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. 7886. 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. Koons 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 which I would like to see set forth.

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.

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?

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

The CHAIRMAN. The gentleman will state it.

Mr. HALECK. 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. Koon). 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, I have conversation with my colleagues on Saturday. The gentleman from New York I know desires to reach some fair arrangement about this, but that was broken off, you limit it to terminate at a specific hour and when you are not 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 thereto 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 by 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.

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 186 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—"Sex and Civil Rights." It reads as follows:

The smoothly functioning coalition of Republicans and northern Democrats that has been putting the civil rights bill forward seems to have suffered a set back. When Mr. Kennedy introduced the provisions of the bill, it was the provision forbidding discrimination in employment on grounds of sex, as well as race, religion, and national origin. It may seem as if this was a long way from nearly all of the women Representatives in Congress to prop up a failing economic system which we ourselves had undermined by this foolish legislation.

When Mr. Kennedy introduced the provision, he probably had in mind a procedure just like this, by which America would destroy itself. But in his wilder dreams, I doubt that he envisioned our two major political parties scrambling for top holds on the shovel with which to dig the grave.

Surely you recall that the Russians tried this system. They threw it into the West, he probably had in mind a proposal, which we may soon be very sick—possibly out of the Russian. 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 such a 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. The American people do not want it. Now if you 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. That is logical to adopt the language. It gives the Congress and the Nation time to observe the operations and to determine the need for such a Commission.

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When Khrushchev said he would bury the United States, he probably had in mind a procedure just like this, by which America would destroy itself. But in his wilder dreams, I doubt that he envisioned our two major political parties scrambling for top holds 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 discrimination, where you must employ not skill but one of every kind, class, enterprise system. The great industrial system would destroy itself. But in his wilder dreams, I doubt that he envisioned our two major political parties scrambling for top holds on the shovel with which to dig the grave.

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Mr. McCULLOCH. Mr. Chairman, this amendment would limit the life of the Equal Employment Opportunity Commission to 4 years, namely, through 1968. This is not like the Civil Rights Commission which we have limited. The Civil Rights Commission is a fact-finding commission to advise Congress and the Nation concerning discriminations on the basis of race, color, creed, or national origin. In title VII, the Commission envisioned is permanent.

It must be remembered that in the first place, the Commission does not fully go into operation until 1 year after enactment. In the second year, it only applies to 100 employees. In the third year, it only applies to 50 employees. In the fourth year, it applies to 25 employees.

Thereafter, it applies to 25 employees. So in truth and in fact, the Commission hardly will get started before it goes out of existence if we adopt this amendment that has been offered by the gentleman from Florida. It just gets, as it were, underway and then, under this amendment, it would be hard to fold up. I would say the adoption of this amendment would make the title VII and the establishment of this Commission a hollow shell.

Mr. Chairman, the amendment should be voted down.

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

Mr. CELLER. I yield to the gentleman.

Mr. ROOSEVELT. I just want to state very briefly that the provisions of this bill and this title of the bill in no way infringe on the right of an employer to reward people for their skill or for the excellence of their work. It will be a clear aid to our very fine principle of free enterprise. There will be cost savings and much help given to communities so far as School dropouts, juvenile delinquency, and other matters are concerned. Instead of being a deterrent to our free enterprise system, it will be, indeed, a great aid.

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

Mr. CELLER. I yield to the gentleman.

Mr. McCULLOCH. I rise in opposition to the amendment. It would not aid the legislation in any manner.

Mr. Chairman, will the chairman of the Committee on the Judiciary yield to the gentleman from New York [Mr. LANSBURY], who has made a particular study of this subject?

Mr. CELLER. I plan to do so.

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

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

Mr. LINDSAY. I appreciate the compassion of the gentleman from Florida in seeking to kill the FEPC 4 years from now instead of at once. It reminds me of the story of the lady who was being prosecuted for defending her beloved for killing her husband. As she was testifying on the witness stand she said:

It was really very painful for me to have to kill my husband, but out of my deep love for him, when I pulled the triggers on the double-barreled shotgun I squeezed them ever so gently.

Mr. SIKES. I hope the gentleman is not implying that I love this bill.

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

Mr. CELLER. I yield.

Mr. GOODELL. I hope the amendment will not be enacted. I do not believe the Iowa bill will in any way prejudice or restrict the free enterprise system. I believe it is a good and fair section of the bill, and this will operate to the advantage of our economy generally.

I do not quite understand why a limiting 4-year amendment should be attached to this title. If we are to limit it, it should be done with respect to other titles.

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

Mr. GOODELL. I believe the gentleman from New York [Mr. CELLER] has the floor.

Mr. GROSS. He has yielded the floor.

He sat down.

The CHAIRMAN. The gentleman from New York has yielded the floor. Mr. McCULLOCH, Mr. Chairman, I move to strike the requisite number of words.

Mr. GROSS. I should like to ask some member of the committee to answer the question why we would need an Equal Employment Opportunity Committee and an Equal Employment Opportunity Committee, costing the taxpayers several millions of dollars. Please tell me why we need both.

Mr. Chairman, apparently no one wishes to answer.

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

Mr. GROSS. I yield, if the gentleman can give me an answer as to why he wants to be so profligate with the taxpayers' money.

Mr. GOODELL. The Equal Employment Opportunity Committee to which the gentleman refers is limited to Federal contracts.

Mr. GROSS. Is limited to what?

Mr. GOODELL. To Federal contractors, when Federal contracts are involved and to Federal employees. We could eventually eliminate the necessity for that Committee. It was set up under Executive Order No. 10925 of March 6, 1961. Its jurisdiction is limited.

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 believe to the gentleman that the Equal Employment Opportunity Committee activities go far beyond Government contracts. We have investigated the operation of this Committee. The gentleman is quite factual when he makes that statement.

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

Mr. Chairman, this Commission in this bill, at any rate, is to operate far beyond that purview. The scope of the Commission is to cover all employers affecting interstate commerce who have more than 100 employees the first year and thereafter down to those with 25 or more employees.

Mr. GROSS. So far as the Equal Employment Opportunity Committee is concerned, there are no holds barred. They shall roll over the landscape into 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 Ohio.

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

Mr. GOODELL. Mr. Chairman——

Mr. McCULLOCH. 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 enthusiastic, 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 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 scrambling 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 officialism meddling in everybody's business throughout the country. There will be two Commissions—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—ayes 86, noes 131.
Mr. SMITH of Virginia. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Virginia

Mr. SMITH of Virginia. Mr. Chairman, this amendment is to strike out the provision relative to regulations requiring every employer who hires five or more employees to keep such records as the Commission shall make and to require that they be kept at headquarters in the United States. There are very few corporations that use and keep such records, if any; but in the districts of some of you Members there are a great many of them. It just adds another horde of inspectors to be annoying and harassing big and little business throughout this country, because here is what it says:

Every employer shall make and keep such records pertinent to the determination of whether unlawful employment practices have been or are being committed, preserve such records for such periods, and make such reports, as the Commission shall prescribe by regulation.

It goes all over the lot. It applies to the just and the unjust. I am not going to stress the matter, but I would like to see the Republican Party preserve a few fragments of their image that they have boasted about over the years, of economy and the protection of the rights of business. I would like to see them vote for this amendment.

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

Mr. SMITH of Virginia. I yield.

Mr. DORN. Mr. Chairman, I rise, of course, to support the gentleman's amendment and to call the attention of Members there are a great many of them. They are not given to this type of thing that this bill is aimed at, and this would add another burden on the business community. It would be another $250,000 more on top of the $250,000 it cost them last year. This is just a business harassment bill. This extra cost, time, worry, and effort forced upon this great company by the Federal Government could be diverted to more jobs, and for the benefit of the local communities. This bill is an attack on our whole private enterprise system and every business in the United States.

Mr. ROOSEVELT. Mr. Chairman. I rise to support the amendment. Before the Committee on Education adopted this section it proceeded with great deliberation. In the first place, may I point out that all the records or records required are under this provision are already being kept by corporations in order to fulfill the requirements of other statutes such as the tax laws, the minimum wage law, and others. May I next point out that we very carefully worded the provision to say that these must be "reasonable, necessary, or appropriate." If at any point anybody felt that these regulations were not so reasonable, necessary, or appropriate they could appeal to the Commission for relief and second, if they felt that they were not proper they could 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 was 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. GOODELL. Mr. Chairman, will the gentleman yield?

Mr. ROOSEVELT. I yield to the gentleman from New York. Mr. GOODELL. Mr. Chairman, I am sure the gentleman will agree with me that this particular recordkeeping section is more restrictive on the Government and the Commission than any other recordkeeping in any law that this Committee has ever passed. It 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. I am sure the gentleman will agree with me that this particular recordkeeping section is more restrictive on the Government and the Commission than any other recordkeeping in any law that this Committee has ever passed. It 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.
Then I will ask you to read the other sentence, down in line 8 on page 89.

The provisions of the apprenticeship, 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 applications were received, and shall furnish to the Commission, upon request, a detailed description of the manner in which persons are selected to participate in the apprenticeship or other training program.

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 makes application to it of any regulation or order issued under this section would result in undue hardship. The Commission is authorized to grant a remission or modification of the regulation or order to the employer, employment agency, or labor organization in question would impose an undue hardship, the Commission 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 is proposed to make under the Bullock Bill, the Commission sent out 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 and 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—it was modified. And the agency, the Federal Trade Commission, seeing how ridiculous it was, did not cancel but 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.

Now, listen:

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

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, 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 that do not have FEPC legislation, they generally are States where I say the lesser part of industry would be affected.

Mr. EDWARDS. So would you say we say that would not be a 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 these 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 gentlemen from Ohio (Mr. McCulloch). 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 capital of the State of Washington, 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 others that have spoken have in part tried 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 here all day. We have been hanging hopefully for the extraordinary powers in this bill. They have been wanting the upper railing and running up and down the steps eagerly awaiting the birth of their brain child. 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 which have consistently been a black eye and 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 men 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 word would not be required.

Mr. Abernethy. Yes.

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

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 sentence 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 this information that the Committee 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 who 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 the 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 their constituents, and particularly to their colored constituents, if each committee member who voted for FEPC would either write now and advise the FEPC in Washington, or in the name of the FEPC, the number of colored employees in his office. Their constituents ought to know if they are practicing what they are preaching. Will you, if you have, do so? If you do not, no one is standing. But you can be assured that each of you will be called on to make your position known.

At the proper time 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 office.

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 this FEPC title 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. Is that true? 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 them of the 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 policies in their own offices.

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. Surely a good majority of the members of these committees who have staffs which are all white. Yet they voted for this FEPC to force everyone else to integrate their office and business personnel. Again, a majority who voted to report out the FEPC to let the Record show whether or not they practice what they preach. I trust they will put the information requested in the Record.
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 many of you who have been coming 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 these 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 little businesses to make these little business people keep the records and pay what they think should be paid 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 to haul him off to jail.

There is a great deal of talk here about this applying only to companies that have 25 employees after 2 years. That is not true at all. This law applies to individuals, the single individual, to groups of individuals. We are talking about every businessman, farmer, or other individual.

I have an amendment that I hope will be voted upon by this House. An amendment to this bill. I do not know whether I will get a chance to speak on it or not, and that is one reason why I come to the well of the House at this time. It is to express my individual engaged in agriculture. This is the same identical exemption that is present today in the Fair Labor Standards Act. If you do not adopt this amendment or if you do not adopt the amendment I have offered with regard to agriculture, you are all going to begin to get letters from these little farmers who are trying to make a living. Mr. CHAIRMAN. Mr. Rogers, there is no appeal. He cannot make a living in your district.

Now, who is paying the salary of the man, but those of you who do not realize that these 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.

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rules and regulations from which, as the gentleman knows—and he does know because he is an able lawyer—there is no effective appeal. There is only lip service to an appeal.

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

Mr. FOUNTAIN. I yield to the gentleman from South Carolina.

Mr. DORN. Dr. Galloway of the Congressional Library is not a politician; he is a statistician. He wrote a great book on the subject. Mr. Fountain is also a statistician. He told us he is an able lawyer. There is the same kind of rules and regulations from which he is told there is no effective appeal. There is only lip service to an appeal. He told us he is an able lawyer; there is no rules and regulations from which, as the gentleman to an appeal.

Mr. DORN. Dr. Galloway is reported as saying after the rules and regulations with the full force of the Government. Mr. Chairman, unelected officials of the Federal Government are not responsible to the people. This Congress is rapidly losing its right to even pass the laws.

Mr. ROGERS of Texas. And let me add this. If you keep on doing this—you talk about people needing an education or wanting an education—you are going to have more of them wanting an education because they are going to need a Ph. D. to stay out of the penitentiary.

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

Mr. Chairman, I hope this body will adopt the report of Mr. Fountain of Texas, Judge Smirr. This amendment deals with one of the most sensitive subjects in America today, at least so far as the average businessman is concerned—the subject of Federal bureaucratic redtape or Federal rules and regulations and congressional delegation of legislative authority to administrative agencies.

In my correspondence during the 11 years I have been in Congress, there have been complaints about the countless rules and regulations, too frequently the people do not understand or not, which must be complied with, or else. In addition to the rules and regulations of Federal bureaucracies, there are those on the State and local level which our citizens must comply with.

When I was running for Congress back in 1952, I remember driving up in front of a certain business establishment in a rural section of my congressional district. I needed some gasoline as well as some votes. I went into the country store and introduced myself to the owner. He apologized to me for not coming out. He explained as I stopped my automobile by saying:

Mr. Fountain, when you drove up, I was here reading some Federal Government regulations about what they mean and how they affect me. You know, there are so many laws and regulations which we all have to comply with now, that every time someone stops at my place, I become fearful it is some "Government man" trying to find more of having to comply with some law, rule, or regulation which I either didn't understand or didn't know I had to comply with.

Mr. DORN. Mr. Chairman, the time has already arrived—in fact, it is later than we think. How long will we yield to threats and pressures and riots and threats of riots, by claims more and more of the rights and property of our people under the Constitution of our country? If unelected Federal public officials have? Have we no courage left? Can we not boldly and courageously record by our public votes our private convictions. I believe in the ideal sounded and stand by such a show of support for the Constitution of the United States.

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Mr. Chairman, my people resent this legislation. They feel that it is aimed directly at them, and I would not be honest if I did not agree that this has been admitted and time again during this debate. They feel that its enactment would be a vote of nonconfidence in them, notwithstanding the almost miraculous progress they have made in race relations in recent years.

I yield to no man in my belief in the equality of opportunity before the law for all people without regard to sex, race, color, sex, or national origin. I have great respect for the Negro race and the many members of that race who I am proud to call my friends, as I believe they and look upon me. For many years, I have shared their hopes, their dreams, and their aspirations, particularly of students finishing high schools and colleges for a deeper, a more meaningful, and a
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 land within the last 2 years, have impaired communications between some of us and between our two races. As I have said, since the very day of my birth I have been associated with Negroes in one capacity or another. I bear 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 that were the thought, the discussion, many years. We have come a long way together and we have a long way to go.

In my home State of North Carolina, in my own congressional district, and I think in other areas, both races, people closest to the problem, people who know what can and in due time will have to be done, have not been able to solve the problem too slow for many and too fast for others but with a spirit and a will, with courage, and conviction, conscience, common sense, and judgment, they will solve the problems.

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 Nation is proof positive that racial relations would further endanger the traditional feelings of good will between our races and seriously discourage and embitter some of the communities solutions will be faster or slower than others, depending upon important local factors and circumstances which are familiar only to the local people involved. Even the problems will vary from community to community. In my opinion, solutions must therefore be sought in a manner consistent with the best interest of and in fairness to all our people, white and Negro alike. Such statements as “we’ve got the white man on the run” will not help the cause either. The so-called civil rights crisis cannot be solved by the force of additional federal powers. The local people, both races, want and need a continuation of our cooperative efforts all over the country by responsible people of both races at the community level.

I sincerely believe that more Federal laws and power in the hands of Washington bureaucrats will simply add fuel to an already existing fire which can and will be put out by those closest to it. The task is too difficult for others.

In a proper climate, without outside interference or further Federal “force” legislation, responsible local people of both races, people closest to the problem, people who know what can and in due time will have to be done, have not been able to solve the problem too slow for many and too fast for others but with a spirit and a will, with courage, and conviction, conscience, common sense, and judgment, they will solve the problems.

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Mr. Chairman, the Charlotte Observer Mr. Chairman, the Charlotte Observer of Charlotte, N.C. yesterday, Sunday, February 9, published an extremely thought-provoking editorial entitled, “Rights Bill Would Endanger the Rights of the Minority.” This is not a matter of impugning the motives of those who seek their own bill. There are mixed motives, and some are on the highest moral plane. The “caution flag” must be put out on it because the individual liberties of Americans are too precious for Congress to seek good ends through bad means.

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 exercise before. The only time we have ever heard 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 capital 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 the Federal Government in the Constitution. This is a decision of central importance in Washington’s historic role, and we should know what we’re about.

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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 unceasingly for that day when "reign 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 are pitched up, even 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 public accommodation laws and 25 States have FEPC laws. Washington State has effective legislation in both areas which you, 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. Your paragraph of the letter is to this effect:

The civil rights bill is primarily aimed at securing abusers 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 in fact I know, many others are now in waiting, to do it honestly. We should not hold up the passage of legislation as a mere form of doing away with discrimination in public accommodations, in public education, in housing, in hiring and firing and all the other things that belong in due course to federal legislation. But if we are going to legislate, then we have to do it with the same degree of honesty and efficiency and we would not be doing that if we were legislating regulations but do not back them up with the necessary requirement to keep the business community in line, or to ascertain whether the regulations are being complied with.

I believe that is the pattern for legislation that comes out of that great Committee on Interstate and Foreign Commerce 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 prevent discrimination. 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 the passage of legislation until we are going 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.

Mr. Burke. Mr. Chairman, I rise in support of the right to regulate in this field to prevent discrimination. 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 the passage of legislation until we are going 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.
A PRAYER OF ST. FRANCIS OF ASSISI

Lord, make me an instrument of your peace.
Where there is hatred, let me sow love.
Where there is injury, let me pardon.
Where there is doubt, faith.
Where there is despair, hope.
Where there is darkness, joy.
O Divine Master, grant that I may not so much seek to be consoled as to console.
To be understood as to understand.
To be loved as to love.
For it is in giving that we receive.
It is in pardoning that we are pardoned.
And it is in dying that we are born to eternal life.

Mr. GOODELL. Mr. Chairman, I move to strike out the last word and rise in opposition to the amendment.

Mr. CRAMER. I yield to the gentleman.

Mr. HARRIS. The gentleman has made a statement which I would respectfully ask him to review and to look at the Federal Communications Commission Act and determine if his statement is correct, that he would then understand what the law is as the statutes provide.

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

Mr. GOODELL. I yield to the gentleman.

Mr. ROOSEVELT. May I say to the distinguished chairman of the Committee on Interstate and Foreign Commerce, I think the difference is that under our law, they can go directly to court. Under the FCC law—it just is not there.

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

Mr. GOODELL. I yield to the gentleman.

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

Mr. GOODELL. I yield to the gentleman.

Mr. HARRIS. The gentleman has stated the facts incorrectly, if he knows what the proceedings are with regard to regulation agencies. The laws and the regulations of the FCC provide that a matter before the Commission can be appealed directly to the circuit court of appeals. That the Administrative Procedure Act sets up a procedure until they exhaust every piece of administrative machinery available to them. Under our law, they can go directly to court.

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

Mr. GOODELL. I yield to the gentleman.

Mr. HARRIS. The gentleman is stating the facts incorrectly, if he knows what the proceedings are with regulatory agencies. The laws and the regulations of the FCC provide that a matter before the Commission can be appealed directly to the circuit court of appeals. That the Administrative Procedure Act sets up a procedure until they exhaust every piece of administrative machinery available to them. Under our law, they can go directly to court.

Mr. HARRIS. Mr. Chairman, I yield to the gentleman.

