to be expended."

"It is a wide-open bill. No one has ventured to predict what really is covered in this bill or what may ultimately be the cost of its operation."

My amendment would require the many agencies to be created or those covered in the bill to come before the Congress for authorization in order that we would have a measure of control on the money they would spend.

The amendment is a simple one. It requires no further explanation. I want to take one final hard look at this patently unconstitutional measure. One hundred years ago America produced the Great Emancipator, a time of genuine crisis, and the Nation was in great danger. There is no such period confronting us now. This is not a period of crisis. The American free enterprise system has made us the great recognized leader of the free world. Americans have never been more prosperous. That prosperity has never been shared by more people. It is indeed a golden era. It is a time when Americans working together in harmony could go on to even greater achievements, and significantly could through cooperation and understanding solve every problem that confronts us.

Regrettably, that is not what we see in prospect. A crisis has been manufactured. Mobs have been led into the streets. This is probably the first time in history, some responsible persons in government invited and encouraged this. The world has been told a revolution is in progress in America.

To offset it, to provide the panacea and to reward those who brought on our problems, this bill is proposed. We can call it the great leveler, because it would level enterprise and restrain ability and to reward those who brought on our country, and that is exactly what you are doing. The American people are not blind. The great majority do not want the free enterprise system destroyed. A majority has right too. They will have the last word. There will be a hereafter to this debacle.

Mr. JONES of Missouri. Mr. Chairman, will the gentleman yield for a question?

Mr. SIKES. I yield.

Mr. JONES of Missouri. The gentleman understands, of course, as shown on page 84 of the bill, we have already authorized $10 million for one title. That also would indicate it is not necessary to give a blank check on the entire bill.

Mr. SIKES. The gentleman is correct.

The question is on the amendment offered by the gentleman from Florida (Mr. Sikes).

The amendment was rejected.

Mr. JONES of Missouri. Mr. Chairman, I move to strike the last two words. Mr. Chairman, I am going to object to a unanimous-consent request for extending the remarks on those amendments which were read without the benefit of debate. There should be an opportunity either to make a speech for or a speech against.

I have no objection to any Member extending his remarks at any point in the Record and referring to these amendments, but I believe that we would be misrepresenting the Record of this House, if we would allow the proponents or opponents to extend remarks in the Record to show speeches on amendments that were never debated.

It could be very difficult, when the time comes, and Members come down to the well of the House, either in the Committee of the Whole or in the House itself, to ask permission to extend their remarks at specific places in the Record. The reason I am asking this time now is so that when I object my objection will be not to the extension, but to the extension at a point where a speech was not made, which would leave the
impression for posterity that there was a debate on the amendment.

I believe the Record needs to reflect accurately that the debate was cut off in the House of Representatives today, as many of us predicted it would be cut off.

Many good amendments have been offered today, and the proponent, the author of the amendment, had no opportunity to explain the intent of this House and even to have the lengthy debate which was offered in the Committee at the time the bill was adopted—when each side was given 1 minute.

There were amendments offered here today that would have protected the interests of individuals, but we did not want to hear the reasons why such amendments should be adopted. As Judge Smirn said a minute ago, we do not like to have the facts called to our attention when we are doing things that are against our conscience. I want your conscience to be with you. My conscience is clear, because I am going to vote against this bill. I have had Members who have told me in the cloakroom back here, "I wish I had my conscience as clear as apparently yours is. But we have committed ourselves to vote for this bill. We know it is a bad bill, but the administration has assured us that the Senate is going to take care of it. Well, go over there." I say when you depend on some other body to take care of the thing that is going to be troubling your conscience, you might be disappointed.

Mr. ANDREWS of Alabama. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS of Alabama. I yield to the gentleman from Alabama.

Mr. ANDREWS of Alabama. Mr. Chairman, I want to commend the gentleman for the many fine statements he has made during the debate on this bill and further for his announced intention of voting against the bill. I want to ask the gentleman, do you know of any way possible by which we could have a secret vote on this bill?

Mr. JONES of Missouri. I know of no way. Of course I know of none.

Mr. ANDREWS of Alabama. I believe, if we could have a secret ballot, we could whip this by 3 to 1.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. JONES of Missouri. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. I think there is a way to have a secret ballot, if the gentleman will permit me to say so, and at the proper time, by unanimous consent, we can suspend the rules of the House and conduct a secret ballot.

Mr. JONES of Missouri. The gentleman is more of an optimist than I thought he was.

Mr. WAGGONNER. I move that all debate on the entire bill and all amendments thereto conclude in 5 minutes.

Mr. WAGGONNER. Mr. Chairman, I offer an amendment.

The Clerk reads as follows:

Amendment offered by Mr. WAGGONNER:

Mr. WAGGONNER. Mr. Chairman, I offer an amendment.

On page 458, strike line 13 and insert the following new section:

"Sec. 1105. Notwithstanding anything in any title in this Act to the contrary, this Act shall remain in force until the same has been approved by a majority vote in a national referendum."

Mr. McCulloch, Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. McCulloch. Is there not undisposed of a motion before the House that was made by the chairman of the Judiciary Committee?

Mr. Celler. Mr. Chairman, I did make a motion that all debate on the bill and all amendments thereto conclude in 5 minutes of the time that I made the motion.

Mr. WAGGONNER. Mr. Chairman, I yield to the gentleman from New York that all debate on the bill and all amendments thereto close in 5 minutes.

The question was taken; and on a division, Mr. ANDREWS of Alabama. I yield to the gentleman from New York, then on a division.

Mr. Huddleston. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. I yield to the gentleman from New York.

Mr. WAGGONNER. Mr. Chairman, I wish to state that the amendment which I have offered is designed to simply add another section to this bill which will provide that this legislation will not become law until a public referendum has been conducted. Is or freedom of choice to be denied from this day on?

Mr. Chairman, I believe all of us here as Members of the House are interested in what our constituents believe, and I tell you that some of you will get the shock of your lives if we submit this question to the people and let them vote their desires.

The American people oppose this bill. The Negro population of this country constitutes only 10.1 percent of the total population, and this is an effer to appease them, while 89.9 percent of the population of the country is of the people whose feelings are ignored by your actions. It is that simple and that tragic. Someday you will realize you cannot legislate equality.
the country because you have been afraid to tell them and you have had the aid of a partial new media. Some Members say that we cannot do it. I have done it in wheat referendum, and I do it with other farm legislation. Are you afraid to take the chance here? I think you are afraid. Why do you not let the people speak for themselves as we want to do in this bill? I challenge you to let the people speak.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. I am glad to yield to the gentleman from North Carolina.

Mr. WHITENER. I can say to the gentleman that I understand his disappointment, having battled this matter through the Committee on the Judiciary and here on the floor of the House in behalf of what I believe is the right course for us to follow. However, as we close this debate, I think we can all agree—even though we do not all agree perfectly—we do contemplate the extent to be—that the Members of the House have generally conducted themselves in a very exemplary manner. I want to compliment the Repub.ican from New York [Mr. Cellini] and the other gentleman from New York [Mr. Kroos] for the splendid and fair job in which this debate was carried on.

While the chairman of our full Committee on the Judiciary and I may not agree on many items contained in this legislation, as a member of the committee, in the minority—and by the way I have only been in the minority so much this week I feel I should vote for the bill. I want to commend the gentleman as well as those on the other side across the aisle for the consideration which they have given to us in allocating time in the general debate.

Mr. WAGGONNER. I think the gentleman has made a good point and has made it well.

Mr. Chairman, with a humble and sincere heart in closing this debate, I would like to say we had two vacancies in this House of Representatives when this debate began. There were only 493 of us present. There are still 450. I hold no personal ill will toward any of you then. I hold none now. You as Members of the House and Americans are entitled to your belief as much as I am entitled to mine. None of us are infallible. I pray my fears are without foundation and for the future of my country I do pray.

Mr. Chairman, I appreciate the fact that we have had a good, sincere debate. I do not feel that any of us have been too seriously stifled. The rules have not been ignored. This is America and this is the American way. I am an American and I am proud to be a Member of this, the greatest legislative body in the world.

Mr. Chairman, it is time to call the roll. It is time to vote. The American people are waiting.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana [Mr. WAGGONNER]. The amendment was rejected.

The CHAIRMAN. Are there other amendments?

AMENDMENT OFFERED BY MR. HUDDLESTON

Mr. HUDDLESTON. Mr. Chairman, I offer an amendment.

The Cleric reported as follows:

Amendment offered by Mr. HUDDLESTON: On page 87, line 8, after "appropriated," strike out "such sums as are necessary," and insert "$13,585,000.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama.

The amendment was rejected.

Mr. HARDING. Mr. Chairman, I rise in support of H.R. 7152, which is intended to enforce the constitutional right to vote, to prevent discrimination in public accommodations, to establish equal employment opportunity, to establish the commission on civil rights, to prevent discrimination in federally established programs, and to establish a commission on equal employment opportunity. Because of the limitation of time, I must direct my attention only to the first three objectives of H.R. 7152. That is, enforcing the constitutional right to vote, the protection of constitutional rights in public accommodations, and the protection of constitutional rights in education.

However, Mr. Chairman, I want to digress for just a moment and say how much I have enjoyed the debate on this legislation so far. I believe that the leadership of both sides of the debate should be congratulated on the high plane that this debate has taken. However, two things that have disturbed me during the debate have been the occasional charge or insinuation that this bill is before us today because it is part of the Communist pattern for the takeover of America, and secondly, that supporters of this legislation are politically motivated. I am sure that you will agree with me that probably one of the greatest authorities on communism we have today in America is J. Edgar Hoover, the Director of the Federal Bureau of Investigation. Mr. Hoover stated on December 4, 1963, in a speech here in Washington, D.C., that "it would be absurd to suggest that the aspirations of Negroes for equality are Communist inspired. This is demonstrably not true." Mr. Hoover then went on to warn responsible Negro leaders to make it clear to all who follow them that their interest is solely in racial equality and that legitimate civil rights only can remain constantly alert to attempts by the Communists to influence their actions and take over their programs and corrupt their ranks. I do believe that the leadership in this House who are working for the passage of this legislation are as loyal and dedicated a group of Americans as could be found anywhere in our Nation.

It is a charge that this is a bill the Communists want or that this leadership is playing into the hands of the Communists. By the same token, I believe that some of the greatest Members of this Congress have risen in opposition to this bill because of the courage of their convictions. It would rankle me just as much to hear supporters of the bill infer that the Communists want the defeat of this bill to enable them to continue to exploit tension, prejudice, and continued discrimination to their advantage. I have a test­imony that all my life I have heard from the Ohio who have spoken for the bill and those who have spoken against it are dedicated, loyal, and patriotic Americans.

Now, the second charge and insinuation that I have is that supporters of this bill are politically motivated. I for one feel that I could vote for the bill or against the bill without a great deal of political consequence either way. I am perfectly free to vote for my convictions based entirely upon the merits of this legislation.

I believe that the minority report sums up the need for this legislation and if you won't already today, I encourage every Member of the House to obtain Report No. 914, part 2, and read at the very least the first and last pages on which is reported by the capable gentleman from Ohio [Mr. McCulloch] and his Republican colleagues who signed this report for producing one of the finest legislative reports that I have read in my two terms in the House. On the first page, the report states that no legislation of greater significance to our Nation has come before this Congress in our lifetime than the civil rights bill which is before us now. It points out that almost a century has elapsed since the 14th amendment to the Constitution was adopted but Congress has still not enacted legislation fully implementing this amendment, and that this is the purpose of the bill before us now. On the final page in the concluding section of this report it is stated:

The United States is a nation of many people. The interests of the minority are not always the interests of all. In sustaining our way of life and in preserving our historical traditions, however, the rights of each citizen must be protected. And in order for our Nation to maintain its role as a world leader the hopes and dreams of minorities must always be safeguarded. The enactment of H.R. 7159, while by no means a panacea, will be a significant beginning.

Then skipping to the final paragraph of the conclusion:

Representative government itself is on trial at this critical juncture in the life of our Nation. With the tragedy of our President's death, we have witnessed a clear example where hatred and intolerance triumphed over compassion and reason. Through the action we take on this important bill, we in the Congress can do much better to conquer the forces of hatred and intolerance which have threatened our land and thereby revive and sustain the faith of the American people in the viability and strength of our Nation.

It is a challenge which we must not shirk and dare not fail to meet.

I want to say that I do not believe that any of these seven Congressmen who signed this minority report did so because of political expediency. I believe...
that they signed this report because of the courage of their convictions, and the same motive applies to the supporters of this legislation on my own side of the aisle.

Now, Mr. Chairman, it has been known for a long time that in certain areas of the nation anti-civil-rights stand was a number one prerequisite for being elected to office, and the stronger the anti-civil-rights stand the better the chance of election. In fact, I have heard it said by one who, I believe, the man who could scream "nigger" the loudest stood the best chance of success. I suppose that there are some who thereby conclude that the opposition to this bill is politically motivated and again I want to say that I ascribe much higher motives to the opponents of this legislation than political motivation. I believe that they, too, are sincere in their convictions and they are opposing the legislation based on what they conclude is in the best interests of their particular congressional districts and the United States at large.

Now, having made my points that I object to charges or insinuations that either the supporters or the opponents of this legislation are influenced by any thing other than the merits of the legislation, I want to tell you why I am supporting H.R. 7152. It is not because it is needed in my State. Idaho has a state civil rights law that is the same law that we are considering today. Following is a letter Gov. Robert E. Smylie wrote to Hon. Warren G. Magnuson, chairman of the Senate Commerce Committee, describing Idaho's civil rights bill:

JULY 12, 1963.

Hon. Warren G. Magnuson,
Chairman, Committee on Commerce, U.S. Senate, Washington, D.C.

Dear Senator: Thank you for your letter of June 28, 1963 relative to the hearings on S. 600. The policy of the State of Idaho with respect to these matters is contained in Chapter 309, Idaho Session Laws of 1961, which provides:

"Section 1. The right to be free from discrimination because of race, creed, color, or national origin is hereby declared to be a civil right. This right shall include, but not be limited to:

(a) The right to be free from employment without discrimination.

(b) The right to full enjoyment of any of the accommodations, facilities or privileges of any place of public resort, accommodation, assemblage or amusement.

"Section 2. Terms used in this chapter shall have the following definition:

(a) 'Every person' shall be construed to include any owner, lessee, proprietor, manager, agent or employee whether one or more natural persons, partnerships, associations, organizations, corporations, co-operatives, legal representatives, trustees, receivers, of this State, or any company, corporation, body or commission, engaged in or exercising control over the operation of any place of public resort, accommodation, assemblage or amusement.

(b) 'Deny' is hereby defined to include any act which directly or indirectly, or by subterfuge, by a person or his agent or employee, results or is intended or calculated to result in whole or in part in any discrimination, distinction, restriction, or unequal treatment, or the requiring of any person to pay a larger sum than the uniform rates charged other people for similar accommodations from anyone person the admission, patronage, custom, presence, frequenting, dwelling, staying, or lodging in any place of public resort, accommodation, or amusement except for conditions and limitations established by law and applicable alike to all persons, regardless of race, creed, or color.

"(c) 'Full enjoyment of' shall be construed to mean that any person may purchase any service, commodity or article of personal property offered or sold on, or by, any establishment, or of any person to accommodations, advantages, facilities or privileges of any place of public resort, accommodation, assemblage or amusement, without acts directly or indirectly causing persons of any particular race, creed or color, to be treated as not welcome, accepted, desired or solicited.

(d) 'National origin' includes 'ancestry.'

(e) 'Any place of public resort, accommodation, assemblage or amusement' is hereby defined to include any place public place, licensed or unlicensed, kept for gain, hire or reward, or where charges are made for service or for the use of any property or facilities, whether conducted for the entertainment, housing or lodging of the public; the use or accommodation of those seeking health, recreation or rest, or for the sale of goods or services; the rendering of personal services, or for public conveyance or transportation on land, water or in the air, including the stations and terminals thereon, and amusement facilities, where food or beverages of any kind are sold for consumption on the premises, or where public performances are exhibited or recreation of any kind is offered with or without charge, or where medical service or care is made available or where the public gathers, congregates, or assembles for amusement, recreation or public purposes, or public halls, public elevators and public washrooms of buildings and structures occupied by two or more tenants, or by the owner and one or more tenants, or any public library or any educational institution wholly or partially supported by public funds, or schools of special instruction, or nursery schools, or any place of public resort, accommodation, assemblage or amusement herein contained shall be construed to include, or apply to, any institute, bona fide club, or any educational facility operated or maintained by a bona fide religious or sectarian institution and the right of a natural parent in loco parentis to direct the education and upbringing of a child under his control is hereby affirmed.

"Sec. 3. Every person who denies to any other person because of race, creed, color, or national origin the right to work: (a) by refusing to hire, (b) by discharging, (c) by barring from employment, or (d) by discriminating against such person in compensation or in other terms or conditions of employment; and every person who denies to any other person because of race, creed, color or national origin, the full enjoyment of any accommodation, facilities or privileges of any place of public resort, accommodation, assemblage, or amusement, shall be guilty of a misdemeanor.

This bill was enacted in the 1961 session of the Idaho Legislature and was signed by me on March 14, 1961. It became effective 80 days later. Our experience with this legislation has been salutary and it has in many respects assisted in keeping problems in this area to a minimum.

With kind personal regards and best wishes, I am,

Sincerely yours,

Robert E. Smylie
Governor.
gentleman from Ohio (Mr. McCulloch), who, at all times, has held the high principle of cooperation as his guide in his attempts to fuse a working coalition united in behalf of H.R. 7152. The success of his endeavors have been remarkably shown here on day after day throughout this historic debate.

And, Mr. Chairman, special praise is also due the distinguished gentleman from Montana-Libby, who, not necessitated will because the perfect civil rights record in the past was a brilliant background training period leading to his distinction on this legislation to join as a member of this committee but as an active floor participant throughout this debate.

I am inserting into the daily Record today, Mr. Chairman, an article which appeared in the New York Times of Saturday which said of the gentleman from New York (Mr. Linsay):

For the past week, the Manhattan lawyer has been on the House floor or in the committee rooms, almost continuously from noon till early evening presenting the Judiciary Committee case, debating hostile amendments, working out details with both Republicans and Democrats.

His activities here, Mr. Chairman, are such that they deserve the commendation of the entire House. We are indeed fortunate to have the services of this dedicated, wise, and progressive public servant.

It has been a great pleasure for me, Mr. Chairman, to add my voice to those acclamations very often expressed by all those of us who are privileged to take part in this surge tide for justice which will, as Eric Sevareid has said, dwarf the social pages of this era.

The passage of this bill today, Mr. Chairman, will mark another forward step in the movement for justice which has it roots in the Judeo-Christian tradition, and in the essential philosophical tenets of our greatest religious and secular thinkers.

It is a movement that can never be ultimately completed until every vestige of prejudice is wiped from the land; until the greatest of all dictators, the desire for belief that of all virtues, charity is greatest, and that love of brother is basic to every man who has been given the miracle of life.

So let us not underestimate the profound nature of the meaning of this historic legislation, which more than anything we have done so far in the halls of this Congress, has implicit within itself the heritage of freedom and liberty ingrained in the very marrow of its bones.

Nor let us delude ourselves that the battle is not won and equality will have ended with the completion of our duties in these Chambers. But we can have pride, Mr. Chairman, in aiding this cause which is stronger than men, and in the noble tradition of the common law of the ages.

Mr. HERLONG. Mr. Chairman, I have listened attentively to all of the debate on this bill and to the discussion of the amendments that have been proposed. I have been greatly disappointed that logic and reason have been displaced by emotion in the committee action on most of the amendments to this bill.

The membership of the House is to be commended for the very high plane on which the debate has been conducted. The votes taken today will be a great monument to the American tradition of the common law of the hearts. And the only answer to the miracle of life.

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in this or many Congresses. Before we cast our votes and determine whether H.R. 7162 shall leave the House of Representatives as a constructive and effective measure, designed to protect the right of every citizen to be free from racial and religious discrimination, or leave as a crippled measure that pays no more than lip service to civil rights, I want to announce my voting intentions. Thereby, I hope to reaffirm my stand in favor of this bill, because I am convinced it is a constitutionally and morally imperative duty of the Federal Government to guarantee the full enjoyment of the rights of citizenship to every man, woman, and child without regard to color or creed.

VOTING INTENTIONS

I shall vote for the civil rights bill in its present form; that is, substantially the same bill which was reported by the Judiciary Committee and which has progressed to this point unchanged except for amendments, all of which I supported.

Further, should there be offered a motion to recommit this bill which would have the effect of preventing any vote on the question of whether I shall vote "No." There is no justification for returning this piece of legislation to committee and I shall not support a motion which seeks to accomplish this recommital.

PERSONAL OBSERVATIONS

At no time since I began my service in the House at the start of this 88th Congress have I been so proud to be an American as I have since January 31, the day we began debate on this measure. Despite the very real and very deep divisions which exist between our Members on this issue, the tenor of debate could not have been more responsible nor worthy of this legislative institution. I believe that if all citizens could have sat in the galleries for these past 9 days, those who did, witnessed men of good will disagreeing with sincerity and respect, not with sophistry and rancor. I believe that if they had been open to reasonable constitutional questions, which transcend personal and political differences.

Without doubt, the Members of the House on both sides of this issue and on both sides of the aisle—and we recognize the two divisions are not identical, have been the target of much outside criticism. Where this criticism has been legitimate, it is quite properly in the House at the start of this 88th Congress have I been so proud to be an American as I have since January 31, the day we began debate on this measure. Those who did, witnessed men of good will disagreeing with sincerity and respect, not with sophistry and rancor. I believe that if they had been open to reasonable constitutional questions, which transcend personal and political differences.

Amica should know that her people's Representatives have sought honestly and honorably for a fair finding.

BACKGROUND

One of my first orders of official business as a Congressman was to examine the need for civil rights legislation. During January and February of 1963, I conferred frequently with many Members of the House who shared my concern.

Our initial effort was to appraise existence of a law that would safely and effectively remove the hopes of millions of Negro Americans and then dashed them by failure to act. For more than 2 years, the executive branch of Government had spoken softly of civil rights, and there was no apparent willingness to transform promise into performance. In fact, there was evidence of reluctance and hesitation—almost the misguided and fanciful belief that if it left alone, the trouble would go away.

Mounting examples of conflict of course, proved the problem of racial inequity would not subside without public attention. The advanced storm of protests convinced many of us in Congress that it was time to act decisively and directly.

FIRST BILL

On February 20, 1963, I introduced the first of two civil rights bills which I have offered thus far. During this same period, nearly 50 other Congressmen submitted similar civil rights bills. All of these proposals, which were identical in substance, were rejected by the House. The principal provisions sought to:

- Make the Civil Rights Commission permanent and give it additional power to investigate vote frauds. On October 7, 1963, I voted for a resolution extending the life of this Commission by 1 year. The resolution was adopted 265 to 73. The first real voting test of civil rights bills in this Congress, accordingly, the measure was signed into law.
- Authorize the Attorney General to file injunctive suits in behalf of a citizen denied admission to a nonsegregated public school.
- Give Federal technical assistance to States and communities requesting aid in desegregating schools.
- Declare a sixth-grade education to be a presumption of literacy qualification for voting in a Federal election.