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

The Clerk read as follows:

Amendment offered by Mr. CRAMER

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

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 before. I think the words "crediting a charge" has a mere scintilla of evidence; that is, a small amount of evidence, is adequate to give to the charge and, therefore, credit to the charge and, therefore, even though there exists a mere scintilla of evidence, for a minute amount of evidence that discrimination actually exists, that the person—"and it is pretty substantial—of the Commission can be brought into play.

I am concerned about the phrase "reasonable cause for crediting the charge." The phrase that I propose, "reasonable cause for believing the charge is true," has meaning. It is a word of art and everybody understands what it means, but nobody knows what "crediting" means.

I would like to ask the gentleman from New York (Mr. Knox), if he will accept this amendment.

Mr. GOODELL. Mr. Chairman, if the gentleman will yield, I think the amendment clarifies exactly what we intended. If it was our good amendment. It does tighten it up, and I would hope that this can be accepted. There is certainly no objection on the merits of the amendment as described by the gentleman from Florida.

Mr. CRAMER. Does not the gentleman agree further that if this is not adopted, then a mere scintilla of evidence can be used. Anybody can complain and without having to be proven to constitute adequate reasonable cause to believe that the charge is true. The test would be different. If the answer is no this test is not different. Why was the word "crediting" rather than "reasonable cause to believe the charge is true" used? I ask that because it is not word of art.

Mr. GOODELL. I would not agree. I think reasonable cause for crediting the charge requires much more than a scintilla of evidence. But I think we are quibbling over terms here. We meant the same thing essentially that you do. Your language clarifies the point, and I think we should put it in the law.

Mr. CRAMER. Then, the gentleman agrees that "crediting" is not a word of art and it would be different for any court or the Commission itself to determine what it means?

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

Mr. CRAMER. Yes; I yield to the gentleman from New York.

Mr. CELLER. I have no objection to the gentleman's amendment, but, of course, I do not concede the conclusions that the gentleman made. I think the words "there is reasonable cause to believe the charge is true" is a better selection of words without question.

Mr. CRAMER. Thank you.

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

Mr. CRAMER. I yield to the gentleman from California.
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 do pass.

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

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 66, line 6, after the word "employer" 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 enter the amendment offered by the gentleman from Louisiana, as above recorded.

Mr. WILLIS. Mr. Chairman, I ask unanimous consent that the identical language of the bill except I have figures less than this amendment is intended. I do not refer to 25 because that is unnecessary. That is on page 64, line 17.

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 through 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 twenty-five. Would not that be acceptable to the gentleman?

Does 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. Luyea] 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?
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 that similar figures would apply to the figures on page 69?
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. LINDSAY. For Line 2 of the same page, the figure “one hundred” remains the same.
Mr. WILLIS. Line 2 remains the same.
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 now modified.

AMENDMENTS OFFERED BY MR. WILLIS
The Clerk reads as follows:
Amendment offered by Mr. Willis: Page 65, line 6, 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. 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 66, line 5, strike out “fifty” and insert “seventy-five”, and page 66, 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 “seventy-five”, and page 66, line 11, after the word “date”, insert the following: “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 Sunday, February 9, 1964, the Charlotte Observer, the largest newspaper in the State of North Carolina, which is owned by the Knight newspapers, including the News and Observer 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 is not a racist talk. We have no patience with those who have done everything in their power to undermine the freedom of a minority and now weep copiously over the bier of reason. This is simply an appeal for rational consideration of 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, who seek to impose on the people of this country new burdens by those whose faces we cannot see now. Given an understanding of the atmosphere in which this legislation was produced, agents of the Federal Government logically will exercise their new powers on the present generation, and remain repressed. But experience has taught us it is far wiser to circumscribe the powers of government than to put our faith in good intentions, for the passage of time has 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 in the Senate to make sure that individuals and communities can be secure in their persons and effects against unreasonable government power.

The search for justice is going on, as it should go on within the confines of our body. But the U.S. Senate must remember that this is not a sociological treatise but law, and that writing in one place in the hands of what George Washington called “a dangerous servant and a fearful master.”

Mr. FULTON of Pennsylvania. Mr. Chairman, I rise in opposition to the amendment. A right postponed is a right denied.
I realize the Judiciary Committees on both sides through statements by the senior Members, have accepted this amendment. I am aware that the amendment is in a different way. I like the bill just as it is written as to this provision. I feel strongly the Members in favor of this civil rights bill are yielding and giving up the substantial provisions of the bill that pertains to the time of taking effect and the extent of the coverage. This yielding might have a weakening effect when the House comes to the conference committee and the disagreeing votes between the two Houses.

I therefore oppose the amendment. I do not believe it should be accepted. I would ask that the word be retained. In respect to this provision, the language as it was written originally.
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 sendee that may mean fraud and deceit. I hope there will not be many more diluting amendments accepted.

Mr. FULTON of Pennsylvania. I thank the gentleman. I am glad to see we have 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 dam. 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 contentions as the confusion 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 right we are fighting for, which I stand. A group of people do have their full civil rights postponed.

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. Wills).

The question was taken; and on a division (demanded by Mr. FULTON of Pennsylvania) the amendment agreed to,yeas 107, nays 31.

So the amendment was agreed to.

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

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

Mr. McCULLOCH. Mr. Chairman, on Saturday there was considerable confusion, as all will admit. When the gentleman from Virginia (Mr. Smarr) so graciously offered the amendment to 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 gentlewoman'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 the word "sex" on line 3, page 69, and also on line 5 of page 69.

Mrs. FRANCES P. BOLTON. I have it on line 3. 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 gentlewoman would not intend that the requirement for no discrimination against an individual on the basis of sex would also be subject to 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 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. CELLER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. COLMER. 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 during the course of the colloquy between the gentleman from Ohio and the gentlewoman from Ohio.

The Clerk will record 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. Smarr) advised her that he 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 she might consider. The gentleman from New York informed the gentlewoman from Ohio that there were other places in the bill that she might consider. The gentlewoman from New York then suggested to the gentlewoman from Ohio that there were other places in the bill that she might consider.
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 House floor. And I need not remind you that every one of them have been defeated. Yes, I hold in my hand here the first FEPC bill which was offered to the House March 13, 1941. And who offered that bill? It was none other than the gentleman from New York and former Member of this body, Mr. Vito Marcantonio. Moreover, it is interesting to note in this connection that substantially the same amendment which I am offering here now was offered and adopted as a part of that bill. It is further of more than passing interest that the record discloses that after the adoption of this Communist amendment that its author, the gentleman from New York, Mr. Marcantonio, votes against it on the floor.

Mr. CHAIRMAN, I should like further to point out that this amendment has the same objective as the one that the gentleman from Georgia [Mr. Floyd] proposed at the request of his colleagues, which provided that the Attorney General has done a great deal of work in securing support therefor.

Now let me say if I may to the Chair and my friends, the Members of this House: I have expected this amendment to be adopted because of the strange correlation here between the Republican and Democratic leadership. I might add further, Mr. Chair, that I clearly remember being with the team of Celler and McCulloch; I have not attempted to clear it with NAACP and ADA and CORE or any of these other like organizations who are riding high and calling the turns here.

Too, I might add further that I have not had it cleared through the spots who have been occupying the gallery and calling Members off the floor to unduly influence their votes throughout the debate on this bill.

In spite of the fact that I have read the book on how to make friends and influence people, I am frank to you, Mr. Chair, that I have become so sick by the procedure that I have reached the point where I do not give a damn whether I am making friends or enemies on the consideration of this attack upon our common country.

I am putting it square to you, Mr. Chair. I challenge you to vote against the amendment.

Mr. Celler. Mr. Chairman, I move to strike out the amendment.

Mr. Chairman, I shall not oppose the amendment offered by the gentleman from Mississippi, and I state that for this significant reason: There is nothing in this bill which would prevent a man, be he employer, or labor leader, from discriminating against a Republican or Democrat or Socialist or Communist. The only difficulty arises, and the only infraction of the act would be, where discrimination is based on race, color, creed, national origin and so, of course, sex.

I have prepared a statement which I wish to read for the purpose of legislative history.

There is nothing in this title or in this bill which has anything to do with political or subversive activities: it is a bill which deals solely with discrimination because of race, color, religion, or national origin; and now, sex. The proposed amendment dealing with members of Communist Party neither broadens nor narrows the substantive terms of the title and thus, while I think it completely unnecessary, I do not oppose it.

Mr. Chairman, some Members have expressed themselves on the amendment offered 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 act in a manner which affects 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 some of the effects of denial of employment.

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

Mr. Celler. I yield to the gentle­man from California.

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 it accords with the speeches 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. WILLIS. 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 law. The bill simply is intended to prevent discrimination board 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 Virginia [Mr. SMITH], 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 crept into many technical 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 one of our key industries in transporta-

tion which are so essential to the pres-
ervation of our way of life. Our front-

line of defense is now our industrial out-

put, technology, and our resources.

To force an employer to hire Communists and subversives will en-

danger 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 in-

dustries and our 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 ab-

surd 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.

The Clerk read as follows:

On page 68, line 19, after the word "religion", insert the word "sex"; and on page 69, lines 3 and 5, after the word "religion", insert the word "sex"; on page 70, lines 6 and 7, after the word "religion", insert the word "sex"; and on page 71, line 7, after the word "religion", insert the word "sex".

The CHAIRMAN. The gentleman from Ohio is recognized in support of her amendment.

Mrs. FRANCES P. BOLTON. Mr. Chairman, I think a good deal of argument has already been heard on this. The distinguished gentleman from Virginia [Mr. SMITH] was kind enough to say it was through an error on his part that this was not included in his original amendment. I think this is a matter of vast importance, because these are cru-

cial matters in this bill. Some of them strike at the very heart; namely, the matter of employment and discharge of women from employment.

Mr. Chairman, the Congress expressed itself as recognizing the fact that about one-third of the labor group are women, and women should have the same rights as men when it comes to the matter of em-

ployment and discharge from employ-

ment.

Mr. Chairman, this amendment to in-

clude sex as one of the grounds on which there shall be no discrimination affects very deeply Negro women who, perhaps, are at the small end of the horn in a great many of these areas.

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

Mrs. FRANCES P. BOLTON. I yield to the gentleman.

Mr. CELLER. I am still trying to help the gentlewoman. I believe the gentle-

woman has omitted to add the word "sex" in two places on page 71, line 7.

Mrs. FRANCES P. BOLTON. I thank the gentleman from New York, the chair-

man of the Committee on the Judiciary.

Mr. Chairman, I ask unanimous con-

sent to modify my amendment so that on page 71, line 7, in the two places where the words "sex," after the comma and the word "sex", after the word "religion".

The CHAIRMAN. Is there objection to the request of the gentlewoman from Ohio?

Mr. MULTER. Mr. Chairman, reserving the right to object, I do so because I think this is a mischievous amendment. I am referring to the amendment already adopted. Conform-

ing the rest of the title to that amendment makes it no better.

But, Mr. Chairman, I reserved the right to object, merely to inquire whether or not, if this amendment is now adopted, we will then have perfected the title to the extent of being sure that there will be no discrimination whatever—against men or women. Will the amendment already adopted allow a per-

fecting of this amendment permit a man to get maternity leave at the same time as his working wife gets it? When we come to hire a masseur in the gym-

nasium of the House or the Senate, will we be justified in saying, when a woman applies for the job, that a "masseuse" qualifies as a "masseur"?

The CHAIRMAN. Is there objection to the request of the gentlewoman from Ohio to modify the amendment?

There was no objection.

The CHAIRMAN. The gentlewoman from Ohio is recognized.

Mr. KUNKEL. Mr. Chairman, will the gentlewoman yield?

Mrs. FRANCES P. BOLTON. I yield to the gentleman.

Mr. KUNKEL. Has the gentlewoman included the amendment as suggested by the gentleman from New York [Mr. GOODELL] as to the occupational qualifica-

tions section?

Mrs. FRANCES P. BOLTON. If the gentleman from New York will state what the amendment is, I will be very glad to insert it.

Mr. KUNKEL. May I inquire of the gentleman from New York [Mr. Goode-

ell] whether his amendment is included in the amendment offered by the gentle-

woman from Ohio.

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

woman from Oregon [Mrs. GREEN] may extend her remarks at this point in the Record.

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

There was no objection.

Mrs. GREEN of Oregon. Mr. Chair-

man, the additional amendments just presented by the Representative from Ohio [Mrs. FRANCES P. BOLTON] clearly indicate that full and careful considera-

tion was not given to the amendment last Saturday adding sex to this bill. As I said then, there were no hearings by any committee of the House; not a single word of testimony was taken; and the full implications could not have been under-

stood.

For example, under the amendment offered by the gentleman from Virginia [Mr. SMITH], if a college wanted to hire a dean of women they would be pro-

hibited from advertising or interviewing just men for this position because it would be discrimination based on sex.

Or if a college wanted to hire a dean of men, they would be prohibited under the language adopted from advertising or inter-

viewing just men for this position be-

cause it also would be discrimination based on sex. Let us take another ex-

ample: In a large hospital an elderly woman who needs special round-the-clock nursing. Her family is seeking to find a fully qualified registered nurse. It does not make any difference to this family if the nurse is a white, a Negro, a Chinese or a Japanese if she is fully qualified. But it does make a great deal of difference to this elderly woman and her family as to whether this qualified nurse is a man or a woman. Under the terms of the amendment adopted last Saturday the hospital could not advertise for a woman registered nurse because under the amendment by the gentleman from Virginia [Mr. SMITH] it would be discrimination based on sex. The sug-

gestion of the gentleman from New York [Mr. GOODELL] helped a great deal, how-

ever.

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 seemingly giving it its strongest support, some of whom 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 nur-

tured by the cruel discriminations, the injustices—yes, and the inhumanity to man in State after State. This title which we are loading with so many extra burdens is a very important sec-

tion of this bill. In fact, voting rights and desegregation of public accommoda-

tions not only, but educational opportunities and job op-
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 of the bill—perhaps one of the most important

Now we see one attempt after another to add amendments by many of the opponents of the legislation in regard to atheists—in trying to picture this legislation in a beguiling way make a success of it—divert attention: from the primary objective of providing the Negroes who happened to be born a Negro? And who mean very little to that Negro who does not even have a dime for a lousy cup of coffee. I repeat, this FEP section of the bill—perhaps one of the most important parts.

We will soon use these same amendments to destroy this FEP section and if possible, weaken or water down the entire legislation. It reminds me of the story of the scorpion and the muskrat—perhaps one of the most important parts.

The scorpion in a very beguiling way said to the muskrat, "Will you let me ride on your back across the river?" To which the muskrat replied, "No, I will not because when we get to the middle of the river, you would probably sting me to death." And the scorpion said, "Oh, but that is ridiculous! With all the water between, I would never be stung at all and I would drown too." The muskrat was taken in by the scorpion's beguiling way and his smiling answer and gave the scorpion a ride. Suddenly, they reached the middle of the river, the scorpion lifted his tail and dealt the muskrat the lethal blow. As the muskrat was sinking he said to the scorpion, "You know I'm still curious why you did that and why the scorpion replied, "Oh, it's just my nature."

And so, Mr. Chairman, as opponents of the legislation in a very beguiling way make a good slice of legislation out of any of the piggyback amendments, we may find that the whole proposal will sink in midstream. Of course, it is to the advantage of the opponents of this legislation to add additional burdens—to water it down—to divert attention from the primary objective of providing basic constitutional rights.

And so very earnestly, that the vast majority of the people of this country have not forgotten the primary objective. In offering amendments in regard to sex—in trying to picture this legislation in regard to the white woman; in adding amendments in regard to atheists—in offering other amendments—are we losing sight of why this legislation on civil rights is being demanded by the American people?

Have we so soon forgotten Emmett Till? Have we forgotten the homes and churches that have been bombed in Florida, in California, in Clenve, in Alabama, because someone somewhere dared to speak out against the injustice and cruelty to Negroes who were demanding their voting rights; and who want a fair chance to get decent jobs and decent wages?

In making jokes and introducing some very irrelevant amendments, have we so soon forgotten the electric cattle prods, the firehouses and the police dogs?

Mr. Chairman, I believe, that we are all aware that the Negroes have wanted to add opportunities for decent jobs, have we so soon forgotten the electric cattle prods, the firehouses and the police dogs?

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

The amendment was agreed to.

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 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 for the residue of the term of the member whom he shall succeed. The President shall designate one member to serve as Chairman of the Commission. The remaining 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 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 all persons whose names and the reasons for eliminating discrimination and such recommendations for further legislation as may appear desirable.

"(e) Each 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 its members, employ such agents as it may designate, conduct any investigation, proceeding, or hearing necessary to the discharge of their duties, including any person who is 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.

RULING OF THE CHAIRMAN

"Sec. 202. (a) The Chairman or one member of the Commission designated by him to act as Chairman at a hearing of the Commission shall announce in an opening statement the subject of the hearing.

"(b) A copy of the Commission's rules shall be made available to the witness before the hearing.

"(c) Witnesses at the hearings may be accompanied by their own counsel.

"(d) The Chairman may punish breaches of order and decorum and unprofessional ethics on the part of counsel, by censure and exclusion from the hearings.

"(e) If the Commission determines that evidence or testimony at any hearing may tend to frame, degrade, or incriminate any person, it shall (1) receive such evidence or testimony in executive session; (2) afford such person an opportunity voluntarily to appear as a witness; and (3) receive and dispose of requests from such person to subpena additional witnesses.

"(f) The Chairman shall receive and the Commission shall dispose of requests to subpoena additional witnesses.

"(g) No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the Commission. Whoever releases or uses in public without the consent of the Commission evidence or testimony taken in executive session shall be fined not more than $1,000, or imprisoned for not more than one year.

"(h) In the discretion of the Commission, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The sole judge of the pertinency of testimony and evidence adduced at its hearings.

"(i) Upon payment of the cost thereof, a witness who may object to his testimony given at a public session, or if given at an executive session, when authorized by the Commission.

"(j) A witness attending any session of the Commission shall receive $4 for each day's attendance and for the time necessarily occupied in going to and returning from the same, and 8 cents per mile for going from and returning to his place of residence. Witnesses who attend at points so far removed from their respective residences as to prohibit return thereto from day to day shall be entitled to an additional allowance of $2 per day for expenses of subsistence, including the time necessarily occupied in going to and returning to his place of residence. Mileage payments shall be tendered to the witness upon service of a subpoena issued on behalf of the Commission or any subcommittee thereof.

"(k) The Commission shall not issue any subpoena for the attendance and testimony of any person, or for the production of any evidence or other matter which would require the presence of the party subpoenaed at a hearing held out of the State wherein the witness is found or resides or transacts business.
Powers of the Commission

"Sec. 203. (a) The Commission shall have power—

"(1) to appoint, in accordance with the City Civil Service Act, regular personnel, officers, agents, and employees, as it deems necessary to assist it in the performance of its functions and responsibilities, in accordance with the Classification Act of 1949, as amended; attorneys appointed under this section shall be employees of the Commission, appear for and represent the Commission in any case in court;

"(2) to furnish to persons subject to this title such evidence as may be necessary to further their compliance with this title or any order issued thereunder;

"(3) to hold such hearings as the Commission may deem advisable for compliance, enforcement, or judicial 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 Federal Government shall, to the extent necessary, cooperate with the Commission and shall carry out the orders of the Commission relating to the terms and conditions of employment of such individuals or to 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 organizations, the elimination of the basic causes of discrimination in employment on the ground of race, sex, creed, color, national origin, or ethnicity;

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 conducting such investigation, proceeding, or hearing,

"(b) In case of contumacy or refusal to obey a subpoena issued to any person under this title, citation shall be served, either by registered mail or by leave of the Commission, upon a copy thereof at the principal office or place of business of the person required to be served. The verified return by the individual so served, stating that the service has been made, forthwith of such service shall be proof of the same, and the return post office receipt thereof where such service has been made by mail, shall be deemed proof of service of the same.

PART B—DISCRIMINATORY PRACTICES BY GOVERNMENT CONTRACTORS AND LABOR ORGANIZATIONS

"Sec. 210. (a) In every contract entered into by an executive department or agency of the Government of the United States, in every subcontract under such contract, there shall be included a provision in such form and containing such terms as the Commission may prescribe (including compliance reports), designed to prevent the contractor or subcontractor, as the case may be, will not limit, segregate, classify or otherwise discriminate against any individual by reason of his race, sex, creed, color, or national origin in accordance with such provision included in the contract or subcontract pursuant to section 211 of this title, the Commission shall issue such order.

"(b) The employment practices covered by this title shall not be limited to the recruitment or advertising thereof, failure or refusal to hire, upgrading, demotion, discharge, layoff, termination, selection for training (including apprenticeship), rates of pay or other forms of compensation, working conditions, promotions, transfer, discharge, layoffs, or other forms of discipline, or privileges of employment.

"Sec. 211. (a) In every contract or subcontract, covered by section 210(a), it shall be a discriminatory employment practice which represents employees of an employer under such contract or subcontract—

"1 to exclude or to expel from its membership, or otherwise to discriminate against, any individual by reason of his race, sex, creed, color, or national origin;

"(2) to limit, segregate, or classify its membership, or otherwise to discriminate against, any individual by reason of his race, sex, creed, color, or national origin in any way which would deprive any individual of employment opportunities, or would limit such employment opportunities otherwise adversely affect his status as an employee or as an applicant for employment, because of such individual's race, sex, creed, color, or national origin;

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

"(4) to cause or attempt to cause an employer to discriminate against an individual because of such individual's race, sex, creed, color, or national origin in any way which would deprive any individual of employment opportunities, or would limit such employment opportunities otherwise adversely affect his status as an employee or as an applicant for employment, because of such individual's race, sex, creed, color, or national origin;

"(d) The Commission shall have the power to compel the attendance of witnesses, to take testimony under oath, and to examine witnesses.

"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 practice covered by sections 210 or 211 of this title, the Commission shall investigate such charge and if, upon investigation, it shall be determined that the evidence is sufficient to justify a complaint alleging that the discriminatory practice probable cause exists for crediting such written charge, it shall endeavor to present such complaint by investigation and the Commission shall issue such order.

"Proceedings before the Commission

"Sec. 213. (a) If, upon the preponderance of the evidence, including all the testimony adduced, the Commission finds against the contractor, subcontractor, or local labor organization involved, the Commission shall issue such order as it deems necessary for the elimination of such discriminatory employment practice and to obtain voluntary compliance with the provisions of this title, if such order is served upon the contractor, subcontractor, or local labor organization involved, the Commission shall have like power to amend any complaint, and the respondent shall have like power to amend its answer.

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

"(c) At the conclusion of a hearing before the Commission, each member or agent of the Commission shall perform the roles of a hearing examiner and shall issue a written order to the appropriate party or parties to amend any complaint, and the respondent shall have like power to amend its answer.

"(f) With the approval of the member or designated agent conducting the hearing, a case may be ended at any time prior to the transfer of the record thereof to the Commission by agreement between the parties for the elimination of the practice complained of in a mutually satisfactory term.

"Sec. 214. (a) If, upon the preponderance of the evidence, including all the testimony adduced, the Commission finds against the contractor, subcontractor, or local labor organization involved, the Commission shall have like power to amend any complaint, and the respondent shall have like power to amend its answer.

"(b) Where a complaint is served on any person by any means, such person may be served with a copy of the complaint by a Federal official engaged in the mailing of such complaint and such person shall, upon demand of the Commission, conform to any order issued thereunder.
discriminatory employment practice provision, Sec. 211, 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, upon such proof as it may, within thirty days or such additional period as the Commission may determine, the Commission's decision that such local labor organization will cease to engage in such discriminatory employment practice. Such order shall be served upon such local labor organization and the Commission shall be bound thereby.

"(c) If either party shall apply to the court for leave to adduce additional evidence such leave shall be granted only on such evidence as the court shall consider necessary to make additional evidence material and that there were reasonable grounds for the belief that additional evidence in the hearing before the Commission, its member, or agent, the court may order and shall forthwith serve upon the Commission, its member, or agent and to be made a part of the transcript.

"(d) The findings of the court shall be conclusive if supported by a preponderance of the evidence on the record considered as a whole.

"(e) If petitioned by either party to the Commission, the court shall be held invalid, the remainder of this title and the recommendations of the Commission under this title may obtain a review of such order in any United States court of appeals of the jurisdiction of the court reviewing the administrative procedure practice in question before the United States court of appeals or, if the court of appeals to which application might be made is in vacation, by the Supreme Court of the United States as provided in title 28, United States Code, section 2124.

"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 jurisdiction of the court reviewing the administrative procedure practice in question before the United States court of appeals, by filing in such court within the 60-day period which begins on the date of the issuance of any such order as may be necessary to accomplish the ends of justice; and the court shall have the power to modify or set aside the order or to direct the Commission to take such further action as may be necessary to accomplish the ends of justice.

"(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. 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. 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) 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 within 60 days after the order of the court was entered, and, by the Supreme Court of the United States as provided in title 28, United States Code, section 2124.

"(d) If petitioned by either party to the Commission, the court shall be held invalid, the remainder of this title and the recommendations of the Commission under this title may obtain a review of such order in any United States court of appeals of the jurisdiction of the court reviewing the administrative procedure practice in question before the United States court of appeals, by filing in such court within the 60-day period which begins on the date of the issuance of any such order as may be necessary to accomplish the ends of justice; and the court shall have the power to modify or set aside the order or to direct the Commission to take such further action as may be necessary to accomplish the ends of justice.

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"(g) The findings of the court shall be conclusive if supported by a preponderance of the evidence on the record considered as a whole.
shall hereafter be held and considered to refer to this title and to the Commission, re- spectively. All records and property of or in the custody of the said Committee may be transferred to the Commission, which shall wind up the outstanding affairs of the Com- mittee.

"Effective date"

"Sess. 228. This title shall become effective sixty days after enactment."

Mr. CRAMER. 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 gentle- man 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 not that amendment made by the gentle- man from Texas [Mr. Dowdy] and objection was heard and that is why we are reading the amendment? The request made by the gentleman from Flori- da is not now in order.

Mr. CRAMER. I renew the unani- mous-consent request.

Mr. CELLER. I object, Mr. Chairman.

The CHAIRMAN. Objection is heard.

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 gentle- man 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.

PREFERENTIAL MOTION

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

The Clerk reads 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 gentle- man from Alabama.

Mr. ANDREWS of Alabama. Mr. Chairman, let me make one last request that this unconstitutional bill be de- feated. This legislation is not needed by a vast majority of the decent, law-abiding people; it is directed at the minority of this country, but also the rights of our colored citizens which it purports to pro- tect; and that its passage would be a power grab that could lead to a totali- tarian dictatorship by the Federal Gov- ernment.

The proponents of this bill ignore the "natural" rights of man which no gov- ernment 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 to one, to a few, 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 dicta- torship, if such were possible, would re- main benevolent.

Of all the natural human rights is the right of the family to provide for the wel- fare 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 selfish philos- ophy 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 ambic- tion, or the social philosophy of any group or groups.

May I just say that the States have only authority 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 Fed- eral Government to whom no such au- thority 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 no larger than these, and delegated to the National Government only those powers necessary to the exercise of its proper functions. All other powers were reserved to the States—or to the people. If we could not be no doubt as to any rights not dele- gated and not specifically reserved, the Constitution—ninth amendment—pro­ vides that "the enumeration in the Con- stitution 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 are concerned 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 legis- lation gives tremendous powers to the executive branch of 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 the committee. Because 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 legisla- tion. I frankly do not think you could have amended the bill—because even the Ten Commandments would not have been acceptable under these circum- stances.

We regret 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. Never should 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 help to strengthen 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 it happened 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—have ignoble aims: 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 consideration of 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 accomplishments, won positions of greatness and deep respect. We need to reflect more upon that old adage: "You take out of something, only what you put into it." These men became famous by raising their race through their own merit and they received just recognition by all Americans through their own accomplishments.

Legislation cannot set up a prefe­rential situation in this country for the 20 million people who do not want equal rights but who do want preferential rights. This just will not come about. This is the same situation in which, nearly 100 years ago, the vicious and demagogic politicians passed legislation that did not carry the approval of the Nation as a whole. The men who passed the legislation have gone into oblivion and the legislation they sponsored—the laws they enacted—were gradually repealed. They are unremembered today. I submit to you that the men who are jamming this legislation through the House today may face the same fate.

I submit to you that the men who are supporting this legislation have gone into oblivion and the legislation they sponsored—the laws they enacted—were gradually repealed. The motivating force behind this legislation is not the quest for harmony between races.

This procedure will cause a multiplicity of suits, and violations of the by­laws of the various statutes of our States. It is not good practice to permit someone else to be a legal authority on 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 a 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 is lifted almost bodily from the Equal Pay Act of 1963 which this Congress passed 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 "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 defeated by a legislative amendment to repeal 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 present bill is better. The first sought to explain and justify; this proposes to blurt its way.

In some respects, the most drastic provisions of the bill would be found to be included in title VII. This is a new section, not requested by President Kennedy, nor covered in hearings before the House Judiciary Committee. I doubt therefore that this section would have been placed in title VII or pondered its enormous implications for business and labor alike.

This section opens with a declaration by Congress of a "national policy to protect the individual from being free from discrimination in employment." The policy is said to rest, first, upon the commerce clause, and second, upon the power vested in the Congress to adopt necessary and proper laws "to insur[e] the complete and full enjoyment by all persons of the rights, privileges, and immunities secured and protected by the Constitution of the United States." In passing, we may cast a doubtful eye on the reference to "privileges and immunities." for in this context the words have no reference to any provisions contained in the Constitution to the Congress.

In furtherance of this expressed policy, title VII would make it an unlawful employment practice for any employer "engaged in an industry affecting commerce," provided he has 25 or more employees—

First. To fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, or national origin.

Second. To limit, segregate, or classify his employees in any way which would deprive or tend to deprive any individual of employment opportunities, or would limit such employment opportunities, or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, or national origin.

These provisions of the bill would become effective 1 year after the date of the bill's enactment. During the first year thereof, the law would affect industries with 100 or more employees; during the second year, it would affect industries with 50 or more employees. The permanent effective level of 25 or more employees would be reached in the third year. The same limitations would apply to labor unions.

The bill would be administered primarily by a five-member Equal Opportunity Commission, empowered to employ "such officers, agents, attorneys, and employees as it deems necessary." The Commission would be required to establish at least one office in each of the major geographical regions of the country. During its first year of operation, the Commission would have an authorized annual budget of $1000.000. Ten million dollars would be authorized for the second year. The Commission's principal duties would be to investigate charges of racial discrimination in employment, to make such investigation by conference and conciliation, to bring civil proceedings in Federal district courts against offending employers or unions, and to obtain injunctive against the defendants. Violation of such injunctions would be punishable as contempt of court, through fines and imprisonment.

This section of the bill bristles with other formidable provisions, authorizing agents of the Equal Employment Opportunity Commission to enter upon industrial property, have access to business and labor records, interview employees, and investigate "such facts, conditions, practices, or matters as may be appropriate." Employers and unions alike would be required to keep such records of their operations, in terms of race, as the Commission might prescribe. Particular emphasis would be laid upon prohibiting discrimination in apprenticeship and training programs. Finally, the Commission would be given authority, in conformity with provisions of the Administrative Procedure Act, to adopt regulations having the force and effect of law "to carry out the provisions of this title."

I submit that never in the history of the Congress has legislation been seriously proposed more drastic in its effects than the provisions of the original bill. These provisions became fully operative, 3 years after enactment, every business or industry in the United States, having as many as the white regression, think racially in every aspect of its employment practices. It would be unlawful for them to discriminate among applicants for employment, unlawful to fail or refuse to hire by reason of race, and unlawful to limit or to classify employees in any way that might "tend to deprive" any individual of an employment opportunity because of his race.

Consider, if you will, the impact of this bill upon a small manufacturing plant employing 25 or 30 persons totally. The payroll includes the proprietor, two secretarial workers, a bookkeeper, a shop foreman, a dozen production workers, several salesmen, an accounting clerk, and a couple of custodial employees. Roughly 188,000 such employers, having 20 to 49 workers, were known to the Social Security Administration 5 years ago. We know the figure from this saucepan Statistical Abstract. Another 115,000 employers then reported more than 50 employees. Beyond question, the number of such employers is far greater now.

How are they to manage their business? What is to constitute evidence of "discrimination"? If such an employer does business in a community having 15 percent Negro population, is a prima facie assumption that he is discriminating if fewer than 15 percent of his employees are Negro? If so, then 15 percent of which employees? The production men? The salesmen? How do these details in the South, the historic practice to hire Negro waiters only. Such a practice would become "unlawful" under this bill. The same practice is followed by Cong. in the House.

I ask what becomes of established seniority under this bill? I wonder at the manifest difficulties involved in the subjective judgments that permeate employment practices everywhere. Which of two prospective cooks is the better cook? Which prospective salesmen are most likely to bring in sales? Which writers are the more creative? Not all the differences among men may be measured in standard aptitude tests. If the Negro cook is hired instead of the white, or the white instead of the Negro, are the employer's tastebuds to be put on trial? But if does become an issue, management during the incessant harassment of investigations, reports, hearings, lawsuits?

These observations barely touch upon the practical problems of administration that will fly from this Pandora's box. Unlike the Department of Labor, the proposed five-member Commission would not be burdened with specific hours of work or specific wages paid. Some of the evidence presented in hearings before the National Labor Relations Board is tenuous and bizarre, but at least the labor practice questions considered in interstate commerce are susceptible to familiar courtroom procedures. The problems of finding discrimination, and the correction of discrimination, carry the practice of law into a wild blue yonder.

The assertion by the Congress of a national policy against discrimination is buttressed by a measure of enforcement. A national policy in favor of motherhood would carry about as much weight. What counts, of course, is the law enacted to support such a policy. Such law is subject to the same bedrock test we have talked about here: Has the power been delegated to the Congress by
the Constitution to enact such a law as title VII? I cannot perceive such authority. No “right to be free from discrimination” is anywhere enunciated in the Constitution, save in the provisions of the 14th amendment prohibiting the States, as States, from denying equal protection of the laws. Nothing in previous interpretations of the commerce clause would suggest that private employment practices in this regard affect commerce within the meaning of congressional regulation. This is summary law. Surely the history of government shows that such law, deeply resented, widely evaded, serves a nation not well, but ill. Surely, at the very least, we should limit this to Government contracts, as in the substitute I have tendered as a lesser evil.

Mr. CELLER. Mr. Chairman, I ask that the preferential motion of the gentleman from Texas be voted down and that after that his general amendment, which was not just heard, likewise be voted down.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment of the gentleman from Texas.

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

The amendment was rejected.

AMENDMENT OFFERED BY MR. POFF

Mr. POFF. Mr. Chairman, I offer two amendmen8, Nos. 1 and 2. At this time I offer amendment No. 1.

The Clerk read as follows:

Amendment offered by Mr. POFF: On page 74, line 13, after “by” strike out “or on behalf of”.

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

Mr. WATSON. Mr. Chairman, I have a unanimous-consent request. We have a number of amendments up there, and we want to get recognition. This is important. I ask unanimous consent that the author of each amendment be allowed 30 seconds and the chairman of the committee have 1 minute, or twice as much.

Mr. CELLER. Mr. Chairman, I object.

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. POFF

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

The Clerk read as follows:

Amendment offered by Mr. POFF: On page 68, line 14, after “the “(3)” strike out all of line 14 and insert in lieu thereof, “to hire, or to fall or refuse to hire, or to discharge any employee, or to fail to hire any employee”;

and in line 15, after the word “otherwise”; insert “to favor or”; and page 69, line 1, after the word “applicant” insert “to refer for employment”; and page 69, line 8, after “(3)” strike out all of line 8 and insert “to accept or to exclude, 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 against such 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, resulting equal. No relief is afforded an employer against the use of force, violence, or coercion, to force employment for the forbidden reasons. He should have full and equal protection under the law.

The discrimination protected against in the 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 both sides 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, full principally upon the business community rather than upon those persons or groups whose actions so frequently disregard “the law of the land”; legislation, which falls short of affording adequate protection, may be termed protection of civil rights and civil liberties.

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”.

Mr. CELLER. Mr. Chairman, I make 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 discrimination protected against in the bill, becomes a discrimination compounded in character if there be no
ability to produce, either in quantity or quality; or (4) a determination based on any factor other than race, color, religion, or national origin."

Mr. DOWDY. Mr. Chairman, the purpose of this amendment is to provide for the systematic use of an employer to obtain the best qualified employees, regardless of race, color, religion, and so forth.

The amendment speaks for itself, and has a recent precedent. Last year, this Congress, in the Equal Pay Act of 1963, 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 reads as follows:

Amendment offered by Mr. Dowdy: Page 68, 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 mean all religions, including the Protestant religions.

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

Mr. DOWDY. Mr. Chairman, the debate on this bill has indicated some doubt, as to the meaning of the words race, color, religion, and national origin. This amendment would define the words so there could be no dispute, and would make this bill, if enacted, apply to all persons alike.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. Griffin).

The amendment was rejected.

AMENDMENT OFFERED BY MR. DOWDY

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

The Clerk reads 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 declarative judgment invalid as to each 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, and will not 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. DOWDY

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

The Clerk reads as follows:

Amendment offered by Mr. Dowdy: Page 68, line 17, after the word "employment" insert the word "solely"; page 66, line 22, after the word "employees" insert the word "solely". Page 59 at end of line 2, insert after the word "title" the word "solely" and insert page 69, line 16, after the word "employment" insert the word "solely" and page 69, line 24, after the word "individual" insert the word "solely".

Mr. DOWDY. Mr. Chairman, this amendment provides that any discrimination proscribed in the bill must be based solely on race, color, religion, sex, or national origin. Surely that is what is intended, and it is only reasonable that the matter be clearly stated in the language of the bill.

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

The amendment was rejected.

AMENDMENT OFFERED BY MR. Griffin

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

The Clerk reads as follows:

Amendment offered by Mr. Griffin: On page 77, after line 22, add a new subsection as follows:

"(1) Notwithstanding any other provision of this title, no charge of unlawful employment practice claiming discrimination on the basis of race, color, religion, sex, or national origin shall be considered unless the person filing such charge, or the person on whose behalf such a charge is filed, signs a statement under oath certifying that the spouse, if any, of such person is then unemployed and was unemployed when the alleged unlawful employment practice occurred."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. Griffin).

The amendment was rejected.

AMENDMENT OFFERED BY MR. SIKES

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

The Clerk reads as follows:

Amendment offered by Mr. Sikes: On page 88, 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 become 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.

AMENDMENT OFFERED BY MR. ROGERS OF TEXAS

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

The Clerk reads as follows:

Amendment offered by Mr. Rogers of Texas: Page 66, line 4, add a comma and the following: "(3) Individuals engaged in agriculture or in connection with the operation or maintenance of the ability to produce, either in quantity or quality; or (4) a determination based on any factor other than race, color, religion, or national origin."
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 cases, an overwhelming part of the part of those who drafted the legislation; however, the danger is present regardless of who is at fault. The act, as written, would be applicable to any 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 legislation based upon the Federal Government completely logical and were most necessary to make 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 every person—individual, partnership, and corporation—except 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 the minimum number permitted in the bill, for even the shortest period to do emergency work or to harvest the crops, 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 and close the farms. This would add to the unemployment situation which has been such a tragic problem for so many years.

I have, however, put 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 retain this section and 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: On page 84, line 3, strike out the figure "$2,500,000" and insert "$5,000,000" 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 CHAIRMAN. Singularly?

Mr. WATSON. Yes.

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 or 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 an an amendment.

The Clerk read as follows:

Amendment offered by Mr. Watson: On page 78, beginning on line 20, strike out the words beginning with ""It"" and continuing through and including the words "writing" on page 21 and substitute in lieu thereof of the following: ""If two members of the Commission give permission in writing"".

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 another amendment.

The Clerk read as follows:

Amendment offered by Mr. Watson: On page 79 beginning with the word "or" on line 3, strike out everything thereafter down through and including line 4.

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 or 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.

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

There was no objection.

Mr. WATSON. Mr. Chairman, while I agree with my colleagues as to 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. Apparently, though, there is no interest 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 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 allow discrimination in employment, and it is reasonable to conclude that there will be a rash of such suits in this bill because of the other factors: however, I believe equity would demand that we equate the burden of proof by specifying that the applicant must show that he is otherwise qualified for the position for which he is seeking employment or promotion.