JUDICIARY COMMITTEE HEARINGS

On May 9 of last year, the second of 20 days, beginning on April 20, devoted to public hearings on civil rights legislative proposals, I put before the House Judiciary Committee a statement in behalf of my bill, H.R. 4034, and others similar in their legislative intent. Quoted below are excerpts from that testimony:

Against the grim backdrop of current racial strife in our country today, in Congress are attempting to enact into law measures that will lend additional guarantees to our constitutional heritage. In recent times, there have been offers of American citizens who have denied equal protection of the laws, because of their race, creed, or national origin.

Mr. Chairman, as a fellow New Yorker, I know you are very much aware that if every State had on its books and implemented the same constitutional laws existing in New York State there would be little need for Federal legislation in this field. In fact, recent events in the States clearly show that the right to vote, the right to work, the right to own property, without regard to color, creed, or national origin.

However, there are many States which have tried to restrict the rights of citizens as guaranteed by the Constitution. In these, the term "second-class citizen" is a sad reality.

These conditions of deprivation of basic human dignity and freedom are known to our society. The very mention of their existence should be repugnant to those who love what their country stands for and the structure which supports it.

I earnestly solicit the serious consideration of this subcommittee to the civil rights legislation which is before it, both in my bill and the bills of many of my colleagues. If the many obstacles—real and imagined—this legislation faces, few, if any, of us postulated, could more effectively serve the national purpose.

SECOND BILL

As increasing tensions erupted in violence in countless American communities, I felt the need for Congress to provide additional legal "tools" necessary to assure all citizens equal protection of the law.

Our Constitution contains explicit protection against the action of any State to deny a citizen such equal protection. As a nation founded on law, we hold that no government may say to any citizen that that matter how hard you work or study, no matter how much you raise yourself as an individual, you never will be accorded the lawful rights accorded to other citizens of the community. Any such denial of constitutional rights offends freedom both legally and morally.

Because of my conviction that the great issue facing us is the problem of race relations and the giving to each American an equal opportunity, I introduced a second civil rights bill. It is H.R. 6740, known as the Equal Rights Act of 1963.

On the occasion of its introduction, June 4, 1963, the more than 30 of us in the House sponsoring similar bills, received permission to explain the provisions of our proposals at the conclusion of the regular legislative business scheduled that day.

Toward the end of a session that lasted until 10 p.m. I addressed the House. Excerpts from my speech which include an explanation of the bill's contents follow:

Today democracy in America is anemic, and until this Congress; until the people of America are assured each other and each an equal right to share in all the benefits and the privileges of this great country, this democracy will not be healthy democracy. So it seems to me that as legislation is presented, we have the Congress should national and the challenge to make certain that our democracy is not going to continue to be an anemic democracy, but rather that this challenge to be a proof of this Congress and its leadership in making certain that all American citizens have their equal rights and their equal opportunities.

The bill I have introduced would grant broad authority to the Attorney General to act in behalf of Negro citizens currently
being deprived of their constitutional guar-
antees is surely one of the greatest of all.
This morning on the front pages of news-
papers across the country dictate that this Congress take responsible action in the area of civil rights.
Under the provisions of the legislation I am offering, there would be authority for the Attorney General to take the necessary legal steps to bar segregation and discrimination in any business which supplies accommoda-
tions, meals, or services to the public.
My bill also contains the so-called title III provision passed by Congress during the Eisenhower administration, but failed in the Senate. This legislative lan-
guage would give to the Attorney General the authority to institute legal proceedings against State or local officials where they are depriving or denying an individual his right to equal protection of the laws because of race, creed, color, or national origin.
Most of the elements in the appeal of the civil rights march are embodied in the two bills I have introduced. The dignity of the march was further impetus to strive for their enactment.

Because of the intensity and emotion which exists in public and private con-
siderations of civil rights, let us try to sort out from the superficial arguments the moral realities of civil rights. What do these two words say to us?

All too often the answer is: Efforts by or for Negroes to get special considera-
tion. This response is inaccurate.

The American people do not deserve special consideration by the other 90 percent. Undue distinction, whether accorded a majority or minority group, can be just as discriminatory as undemocratic debase ment.

However, by all that is legally right, as guaranteed by the U.S. Constitution, this 10-percent group—which includes the Negro citizens of America—cannot, should not, and must not be made to suffer even the least denial of what is rightfully their democratic heritage.

Equal protection of the laws is inher enly due to the Negro American woman and child. It is prima facie the "unalienable" and just claim of 190 mil lion people, without regard to skin color, religion, or national background.

Let us always remember that the guarantees of the Constitution are the birthright of every American or con- comitant right of every naturalized citizen. No citizen should have to organize or compromise in order to enjoy his democratic freedoms. They are his be cause he is.

It is not, nor should it be, for Con gress to be the branch of any gov-
ernment to dictate the terms of national democracy. Democracy depends on freed om of social choice as one of its corner stones.

The correction of social injustice must find its inspiration in the heart of man. But, when social choice is not allowed free and open exercise by individuals, when government assumes jurisdic tion over morality, and its arbitrary ac-
tions impinge on the rights of American citizens, then our legal conscience cries out for redress.

What then is civil rights in the con- gressional context? It is a summons to
enact the legislation which will assure that in this Nation which is governed by laws, not men, justice be blind to color and race.

I will answer that summons by sup porting the civil rights bill and will do utmost to ensure its passage.

Mr. HORNAN, Mr. Chairman, I would like to say that I am in support of this legislation although I realize that its enforcement greatly enlarges the power of the Government. In the final analysis one can deny the right of every American to vote, to an education and for a job.

Mr. PHILBART, Mr. Chairman, the fair, impartial, and very able and tactful manner in which our distinguished, esteemed friend and colleague, the court ly gentleman from New York, has presided over the Committee during this discussion has given the House in the most glorious traditions of the House.

I extend to the gentleman my profound gratitude and expressions of admiration and approval for his notable performance.

I am also very proud to extend to the distinguished and very able gentleman from New York, Chairman Celler, and this fine Committee for their outstanding work on the bill.

To all the Members of the House, I re joice in extending my congratulations and deep appreciation for the very high level which they have maintained during this long, difficult, and emotionally supercharged debate.

In the issues presented here, controversy and conflict, and with deep, soul-stirring feelings stemming from deep-rooted traditions of the Creator, they are the natural, God-given possession of every human being enrolled in the great brotherhood of man. They are also the inseparable, indispensable bequest of free government that may be suppressed for a while, but can never be destroyed, since they are an integral part of man’s profound heritage as a creature made in the image of the Almighty and invested with the blessed right to life, liberty, and happiness. Such are the spiritual and political attributes of the American heritage.

Too long those natural rights and these universal truths have been denied or perverted. The hour of deliverance from thoughtless discrimination and injustice for our brothers is late, but is now here. Just, equal treatment, and opportunity for all Amer icans, irrespective of color, creed, or class, can no longer be delayed, and will no longer be denied.

The Nation and the free world will hail and praise this memorable, historic event. It marks a higher level in the struggle of man to banish inequality—a brighter chapter in the advancement, progress and freedom of America. It confirms our national laws and ideals. It lifts our horizons toward the stars. It purifies and revives the lifestyle of the Nation.

As we enact this bill—and we will—let all of us bear it very deeply in mind that rights, privileges and immunities, so vital to free government are only one side of the constitutional coin. We must never overlook the fact that the other equally important side of the coin is
that there are correlative duties, obligations and responsibilities incumbent upon all Americans.

It is not enough to accept and enjoy the great blessings of our freedom. We must all, individually and collectively, with our hearts and our energies and our sacrifices, when necessary, and with unflinching determination, assume and perform our fair part, according to our ability and strength in protecting this government in the exercise of its freedom, its opportunities and its laws and in keeping it as a sanctuary for the principles of freedom, justice and democracy, a safe haven for all those who seek the path-ways of liberty and peace, where the individual is the supreme concern of the state, and where all people are treated with justice, equity, humaneness and equality under the law.

Let all of us know, and always keep before us, the compelling obligation we have as citizens and leaders of this unique country, to preserve law and order and to settle problems and controversies as free men loving and respecting each other, under the rule of law, and save our government and economic system alike from destruction by the lawless and the predatory who would fasten upon us the shackles of tyranny, and from the insidious influences and afflictions of Godless materialism, debasing, deluding, indulging, indulgence and lack of purpose and resolution that have led so many other great nations down the road to ruin.

Let there be full civil rights, then, for all, without prejudice or discrimination. Let us work with mutual respect and cooperation among all our people.

Let us acknowledge and well remember that we are all creatures of the living God. We are all Americans—possessors of the proudest and best national heritage of all time.

Let us endeavor, with a common, sacred task to preserve and strengthen this great heritage. And let us do it now, before the waves of materialism and communism inundate and sweep away our precious liberties.

I urge, however, that we spend a little time reading the debates of this past week. It is not perfect, but its imperfections should be a source of false promises rising from this legislation. It is not perfect, but its imperfections should be a source of failure to acknowledge and well remember that we are all creatures of the living God. We are all Americans—possessors of the proudest and best national heritage of all time.

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Mr. SICKLES. Mr. Chairman, in a restricted sense, I deplore the necessity for the enactment of the legislation we have before us today. It is not pleasant to attempt to legislate discrimination out of existence because it is a fact that prejudices of organized interest groups can be wiped off the books because they will not be necessary.

There is, however, at the present time, a great need for legislation that will provide a framework for the realization by men of good conscience that there are no heads and which gap between present realities and the American ideal of equal opportunity and the national climate where each individual can achieve and enjoy his own self-expression. It should be recognized that some progress has been made in eliminating discrimination in the last century through both local initiative and voluntary action, and local and State laws, and various Federal actions along with the Civil Rights Act of 1957 and 1960.

The changes that have been made to strengthen this section since its introduction provide for a more affirmative posture on the part of the Federal Government and toward the greater use of Federal funds in a discriminatory fashion. I find nothing more logical than the argument that if the programs these taxes are used to support should also be carried out in a non-discriminatory manner.

There should be no false hopes, no false promises rising from this legislation, for there is no one sure way in illustrating the correction of this problem. It is not perfect, but its imperfections should be a source of false promises rising from this legislation.
It is high time that we stop, look, and listen. The enactment of this legislation will turn the clock of progress backward for generations. It will hurt the progress of racial relations, will create ill will and arouse passions that have heretofore been dormant or restrained. This is not the answer to the problem that has been talked about.

Mr. Chairman, the enactment of this bill will not create any new jobs. It will not encourage employers to employ more Negroes. On the contrary, despite the compulsion attempted, it is more likely to discourage those who have jobs to fill to hire members of this minority group. "A man convinced against his will is of the same opinion still." And therein lies the real problem with which these people are faced. This bill will not solve or alleviate that problem. It will aggravate it and make it more difficult than ever for Negroes to obtain equal employment.

The Congress enacted a civil rights bill in 1957, and another in 1960. Both were ballyhooed as the answer to the problems of our colored people. But what has happened? Since 1957 the enactment of those two laws this country has witnessed more racial strife, more discontent, more mob demonstrations, more bloodshed and tragedy than ever before in our history. And the practice of the law as it is enacted history will repeat itself, and the sponsors will have to answer for the mistake of helping to bring it on.

I shall not be a party to any such action. The cause of tranquility among our people and the protection of those precious individual rights of our citizens have never been and will never be advanced in this manner. This bill should be defeated.

Mr. VANIK. Mr. Chairman, 9 days of legislative debate have passed since the House of Representatives commenced action on the civil rights bill on Friday, January 31. During the course of this debate, almost 150 amendments were considered. Some amendments were very worthy of consideration; most have been mere delaying tactics. The sponsors have carefully considered every amendment of merit which was submitted. Never in my decade of service in the Congress have I heard a more thoroughly or more carefully debated issue. This may not be perfect legislation, but it was arrived at in complete freedom from passion or intemperance.

During the long hours of debate, I was among those Members who remained constant in attendance during the full deliberation of this legislation, resting every attack and supporting every vital point in the full, free debate. The test of support for this civil rights bill depended entirely upon the voice votes, the standing votes, and the teller votes which are unrecorded and which reflect the integrity of the legislator far more accurately than the printed record.

It was also my privilege for a short period to act as Chairman of the Committee, and I am proud of the work of the Committee, in the hands of the excellent Chairman of the Committee, the gentle-

Mr. ROUSH. Mr. Chairman, I have been impressed this year with the emphasis placed on the moral issues confronting the country and upon which the Congress has been asked to work its will. It appears to me that there are material implications in most legislation; however, these implications become the heart of the question when we are asked to stand and be counted on issues which affect the basic rights of men. The civil rights bill we have before us points us upon such an issue and upon its passage we will, indeed, write an important page in the history book of America where free men take pride in being loyal to their freedom but also in protecting the rights of others in their enjoyment of the same freedoms.

I shall, of course, vote for this bill. As a Christian I believe in the brotherhood of man, nor the concepts of love and charity, nor the precept of equality in the eyes of God.

As a lawyer trained to respect the Constitution and duly designated authority, I would find it difficult to deny an individual his guarantee of life, liberty, and the pursuit of happiness, his right of free speech to express his opinions, and his right to vote, and his right of equal opportunity.

As a legislator with grave and far-reaching responsibilities I cannot ignore the need for fair and just laws designed to protect the rights of another.

Despite these strong feelings and the definite "aye" which I shall cast on this bill, I am compelled to say that the passage of this bill is merely a short chapter in the book of accomplishments in the field of civil rights. It is a chapter which must be written but the final victory will come only when men can erase from their hearts forever all distrust for their fellow man. Just as we cannot legislate away prejudice, we cannot, unfortunately, legislate brother love. These are matters which belong to the individual conscience and only when the conscience of each of us is sufficiently touched can we hope for a final victory over racial prejudice and discrimination.

Mr. FISHER. Mr. Chairman, the principle of constitutional government as we have always known it in this country is deeply involved in the outcome of this bill. There are at least four sections of this bill which are clearly in contravention of the Constitution. Many of the sponsors know that is true, but they say: "Oh, we will just let the Supreme Court decide those cases." I am assuming—and secretly hoping—that the other body will ball us out and never allow this monstrous attack upon constitutional government and the rights of the individual to go on forever.

It is indeed a sad day for America when we legislate on that sort of a basis. I am reminded of a quotation from a great American—Sam Houston, of Texas. He served as Governor in the Congress, as Governor of Tennessee, as President of the Republic of Texas, and as a U.S. Senator. On one occasion when a resolution was being debated at a Texas meeting, when the issue clearly infringed upon established law, the great Houston arose to say that while he favored the resolution it was not in conformity with the forms of the Constitution. With that he said he was constrained to oppose the resolution, and added: "If Texas is going to hell, then we will let it go to hell according to law.

The nation lives in history and it lives in the hearts of his fellow man. It is revered by those who admire and respect courage and statesmanship. It is a shining jewel among the profiles of courage. A contrast with the display we have witnessed in this Chamber during the past 10 days.

Mr. Chairman, I am not so concerned about the issue of integration and segregation as a problem in the area I represent. The racial issue as such is relatively unimportant here. The matter of dealing with racial problems in the form of the more important issue of preserving constitutional government and protecting basic rights of the average citizen. Both are now being gravely jeopardized by this legislation. Ah, what sins are committed in the name of civil rights.

Constitutional government simply cannot long survive in this country if Members of the Congress treat it so lightly, with so little concern for its real meaning and purpose.
In the course of the debate, the Committee rejected amendments which would deny the Attorney General the authority to request the convening of a three-judge court to hear voting cases. Had this amendment prevailed, these cases would have been determined by local judges, many of whom have announced hostility to this type of law. The amendment to extend coverage of this act to State elections was motivated by the belief that it would lead to an unbridled and unconstitutional. If the amendment were adopted to eliminate transcription of oral literacy tests, it would eliminate the very record by which the denial of voting rights could be legally protested.

The amendment limiting the public accommodations title to those inns, hotels, and motels which predominantly provide lodging to interstate travelers would have established two types of accommodations—interstate or open to all travelers, and intrastate or segregated. If this had become law, the unwelcome travelers could be kept out of segregated facilities. The amendment to extend the coverage of this law to the use of the public in its entirety. And the key provision of the amendment prevailed, these cases would have established two types of accommodations—interstate or open to all travelers, and intrastate or segregated. The result of this trying effort to purge a great series of wrongs and injustices is not an answer to the problems that beset the Negro race. Its ultimate purpose can be realized—namely, to create a better atmosphere for the Negro in the enjoyment of his rights and privileges as an American citizen, and protect him from the proselytizing vultures of society that scorn them as members of our free society.

The community relations service, if properly administered, can alleviate the many problems and help in their solution. No matter how humble one's social caste as long as one does not face other races facing poverty conditions, enforcement of public acceptance will fortify one to meet any social or cultural situation that one may experience. The importance of the right, to participate in the community life is the difference between being ostracized or becoming an integral part of its civic and spiritual life. No one should deny Negro participation in the affairs of the community. He is an integral part of the community and can render fine contributions to its operation for the good of the community.

A strong bill shows a determined and lasting effect on those specific purposes. And in this instance it is of the greatest importance to all of our society. This effort can link the great principles of our American tradition to the very essence of the American creed. God's will demands that this be done for the preservation and unity of our Nation. Our leadership of the liberty-loving nations must be secure in this the total effort incorporated into law by its highest legislative body proves that our Nation practices for itself what it preaches for free men of other nations to follow.

We shall merit, in the success of this program, the plaudits and blessings of all God-fearing freemen and turn back the pages of our history 100 years—accomplishing that which has been accomplished if our martyred President Abraham Lincoln had lived.

Mr. CORMAN. Mr. Chairman, this is an excellent bill and will remedy many of the ills long suffered by our Negro citizens. The credit for this great accomplishment must go to Chairman EMANUEL C. DADDARIO. The ranking Minority Member, Mr. WILLIAM McCulloch. Throughout the consideration of this bill by the Judiciary Committee and by the House, it has been their joint efforts that have produced our success. Their expedient conduct of the hearings laid the foundation for the broad, yet moderate bill the Committee reported. The bipartisan spirit in which the bill was drafted is a tribute to the reasonable approach of the two men and to the legislative process. During the 9 days the bill has been debated by the House, their brilliant leadership has elevated everyone or destroy the effectiveness of the bill.

I feel privileged to have worked under their leadership these past months. It has been a rare and enjoyable experience in legislative work.

Mr. DADDARIO. Mr. Chairman, we are nearing the close of what is bound to be one of the most significant and important actions of the 88th Congress. The credit for this great work.

I am deeply convinced that the purpose of this legislation is correct, and that we must reach a consensus of opinion which will advance the cause of civil rights in the United States.

This has been an historic debate. It culminates long months of discussion and weeks, months, years, and decades of the progress of our great Nation. We are, in these days, discussing and working for the dignity of the individual which is the aim of our great Constitution, seeking to secure the blessings of liberty for all our people.

Amid the drama of our time, we are being asked to pass this great bill. Our task is to judge its wisdom and adopt it into law.

Mr. LINCOLN. Mr. Chairman, it is for the preservation and unity of our Nation. Our leadership of the liberty-loving nations must be secure in this the total effort incorporated into law by its highest legislative body proves that our Nation practices for itself what it preaches for free men of other nations to follow.

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I am deeply grateful, as I know we all are, that the bill has been passed in such an excellent form. It has been done on this bill in its formative stages by the members of the Committee on the Judiciary. The deep research which has been done, on every part of this measure, is evident. It is true that we deal, in great part, with an issue that has aroused strong emotions among many people, and that they view the bill itself from a very narrow and limited point of view. Without question, the vote of the body must be for legislation which will strengthen the dignity of the individual, promote the maximum development of his capabilities, and facilitate the exercise and widen the choice and effectiveness of opportunities for individual choice.

There has been discussion throughout the debate as to the necessity of this bill in giving full appreciation of the rights of all men. There are those who suggest that such legislation may be obviated by every man's right to choose his friends, as if he were sufficiently protected by his freedom of friendship with many great and wonderful people. We all know of the insidious
problems of the so-called gentleman's agreements, and the way in which unspoken boycotts can be maintained.

But I truly believe we are moving toward a better society, one in which each man understands, and we have made great progress, in all parts of the Nation, although there is a long way to go. I am disturbed by some of the arguments that have been presented which appear to pose property rights ahead of human rights, to give a man the opportunity to carry the venom of personal bias and prejudice into an area where public service demands a high level of effort to improve our society.

The Nation deserves no less. We are entering a civilization in which the highest skills will be demanded of us. We are moving toward a society in which people have the opportunity to help attain our goals, deny them for fallacious reasons of race, religion, or color. This harms us, more than it harms them. I have suffered, and I know others have suffered, to see enacted into law practical measures which will help bind this Nation together as one people, striving to achieve fulfillment of our abilities, by now taking positive steps forward to that end.

Mr. KORNEGAY. Mr. Chairman, for the past 9 days, patiently and attentively I have followed the debate on this bill—without question one of the most important pieces of legislation ever to come before this House.

In my considered opinion, it is not a true civil rights bill. Rather it is a monumental unconstitutional effort to extend and exercise control and regulation over the private businesses and private lives of all the people of our country.

This legislation is punitive in its nature. It would be destructive of initiative and incentive to the point that it would bring our free enterprise system—and the first to suffer would be the very minority groups which this bill is designed to aid and protect.

The authority which this bill would bestow upon Federal agents in enforcement procedures is unprecedented in democratic societies and alien to our way of government and life.

I firmly believe that every person is entitled to equality and freedom under the law. But I have great fear that the numerous and far-reaching provisions of this bill would destroy more freedom than they would create.

I am convinced that the real and lasting solution to the racial problem lies not in laws and regulations but in the hearts and minds of men of good will working together in an atmosphere of good feeling.

Mr. Chairman, I came here to support and defend the Constitution and not to distort and destroy it. My ballot, my conscience, compels me to vote against this bill.

Mr. PEPPER. Mr. Chairman, we have the right to hope, indeed, some of us feel disposed to pray, that the passage of this legislation will add noble new arches and commanding spires to the magnificent edifice of a free America designed by Thomas Jefferson and the Founding Fathers and slowly, tedious, often painfully, but ever-perseverently, perfected through nearly two centuries, by the sacrifices, the struggles, and the dreams of the men who labor and toil.

Mr. GIALIMO. Mr. Chairman, no single piece of legislation in the past decade or more of our history approaches the importance and significance of this bill which has now been under debate for the past several days. Indeed, few other pieces of legislation will ever be proposed which will have the impact of H.R. 7182.

Since debate began on the bill, we have heard many hours of discussion, and the legislative history of the civil rights bill will clearly indicate that we have attached the importance to this bill that it deserves. I think it is important to remember that this bill is designed to give the force of law to the principles for which this country has stood for equality and liberty. It is, in a way, a shame that we must legislate on this question.