Unfortunately, Mr. Chairman, it is easy for anyone to see that logic, reason, equity, or fairness have no place in the debate on this measure and that, contrary to normal expectations, those amendments which appeal to a man's sense of fairplay and to the best interests of the majority of our citizens have little or no appeal to the majority in this House. Frankly, from the way the vote on the amendments has been going, many of the Members here could just as well present the Chairmaon of the Judiciary Committee and the ranking member on the Republican side and have them vote automatically on each issue.

The reason I make this statement is because several of the Members who have told me individually that my amendments are entirely proper and should be adopted, but at the same time those very same amendments are compelled because of pressures, both from the outside and in this body, to oppose practically every amendment. I hope the day will come, before this Nation and constitutional government will be restored, that our Representatives will have the courage to vote their convictions regardless of political pressures, from whatever source they may come.

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

The amendment was rejected.

AMENDMENT OFFERED BY MR. WAGGONNER

Mr. WAGGONNER. Mr. Chairman, I offer an amendment as follows:

Amendment offered by Mr. WAGGONNER:

On page 68, line 18, after the word "sex" insert "memberships or nonmembership in a labor organization".

On page 69, line 3, after the word "sex" insert "membership or nonmembership in a labor organization".

On page 69, line 5, after the word "sex" insert "membership or nonmembership in a labor organization".

MR. WILLIAMS. Mr. Chairman, I ask unanimous consent that the amendment be re-reported.

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

Mr. WAGGONNER. Mr. Chairman, I reserve the right to object.

Mr. ROGERS of Colorado. Mr. Chairman, a point or order.

The CHAIRMAN. The gentleman will state it.

Mr. ROGERS of Colorado. Has not all time expired on debating these amendments?

The CHAIRMAN. The Chair will state to the gentleman from Colorado that a unanimous-consent request was made to which the gentleman from Louisiana reserved the right to object.

Is there objection to the request of the gentleman from Mississippi?

Mr. O'HARA of Michigan. Mr. Chairman, a point of order.

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

The question was taken; and on a division demanded (Mr. WAGGONNER) there were—aye 58, noes 155.

So the amendment was rejected.

Mr. BERRY. Mr. Chairman, has the reading of the title now been completed?

The CHAIRMAN. If there are no further amendments to title VII, the Clerk will read.

Mr. ROOSEVELT. 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 California?

There was no objection.

Mr. ROOSEVELT. Mr. Chairman, as we conclude the debate on this important title and it goes ahead without any really weakening amendments, may I pay my respects to all the participants. They held the debate on a courteous, high level which will, I believe, make it historic.

The adoption of this title means that those discriminated against will be able to financially enjoy or afford the rights given them in such titles as public accommodations. Even the voting public will be more assured of prospective voter has some economic security and future.

Our country by this title will be able to develop and enjoy potential skills, a pool of manpower that we need in our battle to make our free enterprise system work and survive.

But think, too, of the tremendous cost savings that will be derived by every level of our national life if school children, facing a hopeless future, cease to be dropouts, cease to add to the problems of juvenile delinquency. I have visited in the schools of the country and here in the District of Columbia. The discouragement, bewilderment and even anger of some young people who know because of the experiences of their fathers and mothers was unmistakable, but, oh so, so, understandable.

Mr. Chairman, our international self-respect, our national image, our private rights in our free enterprise system, will all be vastly reinforced. We in the Congress are doing something today that we sincerely hope, pray, and believe will bring increased domestic tranquility and a better climate for all who come after us.

Finally, those of us who were privileged to have a part in this successful struggle want to pay our tribute to all those who put the victory so many years before. My chairman, the gentleman from New York [Mr. POWELL], has always been one of them and his unwavering fight made it possible for this title to be in this bill and to have resisted its emasculation. I will also feel a lasting gratitude to the gentleman from New York [Mr. Celler], the gentleman from Ohio [Mr. McCulloch], the gentle-
the philosophy behind the right-to-work man from every American prays. Equality educational and advancement goals for of employment opportunities provides course of the action on this bill, I have I am pleased that we have been able to step in the right direction.

Mr. ROOSEVELT. Mr. Chairman, I ask unanimous consent that the gentle­man from Ohio [Mr. VANIX] 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, through­out his tenure on this committee I am pleased that we have been able to preserve the integrity of this title without fatall amendments. During the course of the action on this bill, I have heard several of these amendments which were directed to weaken this bill.

This section is a key section of the bill. The citizen employed to the full extent of his qualifications is much better prepared to help his family meet the educational and advancement goals for which every American prays. Equality of employment opportunities provides every citizen with a tool that is essential to his pride. The proposals which we adopted today are a step in the right direction.

There should be no controversy on this issue. If jobs in all walks of life and in every professional area can be made available to persons of equal qualifications and without discrimination, a significant step toward the solution of all other problems which result from discrimination.

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

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

There was no objection.

Mr. FEIGHAN. Mr. Chairman, I have no objection to the amendment offered. It is unsound because it seeks to give legal sanction to an effort that the Department of Justice, the Education and Labor Committee last year, no serious study or consideration was given to the effect of adding “sex” to the previously passed bill.

Suppose for a moment that an unem­ployed man with a family to support makes application for a job. Suppose further that a woman, whose husband is working, also applied for the same job. If both are qualified, what should the employer do?

In view of title VII, as it now reads with the Smith amendment, let me suggest that it is likely that the employer would hire the woman whose husband is working rather than run the risk of hiring the man and facing a charge of discrimina­tion on the basis of sex.

Recently President Johnson proposed that double pay be required for overtime as a means of spreading the work and reducing unemployment. The fact that many millions of jobs are lost each year, no serious study or consideration was given to the effect of adding “sex” to the previously passed bill.

Under the amendment I proposed, a person would not be able to file a claim of discrimination based on sex unless he or she also filed a sworn statement that his or her spouse, if any, was unem­ployed. In other words, a married person, whose spouse is already employed, could not use this title VII as a legal wedge to force himself or herself into the labor force.

It should be understood that if my amendment were adopted, it would not prevent or prohibit any married man or woman from trying to improve his or her husband's income. However, it would impose a serious problem for this Nation.

Before we adopt a provision of law which will actually operate to aggravate the unemployment problem, I believe we should undertake a thorough study.

Under the amendment I proposed, a person would not be able to file a claim of discrimination based on sex unless he or she also filed a sworn statement that his or her spouse, if any, was unem­ployed. In other words, a married person, whose spouse is already employed, could not use this title VII as a legal wedge to force himself or herself into the labor force.

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

There was no objection.

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

Mr. ROOSEVELT. Mr. Chairman, I ask unanimous consent that the gentle­man from Illinois [Mr. Dawson] may extend his remarks at this point in the Record.
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 the profound hurt suffered by Negro 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 remain 1,886 southern school districts where segregation is the rule — and scores of other districts where desegregation 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 will continue to suffer the crippling effects of inferior educational standards and the degradation of second-class citizenship. The inevitable result of this will be Negroes educated will have to weaken the overall strength of the Nation.

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

The reports of the Civil Rights Commission have dramatically demonstrated that the present law to protect 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, have been subjected to job 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 greater and their solution cannot be solved solely by voluntary groups and individuals. They cannot be left solely to the cumbrous and divisive procedures of the courts and to the deliberations of Congress, to the fine and grand desegregating 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 desegregation action on a major problem of our time — racial discrimination.

The civil rights bill, based on the admitted valid 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. Chairman, 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, that they be protected from 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 improve the American 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 point to the United States as a nation of deprived and violated 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. I believe, along with millions of Americans, that it is right and just, and that it is wholly in accord with our Constitution and our Declaration of Independence. It is the means by which the great promise of our Nation was fulfilled and will continue to be fulfilled.

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. Multier] may extend his remarks at this point in the RECORD.

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

There was no objection.

Mr. MULTIER. 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 forbid 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 amendment, even as now sought to be perfected, will not protect women but will endanger their rights.

Any such provision of law should be carefully studied by the Education and Labor Committee. At this point 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.

The CHAIRMAN. Is there objection to the decision of the Members who supported this amendment?

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 indispensable 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 applicant solely because of his race or national origin; or the denial of special opportunities on the basis of race simply sets forth:

To eliminate * * * discrimination in employment based on race, color, religion, or national origin.
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 labor knows any labor union whose activities substantially involve interstate or foreign commerce is exempted from the provisions of the bill as regards equal employment opportunity.

Regrettably, 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 forecloses 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 evidences that have convinced me 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.

Second, 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.

Thereupon, I say this to you: We can no longer indulge in the luxury, or in the fantasy, or in the deceit which characterizes the unreasonable discriminations which this title would correct. Because the Negro worker, the skilled craftsman, foreman, and whitecollar employees is four times the rate for Negroes by more than 2 to 1; because Negro service workers and nonfarm laborers exceeded white percentages by more than 3 to 1; and because seven times as many Negroes are in household services as 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 of no consequence. How does it benefit anyone to own a car, a house, or any other thing if he 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. 7152.

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. ROYBAL. 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 our States laws or many of the so-called 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 moth-eaten ideas already declared unlawful or out of step with this century.

In using crime statistics of the Federal district of Washington, for example, to "prove" that brotherhood and democracy cannot work, civil rights opponents create a false impression of cogni.

tional shortsightedness 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 than the general behavior of the Negro people and the fallibility of democracy than does the merciless bombing of Negro people by Alabama by white bombsitters. It is a demonstration that this title is not enacted, then all of the other rights which are protected will of no consequence. How does it benefit anyone to own a car, a house, or any other thing if he 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. 7152.

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. 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 assure 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 educational 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 alongside them, or send their children to sit in schools alongside children of other Americans.

Secretary of Labor Wirtz summed it up this way:

Reference in this debate to this march in terms of a disorderly, whiskey 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 on 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 essentials 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.
our manpower resources and a constant reflection on a nation dedicated to the proposition that all men are created equal.

In general, title VII defines discrimination in hiring, firing, referral, training, and membership programs, employment advertisements, or on-the-job discriminatory limitation, segregation or classification, as unlawful employment practices. After thorough investigation and concerted efforts to utilize such informal methods as conference, conciliation, persuasion, or mutually agreeable settlements, the Commission may bring civil suits in Federal district court to obtain an injunction to prevent continuation of the alleged unlawful practice.

As in the case of civil suits authorized to prevent discrimination in regard to employment practices, this title also specifically encourages voluntary and State and local remedial action prior to Federal action.

Many persons have expressed fear of this section of the civil rights measure, but the experience of every State fair employment practices law shows the utter groundlessness of those fears...
percent of all the bookkeepers must be white and 57.8 percent colored? Does it apply to shipping clerks, stenographers, domestics, and all types of workers 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 the work of such positions?

Does it mean that if there are 45 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 faith, that persons of that color who number their numbers are being discriminated against, that the employment practices of a particular firm must be changed to fit the 45 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 Opportunity Commission?

This title is bad legislation. Other titles, and most objectionable is this bill, title VII should be stricken. It would reestablish the practice of business operation in this country. We, as legislators, as Representatives of a sovereign people should not overthrow the national 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 this State 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 find 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 E. P. Hine, of Phillips County, Helena, Ark., submitted quite a long list of landowners, as well as successful professional and businessmen who are members of the Negro race. Sheriff Hickey's list follows:

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<th>Name</th>
<th>Acres owned</th>
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<td>Collins, Leroy</td>
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<td>Geeter, Harrison</td>
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专业的医生：Dr. H. M. Profitt, 卫生部长，卫生部长的助理卫生部长的助理卫生部长的助理

信息来源：Sherriff William Berryman, Mississippi County, Blytheville, Ark. Sheriff and Collector of the County, Campbell, St. Francis County, Forrest City, Ark.; Sheriff and Collector of the County, Langston, Lee County, Marion, Ark.; and Sheriff J. C. Marx, Crittenden County, Marion, Ark., follows:


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

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

We have numerous colored taxpayers in this county. I do not have the exact percentage of the total number 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 business man 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 400 acres of land in which the land is selling for $500 per acre and over and who also rents 400 or 500 acres more land. He is also a store owner. In this same community, land belonging to a deceased colored woman 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 sold for much more than that of the tax valuation.

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.

With sincerest personal regards, I am,

Yours very truly,

WILLIAM BERRYMAN, Sheriff.
DEAR TOOK: In answer to your letter of December 11 regarding Negro property owners in Crittenden County, I have the following information for your consideration:

1. Harry 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. Luke Claybrook, former logger and timber operator who was most successful. Emma has carried on the business in this area to the present time, who pays approximately $400 in real estate taxes each year.

3. Emma Claybrook, widow of John Claybrook, former logger and timber operator who pays approximately $400 in real estate taxes each year.

4. Elijah Huggs, the county’s Negro probation officer, has been very instrumental in maintaining school enrollment at the highest level. Annual real estate tax bill runs upward of $500 per year.

5. Mathew Ramsey, former logger of the Fatsick, who was very prominent in this section of the county. A. E. Grant is in the same category and a cooperative gin owned entirely by the Negro race and one of the best in the county.

6. Spaniard, of near Brickeys, has been the most successful. Emma has carried on the business in this area to the present time, who pays approximately $400 in real estate taxes each year.

7. Conner Brady, 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, Brady has probably constructed or helped construct over 500 fine homes in this county.

8. Elijah Huggs, the county’s Negro probation officer, has been very instrumental in maintaining school enrollment at the highest level. Annual real estate tax bill runs upward of $500 per year.

9. James Lathrop, of near Brickeys, has been in this business over 30 years. Pays a tax bill upward of $500 per year.

10. Emma Claybrook, widow of John Claybrook, former logger and timber operator who pays approximately $400 in real estate taxes each year.

11. Emma Claybrook, widow of John Claybrook, former logger and timber operator who pays approximately $400 in real estate taxes each year.

With kindest regards, I am,
Yours very truly,

COURTNEY LANGSTON.

OFFICE OF SHERIFF AND EX OFFICIO
COLLECTOR, Crittenden County,

Hon. H. C. GATTINGS,
House of Representatives,
Washington, D.C.

OFFICE OF SHERIFF AND EX OFFICIO
COLLECTOR, Lawrence County,

Hon. H. C. GATTINGS,
House of Representatives,
Washington, D.C.

DEAR TOOK: As regards your letter of December 11 regarding Negro landowners, taxpayers, and so forth from this county I submit the following information for your consideration:

1. Luke Claybrook, former logger and timber operator who has been successful over 30 years. Has helped develop this county and the region in a successful manner. Is highly respected and admired for her everyday common sense approach to business problems and has helped to make this county’s economic growth more stable.

2. Luke Claybrook, former logger and timber operator who has been successful over 30 years. Has helped develop this county and the region in a successful manner. Is highly respected and admired for her everyday common sense approach to business problems and has helped to make this county’s economic growth more stable.

I trust that this information will be of some value to you in your approach to the problem.

Yours very truly,

COURTNEY LANGSTON.

DEAR TOOK: As regards your letter of December 11 regarding Negro landowners, taxpayers, and so forth from this county I submit the following information for your consideration:

1. Luke Claybrook, former logger and timber operator who has been successful over 30 years. Has helped develop this county and the region in a successful manner. Is highly respected and admired for her everyday common sense approach to business problems and has helped to make this county’s economic growth more stable.

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I trust that this information will be of some value to you in your approach to the problem.

Yours very truly,

COURTNEY LANGSTON.
national origin, are entitled to the full and equal accommodations, advantages, facilities, privileges of accommodations of all public accommodations.

It is high time that we here in Congress voiced an equally clear and unmistakable call to eliminate what has been rightly termed the "moral outrage" of minority group discrimination in the use of public accommodations.

Mr. LIBONATI. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in theRecord.

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

There was no objection.

Mr. LIBONATI. Mr. Chairman, Title VII: Equal Employment Opportunity treats with one of the most widespread forms of discrimination against the Negro race—a racial discrimination at all levels of employment, professional or otherwise. A basic factor in human relations not only results in destroying economic advancement but in utter desperation weakens the character and contributes to the many social ills that beset the nation in its various segments. A bar to employment regardless of the qualification of the individual whether professional, technical, or menial nullifies all hope in humans and stifles ambition and reason.

The provisions of the bill are worthless of further pursuit toward realization if the individual, whether student or artificer, knows that employment opportunities are nil. The right to vote, to enjoy all the freedoms of the individual is worthless without a job and consequently no money.

Mr. LIBONATI. Mr. Chairman, Title VII applies to employment practices that 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.

Secretary of Labor, Mr. Wirtz, stated that Negroes comprise 90 percent of the nonwhite population and receive the brunt of discrimination in professional occupations—nonwhites—equal one-half of 1 percent—no more than 3 percent—males—employed in each of the 18 standard professional occupations surveyed, for example, accountants, architects, chemists, farm assistants, and lawyers. In 1960 there were 250 professional male Negro architects; the largest number of the 19 professions were doctors—1,563.

Also we must consider that for many skilled jobs there is a dearth of qualified nonwhite applicants due to the paternalism of the field. This paternalism discourages Negroes from registering in preparatory courses in a field that excludes 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. To 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 provisions would take away from obstruction to 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 I, section 8, clause 3.

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

The title also applies to employment agencies procuring employers 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, 704.

The industries affecting interstate commerce are covered if employing 100 persons or more during the first year after the date of the act the considered employers and after the second year of the act having 75 employees or more are considered employers; and third year 50 employees and after fourth year 25 employees.

Labor organizations are under the same regulations with the added regulation that having 25 or more after the third year qualify.

The provision exempts governmental bodies, bona fide membership clubs, religious organizations and situations in which religion or national origin is a bona fide occupational qualification, reasonably necessary to normal business operations—section 702(d). The Commission consists of 5 members appointed for staggered 5-year terms appointed by the President with Senate advice and consent. The Federal Board created to administer the law. More than three from the same political party—section 708a. The Commission would be empowered to receive and investigate charges of discrimination and to attempt through conciliation and persuasion to settle disputes involving such charges—section 707. 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 effect equal employment opportunity in private employment. In this field through State and its local commissions indicate that a great deal can be accomplished in achieving fair employment opportunities through sagacious and persistent persuasion, mediation, and conciliation.

Enforcement: In the case of refusal to comply—the Commission may seek relief from 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. It would include injunctions against future violations and orders of reinstatement and in some cases, payment of back pay In court, section 707(e).

No suit can be filed if complaint has not been filed with the Commission within 6 months of its occurrence—section 707(d).

Utilization of State and local commissions are preserved in title VII and present State laws are effective except where there is a conflict with Federal laws. Further, where State operation is feasible the State shall agree to the agreements with the State agency and refrain from prosecuting such cases. The Commission is authorized to use the funds of the State and local agencies in carrying out its duties with proper reimbursement. This cooperation is highly desirable.

The effective date of the act in order to allow the employers, employment agencies, and labor organizations to perfect their policies and procedures is set at 1 year after its enactment.

Investigations: Powers granted to investigate, issue subpoenas, require keeping of records of employment and factual data descriptive of employees pertinent to determinations of whether unlawful employment practices have been committed.

Presidential action: The President is vested with the power to act in discriminatory practices in employment in the Federal services and in contractual relations between the Federal Government and business concerns and contractors on Federal projects and so forth.
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 now prepared by the Department of Justice of the present State and local legislation sets out the following data:

Legislation passed in 1963 has altered somewhat the situation set forth in the President's message.

Iowa, formerly a State with a hortatory nondiscrimination law, now has a mandatory law enforced by the Federal Government.

Vermont, a State with no previous nondiscrimination statute, now has a mandatory law enforcing by fines for willful violations (Laws of Vermont, 1963, No. 196).

We are informed by the Department of Labor that Indiana, a State with mandatory provisions only for public contracts, now has a generally applicable mandatory statute, and that Hawaii, a State which formerly had no law, now has a generally applicable mandatory law.

A summary, taking into account these changes shows that 25 States and Puerto Rico have mandatory provisions applicable to public contracts, 14 have mandatory provisions applicable to private employment. (Of course, there are varying exemptions under these statutes.) These States are: Alaska, California, Colorado, Connecticut, Delaware, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New Mexico, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Vermont, Washington, Wisconsin.