Equality should be axiomatic in the United States. Nonetheless, since this is a grave social and economic problem within and without our boundaries, we have the responsibility, indeed the obligation, to rectify the injustices which have plagued minority groups in America.

It is obvious that our prestige abroad has suffered as a result of our dilatory tactics in the field of civil rights. True, we are not only nation with a discrimination problem, but as the leader of the free world and symbol of equality, this refusal to insure equal rights has seriously impaired our position.

I believe that the government at home has suffered also. Who can be proud of race riots and violent demonstrations of bigotry? Who can be proud of discrimination in hiring and in education? Who can be proud of signs which block one's right to vote? Our self-respect should dwindle with each indication of bigotry and racism.

Passage of this bill will not only further the cause of equality, but it will vindicate our Nation's claim to worldwide respect as the home of liberty.

A nation is more than a piece of paper on which we are entitled to equality and freedom under the law. But I have great fear that the numerous and far-reaching provisions of this bill would destroy more freedom than they would create.

I believe that the Constitution and the Declaration of Independence have promised that this right to equality is an inalienable right, a right denied to no one, and I cannot see how this bill would ever be passed or perpetuated.

In July 1963, the Meriden Record, a prominent newspaper in my district, printed an editorial on the public accommodations section of this bill. I believe that this editorial is worthy of attention. It is addressed to the House of Representatives and concerns itself with public accommodations legislation.

The editor writes:

Opponents of President Kennedy's proposed new civil rights legislation criticize the provisions having to do with barring discrimination in stores, restaurants, hotels, and the like on the grounds that they infringe the right of proprietors to make decisions for the Federal Government to dictate that there be no discrimination by owners and managers of businesses which serve the public as to the race of those they serve is an unwarranted invasion of the freedom of an individual to use his property as he pleases, the argument runs.

This is true. But this particular invasion, when and if it occurs on a Federal level, will be neither the first nor the most burdensome. It's been a long time since we've been able to do exactly as we pleased with our property, and we perhaps have been restricted for the purposes of making it conform with the general health, safety, and economic prosperity of the community, and all for more restrictions rather than less.

Even private property which is reserved for strictly private use has got to conform with building codes, fire laws, and zoning ordinances. A man can't put his house where he likes and he could easily lose his two-family house on property he owns in a one-family zone.

When you move into the field of property which is used for business serving the public, the restrictions are manifold and often expensive.

A man can't wash his restaurant dishes in his garage. He's got to provide designated fire exits. He must obtain licenses for food and liquor, and abide by the provisions under which they are issued, in the interests of protecting the public.

Connecticut is one of two-thirds of the rest of the country. And States and many cities besides the District of Columbia, which include among these regulations for the convenience of the public a law which forbids discrimination on account of race or color. It can't be claimed that the Nation is an international sweater. This invasion makes more difficult, and defines the intent of the principle, without which we have no property. It's another infringement on the free use of private property, but it is generally recognized as neither burdensome nor unfair. Moreover, the infringement of property rights is justifiable because it is necessary to advance the cause, at least equally important, of civil rights.

Mr. Chairman, this is a thoughtful and excellent analysis of the question and I commend its contents and philosophy.

Discrimination is a subtle and devastating problem. It has faced all of our people, in varying forms, since the beginning of this country. From the Puritan abhorrence of the Catholic in the 1700's, from the Chinese Exclusion Acts in 1800's, from the "no Irish need apply" signs of the early 1800's, from the refusal to hire the Italians in the early 1900's, from the problems faced by all immigrant groups down to those frustrating our Negro citizens, we have dealt with this problem of discrimination. Unquestionably, the problems faced by the Negro are of greater magnitude and will
Mr. GROSS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

The amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment on which a separate vote is demanded.

The Clerk read as follows:

On page 70, line 10, after the word "enterprise" insert a new section:

"(f) Notwithstanding any other provision of this title, it shall not be an unlawful employment practice for an employer to refuse to hire or to fire any person because of the sex of said person's atheistic practices and beliefs."

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the Committee substitute as amended.

The Committee substitute as amended was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. CRAMER. Mr. Speaker, I offer a motion to recommit the bill.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. CRAMER. I am, Mr. Speaker.

The Speaker will report the motion to recommit.

The Clerk read as follows:

Mr. CRAMER of Florida moves to recommit the bill, H. R. 7152, to the Committee on the Judiciary.

Mr. CELLER. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

Mr. WILLIAMS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 290, nays 150, not voting 11, as follows:

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<th>Roll No. 92</th>
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Mr. CELLER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the Record on the bill just passed.

The Speaker pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

TRIBUTE TO CHAIRMAN OF THE COMMITTEE OF THE WHOLE

Mr. McCULLOCH. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. O'Konski] may extend his remarks at this point in the Record and include extraneous matter.

The Speaker. Is there objection to the request of the gentleman from Maine?

There was no objection.

Mr. O'KONSKI. Mr. Speaker, due to illness in the family, I regret I could not be here to vote on the civil rights bill. I tried to get a live pair but could not get anyone to do so. If I were present to vote, I would have voted "aye" on the civil rights bill.

IMPRESSIONED BY THE DIGNITY OF THE CONGRESS

Mr. TUPPER. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. Talcott] may extend his remarks at this point in the Record and include extraneous matter.

The Speaker. Is there objection to the request of the gentleman from Maine?

There was no objection.

Mr. TALCOTT. Mr. Speaker, although I disagreed with the opponents of this bill on most points, I was most favorably impressed with the dignity and dexterity with which they conducted themselves during the long, strenuous debate. Their conduct was a credit to the Congress of the United States. The image and stature of the House of Representatives was enhanced by them in defeat.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Ratchford, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and a joint resolution of the House of the following titles:

On January 31, 1964:

H.J. Res. 779. Joint resolution to amend the joint resolution of January 28, 1948, relating to the membership of the Board of Trustees of the United States in the South Pacific Commission, so as to authorize certain appropriations thereunder for the fiscal years 1965 and 1966.

On February 5, 1964:

H.R. 5777. An act to authorize the Civil Service Retirement Act in order to correct an inconsistency in the provision of such act for the Architect of the Capitol and the employees of the Architect of the Capitol, and for other purposes.

HEALTH MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 224)

The SPEAKER laid before the House the following message from the President of the United States; which was read and referred to the Committee of the Whole House on the State of the Union, and ordered to be printed:

To the Congress of the United States:

The American people are not satisfied with better than average health. As a Nation, they want, they need, and they can afford the best of health: not just for those of comfortable means but for all our citizens, old and young, rich and poor.

In America there is no need and no room for second-class health services. There is no need and no room for denying to any of our people the wonders of modern medicine. There is no need and no room for elderly people to suffer the personal economic disaster to which major illness too commonly exposes them.

In seeking health improvements, we build on the past. For in the conquest of ill health our record is already a proud one: American medical research continues to score remarkable advances. We have mastered most of the major contagious diseases. Our life expectancy is increasing steadily. The overall quality of our physicians, dentists, and other health workers, of our professional schools, and of our hospitals and laboratories is unexcelled. Basic health protection is becoming more and more broadly liable.

Federally sponsored medical programs have played a major role in these advances: Federal expenditures in the fiscal 1963 budget for health and health-related programs total $5.4 billion—about double the amount of 8 years ago. Health and vitality and stimulus are partly responsible for the fact that last year—in 1963—the Nation's
total health expenditures reached an unprecedented high of $34 billion, or 6 percent of the gross national product.

But progress means new problems: As the lifespan lengthens, the need for health services grows; as medical science grows more complex, health care becomes more expensive; as people move to urban centers, health hazards rise; as population, which has increased 27 percent since 1950, continues to grow a great deal of the provision is made for on our limited supply of trained personnel.

Even worse, perhaps, are the problems that reflect the unequal sharing of the health services we have. Thousands suffer from diseases for which preventive measures are known but not applied; thousands of babies die needlessly—nine other nations have lower infant death rates than ours; half of the young men found unqualified for military service are rejected for medical reasons—most of them from poor homes.

Clearly, too many Americans still are cut off from adequate health services. Too many older people are still deprived of hope and dignity by prolonged and costly illness. The link between health and poverty in America is still all too plain.

In its 1st session, the 88th Congress made some important advances on the health front. It acted to increase our supply of physicians and dentists; it began a nationwide attack on mental illness and mental retardation; and it strengthened our efforts against air pollution.

But our remaining agenda is long, and it will be unfinished until each American enjoys the full benefits of modern medical knowledge.

Part of this agenda concerns a direct attack on that particular companion of poor health—poverty. Above all, we must see to it that all of our children, whatever the economic condition of their parents, can start life with sound minds and bodies.

My message to the Congress on poverty will set forth measures designed to advance us toward this goal.

In this, I present the rest of this year's agenda for America's good health.

1. HOSPITAL INSURANCE FOR THE AGED

Nearly 30 years ago, this Nation took the first long step to meet the needs of its older citizens by enacting the social security program. Today, most Americans look toward retirement with some confidence that they will be able to meet their basic needs for food and shelter.

But many of our older citizens are still defenseless against the heavy medical costs of severe illness or disability: One-third of the aged who are forced on old age assistance do so because of ill health, and one-third of our public assistance funds going to older people is spent for medical care. For many others, serious illness wipes out savings and carries their families into poverty. For these people, old age can be a dark corridor of fear.

The irony is that this problem stems in part from the surging progress in medical science and medical techniques—the same progress that has brought longer life to Americans as a whole.

Modern medical care is marvelously effective—but increasingly expensive: Daily hospital costs are now four times as high as they were in 1946—now averaging $97 a day; and the average social security benefit is just $77 a month for retired workers and $67 a month for widows.

Existing "solutions" to these problems are (1) private health insurance plans and (2) welfare medical assistance. No one of them is adequate, nor are they in combination: Private insurance, when available, costs more than the average retired couple can afford. Welfare medical assistance for the aged is not available in many States—and where it is available, it includes a needs test to which older citizens, with a lifetime of honorable, productive work behind them, should not be subjected. This situation is not new. For more than a decade we have failed to meet the problem.

There is a better, feasible solution. Hospital insurance based on social security payments is clearly the best method of meeting the need. It is a logical extension of the principle—established in 1935 and confirmed time after time by the Congress—that provision should be made for later years during the course of a lifetime of employment.

Therefore, I recommend a hospital insurance program for the aged aimed at two basic goals: First, it should protect against the heaviness of a serious illness—the costs of hospital and skilled nursing home care, home health services, and outpatient hospital diagnostic services. Second, it should provide a base that related private programs can supplement.

To achieve these goals:

1. These benefits should be available to everyone who reaches 65.
2. Benefits should cover the cost of services customarily furnished in semiprivate accommodations in a hospital, but not the cost of the services of personal physicians.
3. The financing should be soundly funded through the social security system.
4. One-quarter of 1 percent should be added to the social security contributions paid by employers and by employees.
5. The annual earnings subject to social security taxes should be increased from $4,800 to $5,200.
6. For those not now covered by social security, the cost of similar protection would be provided from the administrative budget.

Under this proposal, the costs of hospital and related services can be met without any interference whatever with the method of treatment. The arrangement would in no way hinder the patient's freedom to choose his doctor, hospital, or nurse.

The only change would be in the manner in which individuals would finance the hospital costs of their later years. The average worker under social security would contribute about a dollar a month during his working life to protect himself in old age in a dignified manner against the devastating costs of prolonged hospitalization.

Hospitalization, however, is not the end of older people's medical needs. Many aged individuals will have medical conditions that will be covered neither by social security, hospital insurance, nor by private insurance.

Therefore, I urge all States to adopt adequate programs of medical assistance under the Kerr-Mills legislation. This assistance is needed now. And it will be needed later as a supplement to hospital insurance.

II. HEALTH FACILITIES

Good health is the product of well-trained people working in modern and efficient hospitals and other facilities.

EXTENSION AND EXPANSION OF HILL-BURTON PROGRAM

We can be proud of the many fine hospitals throughout the country which were made possible by the Hill-Burton program of Federal aid. But there is more still to be done: Too often a sick patient must wait until a hospital bed becomes available; too many hospitals are old and poorly equipped; new kinds of facilities are needed to care for the aged and the chronically ill.

I recommend that the Hill-Burton program—scheduled to end on June 30, 1964—be extended for an additional 5 years including the amendments outlined below.

1. PLANNING

Hospital care costs too much to permit duplication, inefficiency, or extravagance in building and locating hospitals. Individual hospitals and other health facilities should be located where they are most needed. Together, these facilities in a community should provide the services needed by its citizens. This means planning.

(a) I recommend that the Congress authorize special grants to public and nonprofit agencies to assist them in developing comprehensive area, regional, and local plans for health and related facilities.

(b) I also recommend that limited matching funds be made available to help State agencies meet part of the costs of administering the Hill-Burton program, so that these agencies can plan wisely for our hospital systems.

2. MODERNIZATION

The Hill-Burton program has done much to help build general hospitals where they were most needed when the program began—particularly in rural areas.

While rural and suburban areas have been acquiring modern facilities, city hospitals have become more and more obsolete and inefficient. Yet city hospitals are largely responsible for applying the latest discoveries of medical science; for teaching the new generations of practitioners; for setting the pace and direction in care of the sick. They must have adequate facilities.

A recent study showed that it would cost $3.6 billion to modernize and replace
existing antiquated facilities—more than tripled our annual expenditures for construction of all health facilities.

The present Hill-Burton Act cannot meet this critical need. Further neglect will only aggravate the problem. Therefore:

d) I recommend that the act be amended to authorize a new program of grants to help public and nonprofit agencies modernize or replace hospital and related health facilities.

3. LONG-TERM CARE FACILITIES

Our lengthening lifespan has brought with it an increase in chronic diseases. This swells our need for long-term care facilities.

We have been making some progress in meeting the backlog of demand for nursing homes and chronic disease hospitals. But there is still a deficit of over 500,000 beds for the care of long-term patients.

This is a national health problem.

Our communities need better and more facilities to deal with prolonged illness, and to make community planning of these facilities more effective. Therefore:

e) I recommend the separate grant programs for acute disease hospitals and nursing homes be combined into a single category of long-term care facilities. The annual appropriation for the combined categories should be increased from $40 to $70 million.

4. MORTGAGE INSURANCE

Raising funds to build health facilities is a problem for almost every community: Federal aid is not always obtainable. States must set priorities for hospital projects which are to receive Federal aid; many worthwhile projects necessarily fail to win approval. Nonprofit agencies often have great difficulty raising local funds to match Federal grants. Loans available from private lenders often call for large annual payments and short payoff periods. This can either threaten a hospital’s financial stability or lead to excessive increases in the cost of hospital care.

These financing difficulties do not alter the fact that the need for hospital beds is increasing. Therefore:

f) I recommend amendment of the Hill-Burton Act to permit mortgage insurance of loans with maturities up to 40 years to help build private nonprofit hospitals, nursing homes, and other medical facilities.

3) In addition, I recommend that authority to insure mortgage loans for the construction of nursing homes operated for profit be transferred from the Federal Housing Administration to the Public Health Service.

These changes will help us build more hospitals and other medical facilities. They will bring together in the Public Health Service an adequate and interlocking program of Federal aid to profitmaking—as well as nonprofit—medical facilities, homes, hospitals, and other facilities.

ENCOURAGEMENT OF GROUP PRACTICE

To meet the needs of their communities, groups of physicians—general practitioners and specialists—more and more are pooling their skills and using the same buildings, equipment, and personnel to care for their patients. This is a sound and practical approach to medical service. It provides better medical care, yet it yields economies which can be passed on to the consumer. It makes better use of scarce professional personnel. It offers benefits to physicians, patients, and the community.

The specialized facilities and equipment needed for group practice are often not available, especially in smaller communities. Therefore:

3) I recommend legislation to authorize a 5-year program of Federal mortgage insurance and loans to help build and equip group practice medical and dental facilities.

Priority should be given to facilities in smaller communities, and to those sponsored by nonprofit or cooperative organizations.

III. HEALTH MANPOWER

Medical science has grown vastly more complex in recent years, and its potential for human good has grown accordingly. But to convert its potential into actual good requires an ever-growing supply of ever-better trained medical manpower. The quality and quantity of education for the health disciplines has been unable to keep pace. Shortages of medical manpower are acute.

By enacting the Health Professions Educational Assistance Act of 1963, the Congress took a major step to close this gap in medical manpower, especially as it relates to physicians and dentists.

But the task is far from finished.

A STRONGER NURSING PROFESSION

The rapid development of medical science places heavy demands on the time and skill of the physician. Nurses must perform many functions that once were done only by doctors.

A panel of expert advisers to the Public Health Service has recommended that the number of professional nurses be increased from the current total of 550,000 to 690,000 by 1978.

This requires raising nursing school enrollments by 75 percent.

But larger enrollments alone are not enough. The efficiency of nursing schools and the quality of instruction must be improved. The nursing profession, too, is becoming more complex and exacting.

The longer we delay, the larger the deficit grows, and the harder it becomes to overcome it.

I recommend the authorization of grants to build and expand schools of nursing, to help the schools perfect new teaching methods, and to assist local, State, and regional planning for nursing service.

We must remove financial barriers for students planning to train for the nursing profession and we must attract highly talented youngsters.

I therefore recommend Federal loans and a national competitive merit scholarship program. For each year of service as a nurse up to 6 years a proportion of the loan should be forgiven.

In addition, I recommend continuation and expansion of the professional nurse traineeship program to increase the number of nurses trained for key supervisory and teaching positions.

Federal action alone is not enough: State and local governments, schools, hospitals, and other health agencies, and private citizens all have a big stake in solving the nursing shortage. Each must take on added responsibilities if the growing demand for essential and high quality nursing services is to be met.

STRENGTHENED TRAINING IN PUBLIC HEALTH

Our State and local public health agencies are attempting to cope with mounting problems, but with inadequate resources.

Our population has risen 27 percent since 1950, and public health problems have become more complex. But there are fewer public health physicians today than in 1950. The number of public health engineers has increased by only a small fraction; and other essential public health disciplines are in short supply.

These shortages have weakened health protection measures in many communities.

The situation would be much worse than it is, but for two Public Health Service programs which were designed to help strengthen graduate or specialized public health training.

The need for these programs is greater today than ever before.

I recommend that the public health traineeship program and the project grant program for graduate training in public health be expanded and extended until 1968.

IV. MENTAL HEALTH AND MENTAL RETARDATION

Mental illness is a grave problem for the Nation, for the community, and for the family it strikes. It can be dealt with only through heroic measures. It must be dealt with generously and effectively.

Last year, President Kennedy proposed legislation to improve the Nation’s mental health and to combat mental retardation.

Congress promptly responded. State and local governments and private organizations joined in that response.

The Congress enacted legislation which should enable us to reduce substantially the number of patients in existing custodial institutions within a decade, through comprehensive community-based mental health services.

Under new legislation passed last year we will train teachers and build community centers for the care and treatment of the mentally handicapped.

Thus, as President Kennedy said, “the most significant event that the Congress of the United States has ever undertaken” on behalf of human welfare and happiness. We are now moving speedily to put this legislation into effect.

The mentally ill and the mentally retarded have a right to a decent, dignified place in society. I intend to assure them of that place.
The Congress has demonstrated its awareness of the need for action by approving my request for supplemental appropriations for mental retardation programs in the current fiscal year. This will help a great deal.

My 1965 budget includes a total of $467 million for the National Institute of Mental Health and for mental retardation activities. I urge the Congress to approve the full amount requested.

V. HEALTH PROTECTION

Technological progress is not always an unmixed blessing.

To be sure, we have a wealth of new products, unimagined a few generations ago, that make life easier and more rewarding.

But these benefits sometimes carry a price in the shape of new hazards to our health. I am told by our great factories, our myriad automobiles and trucks, our huge urban centers. The pure water we once took for granted is being polluted by chemicals and pesticides—indispensable to our farmers sometimes introduce chemicals whose long-range effects upon man are dimly understood.

We must develop effective safeguards to protect even babies in the air we breathe, the water we drink, and the food we eat.

To provide a focal point for vigorous research, training, and control programs in environmental health, I have requested funds in the 1965 budget to develop plans for additional facilities to house our expanding Federal programs concerned with children's health.

The Clean Air Act, which I approved last December 17, commits the Federal Government for the first time to substantially increased responsibilities in preventing and controlling air pollution. I urge prompt action on the supplemental appropriation to finance this new authority in the current fiscal year.

PESTICIDES

The President's Science Advisory Committee report, released in late May, alerted the country to the potential health dangers of pesticides.

To act without delay I have submitted requests to the Congress for additional funds for 1964 and 1965 for research on the effects of pesticides on our environment. I recommend enactment of pending legislation prohibiting the registration and marketing of pesticides until a positive finding of safety has been made.

In addition, the Department of Agriculture, working with the Departments of Health, Education, and Welfare and of the Interior, is reviewing and revising procedures to make certain that the benefits and hazards of pesticides to human health, domestic animals, and wildlife are considered fully before their registration and sale are allowed.

Finally, the Federal Government's own use and application of pesticides are being reviewed to assure that all safeguards are applied.

FOOD, DRUG, AND COSMETICS

The 1962 amendments to the Federal Food, Drug, and Cosmetic Act will enhance the safety, the effectiveness, the reliability of drugs and cosmetics.

To give this act the vigorous enforcement it contemplates, I am requesting increased appropriations to the Food and Drug Administration, largely for scientific and research personnel.

In addition, I renew the recommendations contained in my consumer message for new legislation to extend and clarify the food, drugs, and cosmetic laws.

VI. RESEARCH AND SPECIAL HEALTH NEEDS

Over the past decade, our Nation has developed a vigorous program for medical research. This investment has already paid rich dividends, and more dividends are within reach.

The budget I have proposed for fiscal 1965 assures the rate of growth needed to meet current opportunities and to provide a sound base for further progress.

In addition, the Office of Science and Technology has assembled a group of eminent citizens to study thoroughly the medical research and training programs of the National Institutes of Health.

This study should point to new ways to improve our medical research.

COMMISSION ON HEART DISEASE, CANCER, AND STROKES

Cancer, heart disease, and strokes stubbornly remain the leading causes of death in the United States. They now affect 15 million Americans—two-thirds of all Americans now living will ultimately suffer or die from one of them.

These diseases are not confined to older people. Approximately half of the cases of cancer are found among persons under 65. Cancer causes more deaths among children under age 18 than any other disease. More than half the persons suffering from heart disease are in their most productive years. Fully a third of all persons with recent strokes or with paralysis due to strokes are under 65.

The Public Health Service is now spending well over a quarter of a billion dollars annually finding ways to combat these diseases. Other organizations both public and private, also are investing considerable amounts in these efforts.

The flow of new discoveries, new drugs, and new techniques is impressive and hopeful.

Much remains to be learned. But the American people are not receiving the full benefits of what medical research has already accomplished. In part, this is because of shortages of professional health workers and medical facilities. It is also partly due to the public's lack of awareness of recent developments and their importance in prevention and treatment.

I am establishing a Commission on Heart Disease, Cancer, and Strokes to recommend steps to reduce the incidence of these diseases through new knowledge and modernization of the medical knowledge we already have.

The Commission will be made up of persons prominent in medicine and public affairs. I expect it to complete its study by the end of this year and submit recommendations for action.

NARCOTICS AND DRUG ABUSE

Abuse of drugs and traffic in narcotics are a tragic menace to public health.

To deal promptly and intelligently with this situation we must take effective measures for education, regulation, law enforcement, and rehabilitation.

I have made strenuous efforts to strengthen the cooperative efforts of Federal, State, and local authorities and public services.

The recent report of the Presidential Advisory Commission on Narcotics and Drug Abuse has underscored the need for continued action. It places the problem in its proper perspective. It proposes policies and actions which deserve full consideration.

The appropriate Federal departments and agencies will review this report, and I shall at a later time send my recommendations to the Congress.

VOCATIONAL REHABILITATION

Disability—always a cruel burden—has partly succumbed to medical progress. Our Federal-State program of vocational rehabilitation has been demonstrating this fact for more than 40 years. Rehabilitation can help restore productivity and independence to millions of Americans who have been victims of serious illness and injury. Over 110,000 disabled men and women were returned to activity and jobs last year alone.

If more fully developed and supported by the States and the Federal Government, this program can be a powerful tool in combating the ever-increasing unemployment among the millions of our citizens who face vocational handicaps which they cannot surmount without specialized help.

I have already recommended appropriation of increased Federal funds for vocational rehabilitation.

I now recommend enactment of legislation to facilitate the restoration of greater numbers of our mentally retarded and severely disabled to gainful employment, by permitting them up to 18 months of rehabilitative services prior to the determination of their vocational feasibility.

I also recommend enactment of a new program for the construction and initial staffing of workshops and rehabilitation facilities, program expansion grants, and increased State fiscal and administrative flexibility.

INTERNATIONAL HEALTH

Scientists from many countries have contributed to the enrichment of our national medical research effort. We in turn support medical research in other nations.

International collaboration in medical research, including support of research through the World Health Organization, is an efficient means of expanding knowledge and a powerful means of strengthening cooperation among nations. It links not only scientists but nations and peoples in efforts to achieve a common aspiration of mankind—the reduction of suffering and the lengthening of the prime of life.

The United States participates in an ambitious international effort to eradicate malaria—a disease which strikes untold millions throughout the world.

Both of my predecessors committed the United States to this campaign, now going forward under the leadership of

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the World Health Organization. The Congress has endorsed this objective and has supported it financially.

We will continue to encourage WHO in its work to eradicate malaria throughout the world.

We will continue to commit substantial financial resources to aid friendly nations through bilateral programs of malaria eradication.

The United States will also initiate in 1964 a program to eradicate the mosquito that transmits yellow fever. My 1965 budget provides expanded funds for the second year of this program.

**Conclusion**

The measures recommended in this message comprise a vigorous and many-sided attack on our most serious health problems.

These problems will not be fully solved in 1964 or for a long time to come. They will not be solved by the Federal Government alone, nor even by government at all levels. They are deeply rooted in American life. They must be solved by society as a whole. I ask the help of all Americans in this vital work.

LYNDON B. JOHNSON.


INTERNATIONAL ATOMIC ENERGY AGENCY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 226)

The SPEAKER laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, referred to the Committee on Atomic Energy and ordered to be printed:

To the Congress of the United States:

I transmit herewith, pursuant to the Independent Atomic Energy Participation Act, the sixth annual report covering U.S. participation in the International Atomic Energy Agency for the fiscal year 1962.

Believing the International Atomic Energy Agency could assume a position of leadership in bringing the benefits of atomic energy to the people of the world, President Kennedy gave it continued support during the period of his administration. I, likewise, hold that belief and affirm my support for the International Atomic Energy Agency as an important instrument in promoting the peaceful uses of atomic energy.

LYNDON B. JOHNSON.

(Enclosure: Sixth annual report.)


THE ECONOMY MYTH AND THE GOP TASK FORCE

Mr. JENSEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the carrying of this gentleman from Iowa?

There was no objection.

Mr. JENSEN. Mr. Speaker, I shall now read the statement of the Republican budget task force, which was released by me for today's morning newspapers.

**The Economy Myth and the GOP Task Force**

We, the Republican members of the Appropriations Committee of the House, think it is time to set the record straight. It is a myth that the Johnson administration is practicing economy in the expenditure of the taxpayers' money. The Members of Congress must appropriate the money they know that we are dealing with a myth, but the public is being misled.

Here are the simple facts that should set the record straight:

1. President Johnson is already planning to spend his own budget figures, $600 million more by the end of the current fiscal year than the late President Kennedy planned to spend according to a statement by Budget Director Gordon on November 19, 1963, 3 days before the late President Kennedy's budget for the current fiscal year was submitted to the Joint Committee on the Budget.

2. President Johnson's budget for the next fiscal year calls for an increase of $5 billion over what was requested by the late President Kennedy's budget for the current fiscal year.

The second fact results from the little-publicized action of this Congress, which, during the first session, reduced cash appropriations by the amount of $1 billion as requested by Mr. Kennedy. This reduction effort was initiated a year ago by a Republican budget-cutting task force under the able leadership of Congressman Frank B. Background, of Ohio, but the reduction was possible because of the dedicated assistance of all Members of Congress. We believe in economic responsibility, both Republicans and Democrats alike.

I wish to announce that at a meeting of the Republican members of the House Appropriations Committee we decided to continue the operating and new task force of this year. Last year the task force had the invaluable assistance of two top experts—Maurice H. Stans, of Los Angeles, former Director of the Budget, and Robert E. Merriman, of Chicago, former Deputy Director of the Budget, both of whom served under President Eisenhower—and both have been invaluable assistance of two top experts—Maurice H. Stans, of Los Angeles, former Director of the Budget, and Robert E. Merriman, of Chicago, former Deputy Director of the Budget, both of whom served under President Eisenhower—and both have been invaluable assistance of two top experts—Maurice H. Stans, of Los Angeles, former Director of the Budget, and Robert E. Merriman, of Chicago, former Deputy Director of the Budget, both of whom served under President Eisenhower—and both have been

(a) We do not believe that Congress, if it is to act in good faith with the taxpayers, can allow appropriations to zoom up $6 billion as was requested by the late President Kennedy's budget for the current fiscal year.

(b) In making the cuts in last year's appropriations, most of us were motivated by the belief that spending must be cut if taxes were to be cut, otherwise the threat of inflation would be raised. With the tax reduction imminent, this threat is even more real today, and the need for cuts in appropriations this year even more imperative if this Nation is to avoid further cheapening of the dollar.

Therefore, as we undertake this effort in the days, weeks, and months ahead, we earnestly invite all Members of Congress, in the House and in the Senate, to join in a determined effort to preserve the purchasing power of our taxpayers' dollars. To do less would not be worthy of the constituencies which elected us.

It is fitting at this time for us all to pay tribute to the chairman of the House Appropriations Committee, Representative Canby, of Missouri, for his leadership in the economy battle last year and to express our confidence that he will again cooperate with us for economy this session.

Further, we commend our chairman, Mr. Canby, for the timetable he has scheduled when each of the 12 appropriations bills shall be reported to the floor of the House. The schedule follows:

- District of Columbia Subcommittee, report, Friday, February 28; floor, Tuesday, March 3.
- District of Agriculture Subcommittee, report, Friday, March 13; floor, Tuesday, March 17.
- Treasury-Post Office Subcommittee, report, Friday, March 20; floor, Tuesday, March 24.
- Legislative Subcommittee, report, Friday, April 3; floor, Tuesday, April 7.
- Labor-Health, Education, and Welfare Subcommittee, report, Friday, April 10; floor, Tuesday, April 14.
- Defense Subcommittee, report, Friday, April 24; floor, Tuesday, April 28.
- State-Justice-Commerce-Judiciary Subcommittee, report, Friday, May 1; floor, Tuesday, May 5.
- Agriculture Subcommittee, report, Friday, May 8; floor, Tuesday, May 12.
- Independent Offices Subcommittee, report, Friday, May 15; floor, Tuesday, May 19.
- Public Works Subcommittee, report, Friday, May 29; floor, Tuesday, June 2.
- Foreign Aid Subcommittee, report, Friday, June 5; floor, June 9.

We pledge our full cooperation in thus expediting the business of the House and in order to meet this timetable we respectfully request the Legislative Committee to report their respective authorization requests to the floor before the date as above scheduled for House consideration of each appropriation bill.

COMMERCIAL COMMUNICATIONS SATELLITE SYSTEM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. 225)

The SPEAKER laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, referred to the Committee on Interstate and Foreign Commerce and ordered to be printed:

To the Congress of the United States:

I transmit herewith a report of the Communications Satellite Act of 1962 directs the President of the United States to "aid in the planning and development and foster the execution of a national program for the development and operation of communications satellites, pred迈进iously as possible of a commercial communications satellite system."

The year 1963 has been a period of major accomplishment toward the objectives established by the Congress in the Communications Satellite Act. The Communications Satellite Corporation has been organized, established, has employed a competent staff, and is implementing plans for a commercial communications satellite system. All agencies of Government concerned have contributed wholeheartedly to the furtherance of the objectives of the Act.

As required by section 404(a) of that act we herewith transmit to the Congress a report on the activities and accomplishments under the national program.

LYNDON B. JOHNSON.


LEGISLATIVE PROGRAM FOR THE REMAINDER OF THIS WEEK

Mr. ARENDS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.
The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ARENDS. Mr. Speaker, I take this time to ask the majority leader if he can summon us as to the legislative program for the balance of this week and next week, if possible.

Mr. ALBERT. In response to the inquiry of the distinguished Republican Whip, may I say that we have finished the legislative business for this week. The next legislative business will be on Monday next. We expect to be able to announce the complete program for Thursday of this week. We will have business on Monday of next week, which will include not only the Consent Calendar but a savings and loan bill from the Committee on Banking and Currency, and there will be business for the balance of that week.

Mr. ARENDS. I thank the gentleman from Oklahoma.

ADJOURNMENT OVER

Mr. ARENDS. Mr. Speaker, I ask unanimous consent that when the House adjourns on Thursday next, that when the House adjourns on Thursday next it adjourn to meet on Monday next.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PANAMA CANAL ZONE

Mr. CANNON, Mr. Speaker, I ask unanimous consent to address the House, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CANNON. Mr. Speaker, the Associated Press reports that Governor Fleming announces his intention to import foreign nationals as members of the Canal Zone Police.

The press releases of President Chiari and the press releases taken at the time of the attacks on Americans on American territory and published in the metropolitan newspapers show unmistakably that the leaders of the Panamanian mob were well-known Communists from Cuba.

I ask you, Mr. Speaker, what protection could be expected from Panamanian police against Panamanian mobs which sweep across the border and murder American citizens and American soldiers on American soil?

This information is taken from the daily newspaper, the Star & Herald, received from the Canal Zone Central Labor Union and Metal Trades Council, AFL-CIO, Balboa Heights, C.Z., and I append corroborating telegrams:

CHRISTOFAL, C.Z., February 6, 1964.

HOUSE OF REPRESENTATIVES,
Washington, D.C.
Protest plan to recruit Panamanians for Canal Zone police force endangers security, invites Communist infiltration. Suggest investigation of plan originator for subversion or incompetence. Letter follows.

PRESIDENT, COCO SOLO CIVIC COUNCIL,
COCO SOLO, C.Z.


HOUSE OF REPRESENTATIVES,
Washington, D.C.
The Department American Legion Auxiliary, Panama Canal Zone, is opposed to plan recommending employment of Panamanian citizens in Canal Zone police force.

AMERICAN LEGION AUXILIARY,
DEPARTMENT OF PANAMA,
Canal Zone.


U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C.
Protest integration of non-U.S. citizens into Canal Zone police force.

CIVITON CIVIC COUNCIL,

U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C.
The plan to hire Panamanian citizens in the Canal Zone police force is opposed by unanimous vote by Margarita Civic Council. The morale of U.S. citizens in this area would suffer further. This is an immoral, unethical, impractical move to make citizens of another country be torn between loyalty to their employer or loyalty to their nation in a crisis. Further this plan is in violation of the spirit and intent of Public Law 85-350 as spelled out in House Report No. 1869, 85th Congress.

PRESIDENT,
Margarita Civic Council,

HOUSE OFFICE BUILDING,
Washington, D.C.
Have registered strong protest with Canal Zone Governor relative hiring of non-U.S. personnel for enforcement of Canal Zone and U.S. laws in the Canal Zone. No objection to hiring of any U.S. citizens who qualify. Present program must have immediate help and support in this matter.

CARE FOR THE AGED

Mr. TUPPER. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. GLENN] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Maine?

There was no objection.

Mr. GLENN. Mr. Speaker, last year the National Committee on Health Care for the Aged made its report after a full and thorough investigation into the subject. It went into the problem of the total health care needs of the older citizens and did not restrict its study to hospitalization alone. As a result it recommended separate but complementary programs for Government and private insurance as the best solution to the problem of the health care of all citizens over 65.

I have considered this subject for several years and I am convinced this is the best overall approach and accordingly I have introduced in the House, H.R. 9954 entitled "The Health Care Insurance Act of 1964."

This bill is a companion bill to S. 2431 by Senators Javits, Case, Cooper, Kuchel, and Mrs. Smith. It encompasses the use of the social security system and the private insurance system with its vast body of experience which it has developed.

It limits the Government's role to insurance covering costs of hospitalization and skilled nursing home care to be financed under social security, and at the same time makes possible coverage of medical and noninstitutional care under low-cost private insurance plans to be developed on a nonprofit tax-free basis with special provision for concerted selling and risk pooling.

This is by far the most advanced and comprehensive program to be placed before the Congress. That part of it to be covered by social security financing provides for 45 days of hospitalization for all persons 65 years of age or over without deductible or option, up to 180 days of skilled nursing care, and over 200 days of home care following treatment in a hospital. This provision of the program would be financed by an increase of one-fourth of 1 percent each on employers and employees in the social security tax and credited to the health fund. It would also permit local administration by existing agencies.

The complementary national private insurance program for physicians, surgeons and other noninstitutional care limits the Government's role and is a built-in limit on its future expansion, and thereby offers the key aspect of the bill, answering the fears of many that the Government in a political way was seeking to expand its part in the health care field for the aged.

It is estimated that the national standard policy could be made available at a cost of about 42 cents a week which is well within the income range of most aged persons. All over 65 would be eligible to purchase this national standard policy, which will be stamped with a built-in limit on its future expansion, and thereby offers the key aspect of the bill, answering the fears of many that the Government in a political way was seeking to expand its part in the health care field for the aged.

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Our elderly citizens are being priced out of the health care market by rapidly increasing costs; yet we want them to be able to afford the basic needs which enhanced life expectancies can produce.

Private health insurance alone cannot do the job of providing protection at a reasonable price or provide the health care coverage which an enhanced life expectancy can produce.

Private health insurance alone cannot do the job of providing protection at a reasonable price or provide the health care coverage which an enhanced life expectancy can produce.
Moreover, the heaviest burden and the greatest loss risk for health insurance comes from hospital costs which in the last decade have gone up by 65 percent. Even higher, therefore, went the group insurance premiums for the over-65 group, in some States soaring as high as 83 percent.

The bill seeks to do the following:
First, to include all over 65 including those not now covered by the social security system; second, to provide for the participation of State agencies and approved private organizations in the administration of the program; and third, to set up a special health insurance fund separate from other social security funds.

The potentialities of this public-private program go far beyond any existing practice developed to meet a special social need. It includes in the legislation provision also for the establishment of a strong National Advisory Council on Health Insurance for the Aged which will be charged with the task of advising the Secretary in administering the public plan and with making recommendations to Congress as to the resources of both the public and private sectors of the program. This council should be broadly representative of all groups, public and private, and should be concerned with health care for the aged and who will be able to have some effective influence on the formulation of policy in the administration of the plan.

Finally, when President Kennedy of beloved memory, received the report of the National Committee on Health Care for the Aged—and the bill translates into legislative terms the Committee's recommendations—he expressed the hope that implementing legislation would have broad bipartisan support.

I believe that the bill comes close to meeting the requirements of the health care needs of America for both sides of the aisle. It will do so at a cost which is relatively modest in view of the magnitude of the program. I am confident that the cost of the public part of the bill is lower than what was called for under the King-Anderson proposal. It will avoid the dangers of so-called socialized medicine. It will observe the traditional doctor-patient relationship, and provide for the participation of the private sector which has built up a great and deserved interest in the field over the years.

It is important to note that this bill goes further than any medicare bill up till now. It proposes a two-part program—one for hospitalization and one for doctors and medical bills. One is basic health care proposal to help pay hospital bills through social security. The second part would supplement this by encouraging private insurance companies through tax relief and other Government aid to provide adequate reasonably priced policies to cover doctors and other medical bills.

It would use social security financing to provide for hospital care for up to 180 days of nursing home treatment, or over 200 days of home health care following hospital treatment for persons 65 or older. This would come by a one-half percent increase in the social security tax that would go into a special fund. It would create a national, federally chartered nonprofit association of private insurance and group service companies which would authorize a standard medical-surgical policy for those over 65.

I am convinced that the health care needs of our elder citizens can only be met by this dual approach—coverage in both areas of hospitalization and medical care. The need is present and growing. It is incumbent on this Congress to act now so that the benefits can flow as soon as possible to those who are in dire need of this protection.

THE CIVIL RIGHTS BILL
Mr. TUPPER. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. FOREMAN] may extend his remarks at this point in the Record and include extraneous matter.

The Speaker. Is there objection to the request of the gentleman from Maine?

There was no objection.

Mr. FOREMAN. Mr. Speaker, the civil rights bill has been debated longer, and amended at, more than, perhaps any bill that has come before this House of Representatives. Undoubtedly, this particular legislation will affect more people, more personally, and more deeply than any other previous legislation.

Civil rights emerge from civil responsibilities. If fear that we are in grave danger of violating the rights of all Americans in our efforts to legislate social equality for some.

Of course, we must recognize the civil, individual, and property rights of all people, regardless of race, color, or creed. I am proud to represent the progress area of west Texas where, within our own local communities, we have, and are, solving our own differences.

I do not believe new Federal laws can legislate social equality. This is a matter that only the people themselves—our local communities, our schools, libraries, public meeting places, and so forth—can, must, and will solve.

Two titles of this proposed legislation, H.R. 7152, Title II—Injunctive Relief Against Discrimination in Places of Public Accommodation, and Title VII—Equal Employment Opportunities, concern me greatly, because in them, I find discrimination against the private property rights of all people, including colored and white.

We must clearly understand that there can be no distinction between property rights and human rights. There are no rights but human rights, and what are spoken of as property rights are only the human rights of individuals to property. The Bill of Rights in the U.S. Constitution recognizes no distinction between property rights and other human rights. The ban against unreasonable search and seizure covers "persons, houses, papers and effects" without discrimination.

The Founding Fathers realized what some present-day politicians seem to have forgotten: A man without property rights—without the right to the product of his labor—can hardly be a free man. Unless people can feel secure in their abilities to retain the fruits of their labor, there is little incentive to save and expand the fund of capital—the tools and equipment essential for thought and action.

I am concerned about the so-called human rights that are represented as superior to property rights. By these, I mean the right to a job, the right to a minimum wage or a maximum workweek, the right to a fair price, the right to bargain collectively, the right to secure against the adversities and hazards of life, such as disability and old age.

Those who wrote our Constitution would have been surprised to hear these things spoken of as rights. They are not immunities from governmental compulsion. They are not privileges conferred upon some persons at the expense of others. The real distinction is not between property rights and human rights, but between equality of protection from governmental compulsion on the one hand and the demands for the exercise of such compulsion for the benefit of favored groups on the other.

This, then, gentlemen of the Congress, I believe, should be the light and guidelines by which we reach our decision on this legislation, or for that matter, any legislation with which we may be confronted. We must exercise care not to violate the rights of our own local communities, our efforts to secure social equality for some.

THE CIVIL RIGHTS BILL—TITLE VII
Mr. TUPPER. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. TAFT] may extend his remarks at this point in the Record and include extraneous matter.

The Speaker. Is there objection to the request of the gentleman from Maine?

There was no objection.

Mr. TAFT. Mr. Speaker, the progress that we have made in this country, and the benefits which we all enjoy stem from certain basic principles with which this country started. Hopefully, we have not since abandoned them. The most important of these is the concept of a maximum degree of individual freedom consistent with the individual freedom of others. True enjoyment of that freedom requires equality of treatment before the law. This is the goal of Title VII.

Unfortunately, some aspects of our development as a nation have indicated that equality of education and economic opportunity have not been provided and
are not being provided to some of our citizens. This is particularly true as to those citizens who are Negroes. Long
stands and commendable efforts of pri-
ivate individuals and organizations and,
in many instances, of local and State
governments have been inadequate to pro-
vide the services that the people require
and a responsibility as a nation that can
only be met by fair and workable legisla-
tion by the National Congress. This is
to derogate or desert the efforts that
have been made through other channels,
and, hopefully, the actions and programs
of any authority set up under this legis-
lation will recognize this and will move with
moderation and reason, but will move.
Should such authority fail to do
so, there would, of course, be legislative
remedies available to us to curb proven
abuses. Obviously, no law, how-
less implementation and administration
are here being considered can in all aspects be perfect.
But it is a beginning, and a beginning
must be made. It is important that
exist in the American people and enfor-
cement will be used wherever possible, and,
even more importantly, that the proc-
cesses of conciliation and conference, au-
thorized under the legislation, will han-
dle all but the most difficult cases.
Fortunately, from the experience with
State laws exceeding in their powers the
Federal legislation here proposed, ex-
perience indicates that the execu-
tion and fears of those who oppose
this legislation should be unfounded.
We respect the sincerity and convictions
of those who oppose the measure, but we
hope as the years pass and progress
is made, they will become convinced of
the wisdom of the action which is expected to be taken by the House this
day.

THE CIVIL RIGHTS BILL—TITLE VI

Mr. TUPPER. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois (Mr. Rumsfeld) may ex-
tend his remarks at this point in the
Record and include extraneous matter.

The SPEAKER. Is there objection
to the request of the gentleman from
Maine?

There was no objection.

Mr. RUMSFELD. Mr. Speaker, I wish to express my full support of Title VI of the Civil Rights Act, concerning nondis-
crimination in federally assisted pro-
grams. The question is whether Federal tax
dollars, collected from all, regardless of
race, color, or national origin, must be
expended without regard to race, color,
or national origin. Clearly the answer
should be "Yes." It is unthinkable that
the Federal Government should serve as
a vehicle for fostering and encouraging
discrimination.

Opponents of this title point out that
it could cause federal aid to be cut off,
I must agree. It is obvious Federal con-
control. But Congress has a proper respon-
sibility to reasonably control the ex-
penditure of Federal tax dollars. It

amazes me to find so many who seem to
be discovering for the first time that
with Federal involvement and Federal
money comes Federal control.