Two States, Arizona and Nebraska, have mandatory provisions for private employment on certain public contracts.

One State, Nevada, has mandatory provisions for private employment on public contracts, and mandatory provisions for other private employment.

One State, West Virginia, has only hortatory provisions.

Thus, in all, 29 States have some legislation designed to effect equal employment opportunity in private employment.

AMENDMENT OFFERED BY MR. BERRY

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

The Clerk reads as follows:

Amendment offered by Mr. Berry: On page 85, after line 23, insert the following new section as an amendment to title V as amended:

"TITLE VIII: EQUAL EMPLOYMENT OPPORTUNITY FOR INDIANS THROUGH INDUSTRIAL DEVELOPMENT

"Sec. 801. (a) The purpose of this Act is to bring about industrial development and economic advancement within Indian communities in order to aid in bringing Indian economic well-being more nearly to the level of the non-Indian community.

(b) This Act shall be liberally construed to the end that the Indian Tribes may attract and retain new industry within Indian reservations and amongst Indian communities, to promote gainful employment of Indians, and to authorize steps to improve the lot of Indians, including self-help on the part of the Indians and Indian tribes and Indian communities, legislative and corporate action by them which will accord assurances and security to industries advantage of the results of the benefits of this Act, and tribal action for self-help notwithstanding regulations or review by the Secretary of the Interior.

Sec. 802. As used in this Act—

(1) The term 'tribe' means any Indian tribe, band, or other identifiable group living on any reservation or tract of trust land, and receiving direct services from the Bureau of Indian Affairs on the date of enactment of this Act.

(2) The term 'Indian' means any recognized member of a tribe.

Sec. 803. The provisions of this Act (except section 4) shall apply with respect to any tribe until the majority of the qualified resident voters of the tribe have voted to accept the provisions of this Act in a referendum (which may be conducted in connection with regular tribal elections or in a special election called for the purpose).

Sec. 804. The Secretary of the Interior shall cause to be drafted a model corporate charter and bylaws, and the Secretary and provisions of the Federal Government, and if desired, to place tribal properties, real and personal, including trust or federal mortgage or sell property to private industry, Federal, or local governments: (Of course, there are varying exemptions under these statutes.) These States are: Alaska, California, Colorado, Connecticut, Delaware, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New Mexico, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Vermont, Washington, Wisconsin.

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Sec. 804. The Secretary of the Interior shall cause to be drafted a model corporate charter and bylaws, and the Secretary and income due or to become due; (6) To lend funds from the tribal treasury to private industry, Federal, or local governments; (7) To pledge or assign (for periods not to exceed ten years) chattels or future tribal income or to become due; (8) To lend funds to the Secretary of the Interior for the purpose of creating an incentive to the location of new private industry on the reservation occupied by the tribe; (9) To lend funds to the Secretary of the Interior for the purpose of creating an incentive to the location of new private industry on the reservation occupied by the tribe; (10) To provide for the conduct of corporate business.

The Secretary of the Interior may delegate to such tribe, upon request, such authority as may be necessary for the conduct of corporate business.

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accepted the provisions of this Act, where such fraud or overreaching is at the expense of the Secretary of the Interior or the membership of a tribe at large, the Secretary shall have full rights of investigation and review, including all evidence and testimony, and the right to seek assistance of courts of competent jurisdiction to that end."

"Sec. 607. (a) (1) Where any person, firm, corporation, or business association proposes to establish a new industry on any reservation (hereafter referred to as the 'industry') on which the members of a tribe are residing, the Secretary of the Interior may, if he sees fit, authorize such tribe to establish such an industry, and the Secretary of the Interior approves such contract after finding that it will be of significant aid to the tribe, shall be treated as 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 must include provisions under which the tribe shall construct the necessary buildings, and may, as at the option of the tribe 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 this Act, the tribe may borrow such funds, under such regulations as the Secretary of the Interior may establish, but not more than thirty-six times the monthly salary or wage, as the case may be, necessary to carry out this section being made to such member of a tribe at a time is necessary.

"(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 Secretary of the Interior, acting through the Community Facilities Administration, shall have the authority to set aside any such action, and the Secretary of the Treasury shall be held by the investor to make such improvements as may be required, for the operation of such industry, and to the same extent, as he is otherwise allowable, for the first five taxable years beginning after the tenth taxable year after the investor first qualifies for the incentives provided by this section, during any of which such member of the tribe remains continuously employed. Such deduction, each year in which allowable, shall equal thirty-six times the monthly salary or wage, as the case may be, necessary to carry out this section being made to such member of a tribe at a time is necessary.

"(f) When any contract entered into under paragraph (2) of this subsection is finalized, the investor will state it.

Ms. CELLER. The Chairman, Mr. Chairman, has just stated that the amendment 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."

Mr. CELLER. Mr. Chairman, enough has been read of the bill to indicate 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.
Mr. CELLER. Mr. Chairman, a further parliamentary inquiry. The CHAIRMAN. The gentleman will ask the question.

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

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 completed.

Mr. CELLER. Mr. Chairman, I reserve the right until the amendment is read.

The Clerk continued the reading of the amendment.

Mr. BERRY. 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 employed Indians very 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 from the Anglo.

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 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 fence from around the reservation, but the reservation today is just as segregated as it was in those days 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 it is cultivated or not. You are not entitled to 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 out the lease but they do not give you the lease. 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. The remaining Indian school is generally unproductive. We could dispense with it.

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

Mr. BERRY. I yield to my chairman.

Mr. ASPINALL. Mr. Chairman, I ask unanimous consent that the amendment you propose is going to alleviate the situation you describe to us?

Mr. BERRY. Of course it will.

Mr. ASPINALL. It is my honest opinion that it will not.

Mr. BERRY. Of course it will, and I shall tell you how.

I want to say also that we in Congress here are interested in the money and the Department builds and operates segregated Indian schools. I have a dozen of them in my district which no non-Indian can attend.

P. Polioe Nash, Commissioner of Indian Affairs, has said that he has under his jurisdiction some 380,000 Indians. Of this number he says from 100,000 to 125,000 are employable. And of this number 75 per cent are employed if it is not 50 per cent. We get very exercised when 4 per cent of the Nation's labor force are unemployed. Here 40 per cent are unemployed.

The problem is that every or nearly every reservation is very unproductive. We found these people on the land, we thought all of them should be farmers. But the truth is that today the reservation areas do not have sufficient produc­tive areas to provide a livelihood for more than 70 per cent of the Indians on that reservation; the remaining 30 per cent are either on relief or employed in some Government make-work program.

The Indians make good industrial workers. The Bulova Watch Co. has a plant in Oklahoma. The President of the company testified before our committee in 1960 that the absenteeism in the Rolla plant in North Dakota was the lowest of any plant the company has in 50 or 60 plants. They are 100 per cent. The difficulty is, though, that these reservation areas are remotely located, the cost of transportation of raw materials 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 the tax incentive to offset the high transportation costs.

Just as a sideline, 17 years ago the Senate committee held hearings in Puerto Rico on the economic conditions of the island, and the report of that committee stated that the condition there was "unsolvable." Then 16 years ago Puerto Rico's retiring Governor, Regino Fugiowich, through his Secretary of the Interior, established his "Operation Bootstrap" program down there. In this program he offered any industry establishing a plant on the island and providing employment for the Puerto Rican people a 10-year exemption from Federal or State taxes, and where necessary he would build the building or purchase the equipment.

The result is that today these people have been able to lift themselves out of the quagmire of slums and despair through Operation Bootstrap. And I say to the Gentleman, in my judgment, Operation Bootstrap did for Puerto Rico, "Operation Bootstrap, reservation style," can and will do on the Indian reservations of these United States.

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

The Chairman. 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 such loans to the Indian tribe for the same purpose and to the same extent he is authorized to make loans under title II of the housing amendment to any smaller units?

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 individual 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 title I.

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 there, they will bring 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 school of today. When they learn a trade these people will be moving into other areas of the Nation for better jobs and where they will be integrated into the non-Indian communities.

So we will have integration of the reservation, we will have schools not segregated by Federal law, and in 10 years' time there will be no more need for the Bureau of Education to pay for the education of Indian children in a public school. We will save the quarter of a billion we are annually spending on this program now.

I believe it is time to give the Indian an opportunity to earn his freedom, to earn his liberty to earn self-respect, and to earn self-reliance. After 175 years it is time that we give the original American this original American heritage to live by, the privilege of earning 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. I am concerned that he may see fit to offer such an amendment.

To say that I was surprised that H.R. 980 was made in order as an amendment to H.R. 7152 is to point out the ex-order being made against it, is putting it mildly. I not only was surprised, but I was shocked to think that the chairman of the committee and the members of the committee would consider this an amendment. 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 taking 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 can be considered as being germane to the provisions of H.R. 7152. If there were any logical argument for it being considered germane under the rules, the 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 Speaker of the House but it is a disservice to the members of the various Indian tribes which it purports to benefit.

The senior member of the South Dakota delegation, one of the ranking minority members of the committee I chair, 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 the chairman 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. I reproached 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 advisedly, 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. It is opposed by the senior Member from South Dakota.

And Mr. Chairman, I think the method by which this amendment was made in order by 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 imply that Committees exist because 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 unnecessarily caused the 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.

The senior Member 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 tribes to think that the House of Representatives is desirous of helping them. But they really do not expect to get the rule but I have received reports from the Department of the Interior, the Department of Commerce, the Housing and Home Finance Administration, and from the Treasury Department. Up until the time the bill was made in order for consideration as an amendment to H.R. 7152, the civil rights bill, no reports were forthcoming. However, since H.R. 980 was made in order by the Rules Committee as an amendment to the bill now under discussion, I have received reports from the Department of Commerce, the Department of the Interior, and the Department of the Treasury concerning the amendment to the bill embodied in the amendment.

Under permission hereof given to me, I am making these letters a part of the record at this point:

DEPARTMENT OF THE INTERIOR,
Office of the Secretary.
Hon. WAYNE N. ASPINALL, Chairman, Committee on Interior and Insular Affairs, House of Representatives, Washington, D.C.

DEAR MR. ASPINALL: Your committee has received the following report on H.R. 7701, 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. Our comments will also apply to H.R. 7702, a similar bill.

We endorse the purpose of the bill, and we recommend that the bill be enacted if satisfied it will not impede the progress of the problems referred to below can be worked out.

The bill falls into three major parts. The first part deals with tribal constitutions and charters, including control over the use of tribal property. The second part deals with incentives to encourage the establishment of small businesses on the reservation. The third part deals with Federal criminal jurisdiction over persons on the area occupied by an industry on a reservation, with Indians constituting at least 50 percent of the employees.

The third part of the bill relates to Federal jurisdiction over the area. Section 9(a) modifies existing provisions of the Asbestos Act, applicable to Indians within the reservation area that is occupied by an industry. Section 10 permits any property or its market value at the close of the 10-year period of tax exemption.

The Bureau of the Budget has advised us that there is no objection to the submission of this additional plan.

Sincerely yours,

ROGER ERNST,
Assistant Secretary of the Interior.

THE SECRETARY OF THE TREASURY,

HON. WAYNE NAUGLE,
Chairman, Committee on Interior and Insular Affairs, U.S. House of Representatives.

DEAR MR. CHAIRMAN: This is in reference to your request for the views of the Treasury Department on H.R. 7701, 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 Treasury Department is primarily concerned with the question of whether or not the bill would provide special tax incentives to firms establishing a new industry on a reservation, with Indians constituting at least 50 percent of the employees. The 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 30 percent of the original cost of the property over and above the 10-year period of tax exemption. This is in reference to your request for the views of the Treasury Department on H.R. 7701, 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 special tax deduction provisions contained in the bill would provide special tax incentives to the taxpayer of basing the special depreciation deduction on the market value of the asset at the specified date, which may already have been used up in the construction of buildings and facilities. This is in reference to your request for the views of the Treasury Department on H.R. 7701, 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 been advised by the Bureau of the Budget that there is no objection to the submission of this additional plan.

In view of these considerations, the Department recommends the deletion of section 7 of the bill. In addition, the Department would be opposes 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. The Department recommends that the interest rate be established at a rate not less than a rate determined by the Secretary of the Treasury taking into consideration the current market yields on outstanding marketable obligations of the United States, having a term of from one to ten years but equal in the term the Federal funds are outstanding, plus an amount deemed adequate by the Secretary of the Treasury to provide for the payment of interest on the new Federal funds loaned to private borrowers. 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. The Department recommends that the interest rate be established at a rate not less than a rate determined by the Secretary of the Treasury taking into consideration the current market yields on outstanding marketable obligations of the United States, having a term of from one to ten years but equal in the term the Federal funds are outstanding, plus an amount deemed adequate by the Secretary of the Treasury to provide for the payment of interest on the new Federal funds loaned to private borrowers.

The purpose of the proposed legislation would be to encourage the employment of Indians not receiving welfare payments in our tax systems in terms of both losses of revenue and distortion of productive processes. The purpose of the proposed legislation would be to encourage the employment of Indians not receiving welfare payments in our tax systems in terms of both losses of revenue and distortion of productive processes.

Very truly yours,

FRED C. SCRIBNER, JR.
Acting Secretary of the Treasury.
The Department does not believe that the tax exemptions and preferences proposed by the bill would be an appropriate or efficient method of providing Federal aid to Indians. The foregone Federal revenue would be directed to the owners of the business enterprise. Any benefits to the Indians would be incidental consequences which would bear no necessary relation either to the needs of the particular Indians or to the amount of tax subsidy granted to the owners of the business enterprise.

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CONGRESSIONAL RECORD — HOUSE
February 10

HOU SING AND HOME FINANCE AGENCY
WASHINGTON, D.C., February 5, 1964.

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

Dear Mr. Chairman: This is in further reply to your request for the views of this Agency on the advisability of a bill introduced by Representative Saylor, to enter into certain contracts for the purpose of establishing new industries in their reservations. In addition to any corporate powers it might already possess, each tribe would be given the right to borrow money from commercial sources or from established programs of the Federal Government and to pledge real or personal tribal property as collateral. The bill would authorize the Housing and Home Finance Administration to make loans to any Indian tribe on reservations. If the type of development anticipated for Indian reservations by H.R. 980 is to be achieved, it will require comprehensive planning such as that assisted by our urban planning assistance program, under section 701 of the Housing Act of 1954. Under provisions of H.R. 980, designed to promote the establishment of private industry on Indian reservations, the Housing Agency would defer to the recommendations of the Department of the Interior and other Federal agencies whose programs are more directly concerned with providing aid for the establishment of industry.

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

Sincerely yours,

MILTON P. SAYER,
For ROBERT C. WEAVER,
Administrator.

Mr. Chairman, I want to thank my colleagues for the confidence you have had in the Committee on Interior Affairs and in its chairman. Just last Friday night by unanimous consent you permitted to pass a bill which would have been thoroughly studied by the subcommittee on Interior Affairs 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 timely at this time as are all of the provisions of the bill (H.R. 980). What the Amendment has attempted to do is to remove those portions of the bill which apparently he feels do not involve civil rights.

H.R. 980 falls into three major parts: The first deals with tribal constitutions and charters and the control over the use of tribal property, the second concerns incentives to encourage the establishment of industries on Indian reservations; and the third portion involves Federal criminal jurisdiction over reservations on the area to be occupied by an industry, appeals to the Federal courts from decisions rendered by tribal courts, and matters relating to bribery, and second degree jurisdiction and bribery, are removed from the bill.

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

The CHAIRMAN. 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 than 70,000 Indians in their capacity as Congressman in this House, or any other State in this Union. I have received the
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 Register. Register. Register.

Mr. ASPINALL. Of course, the gentleman is correct. The attention was called to the Berry amendment since the Committee on Rules made its consideration in order 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 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 truly believe that the benefits that 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 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 perfectly done we can take care of it with the proper consideration that such matters deserve.

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 Indians of the State of Oklahoma are 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. SAYLO], 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 considered 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 decide as to 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. SENSER]. I think this matter should be processed in an orderly manner through the appropriate legislative committees and not treated as legislation on the floor of the House, as part of a civil rights bill. I urge upon 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 Indians, including the Indians and Eskimos and Aleuts of Alaska, which is the reason I wish to see the matter give 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 from Colorado.

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

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is called “Operation Bootstrap” on the alleged grounds that it would help the Indians get on their feet, as it were, and to encourage them to establish an industry in 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 weight it down so that the civil rights bill may not go through.

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 grounds 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 feel sure they are out of the jurisdiction of the Committee. I should like to have them tucked onto some other bill, utterly irrelevant, and then have the rule indicate that they are to be given immediate action.

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 released to 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 an amendment which is more complex and involves 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 an inspection of this hearing indicates that 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 an inspection of this hearing indicates that the House has been given absolutely no official committee comment or advance information.

I am informed that H.R. 980, which is the present amendment to the civil rights bill, would require the Secretary of the Interior to draft model corporate charters for Indian tribes; that Indian tribes accepting the provisions of the act would be authorized to adopt constitutions and bylaws; and that new industries would be encouraged to settle on themselves on Indian reservations.

The bill would provide substantial tax exemptions in favor of industries so establishing themselves and that is quite a gimmick. Loans at low interest would be made available. Tribes would be authorized to execute mortgages on Indian property. There is no question of what enactment of the bill would cost in taxes.

Obviously, the bill, as its title indicates, is an industrial promotion proposal applicable to Indian reservations. The tax implications of the bill should, 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 territorial jurisdiction. It is quite clear that the Finance Committee has had sufficient 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 clear to me 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, not without an analytical committee report. There is not a word of testimony or analysis of 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 any amendment offered by 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 what industry it is, whether it be in the chemical industry or in the tobacco industry. We have an amendment to this bill.

Mr. Chairman, I yield to the gentleman from South Dakota.

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

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 Hemisphere Corporation Act 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 35 percent and at the same time do we not provide that any investment made 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 the taxpayers of this country a 90-percent guarantee. And yet when we ask for a simple little thing that might help 40,000 to 45,000 unemployed Indians, what do we get?

Mr. BATTIN. I would say that there do not have enough of a national bloc in the voting structure of our country. That is the answer to it.

Mr. BERRY. And they have too much pride to get out into the streets.

Mr. FULTON of Pennsylvania. 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 give 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 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 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. BATTIN. I yield.

Mr. GROSS. When it comes to the matter at hand, we have tried for days and have been unable to get a specific answer to the question of how much this bill will cost without the Berry amendments.

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 question 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. Sisley] for 5 minutes.

Mr. SISLEY. Mr. Chairman, I am very sorry that the gentleman from New York [Mr. Celler], 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 in order to have an open rule where only germane amendments could have been adopted. Therefore he could correct theills about which he talked. However, the gentleman did not say anything about it. It was a perfect opportunity 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. But Indians, living under existing circumstances, cannot provide a livelihood for their populations. In order to attract industrial development, they believe it 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 conditions and charters and the control over the use of tribal property; the second part concerns incentives to encourage the establishments of industries on Indian reservations; and the third portion involves Federal criminal jurisdiction over reservation Indians on the area to be occupied by an industry, appeals to the Federal courts from decisions rendered by tribal courts, and matters relating to brawlers or attempted brawlers.

As introduced, H.R. 980 would encourage the development of Federal natural resources of reservations in several ways.

First. Tribes would be authorized to create corporations which would build plants to industries. They would be allowed to finance the plants 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 of Federal tax to an amount equal to three times annual welfare payments paid to an Indian prior to his industrial employment; and

Fifth. The firms receiving Government aid in conducting 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. Chairman, 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 Indian communities, 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 his 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 Indians are still standing on their own.

For example, I do not see how sections 1 and 2 can be made operative without sections 3, 4, and 5. To me, these are necessary provisions to the bill. By themselves, section 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 rightly so. Why section 10 (a) and (b), concerning law and order jurisdiction and brawlers are removed is something I cannot understand. To me, they appear to be the best of this bill.

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. I introduced H.R. 980 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 Title 2.

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 808, and in subsection 3 of section 907, 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 title 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.

The amendment, 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 billion on programs of a permanent kind—on housing, job opportunities and training by bringing industries to the reservations. Certainly this would be more fruitful than the temporary, make-work programs now being undertaken.

In seeking to obtain better understanding for the plight of the American Indian, I have appeared before numerous groups to explain how the American Indian as a group lacks the equality of opportunity to compete successfully in a complex world alien to all his traditions and upbringing.

Our past experiments in relocating Indians in off-reservation employment, even with the benefit of special training in large measure have amounted to a shifting of the problem on the Indian. The Indian needs more actual working experience on the reservation to prepare him adequately for meaningful integration into our society.

Such information of our American way of life as time, work, and savings are utterly alien to his background. He needs sustained experience in employment and modern living conditions to master these fundamentals. We must bring these things to the Indian in his reservation surroundings if he is to have the confidence and ability to compete successfully off the reservation.

When the Congress of American Indians sent a delegation to call upon the President recently, they listed unemployment as their major concern. The President gave them another solemn pledge—the kind we have been giving them for 100 years—to try to help them. He included them in his newly declared war on poverty. And certainly the pockets of poverty found on our Indian reservations match anything found among other minority groups.

When we as a nation, acting as the elected representatives of the people, are facing up at last to the necessity of assuring equality for all in America, how could we turn our backs on the original American? How can we refuse the Indian the same ray of hope we offer to others?

Why cannot we do for the Indian what we have done for the offshore Commonwealth of Puerto Rico? If it was deemed in the taxpayers' interest to provide industrial incentives for a commonwealth possession, it ought surely to be advantageous for our original mainland citizens.

There are numerous reasons why tax incentives to bring industry to the reservations are justified. The suggestion that it would be a panacea of the problem, that it would open a panacea of the Indian's economic difficulties, is a valid one. The Indian is in a class by himself, lacking even the Negroes' opportunity to compete.

There are economic reasons why the 1964 act that would allow the Indian Bureau to set aside to its own employees the necessary to have the jobs for the Negroes in the Indian Basin. It may be that this department is not working for us in the Indian Basin.

This will be no gravy train for investor-owned industries. Cost of training, marketing, and transportation will be exceedingly high. This is a program for Indians, not for industry.

This program would be self-limiting. We have a predetermined number of workers who can be utilized under Government-supervised contract arrangements.

Some safeguards against "pirating" of industries are included. This will broaden the base of industrial America. It will strengthen our transportation and marketing networks. It will reduce the competition for the remaining diminishing number of jobs in the urban centers.

Industries locating on the reservations will be better able to compete with the cheap foreign labor which is flooding our markets with products we cannot afford to produce ourselves. This, of course, will assist in our balance-of-payments difficulties.

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 feel it is fully in keeping with BIA objectives.

The Treasury Department argues the merits of an $1 billion tax cut at a time of unprecedented national prosperity; yet it fails 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 aid and accelerated public works handouts to selected communities across the Nation with two-thirds of the Nation's counties paying the tax and getting nothing?

Indians differ from other disadvantaged groups such as the aged and the handicapped. They are a unique Federal responsibility as a nation have never fully met.

The Treasury Department fears preferential loan treatment may be given to those industries 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.

There is much in the tradition of electrifying our rural areas that we shall 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 opportunities to the original 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? And if we do, then we have no basis to be an American Indian in the Indian population increase each year. As a result the number of unem-
mend him for giving us this opportunity to set right a situation which has been wrong for too long.

The American Indian, like the Negro, will never have true civil rights as guaranteed to him unless we make it possible for him to become a productive, working citizen ready and willing to make his full contribution to a dynamic America on the same basis as other Americans.

Mr. FULTON of Pennsylvania. Mr. Chairman, will the gentleman yield? Mr. REIFEL. I yield. Mr. FULTON of Pennsylvania. If we do something like this, and I do not say by what method, would it relieve the number of Government bureaucrats that we have here taking care of Indian affairs? I understand there is one Government bureaucrat for each Indian, telling them what to do.

Mr. REIFEL. If we had opportunity for these people on the reservations to be employed, they could pay their own way, provide their own schools, provide the necessities that now the Federal Government must provide.

Mr. FULTON of Pennsylvania. Why do we not fire some Government bureaucrats and give the Indians the jobs to stop the unemployment?

Mr. REIFEL. Most of the money that goes from the Government to the Indians is for education, health, and social welfare activities that must be provided by the teachers, the medical profession, and the social workers in order to get the help to them that is needed in order to keep them alive because they do not have jobs.

Mr. FULTON of Pennsylvania. Would this provision supersede the quarter of a billion dollars a year?

Mr. REIFEL. It would in time aid materially to bring the people to a social and economic level so they would not need this help that is now provided to the people on the reservations by our Government to the extent we do now.

Mr. FULTON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. REIFEL. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. I think the gentleman from South Dakota is making a forthright statement. I would like to associate myself with his remarks. However, I am inclined to agree with the chairman of the committee, the gentleman from Colorado (Mr. ASPINALL), who is one of the fairest Members of this body—with respect to our not circumventing the committee.

Mr. FULTON of Pennsylvania. The gentleman from South Dakota (Mr. REIFEL) has seen firsthand the great deprivation of opportunity on the part of the American Indian. It cannot be recognized and urgently considered. The Indians are in need of the removal of restrictions and should be encouraged to initiate programs of self-help wherever possible.

We saw the gentleman from Colorado's (Mr. ASPINALL) position is clear. I sincerely hope the remarks of the gentleman from South Dakota (Mr. REIFEL) will not go unheeded because of the obligation of the Government. They are very clear. They are certainly entitled to the unlimited opportunities of a free society.

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 sincere concern of the gentleman from South Dakota who has addressed us here, 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 simple throughout the country, we find some of the most severe economic problems we have in the United States today.

I think President 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 opportunities for these people.

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 Montana (Mr. REIFFER) 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 part, I am deeply sympathetic to the need for incentives for the location of industry on 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 need credit, and I could digress 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 20 reservations. I know the whole State of South Dakota.

But at the same time, recognizing these needs and recognizing the problems of the Indian people, I still must conclude 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 designed to benefit 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 have little or no help and have no benefits under such a program and no hope of any benefits. How would they be benefited? They would not have the same opportunity to go back to the reservation. That is what the gentleman is doing to you—"Go back to the reservation." 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 I believe the Government is going to promote. On the contrary, it will offer 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 colors all 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) for 10 minutes.

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. That is what some of us have been saying about this so-called civil rights bill for the past several days. Two wrongs do not make a right, and we are not to continue to discriminate against American Indians.

Mr. LANGEN. I yield.

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Mr. LANGEN. I yield.
Mr. DINGELL. Since the gentleman is the author of this bill or amendment, he has an opportunity of telling 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 appropriating.

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.

Mr. DINGELL. One million dollars for the whole bill, or a quarter of a billion?

Mr. BERRY. 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 a billion.

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 45,000 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 these 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 the Committee on Rules; 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 HAPPA. I happen to think 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 point of the American Indian. But I notice a number of things in this hill. Certain tax incentives are given to individuals who will locate in Indian areas. There is nothing which says which of these tax incentives are going to go to the Indians or will be enjoyed by Indians that are going to benefit, nor that the corporations which are owned and controlled by Indians will benefit from this.

Mr. Chairman, this in my opinion is a very important point. Beyond this, it prohibits the giving of bribes to Indians. I have no objection to this last prohibition; I happen to think it is bad for Indians to take bribes. However, why do we say that, when we do not say the same thing to a white man, when we do not say the same thing to a colored man or to a Chinese? I believe this is an important question.

Mr. Chairman, there is a tax incentive provision which deals with the Internal Revenue Code, which may cost the country now not a quarter of a billion dollars, but would cost the country billions of dollars. The author of the amendment tells us we can expect it will only cost $1 million. However, the distinguished gentleman from Colorado [Mr. ASPINALL], chairman of the full committee, which committee has studied this matter for a considerable length of time, and the Department of the Treasury which has studied it, indicate it may well cost much more.

Who will get the benefits of this bill? The Indians, maybe, the exploiters of the Indians, perhaps. This point requires the careful considered scrutiny imposed by the regular order of the House.

How much will this cost? I do not know—the sponsor does not know, the chairman does not know, the taxpayers do not know, there is no firm estimate; yet here we are considering it, without these essential facts.

Will this help the Indians? No one really knows. The sponsor hopes so—but no solid fact is adduced to show that it would do so.

Certainly the bill provides a kind of economic preference having no place in a civil rights bill. The basic legislation before us helps all religious, racial, ethnic, minorities—Indians included.

If the Indian needs help—and I am sure he does—I am prepared to support legislation—considered, appropriate legislation, brought up after proper consideration. I pledge my efforts to this end, but I do not make so unwise an act as accepting an untested, unconsidered amendment such as this, at so unwise a time as this, when the amendment is so unrelated to the matter before us.

The CHAIRMAN. The Chair recognizes the gentleman from North Dakota [Mr. Shor] for 5 minutes.

Mr. LAIRD. Mr. Chairman, the amendment offered by the gentleman from North Dakota would kill this bill. The amendment offered by Mr. BERRY to the amendment offered by Mr. SHOR was defeated.

Mr. Chairman, this in my opinion is a very important point. Beyond this, it prohibits the giving of bribes to Indians. I have no objection to this last prohibition; I happen to think it is bad for Indians to take bribes. However, why do we say that, when we do not say the same thing to a white man, when we do not say the same thing to a colored man or to a Chinese? I believe this is an important question.

Mr. Chairman, there is a tax incentive provision which deals with the Internal Revenue Code, which may cost the country now not a quarter of a billion dollars, but would cost the country billions of dollars. The author of the amendment tells us we can expect it will only cost $1 million. However, the distinguished gentleman from Colorado [Mr. ASPINALL], chairman of the full committee, which committee has studied this matter for a considerable length of time, and the Department of the Treasury which has studied it, indicate it may well cost much more.

Who will get the benefits of this bill? The Indians, maybe, the exploiters of the Indians, perhaps. This point requires the careful considered scrutiny imposed by the regular order of the House.

How much will this cost? I do not know—the sponsor does not know, the chairman does not know, the taxpayers do not know, there is no firm estimate; yet here we are considering it, without these essential facts.

Will this help the Indians? No one really knows. The sponsor hopes so—but no solid fact is adduced to show that it would do so.

Certainly the bill provides a kind of economic preference having no place in a civil rights bill. The basic legislation before us helps all religious, racial, ethnic, minorities—Indians included.

If the Indian needs help—and I am sure he does—I am prepared to support legislation—considered, appropriate legislation, brought up after proper consideration. I pledge my efforts to this end, but I do not make so unwise an act as accepting an untested, unconsidered amendment such as this, at so unwise a time as this, when the amendment is so unrelated to the matter before us.

The CHAIRMAN. The Chair recognizes the gentleman from North Dakota [Mr. Shor] for 5 minutes.

Mr. LAIRD. Mr. Chairman, would it be possible to have the vote on the Reifel amendment before the vote on the amendment offered by Mr. Shor?

The CHAIRMAN. If the gentleman from North Dakota waives his right to recognition at this time, we could put the Reifel amendment.

The CHAIRMAN. The gentleman will state it.

Mr. LAIRD. Would the gentleman from North Dakota be recognized after the vote on the Reifel amendment?

The CHAIRMAN. The gentleman would be recognized after the vote on 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. The amendment which 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 127.

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 802, following the words "social security" strike out the word "on" and insert in lieu thereof the words "within three years of "

The CHAIRMAN. The Chair recognizes the gentleman from North Dakota [Mr. Shor].

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 Colorado [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 in 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 certainly everybody that is considering this bill today ought to know it, is in this situation: You let an Indian move off the reservation in search of a job or let him leave the reservation to get a job, and misfortune overtakes him, he loses his job, he is temporarily unemployed, he has an illness in the family, and he needs welfare assistance. But he is away from his home base, the place where he is supposed to be taken care of, there is the place where there are programs to provide for his welfare. He cannot go if he is to receive the benefits to which everybody else is entitled as a citizen. It is quite possible that is what has happened in the Berry bill presented under the jurisdiction of the Interior and Insular Affairs Committee. That is why we have waited for so long as I can relate to the gentleman. 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.

May I add that we 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 in other than agriculture on our Indian reservations in North Dakota. The development of the Missouri River has resulted in productive grazing and farmland. Because there is not adequate opportunity in agriculture for our Indians, we need the industry that could be established under provisions of this bill.

The CHAIRMAN. The Chair recognizes the gentleman from South Dakota (Mr. BERRY).

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

Mr. LAIRD. I thank the gentleman from South Dakota for yielding to explain the amendment offered by me.

Mr. SHORT. If I had before the committee at the present time provides that this bill and the benefits in this bill shall be applicable to the new Menomonee County of Wisconsin.

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

Mr. LAIRD. I would say to the gentleman from Colorado, I do not have the floor, the gentleman from South Dakota has the floor.

Mr. ASPINALL. But I understand the gentleman from South Dakota had yielded 3 minutes to the gentleman.

Mr. LAIRD. If the gentleman from Colorado would be happy to yield to the gentleman.

Mr. ASPINALL. What the gentleman is saying is that the amendment now before the House not only provides for segregation between Indians on the reservations and Indians off the reservation, but also provides for segregation between the tribes that have been released from Federal supervision.

Mr. LAIRD. That is correct. This particular tribe is making an all-out effort in this new county and there is no reason that they should be discriminated against by that.

I hope the House will accept this amendment.

Mr. BERRY. Mr. Chairman, I just want to point out some of the efforts that have been made in the past because of the fact that our committee will not set a hearing until a report is made by the Department. I have personally made six requests of the Department in writing, trying to get a report. That is in addition to those the committee has made. I made three telephone calls to the Commissioner himself and the Commissioner has not followed up on any reports until within a week or two.

In October 1962, at a big meeting on the Pine River Reservation, on the occasion of the visit there by the Commissioner, I explained the Operation Bootstrap program to the crowd. The Commissioner said, "I am in favor of this bill." I had said that we had not been able to get a report from the Department which is the reason we could not get hearings.

The Commissioner said he would report when the hearings had been set and not until.

I do not know how a person could get on the horns of a more serious dilemma, when the committee will not hold hearings until it gets a report from the Department. The Department will not report until the committee sets hearings. That is the situation as it exists today and has existed since January 1961.

I believe the only way we can desegregate these Indian reservations is to provide jobs and to provide opportunity through industry on the reservations. Because the reservations are so remotely located, the only way to get industry to the reservations is some kind of a subsidy program or tax-exemption program. This proposal would provide for tax exemption.

It is distinctly the same in Puerto Rico and we have almost the same program in many of the countries of the Western Hemisphere. Under the Western Hemisphere Crop Act, we allow an exemption from Federal tax reduction to an industry which will go into any of the Western Hemisphere countries and establish an industry. Why is it possible to grant...
tax benefits to provide employment in other countries but not our own?

All I am asking is that we grant a small revenue dividend on the employment for our own people from whom we took this country.

The CHAIRMAN. The Chair recognizes the gentleman from Colorado for 5 minutes to close debate on the pending amendment and the amendment thereto.

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. It is my opinion that many Indian tribes and groups have stated that the Berry amendment, in its present form, is not appropriate to their needs. I hope the amendment will be defeated.

Mr. ASPINALL. Mr. Chairman, it is my understanding that such organization is in opposition to the present amendment. There are many Indian tribes. It is my opinion that many of the Indian tribes do not support this proposal at this time.

I say to my colleagues that as soon as the Committee on Ways and Means gets the information and reports back to the Committee on Interior and Insular Affairs relative to the effect that part of the proposal dealing with Internal Revenue has upon the Treasury of the United States, it will be in order for the Committee on Interior and Insular Affairs to hold further hearings on the legislation.

Mr. Chairman, I ask for a vote. The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from South Dakota [Mr. Berry].

The amendment to the amendment was rejected.

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

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. BERRY. Mr. Chairman, on that I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. Berry and Mr. Aspinall.

The Committee divided, and the tellers reported that there were—ayes 85, noes 149.

So the amendment was rejected.

The Clerk read as follows:

TITLE VIII
Registration and voting statistics

Sec. 801. The Secretary of Commerce shall promptly conduct a survey to compile registration and voting statistics in such geographic areas as may be recommended by the Commission on Civil Rights. Such a survey and compilation shall, to the extent recommended by the Commission on Civil Rights, include a count of voting age by race, color, and national origin, and a determination of the extent to which such persons are registered to vote, and have voted in any statewide primary or general election in which the Members of the United States House of Representatives are nominated or elected, since January 1, 1960. Such information shall also be collected and compiled in connection with the Nineteenth Decennial Census, and at such other times as the Congress may prescribe.

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 and compile registration and voting statistics in geographic areas of the United States. 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 voted in any statewide primary or general election in which the Members of the United States House of Representatives are nominated or elected, since January 1, 1960. Such information shall also be collected and compiled in connection with the Nineteenth Decennial Census, and at such other times as the Congress may prescribe."

Mr. TUCK. Mr. Chairman, I shall state the case as briefly as I know how.

Mr. Chairman, the amendment which I have offered would delete the language as presently included under title VIII which would authorize the Commission on Civil Rights to direct the Secretary of the Department of Commerce to make a survey and compile permanent records in any area of the United States, any congressional district in the United States, or any part of any congressional district of the United States. My amendment would direct the Department of Commerce to promptly conduct a survey and compile records in any area of the United States, any congressional district, or any part of any congressional district of the United States.
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 in the few 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. Krock] 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 made by the gentleman from Virginia [Mr. Tuck].

I wish with all my heart I could agree with the amendment offered by the distinguished chairman from New York, but I am sure you all love him in our committee, and I am sure you all love him because of his splendid attainments, his affability, his benign, erudite, articulate way of expressing himself. He is an ideal Member of the House.

Unfortunately, because of our coming from geographically different locations, we cannot always agree with one another. That is why I am constrained to take issue with him on his amendment.

His amendment would limit the areas in which these registration voting statistics would be gathered and would widen the scope of the investigation. 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 survey will cover and the resulting statistics would 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 pointed out by Mr. Mathias. In my view there has been discrimination. Obviously, race has not been a basis of disenfranchisement in all areas, and there is ample proof with reference thereto, that race has not been a basis of disenfranchisement in all areas. We all know that there is discrimination, and it has operated as a factor in voting discrimination with regard only to certain groups, not of all groups, throughout the Nation. Thus, the amendment to the added cause of a nationwide compilation when a more selective survey can provide the desired and needed information.

It seems unnecessary, therefore, to require that a nationwide survey be conducted with respect to persons of all races and national origins. To require, for example, compilation of voting and registration statistics for the entire country with respect to persons of English or Norwegian descent would seem unwarranted. The dimension of the survey to be conducted can best be limited, and compilation of necessary and useful data assured by relying upon recommendations of the Commission on Civil Rights, which through its past and present investigations and practices can be expected to suggest that the survey be conducted only in those areas and with respect to those minorities as to which there is reason to believe discrimination. I think that is why I am asking such a reason; I am again say reluctantly. I hope the amendment will be voted down.

Mr. Mathias. 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. Tuck]. I wish I could understand the background and necessity for this provision in the bill it will be apparent that this title should stand without amendment.

In all candor, I am sure we all understand that the basis of this title when it was first originated was the second section of the 14th amendment. In the course of the hearings on this bill there were many statistics and I cannot just by way of illustration and note by way of limitation one which appears on page 1434 of the hearings.

In the name of justice and fair play, it gives the Justice Department, in dealing with certain statistics in cases affecting voting, must call for figures in some cases from the Bureau of the Census, in others from the Civil Rights Commission, and from other statistics. In those cases the figures the Justice Department relies on come from many sources and are not available at a single point. We think therefore that the information which would be provided under title VIII is peculiarly necessary.

In addition, title VII would put the Congress in the position of following the recommendation in the 1961 Civil Rights Report, which page 141 of the first volume recommends that the Congress direct the Bureau of the Census to carry out the compilation of registration voting statistics. It then be in a position to implement the second section of the 14th amendment if it is necessary to do so.

Mr. Roberts of Texas. Mr. Chairman, will the gentleman yield?

Mr. Mathias. I yield.