I believe this title should be approved
intact. It will represent an important
step by the Congress to ensure that all
taxpayers receive the benefits of their tax
dollars. But, in addition, the Nation as
a whole may reap an unexpected benefit.
Hopefully, recognizing that Federal con-
trol follows Federal involvement, the
people of the country and the Congress
will be less eager to support a multiplicity
of vast domestic Federal spending pro-
grams to involve the Federal Govern-
ment in practically every aspect of
American life. Possibly the Congress
will recognize that many domestic prob-
lems can be better handled by individ-
uals or by State or local governments.
I am optimistic enough to hope that
future programs will be carefully ana-
lyzed to see if the problems involved
might not be resolved more economically,
more efficiently, and more responsively
and reasonably to the needs of the people at the State or
local level. Not until that happens will
the American people see a more realistic
approach to many of the problems fac-
ting this growing, dynamic Nation which
so urgently need attention.

Amendments similar to title VI have
been offered to various Federal programs
during the 88th Congress and, unfortu-
nately, they have never prevailed,
although I supported each such move.

Final passage of this title will be a
proper and historic step by the Congress.
It will finally effectuate the policy of our
Federal Government that it will not dis-
criminate on the basis of color in making
available tax-financed Federal programs
and facilities.

GUANTANAMO

Mr. TUPPER. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts (Mr. Kerr) may extend his remarks at this point in the
Record and include extraneous matter.

The SPEAKER. Is there objection
to the request of the gentleman from
Maine?

There was no objection.

Mr. KEITH. Mr. Speaker, the recent
water incident at Guantanamo Bay, with
Castro's unsuccessful attempt to intimi-
date U.S. forces there, grew out of the
Russian Government apprehensions of
Japanese vessels and 7,024 Japanese fisher-
men in the last 10 years. We do not
know what disposition the U.S.S.R. has
made of these Japanese vessels, which
may extend terms of the vessels themselves, but it is
known from Japanese reports that some of the fisherman have been held in Rus-

The Soviet vessels would have to rely on
Japanese fishermen "now in Soviet cus-
ody, who have been found guilty or
indicted on charges of violating Soviet
territorial waters or operating in Soviet
waters."

Recent comments by the State De-
partment as to the suspected intelli-
gence purposes of the Russian fishing
fleet off our coasts makes it imperative
that in the interests of national security
we move rapidly to curtail these quasi-military vessels casual access
to our inshore waters. At present they
risk little by "accidental" violations,
not seriously harming us, but them within hailing distance of the coast.

Passage of the bill I have introduced, with the modification approved by the
Senate, would mean intruders would
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risk considerable. They could lose their vessels, equipment, and catch and find themselves with nothing. As a result, the Government would have a powerful tool for dealing with the Soviets, the Cubans, or nationals of any other unfriendly nation who boltily exploit our fishery resources or compromise our security or intelligence missions carried out under the guise of commercial fishing.

Such legislation is long overdue. It is time this country stopped letting itself get pushed around and time, too, that we start protecting the interests of our own beleaguered fishermen.

HOW MANY SECRET DEALS?

Mr. TUPPER. Mr. Speaker, I ask unanimous consent that the gentleman from Texas (Mr. Atwater) may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Maine?

There was no objection.

Mr. ALGER. Mr. Speaker, since Franklin Roosevelt began appealing the Spanish Civil War meetings at Teheran and Yalta, succeeding Democratic administrations have followed the policy of mistrusting the American people and erecting a policy of self-secret agreements. The Democratic secret deals have invariably been against the best interests of the United States, but this seems to make no difference to the policymakers of Democratic administrations.

Yesterday's Washington Post exposed a memorandum signed on June 15, 1962, by the late President Kennedy and President Gouma of Panama, which has now become the basis of Panama's demands that we give up our sovereign rights in the Canal Zone. Of course, we are getting the usual denials and interpretations from the State Department, but the fact remains that Panama does have the signed memorandum, it does say in part that "a new treaty will have to be negotiated," and it was signed by the President of the United States.

It is this type of confused negotiation with foreign governments that has resulted in the mess in foreign affairs now coming to light under the present administration. The past 2 months has seen American prestige and American interests falling to pieces everywhere in the world. Every little pipsqueak dictator telling us how his people shall be protected by self-secret agreements and secret deals. In the Cuban missile crisis of 1962, even Members of Congress were being told by the administration that there were no Russian missiles in Cuba at the very time the whole world had proof that there were.

In view of the sorry record in foreign affairs of the Democratic leadership, I believe it is imperative that the administration and the State Department tell us now, how many more secret agreements and deals have been made or are in the works?

Are we going to do whatever it takes to stay in Guantánamo, or are we already planning to abandon it with some agreement to let the Communists in? Is there no longer serves our purpose? This happened in Greece and Turkey, respectively. Khrushchev said we had made an agreement to get our military bases back of Greece and Turkey if he would take his missiles out of Cuba. The State Department denied this, but within just a few months it happened and we were told we no longer needed them.

Are we going to agree, or have we already agreed, to the nationalization of the Panama Canal under the supervision of the United Nations? The administration says no, but they did not tell us about the memorandum exposed yesterday by the Washington Post.

Are we going to agree to the seating of Cuba in the United Nations? Already there has been a deluge of the softening-up propaganda which usually precedes appeasement of the Communists.

Mr. Speaker, we have spent some 9 days debating a civil rights bill, and we are concerned about a tax cut and a war on poverty, but unless we demand a more realistic foreign policy, a policy designed to win, then all our other fashionable domestic programs are useless because the Communists will take us over, perhaps without the loss of a single Red soldier.

We need a clear, understandable foreign policy now. We should hold the door open for all those nations who believe in freedom and will stand by us in the cause of freedom. We must stop playing games with Soviet Russia and other Communist countries as well as those nations who have betrayed us. We should restate the Monroe Doctrine and clean the Communist conspirators out of this hemisphere, starting with Cuba. In cold words, we should decide to win the cold war.

Is our fear of nuclear war so great that we would sacrifice the American dream of freedom to avoid it? None of us want to fight a war, but if we yield, if we retreat, what will be the price? Is slavery preferable to death? Our forefathers did not think so. Have we become so craven and so base that we would denigrate our heritage for which generations of Americans worked and fought and died? I do not believe the American people have forsaken the dream. Is it too much to ask that our leaders have the courage of their faith?

Time is running out for America and for the free world. We must determine now that we will lead the world or else admit that Khrushchev was right and that we are giving the world and the people of America, will fight to the end for a strong America, a free America, a foreign policy which will let our enemies as well as our allies know that we are the means and the will to achieve this end.

I would like to include, at this point in these remarks, a news story from today's Washington Post with the State Department's analysis of the Panama Canal memo. I would also like to include a column by Edgar Ansel Mowrer, L.B.J. Must Get Tough, Disown 'Peace' Policy, which will let our enemies as well as our allies know that we are the means and the will to achieve this end.

[From the Washington (D.C.) Post]

CANAL MEMO NOT BINDING, UNITED STATES SAYS—STATE DEPARTMENT CALLS 1962 NOTE CONVERSATIONAL

A 1962 memorandum signed by United States and Panamanian officials, revealed in yesterday's editions of the Washington Post, does not constitute a commitment by the United States to renegotiate the 1903 Panama Canal treaty, the State Department said last night.

The memorandum, signed June 15, 1962, alleged to have been written by President Ro­berto Chiari and the late President Ken­nedy, said in part that "a new treaty will have to be negotiated" whether the United States decided to build a sea-level canal or continue with the present one.

But a State Department spokesman said the memorandum "is not a new treaty agreement of any kind."

NO CHANGE IN VIEW

The spokesman said:

"There is not and never has been a secret governmentatical agreement between the United States and Panama concerning treaty relations. There is no difference in the attitude of the U.S. Government toward treaty revision and that which existed in
What we are seeing in Panama, Zanzibar, the Yemen, and elsewhere (and is to come) is the anarchy that occurs when two great powers, Red Russia and Red China, promote it by all possible means, while the United States, in its wisdom, wittingly or unwittingly, writes their hands and does nothing but protest.

The United Arab Republic intervenes in the Yemen. Red Russia, conniving with Red China, demands control of the canal and—finally—the Soviets shoot down another unarmed American air- plane with impunity.

UNION Demanded

All this, as I said, is very disturbing to President Johnson. He may shortly have to give up the current comedy and send many more Americans to South Vietnam; as soldiers, not just as advisers and chauffeurs. He may have to stir up a revolution in Panama. He may have to order the 7th Fleet to stop or even sink Indonesian ships carrying soldiers to attack Malaysia.

In short, he may have to start acting more like a Texan and less like a frightened atomic scientist of the "rather Red than blue" school. He might change his position, and thus affect his election chances.

The memorandum was offered to the Inter-American Defense Board last year by Miguel J. Moreno, Panama's Ambassador to Washington. He was able to snare the action of the Board, the Washington Post story said.

Harriman said "basically the thrust of the article is not true. The article is based on statements made by Panamanian officials from Panama, Nicaragua, and the United States. The article is not true. The article is based on Latin American sources, including talks with Latin American and U.S. officials."

L.B.J. Must Get Tough, Disown "Peace" Role

(By Edgar Ansel Mowrer)

Pity L.B.J. He feels compelled to run for reelection on his predecessor's "peace" policy just when that policy's bankruptcy is filling the international air with explosions. From France and Africa, the result of the policy of abdication pursued by the Kennedy administration is bursting out all over and demands L.B.J.'s summing up of the situation.

It is not his fault. He, like so many supporters of the past administration, was simply playing politics. Being the summing up of the New Frontiersmen. This was that appeasement of, and economic aid to, the United States, the United Arab Republic, etc., would keep these countries, if not totally quiet, at least within limits.

This included the belief that American advisory action in Vietnam would contain communism until such time as all Vietnam could be reunited and neutralized. It implied that communism, having secured the neutralization of once pro-West Laos, would refrain from seeking to take over that country.

EUPHEMISTIC APPEASEMENT

In short, the New Frontiersmen who stormed into the White House and the State Department appeared to be acting on the assumption that soft answers, plenty of back- sheesh, a little time and, above all, the remounting of the 7th Fleet, would work. The United States and its major allies (even while Red Russia and Red China were continuing to stir up trouble whenever they could) would gradually end the cold war.

And now history is once more revealing the reality. The two superpowers can exist only when it is, enforced, if not by a world authority (which does not exist), then by war, by bullets, by the enemy. Otherwise, as at present, there is no world order.

CASTRO ENBROILED BY OUR ALLIES' ATTITUDE

In Panama, the situation is far more precarious than the administration will admit. Communist agents are playing a much bigger role in the riots there than was ever acknowledged. What is feared is not that Castro will have to cede control to Panama internally and could clear the way for a Castro-inspired regime.

The Cuba problem is far more complex than the present clear-cut threat to Guatan- namo. It is believed here that Castro will not have acted with such insane boldness but for theway our overawing Cuba's allies have run out on supporting our block- ade policy.

British and French firms have made sig- nificant new commitments to sell trucks, buses, tractors, and factory equipment to Cuba, with only softly worded protests from this Government.

British firms are now making 400 buses for Castro and the sale of an additional 1,000 is pending. The French are selling $10 million in trucks.

But this is not all. French firms are about to sign a contract for $25 million in locomotives to Cuba. And Spain's Generali- simo Franco has just turned down a forceful overture from the French to sell him 100 fishing craft, including trawlers, to Cuba.

TRADE UNDERCUTS EFFORT TO STIFLE CUBAN ECONOMY

These are only the latest sorry instances of lack of cooperation in this country's ef- fort to clamp an effective economic blockade on Cuba.

In 1961, for example, a British firm sold Castro $25 million worth of equipment to build a factory. In 1961, French firms sold Cuba large quantities of grinding and gas plant equipment. In 1962, another French company sent over the needed machinery for a big yeast plant.

What has been the impact of these Western European efforts to undercut the effort to stifle Cuba's Communist economy until it crumbles says the Castro government.

It has had primarily two effects. First, it has raised havoc with the morale of the enemy. The shambles and bungling of the French led to the widespread demoralization among the exile leaders. They planned raids by guerrilla forces along the Cuban coast, aimed at tearing up railroads, blowing up factories, and arming Castro's impoverished, regimented slaves to join the cause.

A TENDENCY TO RECOGNIZE CASTRO REGIME

What good now is it to blow up a train, if the French are supplying more than enough locomotives to replace it? Or to blow up a factory if a European firm will sell equipment for a new one?

The second effect of the British-French and upcoming Spanish—trade with Cuba is the unhappy fact that there is already in Government echelons here a tendency to give the Castro regime a permanence. In other words, if our allies insist on keeping Cuba's economy going, perhaps we should adopt a policy leading to de facto recognition—ac- cording to French firm, etc.—and make our main effort against him on the mainland, to prevent communism from Cuba infiltrating Latin America.

As for the immediate crisis resulting from Castro shutting off Guanatamo's water supply to President Johnson's response could be a lot tougher than Fidel expects.
Mr. Speaker. Mr. Speaker, I ask an unanimous consent that the gentleman from Ohio [Mr. Bow] may extend his remarks at this point in the Record and include extraneous matter.

The Speaker is there objection to the request of the gentleman from Maine?

There was no objection.

Mr. Bow. Mr. Speaker, every Member of the Congress has who read the statement of my distinguished colleague from Pennsylvania [Mr. Fisco] to the House, February 9, 1964, on the subject, "Panamanian Outbreak, January 9, 1964: What Really Happened," have authoritative knowledge of what occurred. That community statement that many other Members of the Congress have supplied an irrefutable documentation derived from facts ascertained by observers on the same.

Despite severe provocation the defensive operations of the U.S. Army under Gen. Andrew P. O'Meara, commander in chief, U.S. Southern Command, and of the Canal Zone police was exemplary in restraint. I believe that the defenders of the Panama Canal operating without interruption and as efficiently as ever throughout the attempted mob invasions of the zone.

It was, therefore, with the highest satisfaction that I read in the January 27, 1964 issue of the Panama Canal Spillway the communmen tendered by that Deputy Secretary of Defense Cyrus R. Vance gave to the gallant defenders of the Panama Canal. This commendation will appeal strongly to every patriotic American citizen who knows what really happened at Panama.

In order that Secretary Vance's fine commendation of the defenders of the Panama Canal, the U.S. Army and Canal Zone police, may be known to the Nation and recorded in the permanent annals of the Congress, I quote it as part of my remarks:

U.S. Troops, Canal Zone Police Win Highest Praise From Secretary Vance

Highest commendation for the U.S. troops and the Canal Zone police was expressed by Deputy Secretary of Defense Cyrus R. Vance, in a press conference at the Pentagon in Washington, D.C., following his return from Panama.

"I would like to say very strongly that I was tremendously impressed with the high level of discipline and restraint that our forces manifested during the provocative attacks and danger to their lives from mobs and snipers. In my opinion they deserve the highest commendation," Secretary Vance said.

Question. "Mr. Secretary, isn't it a little unusual to have our troops to be given orders not to fire back at people who are firing at them, and can you go into this whole realm of the problem?"

Annamise Secretary Vance. "Yes, I can and I would be delighted to. It is usual for our troops in a riot situation to use that amount of force which is necessary to protect their lives, lives of others, and property. And they use only that amount of force which is required to do that job. This is exactly what our troops did during the entire period of time. And I want to say again, I just have the greatest admiration for the way they handled themselves during this period. And also include the Canal Zone police who faced very, very tremendous odds during the early stages of rioting, looked that, conducted themselves in splendid fashion."

OFF THE RECORD VOTING

Mr. MatsuNAGA. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. González] may extend his remarks at this point in the Record and include extraneous matter.

The Speaker is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mr. González. Mr. Speaker, it is well known that criticism of Congress has been increasing. Much of this criticism is unwarranted and based on a lack of understanding of the proper function of Congress. For this reason some people say Congress does too much and some people say it does too little.

But some criticism is based on facts and has merit. Some of the questions being raised about Congress and the actions of some Members of Congress need to be answered. For example, it has been said that although a Congressmen may go on record in favor of a specific bill the same Congressman may have actually been working behind the scenes against that bill. He may vote to kill the bill or to wreck it so long as no record is made of his vote, as in a division, and then vote for the bill when a record is made. It is said that such tactics are obstructive and not constructive; that such behavior is less than forthright.

In my opinion the spontaneous commendation that was given to the gallant defenders of the Panama Canal by Deputy Secretary of Defense Cyrus R. Vance was exemplary in being raised about Congress and the increasing number of critics of Congress.

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COMMUNISM

The Speaker pro tempore (Mr. ALBERT). Under previous order of the House, the gentleman from California [Mr. LIPSCOMB] is recognized for 30 minutes.

Mr. LIPSCOMB. Mr. Speaker, the administration's peculiar desire to both fight communism and to feed it at the same time is bewildering to many Americans.
Administration officials who are responsible for establishing and carrying out policy on East-West trade—such as Secretary of State Dean Rusk, Secretary of Commerce Luther Hodges, Secretary of the Treasury Douglas Dillon, and Secretary of Defense Robert McNamara—in my view have been less than candid about the real rationale behind U.S. aid to Russia, which includes wheat, fertilizer plants, mining machinery, and chemicals to the Soviet Union.

A particularly revealing piece of evidence about basic administration thinking in this area is a disturbing document released July 18, 1963, which was financed by taxpayers' funds under Government contract. It is entitled "Common Action for the Control of Conflict: An Informal Understanding with the Soviet Union." It has been speculated that Secretary of State Rusk was responsible for establishing and carrying out the Rock report, made just weeks before the announcement of the organization of Project Nuclear Action for the Control of Conflict, and has been associated with national security policy on the White House staff, and with the National Security Council.

It is reported that 300 copies of the Rock report were printed and distributed in July 1963. The study reportedly has been must reading for administration officials. Published accounts have indicated that the author of the document is a member of the Institute for Defense Analyses. The Institute for Defense Analyses is a stable organization with over $10 million in Government contracts, primarily for the Pentagon.

The document presents the conclusions of a study known as Project Nuclear Action by the Institute for Defense Analyses for the Executive Office of the President, and with the National Security Council. It is reported that this document, which was released at a January press conference, has been associated with national security policy in the White House staff. The Executive Office of the President, and with the National Security Council.

The study's main conclusion is that the United States consider assisting Soviet agriculture. It recommends reducing restrictions on trade with the Soviet Union. The report recommended reducing restrictions on trade with the Soviet Union. The recommendation was made because the Soviet Union is currently growing wheat, fertilizer plants, mining machinery, and chemicals to the Soviet Union.

Example: The report recommended the United States seek Soviet cooperation in future space efforts. Action: On August 16, 1963, the National Aeronautics and Space Administration announced that the U.S. would supply $311 million worth of wheat. As much as three-quarters of the wheat sales will go to Soviet fertilizer production, technical data for a complete fertilizer plant, a laboratory grass incubator, nearly $2 million worth of insecticides and herbicides, $7.45 million worth of rice, and about $311 million worth of wheat. As much as three-quarters of the wheat sales will be for 18-month credit, not cash, guaranteed by the Export-Import Bank, according to press reports.

Example: The report recommended reducing restrictions on trade with the Soviet Union. Action: Secretary of Commerce Rodges announced at a January press conference that trade with the Soviets is still under study. He affirmed his stand in favor of expanding such trade. From the New York Times, January 9, 1964:

"The administration . . . will explore further the opportunities for developing East-West trade with emphasis on its readiness to sell agricultural products."

Example: The report recommended increasing scientific cooperation with the Soviet Union. Action: On January 26, 1964, joint United States-U.S.S.R. scientific communications experiments with the American Echo II balloon satellite were revealed. According to a New York Times story, February 2, 1964, the United States and U.S.S.R. will measure the intensity of cosmic ray particles in a Joint Antarctic research project.

The Rock report made other recommendations, all aimed at achieving greater restraint in arms with the Soviet Union. If the past is any guide, we can look for forthcoming administration moves to implement these additional recommendations: A freer flow of Western technology to the U.S.S.R.; common action in weather and ocean research; a search for arms control agreements where the United States can disengage with the Soviets; more art, games, and creative play with the Russians; mutual restraint of allies and neutrals; joint participation in food projects; encouragement of Soviet development of mutually invulnerable weapon systems; and an overall U.S. policy of collaboration with the U.S.S.R. to replace a policy of simple conflict.

Since administration moves seem to have generally corresponded to the Rock report outline, let us inspect some of the paper's more questionable assumptions.

Fallacy 1: The report reasons that the Soviets will catch up economically with the United States during the next decade or two. Therefore, interdependence—or joint contributions to the conflict—urgently needed to temper Soviet aggressiveness before the economic balance of power shifts in the Communists' favor.

The report's view of Soviet economic performance is refuted all the way from the CIA to the Soviets themselves. According to the CIA estimate released in January, the Soviet economy grew only 2.5 percent last year. The U.S. economy meanwhile has been growing roughly twice as fast.

A Soviet Central Statistical Board report disclosed Soviet economic growth has actually dropped 10 percent a year since 1960. The dean of Soviet economists, Stanislav Strumlin, remarked in a 1963 Soviet statistical tract that the U.S.S.R. has made practically no progress since 1960 in catching up with the United States. Strumlin added that the U.S.S.R. will not catch up until well after the turn of the 21st century.

The report is against the Soviets, Nikita Khrushchev, January 6, 1961: To win time in the economic contest with capitalism is the main thing.

Fallacy 2: The report assumes that a widening of trade relations and assistance to Soviet agriculture will induce the Communist regime to spend more of its resources on consumer goods for the Russian people.

Does commonsense not tell us that U.S. assistance will have the opposite effect? The less the regime has to worry about its stagnant agricultural sector, the more resources it can plow into its obsession to become the world's No. 1 industrial power.

At this moment in history, the Communists hope to create a modern chemical-industry to solve their fertilizer production shortfall which in turn may help solve their massive agricultural dilemma. U.S. agricultural assistance will help the Communist regime relieve its immediate crisis, but it is hard to see just how free world generosity will motivate Communist planners to change their priorities.

If Communist planners decide to invest more in consumer goods, they will do so for good reasons of power—less Russian public discontent, more incentive for Russian workers, more propensity...
and the triumph of socialism and communism on a world scale.

As late as January 18, 1964, in a speech to Soviet Party Workers, he said:

Communism is being built not only within the borders of the Soviet Union; we are also doing all we can to see that communism triumphs over all the earth.

Khrushchev means to overthrow all non-communist states, to attain this as capitalist or imperialist. Certainly he would never enter into any agreements or common endeavors which would, in his opinion, conflict with this aim.

The Russian foreign policy suggests the affects of persuasion on hardened, disciplined men like Khrushchev, Mikhail Suslova — the Kremlin's sinister Stalinist holodev — or Andrei Gromyko — who lied to President Kennedy's face about Soviet missiles in Cuba. They are a generation of uncompromising Communists who have a personal, professional, and public interest in the Russian society. The suggestion that common endeavors are possible recalls Hilaire Belloc's "The Barbarians":

We sit by and watch the Barbarian, we tolerate every inch of the long stretches of peace we are not afraid.