The CHAIRMAN. The time of the gentleman has expired.

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

Prior to the House debate, practically everything which has been written about this bill has been deliberately twisted and distorted to reflect the viewpoint of the opposition. Its proponents describe it as a "modest" or "moderate" measure, which it certainly is not. Its more extreme opponents have predicted that its passage would bring about a Hitler-like police state which would spell the end to our American way of life.

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 all see it?

Mr. Mathias. I would be glad to have the entire Nation surveyed when and if there is a need. I have in mind this has been made dual-purpose for the distinguished colleague from Iowa, who refers to the cost. We 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 give information and documents 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 cost a dollar. 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 compiled, it is a need elsewhere. I think 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, to economically and efficiently provide for the information that is necessary in order to carry out the provisions of the Constitution and to properly enforce the laws.

The CHAIRMAN. The time of the gentleman has expired.

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The CHAIRMAN. The time of the gentleman has expired.

Mr. Henderson. Mr. Chairman, I move to strike out the last word.
Attorney General to bring court actions to enforce rights recited in the bill. The entire expense of such litigation from the standpoint of the complainers is borne by the Federal Government, unless 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 therefore not my purpose to throw the weight of the Federal Government behind a proceeding against an individual businessman and make him defend it at his 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 is personal, social acceptance of Negroes by whites as equals. This can be achieved 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 minds that this bill should be passed and will vote against the bill; not because I oppose equal rights for all, but because I oppose the concept of using both races voluntarily determine in their own minds that this bill should be passed and will vote against the bill; not because I oppose equal rights for all, but because I oppose the concept of using government to make the survey properly—make it nationwide. Perhaps these voting statistics for any census, because that would be unfair or effective.

I urge Members to give serious consideration to the amendment of the gentleman from Virginia. I commend him for offering it.

Mr. WYMAN. Mr. Chairman, I move to strike the requisite number of words. The Chairman is unanimous consent 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.

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 New Federal Government run away with them on this subject. We are the representatives of the people—of all the people, colored, white, sectarian, and nonsectarian—and it is for us to do the thinking. There can be no such vote to the American people their rights and privileges under the most wonderful instrument for representative government ever known 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 as Members. This is our oath, this is our duty, this is our responsibility, as we seek through the legislative process to help supply some answers to some very pressing social problems. We will recall that we were told 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 lawyers that are 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 foreclose the path of the means. Whether a beneficent despot, a tyrannical Fascist, or a cynical Communist, whenever 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 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 every 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 included 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 things Federal or upon activities in the several States that are truly State action, and not more. It means finally that there is no place 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 sheerest 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 reelection 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 the rest of us who have chosen to condone nor support the way of life and the invasion in the same legislation of the minority of the people here want whole hog or none.

My friends, if they are privately owned and operated and if they are not in interstate commerce, there is no power anywhere in the Constitution for Congress to regulate their choice of customers. And it is wrong for us now to subscribe to this legislative legerdemain out of sympathy toward some who may have been unreasonably turned from the door on a stormy night or when far from home, when what we do here is to destroy the private right that each of us has under our Constitution to run his or her business affairs that are not in interstate commerce as we see fit, short of committing a crime in the process. Now we would hope that in running our business we would not discriminate the customers solely on the ground of race, color, or religion. And we would hope that anybody who did do this would lose his business and eventually, if he kept it up, be put out of business by the public.

And it is no real answer to say that there are more customers than there are landlords, and hence that customers also being voters there will be more votes for those who vote for such an unconstitutional policy of compulsion. Did you ever stop to think that most customers like to be selected as well as selective. They choose their hotel or motel or restaurant just as that hotel or motel or restaurant chooses them.

It could have been perfectly possible to confine the scope and sweep of the public accommodations section of this bill to genuine interstate commerce but this has not been done. Even the distinguished Ranking Minority Member, MEADER, offered an amendment to limit the scope of the title to such institutions adjacent to the interstate highway system; but this was promptly rejected by those who for obviously political reasons here want whole hog or none.

Likewise, the 14th amendment to the Constitution of the United States, in its
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. But the Federal tree is law purports to do is to impose upon some policy of segregation its adherence within in a State is undoubtedly the same—but if the private establishments within a State determine in the exercise of their policy of segregation the fines or classify their customers and this policy is neither abated, abetted nor regulated by the State, there is absolutely 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 for 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 the way into interstate commerce.

One would think that the proposers of so bold an invasion of private rights throughout this Nation would have at least required that the employment have something to do with the Federal Government—that it would involve a Government contract or be on a Government job or be truly engaged in interstate commerce. Such looseness applies Federal power to you or me, or John Smith in Middletown, U.S.A., who employs more than 25 persons. It is a completely, patently, and blatantly unconstitutional grab for Federal control over our people. It is, of course, politically inspired, motivated in part by human sympathy, but it again would have us vote that the end justifies the means. If enacted, we would pay an awful price for it in loss of constitutional protection for each citizen of America because if the Federal Government imposed itself into private business by drafting definitions of human rights for the express purpose of modifying the Constitution without a legitimate process or constitutional amendment, virtually anything can be next.

I repeat that I believe this legislation is patently unconstitutional.

I repeat that those who would make reckless haste here at the expense of cherished constitutional principles, I can only caution once again that we are dealing with the sword. While the scope of the destruction of private rights by this legislation is made known to all of the people of the United States, then the iceberg will expose itself to full view in protest against such unconstitutional legislation.

If these do not stand up and be counted in this Chamber for what we know is legally required by the Constitution of the United States of America, then what are we preserving? Do we have majority rule in this Chamber anymore? Are we able to abdicate our responsibilities as Congressmen to satisfy a majority pressure that urges out of sympathy and a record of social injustices because regulations by Congressmen to save the States that have failed to regulate is a desirable end, that we should with this legislation say "Damn the Constitution, full speed ahead"? Of course not.

Mr. Chairman, certain parts of this bill do violence to the very cement that holds America together. They disregard and destroy the wisdom of our forefathers written into our Constitution. I came here to uphold the Constitution, not to destroy it. To uphold it I am compelled to vote against this bill.

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

Mr. TUTEN. Mr. Chairman, will the gentlema n yield?

Mr. WHITENER. I yield to the gen- tleman.

Mr. TUTEN. Mr. Chairman, I wish to associate myself with the remarks of the gentleman from New Hampshire.

It was my privilege to go before the Rules Committee and express my vigorous opposition to this bill. Although I have been hesitant as a freshman Congressman to appear on the floor, I cannot remain silent any longer. The debate during the past week made my blood boil. It is my conviction that all Members of the U.S. Congress should rise above partisan politics and protect the interest, welfare, and freedom of the American citizen, a principle made in behalf of all citizens of the United States. The freedom of all races of every color and origin is definitely at stake. Complete equality before the law should be extended to all citizens regardless of his race, religion, or locality, but the terms of this bill (H.R. 7152) are ridiculous, unreasonable, and absolutely detri- mental to the rights, privileges, and freedom extended to the American citizen under the terms of the Constitution of the United States.

Slavery has no place in the world to- day. Every man is entitled to the right to vote, to personal choice, the right of a trial by due process of the law, and the right to own and control private property. These and all other rights to which a citizen is reasonably entitled are guaranteed under the Constitution of the United States. It is certainly reasonable that any citi- zen, anyone who pays taxes and bears the burden of the country, is entitled to all the rights of citizenship and this certainly would include any service or the use of any facility provided by public funds. Morally and technically, this should include the right to attend a public school. However, I am convinced that the Government should permit the choice of the people to prevail. It is absolutely ridiculous to transfer students across town, outside of their own school districts, in order to satisfy the opinion of some individual or the desires of some particular school are not properly proportioned from a standpoint of race.

It is amazing, indeed, that the U.S. Congress would consider legislation that takes from the private field the right of personal choice in the operation of their private places of business. It is alarming that the U.S. Congress would consider a bill authorizing the At- torney General to require any private enterprise to serve anyone against his will. Every citizen has a right, as he travels the highways of our country, to decide whether or not he de- signs to secure lodging in any place of public accommodation on the basis of its appearance, the appearance of the owner, the manner in which it is oper- ated, or by any other standard which he desires to use. Is it not reasonable that a private owner of an establishment should enjoy an equal privilege in determining whether he should accom- modate the traveler? The privileges to which I refer are privileges which should be enjoyed by every citizen of the United States whether he be white, Negro, In- dian, or otherwise. It becomes the duty of the U.S. Congress to protect the rights and the freedom of all of its citizens.

How inconsistent can an assembly of so-called leaders be. Last Saturday, I heard Members of this House pour out their hearts in behalf of the constitutional rights of an atheist during dep- arted of a bill which takes from the American 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 demand employment are the ones who argued vigorously in behalf of legislation which would impose upon our most worthy citizens involuntary servitude and withhold from them their constitutional and civil rights. I am convinced, then, that it is a power- ful" Judiciary Committee of the House of Representatives. I always appreciated that, but never as I have appreciated it when considering 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 ability to influence the Appropriations Committee, the Education and Labor Committee, the Post Office and Civil Service Committee, the Educa-
other committees anybody downtown suggested we ought to take over.

With a title VIII, 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 800, there has been an indication that the Secretary of Commerce is given certain con
gressional directions to make surveys of voting statistics and registration sta	istics. 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 make. What sort of opera

tions that is.

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 what cost of this bill involves cost. We have just heard their wonderful speeches about the rights of the man involved and that we should not be worried about the dollar.

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 con	ained in the bill. We have in the exist
cing civil rights law the nebulous lan
guage of "pattern and practice." Section 8(b) of the Act, 8(b) of the Act, 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 we make the Civil Rights Commission 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 am quoting those of us who be

lieve 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 dis	inguished gentleman, a lawyer of great

note and one of the outstanding mem

bers of the American Bar Association, a man of whom I would say he is an attorney general of his country who has been in office for many years and one who comes from a section of the country different in its racial com

plexion from the Deep South, who has raised a conscientious objection to the provisions of this bill on the same grounds as some of the others of us have stated. I believe the message which he has given to us should serve to er

d the loins of some of those who are weary in well doing and cause them to take a stand today. If we pass this bill tomorrow, for the Constitution of the United States and for this form of gov

ternment which has meant so much to every soul in the country, whether white, colored, or of whatever race he may be, I ask the Members 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 were to be passed, it would not change it, it is going to set back the private enterprise system in America for scores and scores of years. As a matter of fact, I can cite to you instances, if I felt I were not breaking confidences, of employers who last year in this Nation were forced by the Federal Government to hire people and let in instances when they wanted to fire them because the people were not competent they could not do so. I am speaking of colored employees. They were not able to do the job and the Federal Government where there was no law in support for the hiring or the firing. They did it on their own volition, and as a matter of good will, in order to get this civil rights bill passed in our country along the way, and to try to solve the problem. What do you think is going to be the problem of the employers in this country when this title VII gets on the statute books? As I say, this is going to put back the whole wonderful private enterprise system which has made this the greatest industrial nation, more years than any of us can credit.

I simply say I am going to vote against the bill. My decision has nothing to do with integration or segregation. I think we make these decisions in our early youth. In my early youth I was not exposed to the same thing that some of the opponents of the bill were. I intend to vote this way because I think this is unsound legislation as far as this country is concerned, and I do not think it will promote the problem of civil rights in the way the proponents of the bill believe.

We need improvement in civil rights and race relations but not in the manner proposed here which will cause irreparable harm to individual rights and private enterprise.

Mr. LONG of Louisiana. Mr. Chair

man, I ask unanimous consent to extend

my remarks at this point in the Recon
d. The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. LONG of Louisiana. Mr. Chair

man, title VIII of this bill contains a

mandate for the Secretary of Commerce to compile registration and voting sta	istics, presumably to ferret out areas where discrimination exists in voting, during the next census. I do not wish to place the Bureau of the Census in the position of civil rights investigator; it, in effect, places the direction of that investigation in the hands of the Civil Rights Com

mission.

This may be found in section 801, where we also find this language: The
bill says this investigation shall be conducted in such geographic areas as may be recommended by the Commission on Civil Rights.

We have, then, a situation where a fact-finding agency, the Civil Rights Commission, can, at its discretion, and to the extent it feels necessary, pick out a certain area of the country or a portion of a certain State and hound the voter registrars with its own investigative powers, the full force of the Congressional Budget and Justice Department.

It is not calling for an unbiased, factual study of the whole country, mind you, but only those areas selected by the Civil Rights Commission. I do not believe that anyone is naive enough to miss the implication of this title: It is obviously to be used as a weapon against areas of some Southern States which the Commission feels exist in more abundance than in any other areas of the whole country.

If this is not discrimination in the most blatant form, I am sadly mistaken.

Bad as this element of the bill obviously is, there is, I believe, a more sinister motive behind this title. In my opinion, it will be used as a basis for an attempt to reduce the amount of representation in Congress by those States picked out for this purge. I submit that it is pure folly to place prejudice in this form as a basis for representation in Congress. As civil discriminators are known to be, so are such areas. If this is not discrimination in the most blatant form, we are all living in a deplorable world. 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 ever-rising conscience in which I cannot leave ignored. It is not calling for an unbiased, factual study of the whole country, mind you, but only those areas selected by the Civil Rights Commission and I declare that any survey of voting participation which fails to take in the whole country is gross discrimination and an implication that prejudice is a matter of geographic areas.

Presumptions are defined by Webster's as a "judgment made before all the facts are ascertainable"—particularly the Civil Rights Commission—and I declare that any survey of voting participation which fails to take in the whole country is gross discrimination and an implication that prejudice is a matter of geographic areas.

As an elected Representative of a region whose "fraillies" have often received more publicity than its fruitfulness, I am unalterably opposed to this discriminatory and deceitful measure and strongly favor the amendment of the gentleman from Virginia.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that all debate on title VIII and all amendments thereto conclude in 20 minutes.

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

Mr. SCHWENDEL. Mr. Chairman, I object.

Mr. CELLER. Mr. Chairman, I move that the motion of the gentleman from New York be laid on the table. The motion was agreed to.

Mr. SCHWENDEL. Mr. Chairman, I object.

Mr. CELLER. Mr. Chairman, I move that the motion of the gentleman from New York be laid on the table. The motion was agreed to.

Mr. SCHWENDEL. Mr. Chairman, I object.

The motion was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from Maryland (Mr. Morgan).

(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 state and 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 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 ever-rising conscience in which 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:

"The foreign policy of the United States of America is not being written by Dean Rusk and the Department of State. The foreign policy of the United States is being written in Cambridge, Md., by you and Gloria Richardson."

You know, at first I had very bad thoughts about the statement, but want to apologize to the gentleman for having those thoughts because the more I considered Cuba, Panama, Vietnam, and our efforts to try to sell a few chickens to the market—maybe our foreign policy is being written by a few folks in Cambridge.

But, seriously, the implications and the tone of this speech, in my opinion, reflects discredit on each Member of the House and on the integrity of the whole Institution of Congress.

As reported in the Baltimore Evening Sun, February 5, the gentleman said, and I quote:

"It is divinely right for the people of Cambridge to break the law until they have a shot in making the law.

To me, this statement challenges the dedicated efforts of the city council of the city of Cambridge which for many years has been biracial in its composition. To me, this statement challenges the dedication of the people of Cambridge in the Congress of the United States. To me this statement challenges the American concept of a nation under law.

But above all this, to promote and encourage the resolution of this problem outside the framework of law is a challenge to the oath of office in which every Member of the House of Representatives take.

I do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic.

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 chose 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.
First of all, I would reflect back on 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, he will be in recognition of his unselfish willingness to share his talents with me.

Second, 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 means that the Congress may adopt legislation to implement this equal protection. Therefore lies the key to States rights.

I think the 14th amendment spells out the breadth 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 us the moral responsibility to see that these rights are honored. Because the States have failed or refused to meet their responsibility, Congress has become duty-bound to implement the constitutional provisions.

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 maintain, however, 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 States 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 scatttered 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 hearing, 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 are railroaded the measure through committee in a day.

Some of the major redeeming features of this bill, in my opinion, are the so-called antipreemptive sections. These may be labeled "States 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 full responsibility 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, no one 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?" There is no chain of command, no individual responsibility except in the House District Committee whose members, necessarily, are more responsive to their own districts and their own States. I do not profess that a properly drafted organizational structure is long overdue. By the education section, we will prepare our deprived citizens for this responsibility and for the unlimited opportunities to move up the economic and social ladders. But because of the moral lag resulting from the failure of our society, I would suggest 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 resources that will provide a "cure-all" for the many problems facing us in this field. Quite frankly, I question whether the intent of this legislation will go far enough, or cast 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 moral fiber, depending 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. Hawkins] for a minute and one-half.

Mr. HUDDLESTON. Mr. Chairman, I have an amendment at the desk. Is there an amendment pending?

The CHAIRMAN. Is 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 of?

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. I ask that the amendment, 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: "There have had 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 and political rights, be made by the States.

And so on. Now, this right of suffrage is a two-pronged proposition. In the lines I have added, 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. Schwengel] for 1½ minutes.

Mr. SCHWENGL. 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 we have 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 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 record in history, the respect for 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 we ever had in any of our days, and because we are free, I give it to those who have less than we have.

The first, and greatest, major stride toward freedom under the Constitution after the first 10 amendments took place when this Congress, 100 years ago, adopted the resolutions that freed the slaves, provided for their vote and presumably guaranteed the protections and opportunities many of us still want for our people.

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:

"We shall nobly save or meanly lose the last best hope of the earth. Other means may succeed; this could not fail. The way is
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 and when we pass the legislation before us we will, in addition, provide for the domestic tranquillity and attendance 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 dissemmination 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 nature 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 interferences from any source, 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 important amendments, in the 36th, 37th, and 40th Congresses he was joined by every Iowa Congressman.
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. It is necessary to do this to show that fulfillment of that preamble demands this civil rights bill.

Those men who sat in Congress a century ago, and the millions of people who had seen so much sacrifice during the Civil War, thought the actions taken by those Congresses would do much to fulfill the high ideals and standards set forth in the preamble. Ettles did they realize that 100 years later the noble objectives of that preamble would still be unfulfilled in spirit and in law.

This should be a warning to us. The bill before us is not the last we will hear of civil rights. As long as there are any vestiges of discrimination left in this country our job will not be done.

It cannot be completed by legislation alone. While we are changing and improving laws we need also to change and improve the hearts and minds of men.

Actions speak louder than words. What a great thing it would be if each member of this body would go home to his district with the feeling and assurance that he had done what he could to promote equal opportunity for all and thus fulfill the spirit of the preamble, the Constitution, and the spirit embodied in this legislation.

We would prove, then, that we have not diminished in stature since that Congress of 100 years ago took steps to end discriminations that were even greater than those we propose to take in 1964.

Mr. Chairman, the introduction to the Constitution, our most meaningful statement, reads: “We, the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common Defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

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 to 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 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 achive, the lives of others.
Come 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 handiwork an attempt to unify several States 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 Walsham 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 that cruel heritage that comes down from it—second-class citizenship. It is our responsibility, our obligation, to see that the one group of people is somehow superior to another. That can be enforced for one part of our countrymen then all of us are in danger. Infringe the rights and privileges of anyone in America and you threaten 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 fortunate of our fellow citizens can also be enforced against us.

I submit that this bill is designed truly to establish justice for all the people of the several States. The 14th Amendment guarantees equal protection before the law.

Congress was authorized under that amendment to fulfill the purposes thereof. We, then, are helping to bring about the realizations of those noble aims of the Constitution.

The reference to domestic tranquillity needs our attention also. Certainly an aim of this legislation is to help to prevent outbreaks of violence.

Only once in our history has the domestic tranquillity of this Nation been broken by internal war. True, we have had riots, fights, and other disturbances; but I say to you not that there is not an internal disturbance today. There is no tranquillity.

The peace and tranquillity we want is threatened because of the transfer of violence to a set of better safeguards for those who have been subjected to discrimination, and preventing frustrations that otherwise could end in violence and disorder.

The potential ways that this bill can and will promote the general welfare are innumerable. Let me mention one: our young men and women should better their education and be better prepared for leadership and school for those who have been subjected to discrimination.

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 they remain for this Congress to act to carry out that mandate given in the preamble to the Constitution.