We are tickled by his irreverence, his comic inversions of terms and concepts, his fixated creeds refreshes us; we laugh. But as we laugh we are watched by large and awful faces from behind; and on these faces there is no smile.

Fallacy 5: The report reasons that, since both Americans and Russians like to enjoy life, why should the United States not contribute food to the Soviet economy? This way, the Russians will get more to eat and Americans can spend less time worrying about the atomic bomb threat — and both peoples will enjoy life more.

This kind of reasoning looks a little strained. We do not need to bribe the Russian people with wheat to win their friendship. The Russian common man has always been friendly despite the Communist propaganda barrier. The Communists who told the Russian people, decided the alleged 100-megaton terror bomb exploded in 1961 testing was a better investment for Russian rubles than Soviet farming. Wheat contributions will only make it more unlikely for Russians to urge political change on the party apparatus, easier for a vindicated Khrushchev to threaten us with atomic incineration in the future.

Fallacy 6: The report states that so-called peaceful technology can be traded to the Soviets and war technology withheld; that long-term credits may safely be granted the civilian sector of the Soviet economy.

The Soviet economy is not a market ruled by consumer demand but a weapon at the service of the Communist Party. The state Party sets its economic priorities in terms of world domination. As it has, rather than consumer demand, there is no difference between peaceful and warlike trade. Everything from a samovar to a missile silo is strategic because it means a saving in materials and labor which the regime can divert to more necessary or strategic use.

In this sense, U.S. wheat sales, surplus agricultural support, are in favor of our own strategy. W. W. Rostow, Chairman of the Department of State Policy Planning Council and an advocate of intermediate progress, said on August 19, 1963:

One of the oldest propositions in economics is that agricultural output is, in the widest sense, the basic working capital of a nation.

If grain is working capital, it seems odd to hand the Soviet regime this kind of blank-check financing. Public officials, if all evidence indicates we are financing our own downfall.

Fallacy 7: The report assumes that trade promotes peace and reasonableness between nations.

Trade may. On the other hand, we remember the examples of pre-World War II Germany and Japan when it did not.

For generations Germany had been our largest trading partner, Britain excepted. There were cultural ties with the United States in art, science, music, and, additionally, by virtue of millions of U.S. citizens of German extraction closely tied to their former homeland. We also shared deep business and educational ties with Japan. Yet did trade prevent misunderstanding with the totalitarian regimes then in power? Did all the interdependent ties prevent a bloody war?

We also have the present-day example of East Germany, a state practically self-sufficient, that has yet still gripped by the most repulsive, aggressive dictatorship in Eastern Europe.

Fallacy 8: The report assumes that trade between the United States and the U.S.S.R. could be greatly expanded, given long-term U.S. credit, and that beneficial contacts between the two countries would follow.

Trade expansion would be selective and temporary, because the Communists have not lost hope of eventual autarchy or independence of non-Communist suppliers. The United States, building monopoly imports technology in one-shot deals to build a self-sufficient Soviet industrial and agricultural capability. For example, wheat is being purchased from the West while the Communists build a chemical industry to increase fertilizer production and to gain eventual agricultural self-sufficiency. If and when the Communists can grow enough grain themselves, they will obviously have no need for Western grain. In fact they will become competitors. It is hard to envisage great volumes of trade with the bent on building a self-sustaining economic fortress.

Time and again specific Western prototypes have been bought for copying by Soviet industry. Western know-how has been purchased or stolen in order to build particular industries. Khrushchev's current chemical industry campaign is the latest example.

His recent address to the U.S.S.R. Communist Party Centennial Commemorating
December 9, 1963, about Soviet chemicalization contained this paragraph:

I must frequently listen to scientists from research institutes have difficulty in obtaining reagents—particularly of high purity, complex modern instruments, and sometimes they must do everything possible so that our scientists do not have to waste time in striving to manufacture instruments and reagents that they need. We must provide them with all of this. It is necessary to set up and maintain experimental equipment and reagents.

Within a 2-day period—October 23–25, 1963—the Department of Commerce announced at least nine separate licenses for export of reagent chemicals to Soviet laboratories. What is more, all shipments are small. Seven licenses were for reagents valued at less than $100. The largest was valued at only $2.184.

The Soviets can take a shortcut by buying U.S. samples, analyzing them, and putting the Soviet version into production. Does anyone seriously think that the sale of small sample batches will open up a huge market for U.S. chemicals and in the meantime that the Soviet market becomes self-sufficient, there will be no market at all.

The same goes for medicinal preparations. Said Khurschec in the same speech:

Our production of medicinal preparations is seriously lagging.

Between October 14, 1963, and January 14, 1964, the Department of Commerce announced at least 16 different licenses for shipment of medicinal and pharmaceutical items to the Soviet Union. Fourteen of these licenses were for shipments valued at $400 or less, many for only a few dollars. The largest license was $3,364. Do these sample shipments go into the Soviet consumer market or into laboratories for analysis and subsequent Soviet independent production?

On synthetic resins, Khurschec said:

By 1970, it is planned to utilize 1.1 million tons of plastics and synthetic resins in the engineering and electrical industry. And what does this mean? This will enable a saving of nearly half a billion rubles in capital investments alone. However, the machine builders have been very timid so far about applying plastics. We must do everything possible to encourage this kind of production.

Assuming East-West trade reaches the large volume the report optimistically visualizes, would not any U.S. administration find domestic difficulties in cutting off relaxed trade? U.S. business men and workers, newly dependent on East-West business, would be hurt. Would not a more rigid administration be prone to argue that interdependence takes time, that we should not cut off trade because of short-term Soviet misbehavior?

Further, would it not be practically impossible to cut off relaxed Allied trade with the Soviet Union? U.S. wheat sales have shown how hard it is to hold the line once a trade breakthrough takes place or when one ally sets a precedent for another. Look at the postwheat sales to Cuba: 400,000 tons sold to Cuba January 7, and an option February 3 for 1,000 more; a $51 million sale of Spanish fishing trawlers to Cuba is pending; a British announcement January 20 she is making credit guarantees for exports to the Soviet Union.

Examples are the Department of Agriculture's subsidies on durum wheat paid to U.S. shippers to offset part of the shipping cost; reported coercion of U.S. airlines in stopping blockage; the rail traffic in the Soviet Union. And why an affluent Soviet Union?

Fallacy 9: The report states that a relaxed trade is desirable; that is, we could cut off trade if the Soviets refuse to behave well, to become interdependent, or to funnel more resources into conscription.

Do these odd lot sales really expand Allied trade with the Soviets? Or are they simply contributions to the Soviet capability in a specific product field—shortcuts in overtaking capitalism?

Regarding the Rock report's contention that by easing trade we encourage the Soviets to do whatever we say, one need only ask if the heavyweight hand of Amtorg, the Soviet state trading monopoly's New York representative for industrial espionage since the war, did not have a hand in influencing whatever on the basic conflicts that divide East and West. According to an article by FBI Director J. Edgar Hoover, "The U.S. Businessman Fights the Soviet Spy." Harvard Business Review, January–February 1964:

Close examination of Amtorg activities reveals that the sale of small sample batches, analyzing them, and putting the Soviet version into production does not necessarily distract our scientists. We must provide them with all of this. It is necessary to set up and maintain experimental equipment and reagents.

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society, and more particularly in its ruling class.

For example, I would hope that no administration would gamble the national welfare solely for the sake of propaganda. Yet, according to the Presidential announcement of October 13, 1963, grain sales to the U.S.S.R. would "advertise to the world as nothing else could the success of free American agriculture."

This is true, but it cannot be a policy determinant. The Nation's security position is too high a price to pay for a transitory Voice of America publicity gimmick.

Also, I would hope that no administration would gamble our national welfare for minor domestic gains, or for partisan politics. Consider these much-advertised advantages: Somewhat better profits for businessmen in the export trade; possible jobs for workers; maybe better markets for farmers in future years if grain sales continue; a few million dollars saved for modernization of storage; a minor and temporary improvement in our balance-of-payments deficit.

But these microscopic gains in comparison with what we have already spent to protect the long-term security position of our free society. We have spent about $700 billion for arms and foreign aid since the outbreak of war in 1917. We are still spending $15 billion a month in replenishing the Sino-Soviet bloc. We suffered nearly 158,000 killed or wounded in Korea. We have had more than 670 casualties so far in Vietnam. Surely we are not so anxious to make a few hundred million in excess profits that we can afford to throw away the enormous original expenditure for the free world's welfare and security.

I agree fully with a distinguished Member of the other body, who has commented to the effect that the Soviet Union is a powerful and dangerous antagonist whom we can and should influence in various ways toward abandoning its aggressive designs. Change in Communist goals is the only road to a peace we can accept.

The problem is: Precisely how can the Communist Party of the Soviet Union be so influenced?

It is quite a gamble that the Soviets will have a change of heart because of superficial interdependences or persuasion in the form of agriculture sales and other trade. After looking at the Rock report's reasoning, odds on this gamble with U.S. national security look pretty prohibitive.

If this gamble fails, the enemy will be more able to war against us in the future.

The Interdependence approach substitutes wishful thinking for policy based on detailed factual analysis. Perhaps if the Soviets have a long record of wishing reasonable acts would in themselves make the world more reasonable, but wishing never seems to work.

The cooperation delusion merely buys time for a persistent, determined enemy who needs time. A so-called detente in trade delays the day of reckoning when Communist ideology meets with economic deeds with words in the minds of party functionaries and the Russian people.

Khrushchev has promised the long-suffering Russian common people a better life. Why allow Khrushchev to escape from his own extravagant promises? Let his own Communist system deliver this better life without the Westerner or club desipises, or let him pay the consequences.

A rational approach must deny the legitimacy of success to Communist ideology and the Soviet regime if it now guides the world. We must pursue internationalization and liberalization on the Soviet regime by demonstrating that Communist premises are wrong.

Slump in Communist economic growth rates suggest that the cumbersome system itself is unsuited to a complex modern state. Already many Russians are privately calling the system itself into question. We must give these emerging forces in Russian society every reason to oppose and pressure their leaders toward a more rational course in human affairs, toward better food, clothing, and housing for millions. Give them a more representative, pluralistic government.

But I cannot understand how outright U.S. assistance to the Communist regime itself will in any way accelerate these trends we want to see. U.S. wheat this year will simply shore up the softest spot in the Communist-planned economy. Wheat will enable Communist planners to set their own priorities, as before, in continuing disregards of actual Soviet consumer needs. U.S. economic aid will actually lessen popular Russian disillusionment and demands for more consent in the Soviet Government.

How then can we use our economic and technical superiority realistically to promote gradual erosion in Communist goals and methods? What are alternatives to interdependence in East-West trade?

A starting point has been advanced. The President of the United States should convene immediately a top-level free-world conference to work out a plan of purpose, to unsnarl rampant contradictions and inconsistencies in the free world's East-West trade.

The conference should frankly discuss the problem of communism by using the West's economic superiority as a bargaining tool. Perhaps there is more of a consensus than we think, if only we marshal our efforts forcefully toward this end.

After all, no free world country as yet lives or dies on Soviet trade alone. Bloc trade with Western Europe and Japan in 1961 for example was only 4 to 5 percent of these countries' total foreign trade. Even Britain, the most eager exponent of trade with the Soviets, sent only 3.6 percent of her total 1962 exports, and even this suggests less than one-half of this amount to the Soviet Union.

Next, the administration should operate on the principle that U.S. trade allows significant contributions to the Soviet economy without accompanying political or doctrinal concessions by the Soviets.

Fortunately we are prosperous enough to hold to this rule whether or not one or more Allied countries trade permissively with the Soviet Union.

An honest quid pro quo is the very least we can ask from men who are dedicated to burying us. Let them pay our price or do without. Would they not do as much for and to us if the situation were reversed? Soviet economic woes are a bargaining windfall. Let us not waste our good fortune for the sake of the illusion that unilateral investment in Soviet industry will somehow produce future dividends in the form of a modified Soviet Communist Party.

Finally, the House of Representatives Select Committee on Export Control, active in the 87th Congress, should be re­viewed to thoroughly investigate the disturbing trend toward permissive trade with the Soviet bloc. The select committee should be empowered to explore alternatives to economic collaboration with the Soviets.

Mr. Speaker, it is time for a more realistic East-West trade policy. Those who would use the moral superiority must give the matter high priority in the interest of our national welfare and security. The Department of Commerce must adhere to the clear intent of the Export Control Act of 1949 that necessary vigilance be exercised over exports from the standpoint of their economic and military significance to the national security of the United States. We must pursue positive policies toward this end before the Communist rulers threaten, "we will bury you," becomes a reality.

THE SO-CALLED CIVIL RIGHTS ACT OF 1964

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Ohio (Mr. Ashbrook) is recognized for 1 hour.

Mr. ASHBROOK. Mr. Speaker, during the past 9 days of debate on H.R. 7150, the so-called Civil Rights Act of 1964, I have listened to the lengthy arguments through the many long hours of argument and have concluded that this bill fails in its basic target. Regardless of the artful pro­duced inversions it may make away more freedom than it will create. Time and time again, efforts at construc­tive amendment were brushed aside with near contempt and it became crystal clear that minds had been made up and hardly the slightest change would be allowed. There was very little concess­ion to reason or logic and one of the very few amendments which got through over leadership protest was my own. In the minds of the proponents of the bill was the clear policy that there would be no concession in this body because the majority and House of Representatives so decided. Allow me to get out some of the sections. Not only is this a poor way to legislate but what if they do not cut out some of the bad pro­visions in the bill? We should always do what we think is right and not leave it to George.

At the outset, let me say that I am firmly committed to the principle that constitutional rights of all citizens should be protected and that they should be afforded even and fair justice. At the same time,
I firmly believe that the Congress does not have powers other than those enumerated in the Constitution, and this bill exceeds not only our expressed powers but also good legislative policy. It is my belief that Congress clearly has authority in the following areas:

First, the qualifications of their electors but a strict survey of the legislative history of this bill would like to cover only a few of them in the brief time I have allotted for this address.

A part of the effort to sell this bill was a concerted propaganda drive which would be the subject of a speech of proportion. This is not to say that the propaganda has been one-sided, either, since charges have strayed all over the place from left to right field. I found the most interesting tactic, however, the repeated reference to H.R. 7152 as a compromise or watered-down civil rights bill. A strict survey of the legislative history of this bill would indicate that it is, in most particulars, a more stringent bill than the one which President Kennedy originally recommended last year. Compulsory FEPC provisions were not in the original Kennedy bill nor were the broad authority which is given to the Attorney General under title III and the cut off of Federal funds in title VI. Let us examine a few of the sections in this omnibus bill.

Title I—Voting Rights

Title I deals with voting rights. The 15th amendment is a fundamental part of our body of law and I certainly treat it not only as the law of the land but as a deal which has been made. I have absolutely no patience with chicanery of local voting officials any which be it in the matter of vote frauds in Chicago or in the denial of the right to vote in others. I have always been keenly interested in the semantics which are used more and more as the art of modern politics. According to what is something that is good as a semantic term and "States rights" is something bad. Unfortunately, there is a strong tendency to legislate by labels without closely examining the contents of the bill. There is a curious parallel here with another piece of legislation which had the same cut through the 24th amendment to bars to the right to vote in a southern village. The popular Court has repeatedly ruled that it is the right of the States to determine the qualifications of their electors but here we see every effort made to institute Federal standards. If this is desirable, why do the proponents of this legislation not utilize the method which only recently brought into effect the 24th amendment regarding poll taxes. I support that joint resolution and support meaningful constitutional amendments which would assure the precious rights of citizens to vote in Chicago, Ill., Hattiesburg, Miss., or anywhere.

Many people overlook the fact that in 1957 and 1960 civil rights bills were enacted with specific emphasis on voting. They are still on the books and they are still being used.

The 15th amendment has as its sole purpose the prohibition of State law which would give preference of one citizen over another on account of race, color, or previous condition of servitude. It has uniformly been held by the Supreme Court that literacy tests are appropriate, and yet here we see an effort to determine the qualifications of those who may vote in the United States (238 U.S. 347) the Court pronounced the following:

Beyond doubt the amendment does not take away from the State governments in this respect the power over suffrage which has belonged to those governments from the beginning and without the possession of which they could never perform their functions. The division of State and national authority under the Constitution and the organization of both governments rest without support and both the authority of
Nation and the State would fall to the ground. The fact is the command of the amendment recognizes the possession of the general power by the State, since the amendment could be extended to him to the particular subject with which it deals. * * *

It is true also that the amendment does not change, modify, or diminish in any way the law of eminent domain over public or private property, or sufrage except of course as to the subject with which the amendment deals and to the extent that other liberty to be commanded is necessary. Thus, the authority over sufrage which the States possess and the limitation which the amendment coordinates may not destroy the other without bringing about the destruction of both.

No time need be spent on the question of the validity of the literacy test considered alone since as we have seen its establishment was but the exercise by the State of a lawful power vested in it not subject to our supervision, and indeed, its validity is admitted.

In 1959 this principle was affirmed in the unanimous opinion of the court in Lassiter v. Northampton Board of Elections (360 U.S. 209), where are other defects but this intrusion of Federal power is the most objectionable.

**Title II—Public Accommodations**

Title II brings the full power of the Federal Government into purely private and local matters. As a moral belief, it certainly can be argued that shopkeepers and restaurant owners should not artificially prescribe standards on a basis of race. As a legal principle, however, it is indeed a dangerous precedent to substitute the Federal regulation of service establishment by setting out a requirement to serve. The ultimate can only be Government control of every phase of private or a political subdivision thereof. Take this example: A group illegally convicted of interstate commerce. Federal law. The clause has been broadened out of any reasonable proportions over a long period of time. This is not up to now had been gradual but here we see one fell swoop which will accomplish more in the direction of Federal control than all previous efforts of the States.

Next, the regulation was extended to the goods themselves and in the past few decades we have seen a further stretching of the interstate commerce rule by regulating the circumstances and conditions under which the goods were manufactured or sold. This bill will make it pretty near a full circle. Quoting from the minority report on this bill, one can get some indication of this trend:

"The power of Congress over interstate commerce is not confined to the regulation of commerce among the States. It extends to activities which are not commerce but affect interstate commerce or the exercise of the power of Congress over it as to make regulations for them appropriate to the attainment of a legitimate end, the exercise of the granted power of Congress to regulate the interstate commerce.

In the enactment of this act, practically every classification of business has been placed under the control of interstate commerce. Publication of a local newspaper, Maze v. White Plains Publishing Company, 327 U.S. 176 (1946); local ice dealers, Gordon v. Podushat, 327 U.S. 173 (1946); window washing concerns, Partno v. Michigan Window Cleaning Company, 327 U.S. 173 (1946); wrecking and towing services on turnpikes, Crook v. Bryan, 325 U.S. 541 (C.A. 6, 1945).

If there is anything that is a persistent complaint among the people I have the honor to represent it is on this precise subject of increasing Federalism. Of farm, business, and individual life. Those who have complained and support this legislation should not be heard to complain again because this is really D- too far as increased Federal control is concerned.

While I realize that it does little good to speak in genuine terms of philosophy of government and the trend is pronounced against my voice in the wilderness, I am constrained to make a few points here which might remind us where we are heading. It is argued that the Government must protect these human rights to the people, to property, and in particular to the State. This bill would effectively obliterate what small vestige of distinction there is left between the responsibilities and the broader sweep of Federal law. The clause has been broadened out of any reasonable proportions over a long period of time. This is not up to now had been gradual but here we see one fell swoop which will accomplish more in the direction of Federal control than all previous efforts of the States.

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"The power of Congress over interstate commerce is not confined to the regulation of commerce among the States. It extends to activities which are not commerce but affect interstate commerce or the exercise of the power of Congress over it as to make regulations for them appropriate to the attainment of a legitimate end, the exercise of the granted power of Congress to regulate the interstate commerce.

In the enactment of this act, practically every classification of business has been placed under the control of interstate commerce. Publication of a local newspaper, Maze v. White Plains Publishing Company, 327 U.S. 176 (1946); local ice dealers, Gordon v. Podushat, 327 U.S. 173 (1946); window washing concerns, Partno v. Michigan Window Cleaning Company, 327 U.S. 173 (1946); wrecking and towing services on turnpikes, Crook v. Bryan, 325 U.S. 541 (C.A. 6, 1945).

If there is anything that is a persistent complaint among the people I have the honor to represent it is on this precise subject of increasing Federalism. Of farm, business, and individual life. Those who have complained and support this legislation should not be heard to complain again because this is really D- too far as increased Federal control is concerned.

While I realize that it does little good to speak in genuine terms of philosophy of government and the trend is pronounced against my voice in the wilderness, I am constrained to make a few points here which might remind us where we are heading. It is argued that the Government must protect these human rights to the people, to property, and in particular to the State. This bill would effectively obliterate what small vestige of distinction there is left between the responsibilities and the broader sweep of Federal law. The clause has been broadened out of any reasonable proportions over a long period of time. This is not up to now had been gradual but here we see one fell swoop which will accomplish more in the direction of Federal control than all previous efforts of the States.

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to own your property and use it peaceably in a lawful manner is to remove every vestige of human dignity. When everything becomes public and the private use and enjoyment of property are abrogated, you are indeed a slave of the state, bound to the whims and fancy of those who are supposed to serve us. This is the price of the protection on which we built this wonderful Republic.

A giant stride is being taken here under the guise of protecting and promoting the rights of a minority. The contention that has been made that when your windows are open for business to the general public with the implied invitation to "come in and buy my goods," you are in the same position as the private use and utility which is regulated by the Government. There is a difference. Utilities are required to serve everyone. Private businesses compete and do not have the same requirement. Independent businessmen rest squarely upon the system of free enterprise which was the heart of our system founded by our forefathers.

The day comes when all business concerns compete. Compare a government with your own home. You can control the nature, you might as well fold up the free enterprise system. I know the argument is given that all businesses are controlled and regulated to some extent, taken as a whole by standards, and so forth—but this is entirely different from a requirement to serve.

Let us honestly look at the next logical step. If this "public interest" or "utility" approach is adopted here, as I fear it will be, it is only a matter of time until the same concept will be developed regarding control over the private use and enjoyment of your own home. It will be said that you can use it yourself but when you want to sell it, you are divesting yourself of control over it and placing it under the control of nature. At that point, anyone can buy it and you have no right to pick and choose. What is more fundamental than your right to sell your property to whomever you want to, on your own terms? When we reach this point we will have little more than the old common law tenancy by sufferance. It will also be suggested seriously—that it has been in private circles—that the next logical step to achieve this thing called civil rights will be a Federal law which makes it a Federal offense to move out of an integrated neighborhood. How else can we achieve integration, it will be said.

If this bill passes, I cannot imagine an activity of our citizens whether it be in a peaceful manner becomes public and which will not ultimately come under the commerce clause. Couple this with the control which can follow the expenditure of some proportion of Federal Government and an entirely new complexion is added to our way of life.

**CONGRESSIONAL RECORD — HOUSE**

February 10

**Title III—Segregation of Public Facilities**

There should be no question that public facilities should be open to all people equally. Everyone has the equal obligation to pay taxes and support public halls, terminals, parks, and so forth, and access should not be denied. It is one thing to say that and another to accomplish it by giving the Attorney General of the United States broad and unnecessary powers. Among the provisions is the authority for the Attorney General to file suits for private litigants and shun around for judges. This certainly puts the defendants on an unequal basis. Under this title, as in other sections of the bill, individuals can allege they are aggrieved by virtue of their rights being injured by these specified public facilities and ask the Government to prosecute their cases. The Attorney General can make this decision and require the taxpayers to bear the cost of the litigation.

**Title IV—Desegregation of Public Education**

Again it certainly can be said that where public funds are used for education, all children should have equal access to schools. It goes further than that inasmuch as most private schools benefit in some degree from Federal programs and they too may be covered and controlled.

I joined with Representative Cramp and others to expand the definition of "desegregation" to prevent bureaucratic interpretations which would equate segregation to some extent with discrimination and segregation. There is no doubt in my mind that this is one of the basic goals of civil rights groups. We already hear reference to the "desegregated school system," in lawyer's language, means literally that a school is in fact segregated when for any reason it is overwhelmingly white or colored. This is happening in Burbank, Calif., New York City, Chicago, and many places. Where there is a will, bureaucrats always find a way through stretching the interpretation of a word or just plain grabbing the ball and running. This is an abomination that I feel they will accomplish their goal of breaking up and mixing local school districts to achieve racial balance. Section 402 authorizes the Commissioner of Education to have 2 years to report "concerning the lack of availability of equal educational opportunities for individuals by reason of race, color, religion, or national origin in public educational institutions at all levels." It is a foregone conclusion that racial balance will be at the heart of their recommendations. In terms of school districts in our area, this can best be demonstrated by a Supreme Court decision which I predict will be handed down in the not too distant future. The language is set sufficiently clear that prior decisions and current board of education directives in New York City. With paraphrasing to meet the new contingencies I have written this not-so-mythical decision to indicate the pattern of the trend in which we are heading:

**ATTORNEY GENERAL v. JOHNSTOWN-MONROE LOCAL BOARD OF EDUCATION, 400 U.S. 198 (1969).**

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

This new direct appeals by defendants from adverse decisions in Federal district courts regarding transfer of 200 students from Johnstown-Monroe Local School District, Johnstown, Ohio, to East High School, a part of the public school system of the city of Columbus, Ohio. The Attorney General instituted for and in the name of the United States a Federal District Court of the Southern District of Ohio on behalf of parents of two Negro students assigned to East High School. The Attorney General contended that they were deprived of equal protection of the laws by reason of the failure of the Johnstown school board to achieve desegregation. The Attorney General contended that although there was no conscious policy of segregation or discrimination in Johnstown, the schools that the overwhelming preponderance of white students constituted de facto segregation and violated the constitutional rights being denied the Negro students in public education. The Federal district court declared that the Johnstown school board was in fact a matter of policy or custom of 200 white students from Johnstown school to Columbus East and 200 colored students from Columbus High to Johnstown.

Public Law 1215 of the 88th Congress (H.R. 7152) authorized the Attorney General to initiate and maintain appropriate legal proceedings for such remedial action as appropriate for parents of school students when said action will materially further the public interest. The United States' orderly achievement of desegregation in public education and petitioner parents are under the duty to prosecute the action. Section 407(a) gives this authority to the Attorney General whenever he receives a complaint—"(1) signed by a parent or group of parents in the effect that his or their minor children, as members of a class of persons similarly situated, are being deprived of the equal education which is their right." The sole question here revolves around what constitutes segregated in public education. The Johnstown school board maintains that neither the school nor the community is as segregated. The facts support this contention.

The school, however, contains 2,350 students of whom only 13 are of the Negro race.

In Brown v. Board of Education, 347 U.S. 483, the Court held:

Changing times demand approaching this problem. * * * We must consider public education in the light of its full development and its present place in American life throughout the Nation. Only in this way can it be determined if segregation in public schools deprives these plaintiffs of the equal protection of the laws.

It is now the duty of this Court to further determine the question of segregation "in the light of its full development and its present status throughout the Nation." The Congress, in the 1964 Civil Rights Act, wisely restrained from defining the word "segregation." Changing times demand changing interpretations. Just as the "separate but equal" doctrine was enunciated in 1896 was bound to be changed in the 1954 Brown decision, interpretations of "segregation" are bound to change in the light of present day circumstances particularly in the absence of a congressional statement of policy.

The Congress in the 1964 Act was clearly talking about assignment of students of public schools in the broad sense and not with respect to the assigning of students in the United States a civil action in the Federal district court in Columbus East and 200 colored students from Columbus High to Johnstown.
counties or State must not abridge these constitutional rights.

In the Brown case, the Court further said: "Today, education is perhaps the most important function of State and local governments. Compulsory attendance laws and desegregation in the most feasible manner with due deliberation to achieve racial balance. Decision affirmed.

One item overlooked in title IV is the matter of training institutes. Under it, the provision is authorized to arrange through grants or contracts with institutions of higher education for the operation of short-term or regular institutes to train school personnel to deal effectively with special educational problems of desegregation. It was presented as a completely opened-end provision which granted the Commission the authority to pay stipends in whatever amount he might choose and include allowances for dependents and travel. Now that is taking in quite a bit of territory. The Government must bear the cost of summer school or full term study by school personnel with no limit on the amount paid. Study of desegregation problems might be only a part of the course, with the remaining part constituting some other sort of educational training. One could well use his vast authority to implement this section. This is hardly a consulting factor when seriously considered. Section 404 is a good example of how not to legislate.

The same thing is true today. We must not look merely at whether or not there has been technical compliance with constitutional provisions which clearly prohibit segregation in public education. We must consider whether in reality population factors totally irrelevant of traditional concepts of segregation are achieved by the consolidation of school districts patterns which achieve the same result by the consolidation of racial imbalances among districts. Under the typical socio-economic factors develop a black population factor and a white population factor at the limits of the free world. In the case of the Johnstown School it is obvious. In addition the presence of these tangible factors in the Negro and white schools involved in each of the cases. We must look instead to the effect of segregation itself on public education.

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The presence in a single area from varied backgrounds is an important element in preparation for responsible citizenship in this democracy. Therefore, wherever possible a representative student body must be attained within the limitations of feasibility. In the case of the Johnstown school there are 542 white students of the total student body of 2,334 do not receive a realistic education in predicting for citizenship in a fully integrated society.

In the Brown case the Court also said: Our decision, therefore, cannot turn on mere numbers, for there are no tangible factors of these tangible factors in the Negro and white schools involved in each of the cases. We must look instead to the effect of segregation itself on public education.

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and the like. In most cases, these efforts were opposed by the people who are supporting civil rights today. I cannot account for their change of heart, and I must note this matter.

I supported numerous amendments to this title because the effort here goes much further than what is necessary to accomplish the need and improve the title.

The title VI contains an awesome delegation of authority which is not tied down specifically.

One of the most persistent complaints abounds in this bill—of course, which is the matter of adequate judicial review. We already have a great deal of trouble in Government agencies where arbitrary power is granted to administrators who promulgate rules and regulations which cannot be challenged in the courts. Even where arbitrary and unreasonable, often it is impossible to do much except comply.

In the bill before us, if the Secretary of a Federal program of assistance is absolutely unconditional. No adequate remedy of grievances is available to the local or State agency. The only real help is the court under the Administrative Procedure Act. No one can really predict what a burden this will be on school boards and local agencies participating in Federal programs.

This seems like a fantastic power to wield—too much power to delegate to anybody without having more safeguards. This section is also a powerful remnant that Federal aid means Federal control.

In title VI it appears that the language purposely was drafted to make a sham of proper procedure. The agency in section 704 stands empowered to proscribe 'general applicability' which, of course, means nationwide regulations, and on any violation of these orders whether through discrimination or not the assistance can be withheld. What is significant is that there is no hearing and the party or the agency of the State involved has no right before this determination is made to object or say we did not discriminate. Furthermore, whoever has the opportunity to appear before the agency, they must comply without ever being able to question the order. They cannot be heard.

Mr. Ashbrook: On page 20, lines 10, after the word 'enterprise' insert a new section:

"Notwithstanding any other provision of this title, it shall not be unlawful employment practice for an employer to refuse to hire or to fire any individual because he is an atheist." Mr. Ashbrook. Mr. Chairman, I offer an amendment.

The Clerk reads the following: "Amendment offered by Mr. Ashbrook: On page 20, line 10, after the word 'enterprise' insert a new section:

"Notwithstanding any other provision of this title, it shall not be unlawful employment practice for an employer to refuse to hire or to fire any individual because he is an atheist."

Mr. Ashbrook. Mr. Chairman, I have heard it said time and time again that we are not engaging in what constitutes discrimination in this title and in this bill. However, we are prescribing very definite and positive criteria. I have a corporation which employs over 10,000 people who are atheists over the majority. It occurred to me, about 8 p.m. on Saturday night, February 8, the eighth day of debate on the bill, that the language of FEPC was so worded that there was no interpretation of this. As I said, if I am wrong, I will gladly withdraw my amendment.

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but little attention will be directed at the Sponsors, was adopted by a vote of 137 to 98. Protection of atheists seems to be a liberal fetish at the present and I doubt that the final draft of the bill will include my amendment. Under our constitutional system a person has a right to be an atheist if he so chooses. By the same token, while I would not deprive him of that basic right I would simultaneously resist all efforts at forcing me to violate my will. The heart of the FEPC is this type of compulsion and harassment.

Take another basic fallacy. If this bill were to be adopted in the form it came to us, white women would be the lowest on the totem pole as far as job discrimination is concerned. For example, in a situation where only white men have traditionally been employed, a Negro, whoever the discrimination and assuming her job qualifications and character were favorable, she could attain a remedy under the FEPC title. A white woman in the same situation would not. It could not be alleged that she was discriminated against because she is white since all of the employees of this firm are white and no allegation of discrimination on account of sex could be brought. While I did not generally favor this title, I certainly felt that if it were to pass we should not discriminate against women but I objected to "sex" to the FEPC provisions. This was the only other basic amendment which was adopted over the proponent's opposition and like my amendment on race it will not be in the bill when it reaches its compromise form.

A final point is most interesting. It does not concern the ardent liberals who are endeavoring—they say—to stamp out discrimination in job opportunities. It may be discriminated against because he does not wish to belong to a union. This is different and FEPC would not protect this foolhardy soul. How equal is the economic opportunity of Negroes and whites? As the old saying goes, everyone is equal but there are some who are more equal than others. While on the subject of unions, I doubt that their seniority system is adequately protected in this bill. If it is shown that a union, for example, discriminated against Negroes and must admit them, is it likely that the courts would consider the rights of a Negro adequately protected if he went to the lowest rung of the seniority ladder? I doubt it and possibly seniority would not be adequately protected the seniority which would have prevailed had Negroes been admitted over prior years.

CONCLUSIONS

The remainder of the bill, while important, does not concern matters as substantive as the portions already discussed. Title VIII proposes that the Secretary of Commerce shall promptly conduct a survey to compile registration and voting statistics in such geographic areas as may be recommended by the Commission on Civil Rights. This will doubtless mean the South and little attention will be directed at Chicago and some northern cities where legitimate voters are discriminated against by phantom voters and fraudulent registration. Title IX would grant a special privilege to civil rights litigants which no one else in the United States has, again under the illusion of instant justice. Title X deals with some of the same issues. Once again, I heard orations about undue delay in civil rights cases. A strange double standard exists, for these same litigants are to look upon years to get a Supreme Court decision in the registration of the Communist Party. No protests are heard on the lengthy legal maneuvers which result in years passing before deportation cases are made final. Is speedy justice always good justice? What about Hoffa?

By no means have I covered all of the defects of H.R. 7152. There are many technical shortcomings which relate to the statute authorizing the financial assistance of the Attorney General. The Commissioner on Civil Rights has already said that the Attorney General can only provide this legal advice to the President or an executive department. In this bill the Attorney General receives powers never even contemplated before. He already had the right to initiate suits in voting cases under the 1957 Civil Rights Act, part IV, section 202(1) but he could not be the defendant. In this bill he can institute suits under title II, public accommodations, under the public facilities title, the public education title, the federal employment title, and under the Federal employment practices—FEPC—section of the bill. In addition to this vast power, other factors must be considered. We would find a basic abolition of the doctrine of administratively fair statutes and ordinances. Further, in making a determination relative to the financial inability of the private citizen to maintain his own lawsuit, there would be absolutely no opportunity for either the private citizen or for my constituents, I always get the curt but polite reply that the Attorney General can only provide this legal advice to the President or an executive department. Title III eliminates the old formula of the Attorney General's decision, once made. We all know what this means and it is indeed "a poor way to run a railroad."
Government to promulgate rules and regulations and supervise racial relations. This bill is an attempt to do by force what can only be done by logic and reason, and the right of self-government and man's humanity toward man certainly stand as proof that all of these problems will be answered. In my judgment, this bill is a far cry from the answer.

A LOGICAL STEP?

It has been said that this bill is a logical step, in effect a check which has been waiting 100 years for congressional stalemate. It has been said, and will be alleged, that it is in the spirit of Lincoln. I contend it is neither. Abraham Lincoln did not become President by threats, civil disobedience, glib catchphrases, or unconstitutional actions. He exemplifies perseverance which overcame adversity and man's humanity to his name. If he exemplified the thesis that property rights are not absolute, are basic, such as the right to own and enjoy property according to your own conscience? The right to occupy and dispose of property according to your conscience, whether or not all of you equally enjoy property without interference by laws giving special privilege to any group or groups? The right to determine the acceptability and desirability of a buyer or tenant of your property? The right to enjoy the freedom to accept, reject, negotiate, or not negotiate with others? How many of these will be left? I will not bore you by counting them. Remember, these basic though certainly not absolute rights are applicable to any citizen—white, Negro, oriental, atheist. It is also important to unify this great nation. This Nation is unified but it has become great more properly because of its diversity. If respect for diversity and for individual freedom, as well as the mutual respect which people who do not have property can get their share by insisting on a portion of the property of someone else or through admission of themselves, the politicians of the past 30 years have done a terrific job in fostering this notion, but it has not been in the tradition of Lincoln. Indeed, many leaders have ridden the crest of the wave, and they are in the same manner as it was morally wrong to treat women as chattels of the men in the family. Human rights and property rights are only in conflict when men endeavor to turn man into a property. The greatest political game of this century has been the political effort of politicians to establish a new category of rights, the right of nonowners of property to appropriate it from the owners. This is not in the spirit of Abraham Lincoln, and those who would so contend are doing a dis­honor to his name. If he exemplified anything like the self-sacrifice which was correct, it was that people do not advance rights by cutting down on the rights of others, for in so doing they gain nothing and impair their heritage. Daniel Webster said the same thing earlier when he noted:

No rights are safe where property is not safe.

It might be well to answer the very simple question which we conveniently overlook when we are discussing the things which are proposed in this bill, and which will logically follow its enactment, what rights are we going to leave to the property owner? What happens to some of our fundamental rights and principles if the property owner is content to see all of the property of all of us equally enjoyed without interference by laws giving special privilege to any group or groups? The right to determine the acceptability and desirability of a buyer or tenant of your property? The right to enjoy the freedom to accept, reject, negotiate, or not negotiate with others? How many of these will be left? I will not bore you by counting them. Remember, these basic though certainly not absolute rights are applicable to any citizen—white, Negro, oriental, atheist. It is also important to unify this great nation. This Nation is unified but it has become great more properly because of its diversity. If respect for diversity and for individual freedom, as well as the mutual respect which people who do not have property can get their share by insisting on a portion of the property of someone else or through admission of themselves, the politicians of the past 30 years have done a terrific job in fostering this notion, but it has not been in the tradition of Lincoln. Indeed, many leaders have ridden the crest of the wave, and they are in the same manner as it was morally wrong to treat women as chattels of the men in the family. Human rights and property rights are only in conflict when men endeavor to turn man into a property. The greatest political game of this century has been the political effort of politicians to establish a new category of rights, the right of nonowners of property to appropriate it from the owners. This is not in the spirit of Abraham Lincoln, and those who would so contend are doing a dis­honor to his name. If he exemplified anything like the self-sacrifice which was correct, it was that people do not advance rights by cutting down on the rights of others, for in so doing they gain nothing and impair their heritage. Daniel Webster said the same thing earlier when he noted:

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it is alleged that people are intolerant and unfair, let it be understood that there is no intolerance and injustice which cannot be matched and overcome by a responsive and suitable government in the hands of men bent on imposing their will on a free people.

We are threatened by those who were burned in the New Year's Day Mummers festivities in Philadelphia, threats that a peaceable assembly, a parade, would be met with a cordon of Negroes bent on imposing and perpetuating a fight. We see coercion brought on private groups to prevent minstrel shows. We see people blocking entrances, laying down in front of bulldozers and in the street. Is this any way to cure injustices, both real and purported? We see leaders inciting to lawlessness and predicting violence if this bill is not passed. Is this any climate for gaining redress of grievances? With all of this, it is still painted as a one-sided picture.

I could cite scores of examples of this unfortunate approach but this is not meant as a new statement of what has sufficed. Mrs. Gloria Richardson, Negro leader in the Cambridge, Md., struggle, last fall said, "Possibly in the near future we might have to go into civil disorder efforts to end the system."

On November 6, 1963, Rev. Martin Luther King, Jr., spoke at Howard University. I heard his remarks on radio the next day. He warned that unless the Congress passes a civil rights bill during the current session the country would be plunged "into a night of darkness and violence." Armed forces of the New York City Board of Education to solve the problem of racial imbalance, Negro leaders take untenable positions. Rev. Milton A. Galamison, chairman of the Citywide Committee for Integrated Schools, was quoted by the New York Times on December 23, 1963, as bluntly stating that his group's aim was to "tie up the school system." The other statement was tutored.

He said that he would rather see the city school system "destroyed—maybe it has run its course anyway, the public school system—than permit it to perpetuate racial segregation.

These same people travel the country and speak about alleged unfair tactics of the white majority. Do not the same principles apply to them? I feel that the news media have not presented the current civil rights controversy in anything approaching its proper perspective or in a balanced manner. Negro leaders are already announced their intention to accomplish a nationwide purge of legislators who vote against this bill. Civil rights legislation is and should be a pressing matter of concern to every free and independent American. It should, however, be the vehicle for threats and abuse. Improvement in racial relations and the educational and economic well-being of the Negro are desired by all of us. What is the right type of conduct bring these goals about?

CONSTITUTIONAL PRINCIPLES

Those of us who rely heavily on our constitutional precepts are scorned. "You are selling distrust of our government," the liberals cry. "What is wrong with giving the government the power to rectify these wrongs? After all, we are the government." This sounds plausible if it is true. It is not true and it is indeed, dangerous. As a person who believes in government and law I would never sell distrust of government. Government is a tool by which one man cannot impose his will on another; that is dangerous. Men, acting under cloak of any government authority, can. This is what George Washington meant when he said:

"Government is not reason, it is not eloquence, it is a dangerous and fearful master."

Liberals have the incorrect belief that for every wrong and for every human desire the Federal Government should act. Break down local government, they say. Free enterprise does not make every single person in the country wealthy and because some are hungry, tear it down and establish the welfare state. Some people are always in every possible establishment or the right to the vote so tear down the constitutional safeguards and let our leaders, through rule of man rather than law, rectify these wrongs. It is not, as some say, that the Negro is left out as the result of our firmly embedded constitutional and free enterprise system. Rejecting these arguments does not mean a person is not compassionate to hunger or discrimination although this is what the liberal will charge. It more properly means that the constitutionalist recognizes that it is just as important that man be left out of every possible thing that can be given to him. Is this government, Hitler and Khrushchev did not visit their oppression on people through local government or a constitutional system. It came about by a strong centralized government with a near-absolute delegation of authority to men. We cannot afford to take this path.

The same notion has built up regarding the Supreme Court. Many liberal thinkers feel it is appropriate for the Court to stray from legal precepts and the established interpretations of the Constitution and produce decisions based on the notion of what society ought to be. In an address to the American Bar Association, Justice Harlan directed some pointed comments to this contention. He said:

A judicial decision which is founded simply on the impulse that "something should be done," or which looks no further than to the "justice" or "injustice" of a particular case, is not likely to have lasting influence. ** * * * Our scheme of ordered liberty is based, like the common law, on enlightened and constantly updated principles, not on ad hoc notions of what is right or wrong in a particular case.

One of the most liberal members of our highest court said practically the same thing. Justice William O. Douglas of the U.S. Supreme Court said in a legal review article a few weeks before his death that he favors Bible reading in the public schools has nothing to do with its constitutionality. In another speech, Douglas said the purpose of the Constitution is to "protect the minority no matter how repugnant its minority." I guess it all depends on what minority you are talking about. Turn the argument around. Does not the majority have a right to the protection of their constitutional privileges regardless of the minority? In truth, the Constitution should protect the rights of both the minority and the majority and to be stamped on being abused. Every man or woman to accommodate the wishes of the minority is just as destructive to our fundamental system of jurisprudence as the situation to which Justice Douglas referred.

A thin line separates rule of law from tyranny. It comes in the constitutional protections against arbitrary acts by the Government which in this bill are counted for naught. The liberal may get caught in his own perjury some day. This idea that where there is a wrong, where there is poverty, where there is something we do not like, let the Government bring instant justice, instant wealth, instant action is a bad line of reasoning. You cross the fine line of responsible Government in promoting this thesis. Think about it. This bill will take care of discrimination. So let's have criminals so let us get them, too. Never mind personal rights. Authorize the FBI to legally wiretap, change our constitutional protection so law officials can forcefully search and seize evidence. Some criminals get away so reverse our time-tested principle of double jeopardy. We cannot allow mere principles to stand in the way—we want to get these criminals. Then, too, let the Communists. They hide behind the fifth amendment so let's abolish that. Freedom of speech—well, not for them so let us take it away. Foolish? Just as logical as many of the arguments they have given for the passage of this legislation. Of course the Negro has not achieved as was referred. It is not anything that can be given him. Is this any reason for tearing down carefully constructed constitutional and free enterprise principles which have allowed us to advance as far as we have?

Some areas of choice, association, employment? I think not. I resist these efforts just as I would efforts to turn lawfully or illegally in criminal law, to abolish the rights of individuals protected in the fifth amendment, to legalize the seizure of evidence to obtain convictions which is now unconstitutional and so forth. Why? Because in each case, as in this so-called civil rights bill, the effect, however laudable, would be to take away individual rights and restrict both the authority and control by the Government over our lives. We have already gone too many miles down this road and the individual is in danger of losing too much of his rights. We cannot afford the chance of protecting him, giving him security and providing for his every want. More and more people have come to realize that they do not get anything for nothing. Everybody is responsible, I tell him it will give them something it can only come from one place—from them.

It requires a great amount of restraint to live in a free society or under a free government. It is wrong to raid the treasury is always present as is the
incarnation to bend fundamental precepts. The tendency is pronounced that we treat the Constitution as something which can be brushed aside, an archaic document which was suitable for an agrarian society but deficient for the space age. It should be feared from the truth. The Constitution is the bulwark of individual freedoms and these freedoms are just as necessary now as they ever were. The Founding Fathers were not against a centralized government and they deliberately produced an organic law which made tyranny impossible. They carefully avoided putting complete power in the hands of the elected ruler or even the elected representatives of the people. They knew that the people must retain basic rights and government must have stringent limitations if they were to secure the blessings of liberty to themselves or to their posterity. Here we are, in effect, saying, "Oh, well, what's a constitution and established legal principles between friends?"

What is the difference? Well, my friends, in my opinion it is the difference between law and order, between an orderly society and a chaotic one where man cannot avoid the assaults of his contemporaries or individuals, under the guise of their constitutional rights, to chip away at the heritage of liberty. To destroy which the people had wrested from power during a contest of ages.

Mr. SMITH of Iowa. Mr. Speaker, based upon the feed grains stock report of 2 weeks ago and other information, it appears that the carryover of feed grain stocks will not be reduced this year. Although the acreage of feed grains harvested in 1963 was over 15 million acres smaller than in 1959-60, weather was unusually favorable and production per acre was higher.

The fact remains that there was no big increase in carryover of feed grains in spite of the unusual bumper yields proves conclusively the effectiveness of the feed grains program. But for the program, the cost of beef cattle this year would have reached an even more staggering figure than it had in January of 1961.

In the past 2 years, largely as a result of the voluntary feed grain adjustment programs, carryover stocks were reduced from 85 to 63 million tons. But the net reduction of 22 million tons in carryover stocks in 1962 and 1963 is not an accurate measure of the effectiveness of the programs.

In 1961, corn and grain sorghums were harvested on 17.9 million fewer acres than in 1959-60. After allowing for the stock production this year. The facts show otherwise.

The feed grain production avoided in 1961, as a result of the feed grain adjustment program, was sufficient—if half fed to hogs and half to beef cattle—to have increased the annual production of hogs by one-fourth and the weight of beef cattle. The acreages harvested in the previous 2 years, 1959 and 1960—54.7 million fewer acres have been harvested as a result of the feed grain programs.

Had an additional 54.7 million acres of feed grains been harvested in the last 3 years, though they produced less than average, the number of alternative feed grain and wheat programs. They project a decline of $5.7 billion, or 43 percent in net farm
income, if the current wheat and feed grain programs were dropped. To Iowa alone this would mean a loss of hundreds of millions of dollars in farm income, hundreds of millions of dollars less spent in our retail stores, and a loss of more jobs than any industry which might conceivably come to Iowa would follow.

In their report entitled "Farm Program Alternatives"—CAED Report 18, published a few months ago, the university economists projected production, farm prices and prices for wheat and feed grains were dropped, by 1967, even though cattle numbers had doubled, even at these lower price levels, carryover stocks would decline gradually for several years, falling to less than $16 per 100 pounds, or more than 25 percent, by 1967. We must therefore conclude that the feed grain program has really been a live-stock adjustment program and an even greater boon to livestock producers than to those in operation in 1963 were continued to allow "orderly marketing." These projections allow conservation reserve contracts to expire as they mature, and exports to continue to be subsidized as necessary for the maintenance of annual exports of 600 million bushels of wheat.

They conclude that if the acreage control, diversion, and price support programs were dropped, production of wheat and feed grains would fall. Corn prices would drop below $1 and both bread grain and wheat prices would continue through 1966 for several years. Their projections indicate corn prices would fall to 85 cents a bushel by 1967, and wheat would be less than $1 a bushel. Hog prices to farmers would drop to $10 per 100 pounds by 1967 and the farm price of cattle and calves would decline gradually for several years, falling to less than $16 per 100 pounds, or more than 25 percent, by 1967. Two aspects of these projections interest me. In making them, the Iowa State economists have taken into account the influence of the lowering of the level of production to be expected in the following years. They also have noted that grain production would increase faster than livestock production could be expanded in anticipation of the program that "orderly marketing" would be encouraged, even at these lower price levels, carryover stocks would continue to increase for several years.

Their projections indicate that if wheat and feed grain programs similar to those in operation in 1963 were dropped, by 1967, even though cattle prices had dropped to less than $16 and hog prices to less than $14 per 100 pounds, carryover stocks of the grains would be 10 to 15 percent larger than at present. On the other hand, if no attempt were made to maintain "orderly marketing" conditions, carryover stocks might be reduced but both grain and livestock prices would be even lower than those projected.

This is the unpleasant price picture that Iowa State economists paint for us if the wheat and feed grain programs are abandoned.

If that would it mean in terms of farm income and reduced farm program costs? Because farm operating expenses are a high percentage of cash income, even though production would be increased, if fall in prices for grains and livestock would cause net farm income to decline over $3 billion the first year, or more than one-fourth. The Iowa State economists' projection of net farm income is based on the assumption that, as livestock prices fell in subsequent years, net income would fall $5 to $6 billion—or more than 40 percent.

I cite this study because it is the most recent and most thorough of a number of similar studies. But I would add that its findings are in line with earlier studies made at Pennsylvania State University, Cornell University, and by technicians in the Department of Agriculture.

One of the interesting features of the Iowa State study is their projections of Government costs under alternative wheat and feed grain programs. They conclude that whereas net farm income would drop to $5 to $6 billion if the 1963 wheat and feed grain programs were dropped, Government farm program costs would be only $1.3 billion lower. I think Federal income tax receipts and jobs in private industry would also be reduced.

Fully as important, their projections indicate that if average weather prevail and programs similar to the 1963 programs are maintained, net farm prices and farm income can be maintained at approximately recent levels, at least for the next several years, without an increase in Government costs.

Mr. Speaker, these are facts which should be kept in mind. No program is without its shortcomings. But we should look at the alternatives with an open mind. Do we want to save $1 billion in one kind of Government costs at the expense of $5 billion in net farm income with all it would mean in other additional Government costs, loss of tax receipts and jobs in private industry? Far more likely small farms could not survive a cut of one kind of Government costs at the expense of another. Any one of these programs were to be discontinued, but storage of surpluses would continue dropping for several years. They also have noted that grain production to be expected in the following years have served both farm economy. We can and we should make the changing conditions.

The decision in this matter at this time is—will the United States be regarded abroad as a happy hunting ground for those who capitalize on the public flaunting of immorality. It is about time we did something to remind people abroad that the moral ideals which make our Nation great and respected have given us the direction in that direction would lift our index rating on friends, respectability, and honest purpose.

Since that time, as a matter of fact, without hours thereafter, my office has been deluged by letters, telegrams, and telephone calls from all parts of the country, expressing indignation against the Burton-Taylor-Fisher affair. These communications are running about 40 a day. The refusal of Richard Burton to enter the United States is a high percentage of cash income, and is also beginning to come in. There can be no doubt of the international implications of this scandal. Nor can there be any doubt about its involvement with U.S. image abroad. The question here is—will the United States be regarded abroad as a happy hunting ground for those who capitalize on the public flaunting of immorality. It is about time we did something to remind people abroad that the moral ideals which make our Nation great and respected have given us the direction in that direction would lift our index rating on friends, respectability, and honest purpose.

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Mr. Speaker, I for one, intend to con­
tinue this fight for students seeking higher education and for their parents
who, in most instances, must bear the
ever-mounting costs.

I know of no more meaningful way to
encourage college education than through tax allowances to cover a sub­
stantial portion of the costs.

To my way of thinking, the defeat of
the college education amendment is an
example of being penny wise and pound­
foolish.

The arguments in the other body against the amendment were not based
on the principle of educational tax
credits, but on the dollar loss to the
Treasury. This is ridiculous, Mr. Speaker.

The whole purpose of a tax cut is to
plow back tax savings into the main­
stream of the Nation’s economy and
thereby stimulate production, increase
employment and income and, in turn,
boost Treasury revenues.

What more stimulation can we give
the economy than by putting money into
education and thus enhancing the op­
portunity for advanced knowledge and
increased earning capacity of every
young man and woman in America.

Moreover, there will be a great forward step in winning the race
for world leadership in the sciences, the
professions, the arts, and indeed, in every
field of knowledge.

Mr. Speaker, let us look at some realis­
tic facts. They clearly point up to the need for legislation of this type. To­
day, the average cost of a year’s attend­
ance at a publicly supported college is
$1,480 according to a recent study by the
U.S. Office of Education. The cost of a
year’s attendance at a private college
can be as much as $8,000.

These figures indicate an almost 100 per­
cent increase over a 4-year period.

In the face of this substantial rise in
college costs, we are confronted with the
fact that about 88 percent of our fami­
lies have incomes of between $3,000 and
$10,000, and it is for these families that a
tax credit to cover a substantial por­
tion of college costs is a most pressing
and vital matter. By denying this in­
come group in particular a tax credit for
college education, we are, in effect, per­
petuating a kind of “restriction on oppor­
tunity” for their children.

Just a few months ago, we were loud­
ly proclaiming that we faced a crisis in
education. We took to the radio, to
television, to the newspapers and periodi­
cals, to urge and implore students to
seek the fullest possible education. We
told students that our defense posture
and our space exploration efforts de­
pend on the development of their brain­
power.

Yet, when we had the opportunity to
really help students to pursue a higher education by easing the financial bur­
by the gentleman from West Virginia (Mr. Moore).

Written to protect the domestic fuel indus-
tries and the large segment of the econo-
my which depends on them against exces-
sive imports of a foreign fuel. It is not a coal bill. I want to make that clear.

Well, Mr. Speaker, I want to make some things clear also.

First: The eastern part of the United States
does not like being ganged up on by those who do not know what is best for us. We in the east coast area are being economically penalized by the administrative restrictions already imposed on coal practically needed residual fuel supplies. It is no time to cripple us further by turning the eco-

nomic rack on which we are being fi-

nancially stretched.

And, Mr. Speaker, the protest that is rising from New England to Florida is getting louder, and more determined every time our citizens pay their light bill, pay their taxes, and go to the hos-

tonline. There is no way to resist students to obtain a college educa-

tion.

But it makes no sense whatsoever to hold these views and proclaim them as shaming truth, when we deny parents relief from the high costs of sending their chil-

dren to college.

As I have said before, I intend to press the fight for tax relief for parents whose children want to go to college. I sincer-
ely hope that the defeat of the col-

lege education amendment to the omnibus tax bill in the Senate will spur increasing public demand for this legis-

lation, and that the closeness of the vote will encourage its advocates to press for a separate bill.

I fervently urge the Subcommittee on Ed-

ucation and Labor and all my col-

leagues in this house to revere the lan-
guage of the Senate amendment by the distinguished Junior Senator from Con-

necticut (Mr. Harriman), and to give full force and effect to our own bill, H.R. 

7179, so that there may yet be favorable

action on this matter before this Con-
gress adjourns.

RESIDUAL OIL

The SPEAKER pro tempore. Under previous order of the House, the gentle-
man from Massachusetts (Mr. Conte) is recognized for 60 minutes.

Mr. CONTE. Mr. Speaker, I rise to clarify a matter of great concern to our Nation. It is also a matter of life and death—economic life and death—to New England, Florida and the entire east coast area of the United States.

I refer to the economic handicap arbitrarily imposed on this section of the country by Secretary Udall's reluctance to remove the crippling restrictions on imports of residual oil.

The specific matter requiring clarifi-
cation is the remarks of the gentle-
man from West Virginia (Mr. Moore) in this House on January 31, 1964.

In the course of those remarks it was stated that proposed legislation to restrict residual oil imports to the eastern part of the United States was said to the President, on February 13, 1964, a charge that is put ting the gentleman from West Virginia (Mr. Moore's) people out of work. For in-

stance, the Office of Economic Planning reported to the President, just about a year ago, that with respect to unemploy-

ment in the coal mines:

"The principal contributor has been the 68-

per cent that the domestic refinery processing worker man-hours in the decade following 1949, a change accomplished largely through mechanisation.

So, it is not residual oil imports that caus e the trouble in the coal mining in-

dustry, but rather the technological progress of the mining industry, toget her with a loss of coal markets. I suggest that the gentleman from West Vir g"
1963. In that report the Director, Mr. Edward A. McDermott, said:

In view of the circumstances as I find them today, a careful and meaningful relaxation of controls would be consistent with national security and the attainment of hemispheric objectives which contribute to the national security. Such a relaxation should be designed to achieve the maximum reduction of the burden on the economy, given the import levels resulting from the easing of controls.

This should help put a stop to the misinformation which is being used to justify the unnecessary and heavy economic burden which the east coast is carrying, because Mr. Udall insists on keeping the restrictions on residual oil imports.

It is high time for a fair deal for the east coast. It is high time for Mr. Udall to let us compete for domestic markets and foreign markets without an arbitrary cost handicap. The people of New England, Florida, and the eastern seaboard of our country are sick and tired of paying every day in every way for such indecisions.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders hereof entered, was granted to:

Mr. Gross, for 90 minutes, on Thursday next.

Mr. Vanik, for 15 minutes, on Thursday, February 13; and to revise and extend his remarks and include extraneous matter.

Mr. Feighan, for 15 minutes, today; and to revise and extend his remarks and include extraneous matter.

Mr. Foreman (at the request of Mr. Tupper), for 1 hour, on February 20.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Congressional Record, or to revise and extend remarks, was granted to:

Mr. Roosevelt and to include extraneous matter.

Mr. Schwingel in two instances to revise and extend his remarks and include extraneous matter.

Mr. Harding to extend his remarks in the body of the Record prior to the vote and to include extraneous matter.

Mr. Abarenstiy (at the request of Mr. Matsunaga) to revise and extend his remarks in Committee of the Whole and to include extraneous matter.

Mr. Foreman (at the request of Mr. Tupper) to extend his remarks in the body of the Record during consideration of the civil rights bill and to include extraneous matter.

Mr. Whitener (at the request of Mr. Matsunaga) to revise and extend his remarks made in Committee of the Whole and to include extraneous matter.

Mr. Alger. (The following Members (at the request of Mr. Tupper) and to include extraneous matter:)

Mr. Schwingel.

Mr. Shriver.

Mr. Bray.

Mr. Sibal.

(The following Members (at the request of Mr. Matsunaga) and to include extraneous matter:)

Mr. Healey.

Mr. Burke.

Mr. Rytval.

SENATE BILLS AND JOINT RESOLUTIONS REFERRED

Bills and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1293. An act to amend the Federal Property and Administrative Services Act of 1949, as amended, so as to authorize the Administrator of General Services to enter into contracts for the inspection, maintenance, and repair of fire-protection equipment in Federal buildings for periods not to exceed 5 years, and for other purposes; to the Committee on Government Operations.

S. 2394. An act to facilitate compliance with the convention between the United States of America and the United Mexican States, signed August 29, 1963, and for other purposes; to the Committee on Foreign Affairs.

S. J. Res. 120. Joint resolution providing for the recognition and endorsement of the 17th International Publishers Conference; to the Committee on Foreign Affairs.

ADJOURNMENT

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

The motion was agreed to; accordingly, the House adjourned, pursuant to the previous order, the House adjourned until Thursday, February 13, 1964, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

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


1963. A letter from the Chairman and Chief Executive Officer, Communications Satellite Corporation, transmitting the report of the Communications Satellite Corporation for the period February 1 to December 31, 1963, pursuant to section 404(b) of the Communications Satellite Act of 1962; to the Committee on Interstate and Foreign Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. Rogers of Texas. Committee on Interior and Insular Affairs. S. 2. An act to establish water resources research centers at prominent colleges and universities, to stimulate water research at other colleges, universities, and centers of competence, and for other purposes; to the Committee on Agriculture.

Referral of the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. Barrett:

H. R. 968. A bill to amend the Federal Fuel Policy Act of 1962 in order to provide more effective control over firearms shipped in interstate or foreign commerce; to the Committee on Ways and Means.

By Mr. Harshe:

H. R. 969. A bill to amend the Federal Water Pollution Control Act to authorize an additional Assistant Secretary in the Department of Health, Education, and Welfare; to provide grants for research and development; to increase grants for construction of research sewage treatment works; and for other purposes; to the Committee on Public Works.

By Mr. Holifield:

H. R. 964. A bill to extend for 2 years the period for which payments in lieu of taxes may be made with respect to certain real property transferred by the Reconstruction Finance Corporation and its subsidiaries to other Government departments; to the Committee on Interstate and Foreign Commerce.

By Mr. Jensen:

H. R. 965. A bill for the relief of the city of Anamosa, Iowa; to the Committee on the Judiciary.

By Mr. Pool:

H. R. 966. A bill to amend the Internal Revenue Code of 1964 to provide a deduction for amounts expended by firemen for meals which they are required to eat at their own expense; to the Committee on Ways and Means.
By Mr. RYAN of Michigan:  
H.R. 9967. A bill to amend the Juvenile Delinquency and Youth Offenses Control Act of 1961 by extending its provisions for 2 additional years and providing for certain special projects and studies, and for other purposes; to the Committee on Education and Labor.

By Mr. RHODES of Pennsylvania:  
H.R. 9968. A bill to permit local public agencies to ignore any diminution of value of land occasioned by subsidence or collapse in determining the price to be paid for the acquisition of the land; to the Committee on Banking and Currency.

Mr. MURPHY:  
H.R. 9969. A bill to prescribe the size of flags furnished by the Administrator of Veterans' Affairs to drape the caskets of deceased veterans; to the Committee on Veterans' Affairs.

By Mr. GRAY:  
H.R. 9970. A bill to protect the domestic economy, to promote the general welfare, and to assist in the national defense by providing for an adequate supply of lead and zinc for consumption in the United States; to the Committee on Ways and Means.

By Mr. BURLESON:  
H. Con. Res. 266. Concurrent resolution authorizing the printing as a House document of the Constitution of the United States, together with the Declaration of Independence; and providing for additional copies; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. CONTE:  
H.R. 9971. A bill for the relief of Mrs. Camille Nuyt; to the Committee on the Judiciary.

By Mr. FORRESTER:  
H.R. 9972. A bill for the relief of Eagle & Phoenix Manufacturing Division of Reeves Bros., Inc., of Columbus, Ga.; to the Committee on the Judiciary.

By Mr. HARSHA:  
H.R. 9973. A bill for the relief of Mary Edna Young; to the Committee on the Judiciary.

By Mr. LOGEFT:  
H.R. 9974. A bill for the relief of Gwendolyn Dodson; to the Committee on the Judiciary.

By Mr. McMillan:  
H.R. 9975. A bill to exempt from taxation certain property of the National Trust for Historic Preservation in the United States in the District of Columbia; to the Committee on the District of Columbia.

PETITIONS, ETC.

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

686. By the SPEAKER: Petition of Harry E. Hart, College Park, Ga., relative to the presentation to the United States and Panama; to the Committee on Foreign Affairs.

687. Also, petition of Henry Stoner, Avon Park, Fla., relative to the United States and Panama; to the Committee on Armed Services.

688. Also, petition of Henry Storer, Avon Park, Fla., requesting passage of H.R. 9902, relating to employment; to the Committee on Education and Labor.

689. Also, petition of Henry Storer, Avon Park, Fla., to provide for the dissemination of dynamic, simon-pure Jeffersonian Americanism throughout the world; to the Committee on Foreign Affairs.

790. Also, petition of Henry Storer, Avon Park, Fla., relating to an article which is a reprint from the Christian Science Monitor, entitled "A New Bill of Rights", appearing on page 16, February 4, 1964, of the Toledo Blade; to the Committee on House Administration.

EXTENSIONS OF REMARKS

The 46th Anniversary of the Republic of Lithuania

EXTENSION OF REMARKS  
OF  
HON. ABNER W. SIBAL  
OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES  
Monday, February 10, 1964

Mr. SIBAL. Mr. Speaker, this week marks the 46th anniversary of the establishment of the Republic of Lithuania, which took place on February 16, 1918.

The American people join with the over 1 million Lithuanians living in the United States and the nearly 3 million living in their native land in their hope and expectation that one day in the not-too-distant future they will be able to return to a free Lithuania, free from the oppression of communism. Communism in Lithuania has murdered hundreds of thousands, exiling many others to slave-labor camps in Siberia. With Soviet oppression has come poverty and an absolute decline in population.

Mr. Speaker, Lithuania stands out today as a beacon to the world of Soviet imperialism. Free elections have not been held since the Communists took control and incorporated Lithuania into the Soviet Union in 1940. This imperialism and the extent of its exploitation of all Baltic countries far surpasses anything America has ever undertaken, even in our most expansive era. Let all those who sit in judgment of both in today's troubled world see clearly the extent and power of Soviet imperialism.

Last year, I introduced House Concurrent Resolution 55, which calls for free elections for Lithuania, Latvia, and Estonia, to be held under the supervision of the United Nations. Many members have introduced similar resolutions. Action on these resolutions should be forthcoming quickly, and the President of the United States should openly challenge the Soviet Union to permit free and internationally supervised elections in the Baltic states. This is the way to rid these states of the Communist yoke and help them onto the road to freedom.

Secret Agreement With Panama

EXTENSION OF REMARKS  
OF  
HON. WILLIAM G. BRAY  
OF INDIANA

IN THE HOUSE OF REPRESENTATIVES  
Monday, February 10, 1964

Mr. BRAY. Mr. Speaker, the careless and unauthorized secret agreements that our State Department is making with foreign countries are an embarrassment to the United States.

It has now come to light that on June 15, 1962, American officials made a secret agreement with Panama. One provision of this agreement:

A new treaty will have to be adopted.

This, of course, refers to the 1903 treaty between the United States and Panama regarding the Panama Canal.

This 1962 agreement was so secret that Under Secretary of State W. Averell Harriman stated that he knew nothing about it.

This secret agreement must share a great portion of the responsibility for the anti-American riots in Panama.

According to the Washington Post on February 9, Reporter Dan Kurzman:

"The secret understanding provides a revealing backdrop for the current crisis, helping to explain its explosive emotional and thus far stubbornly ineflexible nature."

On several occasions following the riots that erupted in the Canal Zone on January 9 and 10, American officials, the record shows, have privately agreed to negotiate, not just to discuss, a treaty to replace the 1903 treaty granting the United States its present rights in the zone.

However, fears of adverse reaction in the United States, particularly from Congress, have prevented U.S. officials from saying publicly what they have said privately.

The State Department promptly denied that the 1962 memorandum constituted any commitment by the United States to renegotiate the 1903 Panama Canal Treaty. The memo was described as "simply a memorandum of conversation describing certain conditions which might entail treaty revision." Under Secretary of State Harriman also denied that U.S. officials have privately agreed to negotiate a new treaty, but admitted that he did not know what was done in 1962.

The United States had many years of experience in observing the frequently fragile results arising from secret diplomacy. At the close of World War I, President Woodrow Wilson specified in one of his 14 points:

"There shall be no private international undertakings of any kind, but diplomacy shall proceed always frankly and in the public view."

We cannot help but wonder how many more such potentially embarrassing secret agreements have been made. It is not in the interest of the United States to engage in this sort of dangerous diplomacy. We have the lessons of the past