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 withold from this Nation the benefits and equal rights of liberty not only for ourselves but for our posterity.

I would like to conclude by quoting from two men who were intimately associated with the same movement 100 years ago, James Falcener 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 by the people 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 strengthen our whole system, is a part of it, without which the States can run riot over every fragment of freedom in giving equal opportunity. Without such leadership surely our stature, our prestige as the foremost liberty-giving nation, is in jeopardy.

Certainly we can fight communism in no better way than to show the world that America practices what it preaches, that the United States means what it says about the importance of democracy.

The potential ways that this bill can and will promote the general welfare are innumerable. Let me mention one: our young men and women should better their education and be better prepared for leadership and school for those who have been subjected to discrimination, and preventing frustrations that otherwise could end in violence and disorder.

And yet, this bill should help ease the conscience of all Americans and at the same time increase their sense of responsibility in meeting such problems.

The general welfare.

Said James Falconer Wilson—

"What beautiful and patriotic words they are. What a shame and pity it is that they remain for this Congress to act to carry out that mandate given in the preamble to the Constitution.

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 withold from this Nation the benefits and equal rights of liberty not only for ourselves but for our posterity."
The men of the 54th Massachusetts were not just fighting to destroy the institution of Negro slavery, but to make freedom possible for you and me here today, for us fortunate people who have all of the rights and privileges that go with membership in the American country.

As happened so often, Abraham Lincoln expressed it perfectly. In his message to the Congress in December 1862, he put it this way:

"We—even we here—hold the power and the authority of the government. In giving freedom to the slave we assure freedom to the free—honorably alike in what we give and what we preserve. I do not now expect to see the result of this struggle, but I have lived long enough to know what man will withstand the gates of Buchenwald and Auschwitz.

"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 happened recently in Birmingham. But I suggest that instead of looking too fixedly at Birmingham we look around us here, right in our own neighborhoods. What has happened there is abominable—but are we ourselves without fault?"

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 places where the rights of Negroes are denied. The color of the skin or the way he prays may make the difference between a full, free, happy life and one where the color of his skin or the way he prays makes the difference between a thousand miles from Boston Common to see prejudice, discrimination, and cruelty in operation.

"If we take the first step, we have no certainty whatever that someone else will not eventually take the last. That is where the spirit of small steps is needed."

Colonel Shaw passed along the ranks of his men just before the charge was made. He held on the breast of each of them. He said: "Now—I want you to prove that you are men." Men—not chits, bits of property, held on the levels of the ox and the mule, but immortal sons of the living God. Under the pretext of trying to eliminate discrimination in certain limited areas, greater and more far-reaching discrimination would be molded into perpetuation. If we take the first step, we have no certainty whatever that someone else will not eventually take the last. That is where the spirit of small steps is needed.

Under the pretext of trying to eliminate discrimination in certain limited areas, greater and more far-reaching discrimination would be molded into perpetuation.
tend to the regulation of personal behavior or the right to select customers or partners. 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 afflicts 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 15, strike out "1900" and insert "1960".

The CHAIRMAN. The gentleman from Iowa [Mr. Gross] 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 title VIII, he repeatedly used the word "discrimination" and referred to the fact that this title was necessary because of discrimination. If we were sufficiently honest enough, we do not find the word "discrimination" in title VIII. I do not know why he seeks to limit discrimination to Negroes and the poor.

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. The other day a voter 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 in 1948, who should have had the count of all the votes held in 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 right to vote.

Mr. Chairman, I also call attention to the 1890 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 can be 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 Negroes and the poor?

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

The CHAIRMAN. The gentleman from Florida [Mr. Foqua]?

Mr. BENNETT of Florida. Mr. Chairman, I ask unanimous consent that the gentleman from Florida [Mr. Foqua] 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 treasured ideal of liberty. If this bill becomes law, people will 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 essentially tolerant of people who want to see their country fall 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 demand 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 at the same time refuse to honor the voting rights of our Negro citizens, several of which 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 in it 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. Mr. Chairman?

Mr. BENNETT of Florida. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the Record.

Thank you, Mr. Chairman.

Mr. Chairman, those who are just before us have 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
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 opposed the 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 vigor. 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 individual. 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 ideal of rights. It tends to destroy the integrity of the American way of life.

I therefore support the bill of the gentleman who opposes this measure to join us in passing it because it is the right thing to do.

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. They represent the adult population of the Negro from servitude 100 years ago, and what we are attempting to do here is merely to give statistics to that greatest of human documents.

While we admittedly cannot legislate over the hearts and minds of men, as Father Edwards of the President’s Committee on Civil Rights has said:

Law, defining the goals and standards of the community, is itself one of the great changers of minds and hearts.

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. SCHWENGEL. Mr. Chairman, I did not yield to the Letter Day bill.
minutes to the gentleman from Montana [Mr. Olson].

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 throughout the Nation and that a good and proper time would be in a mid-decade census, in 1965.

Mr. Chairman, I say this one more thing about the need for a census. Many people continue to think that because a census is provided for each 10 years, commencing in 1971, that that is all that is necessary.

In 1971 we had 4 million people in this country. Today, we grow by almost 4 million people a year.

The CHAIRMAN. The Chair recognizes the gentleman from Texas [Mr. Dowdy].

Mr. DOWDY. Mr. Chairman, we are drawing near to the close of the debate on this deceptively styled civil rights bill. In my votes and in the amendments that have been offered to this bill, I have endeavored to remove the unconstitutional and totalitarian provisions of this bill. I have joined by many other good Democrats in seeking to make this proposal the 11 bills rolled up into one, at least half of which enact discrimination against all of the people of this country of all races, all creeds, all colors.

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 the House were to remain in session, in the hands of a merciful God; place us not in the hands of a merciful God; place us not in the hands of a man.

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. Tucker). 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.

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. 8601. 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 these voting statistics. The gentleman opposite is calling the people of the Southern 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. If we are faced with a proposal of this kind, we should look at ourselves, and forget party, left, right, middle, or anything else, and think of future generations. We must be honest.

The plea is made that this legislation is necessary—even the most odious—yet it has been 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 have burdened 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 wicked, God, but place us not in the hands of man."
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 hearings. I am willing to refrain 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 four times the extent of the abridgment of voting rights in this country but also the extent of the abridgment of voting rights. But since the title as written is indeed substantially abridged I am happy to see this amendment. The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. TUCK) to the amendment offered by the gentleman from Virginia (Mr. Gross).

Mr. HORAN. Mr. Chairman, I ask unanimous consent that the amendment to the amendment be reread.

Mr. MEADER. Mr. Chairman, I ask unanimous consent that the original amendment be reread.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. TUCK) to the amendment offered by the gentleman from Virginia (Mr. Gross).

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. Gross), to 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.

Mr. Fuqua: On motion of Mr. Fuqua, the amendment was rejected.
AMENDMENT OFFERED BY MR. HUDDELESTON
Mr. HUDDELESTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HUDDELESTON: On page 86, line 14, strike out all the language on line 15, insert the following: "an equal footing and that is the way they ought to be."
and last point I want to make is "them darned lions weren't afraid of Daniel, either."

So that is sort of the situation we are in. You know, madam you are going to throw the ladies in the den here with us. If you had, the situation would be much more comfortable than it is here now. You have approved this bill almost in its entirety except for this one title. I know that I come as a voice crying from the wilderness. I do not so much as expect a crumb to fall from the legislative abundance from which your table of plenty abounds. If fact, I surmise that, if the precious and celebrated Bill of Rights which we all cherish is so much were offered to you, in the present frame of mind and under the aegis of the leadership which inspires you, this great document, this bulwark of liberty would likewise bite the bitter dust of defeat. It has been said that the same hand that wrote out by you to the Ten Commandments which were handed down to Moses from the Heavens amid the thunders of Sinai.

Like the well-known character which the gentleman from Virginia, Mr. Smith, the gentleman from Louisiana, Edwin White, the American people of the present and succeeding generations will finally understand the issues involved and will rise up to applaud the efforts of the gentleman from Virginia, Horace Smith, the gentleman from Louisiana, Edwin White, and others.

And now, my friends, in conclusion let me say that I hope you will give us just this much, Mr. Chairman, you have described, you have demanded and secured the last pound of flesh and, unfortunately, the last drop of blood goes with it. Although peace like a river attendeth our way, our sorrows like sea billows roll.

He who cannot drink the bitter dregs of defeat does not deserve to enjoy the elixir of victory.

Although we go down in defeat, we can do so in the proud knowledge that we have held high the torch of liberty. We can also take comfort in the knowledge that the American people of the present and succeeding generations will finally understand the issues involved and will rise up to applaud the efforts of the gentleman from Virginia, Horace Smith, the gentleman from Louisiana, Edwin White, and others.

And now, my friends, in conclusion let me say that I hope you will give us just this much, Mr. Chairman, you have described, you have demanded and secured the last pound of flesh and, unfortunately, the last drop of blood goes with it. Although peace like a river attendeth our way, our sorrows like sea billows roll.

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.

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 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. CELLER. 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].

Mr. KASTENMEIER. Mr. Chairman, I thank the chairman.

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 purpose of bringing the entire question of whether title IX is in the bill at all.

For that we need to go back to 1866—98 years ago—when the Congress was writing the Civil Rights Acts of 1866 and giving meaning to the purpose intended. This will not destroy any balance of power, delicate thing it 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 issues anybody may have.

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. POFF. Mr. Chairman, I would like to strike out the required number of words.

Mr. Chairman, may I first of all pay tribute to my distinguished colleague, the gentleman from Virginia [Mr. Tuck] for bringing this opportunity 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. There may yet be an opportunity for 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, who have been friends a long time; our districts adjoin. I would like at this time to compliment him on the fine services he has rendered to the people not only of his district and his State but also his Nation, in the House of Representatives and particularly in the Judiciary Committee of which we are both members. I commend him also for the fine work he has done in the Committee of the Whole House on the State of the Union in the consideration of this measure.

Mr. POFF. Mr. Chairman, I thank the gentleman and I am gratified in fullest measure all that he has said.

Mr. Chairman, I think it would be helpful in the full understanding of the amendment here involved if we fastened upon the legislative history involved. Originally all Federal questions were decided by State courts. The litigants were left to the protection of their rights in a manner which was not always sufficient when cases began to be removed from State courts into Federal courts, originally it was impossible to get an appeal...
of a remand order simply because that remand order did not constitute what was called a final judgment. Then in 1887, in the case of Kunstler v. United States District Court for the Southern District of New York, the Court held that a remand order did not constitute a final judgment. Since then, the concept of remand has evolved, and a remand order may now be treated as a final judgment if it is appealable.

The CHAIRMAN. I rise in support of the amendment.

Mr. CHAIRMAN, this attempt to bypass U.S. courts on habeas corpus cases 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. In the interest of providing the most effective means of dealing with the Federal 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 28 United States Code annotated, section 1447(d) now provides:

An order remanding a case to a State court from which it was removed is not reviewable on appeal or otherwise.

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 actions arising in a foreign country may be removed by the defendant to the district court of the United States for the district and division embracing the place whence such action or proceeding is brought:

1. Against any person who is denied or cannot enforce a law providing for equal civil rights and liberties, or for refusing to do any act on the ground that it would be inconsistent with such law (June 25, 1948, c. 646, 62 Stat. 938).

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. It would be ineffective for a long period of time.

Originally the litigation of Federal questions was left to the State courts in cases filed in Federal courts, and the present procedure was devised. Since 1887 it has proved to be the only feasible procedure and has been the law that the denial of the U.S. district judge on the motion to remand the case to the State court is final and the remand is without appeal. It would be effective for a long period of time.

The amendment provides that an order remanding a case to a State court from which it was removed is not reviewable on appeal or otherwise.
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. They were not reviewed by this Court. A discussion of the details of modern removal practices will be helpful. A case is removed from State to Federal court simply by the defendant's filing in the Federal court a "verified petition containing a short and plain statement of the facts which entitle him or them to removal" and other papers of the case. 28 USCA, sec. 1446(a). The petition for removal of a criminal prosecution may be filed at any time before trial" section 1446(c). Minimum bond is required, section 1446(d). Whether the Federal court has jurisdiction, 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 was to expedite the delay which would result over reviewing orders of removal. Ex parte Bopst, 4 Cir. 1938, 95 F.2d 893, 895.

On the other hand, not allowing an appeal merely requires that the litigation proceed. Any Federal rights claimed can, under any circumstances, be reviewed by the U.S. Supreme Court by direct appeal proceedings.

Mr. Justice Fuller said in Missouri Pacific R. Co. v. Fitzgerald, 40 L. Ed. 536, 543 (1887):

So far as the mere question of the forum was concerned, Congress was manifestly of opinion that the determination of the circuit (now district) court that jurisdiction could not be maintained should be final, since it would be impossible by any other process to reach the party who, not having sought the jurisdiction of the circuit court, succeeded on the merits, by the circuit court, to prevent the 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 court, those courts are perfectly competent to decide them, and it is their duty to do so.

As this court, speaking through Mr. Justice Harlan, said in In re Remodeling, 111 U.S. 364, 367 (28:542, 546), said: "Upon the State courts, equally with the courts of the Union, rests the delegation to grant or refuse, and protect every right granted or secured by the Constitution of the United States and the laws of said State; and it is unquestionable, that the rights which are involved in any suit or proceeding before them; for the judges of the State court, to take and execute all processes necessary to support that Constitution, and they are bound by it, and the laws of the United States, are the supreme law of the land, 'anything in the Constitution or laws of any State to the contrary notwithstanding: if they fail therein, and withhold or deny rights, privileges, or immunities secured by the Constitution and laws of the United States, the party aggrieved may bring the case from the highest court in the State, where the claim was denied, to this court for final and conclusive determination.'"

The history of what is now 28 USCA 1447(d) was explained by Mr. Justice Van Devanter in Employers Reinsurance Corp. v. Bryant, 81 L. Ed. 289, 292-293 (1937):

For a long period an order of a Federal court remanding a cause to the State court wherein it has been filed shall not be re-examined 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 re-examined in effect on petition for mandamus, and this on the theory that the order, if erroneous, amounted to a wrongful refusal to proceed with the cause and that in the absence of other adequate remedy mandamus was appropriate to compel the inferior court to exercise its authority.

By the act of March 3, 1887, chapter 137, 18 Statutes the words "judgment of the circuit (now district) courts, Congress provided, in section 6, that if a circuit court should be satisfied at any time during the trial, or after the cause had been heard by a suit brought therein, or removed thereto from a State court, "such suit does not really or substantially concern the rights of parties properly within its "jurisdiction," the court should proceed no further therein, but should remand the case to the circuit court from which it was removed, as justice may require." Thus far this section did little more than authorize 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 added section 5 to the Large statute 552, which also provided that an order remanding a cause to a State court should be "final judgment of the circuit court," and "no appeal or writ of error" from the order should be allowed.

The question soon arose whether the provision of March 3, 1887, should be taken broadly as excluding all appellate review of such an order, where made by a circuit (now district) court, 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 as providing appellate renovation of such an order, where made by a circuit (now district) court, regardless of the mode in which the reexamination is sought. A leading case on the subject is Union Pacific R. Co. v. Denver, 137 U.S. 451, 13 L. Ed. 786, 11 S. Ct. 141, which dealt with a petition for mandamus requiring the judges of a circuit court to reexamine, and adjudicate a suit which they, in the circuit court, had remanded to the State court to be tried. After referring to the earlier statutes and practice and coming to the act of March 3, 1887, this Court said:

"In terms, it only abolishes appeals and writs of error, it is true, and does not mention mandamus, which was already established as an unquestionably a general rule, that the abrogation of one remedy does not affect another. But in this case we think it was the intention of Congress to make the circuit court remanding a cause to the State court final and conclusive. The general object of the act is to contract the jurisdiction of the Federal courts. The abrogation of these remedies is not likely to have little effect in putting an end to the question of removal, if the writ of mandamus could not be used. It is true that the general supervisory power of this court over inferior jurisdictions is of great moment in a large variety of cases. The case shall be deemed to be taken away in any case. Still, although the writ of mandamus is not mentioned in the act, it is evident from the use of the word "remand" that the order shall be immediately carried into execution," in addition to the prohibition of appeal and writ of error, is strongly indicative of an intent to suppress further prolongation of the controversy by whatever process. We are, therefore, of opinion that the act has the effect of taking away the remedy by mandamus as well as that of appeal and writ of error."

U. S. v. Rice, 90 L. Ed. 892, 898 (1899), Mr. Justice Stone:

Congress, by the adoption of these provisions, as thus construed, established the policy of not permitting interruption of the litigation of the matter in controversy by prolonged litigation of questions of jurisdiction of the district court to which the cause is removed. This policy was carried out by any form of review or order for remand, and before final judgment of an order denying remand. In the former case, Congress provided directly that the litigation should proceed in the State court from which the cause was removed. But the congressional policy of avoiding interruption of the litigation of the merits of removed causes, properly begun in the State courts, is as much protected by any order moved by the United States as by any other suitor.

It is readily apparent that title IX would allow civil chaos without giving State authorities any remedy. After the prosecution is prepared, a criminal defendant could wait until minutes before trial and have the case removed. Then, when several days or a week later the Federal court has decided it has no jurisdiction, and an order of removal entered, such defendant could appeal that order.

The trial could be put off almost indefinitely, especially considering the extremely congested dockets of the Federal courts.

In a civil case in which a State court has entered a temporary restraining order, removal would oust one State court of jurisdiction. An example of what can happen is the recent Clinton, La., case. The Parish of East Feliciana was engaged in prosecuting a request for injunctive relief filed in a State court on August 20, 1963, against the Congress of 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 injunctive relief was held on August 28, 1963.

Under Louisiana law an ex parte temporary restraining order cannot continue for more than 10 days, at which time the movant must proceed with a preliminary injunction. If this injunction was filed in a State court on August 20, 1963, against the Congress of 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 injunctive relief was held on August 28, 1963.
The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. SCHWENGEI. I object.

The CHAIRMAN. Objection is heard.

Mr. CELLER. Mr. Chairman, I move that all debate on title IX and all amendments thereto conclude in 30 minutes.

The motion was agreed to.

(By unanimous consent, the time allowed Mr. Celler was given to Mr. Emery.)

The CHAIRMAN. The chair recognizes the gentleman from Wisconsin [Mr. KASTENMEIER].

Mr. KASTENMEIER. Mr. Chairman, we have heard a statement that this is a remand on the Federal judges. It is nothing of the sort. Federal district judges in this section are not affected any more than in title I where we adopted the holding of the gentleman from Virginia [Mr. Poff], who said there was no precedent at all, that the Congress wrote into the statute, 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 the gentleman from Virginia [Mr. Poff], who said there was no precedent at all, that the Congress wrote into the statute, 1443, 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. Mr. Chairman, will the gentleman yield?

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.

An 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 differently from other cases which have 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 16th 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 was not put in the Constitution in time to Mr. Rives of South Carolina.

The CHAIRMAN. The Chair recognizes the gentleman from Mississippi [Mr. WILLIAMS].

(By unanimous consent, Mr. WILLIAMS yielded to the gentleman from Iowa [Mr. SCHWENGEL].)

Mr. SCHWENGEL. 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 to interrupt the gentleman.

Mr. SCHWENGEL. Mr. Chairman, if I understood the gentleman I thought some reference to a set of "cannot" statements often attributed to Lincoln that are spurious—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 get out 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 help small men by tearing down big men.
3. You cannot help the poor by destroying the institutions which are called by their enemies hypo­crisy, an evil, a menace.
4. You cannot strengthen the weak by cutting them loose from the strong.
5. The only定时 of trouble by spending more than your income.
6. You cannot further the brotherhood of man by inciting class hatred.
7. You cannot stamp out moral or political corruption by enacting legislation which interferes with the freedom of speech and the press.
8. You cannot establish sound, 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 points are to be found in publications of the Reverend William John Henry Boeckler (b. 1873). One of these books, entitled "Inside Maxima, Gold and Silver," was published by the Boeckler Lecture Co. (Wilkinsburg, Pa. Inside Publishing Co., 1916) contains several maxims which bear a strong resemblance to points 2, 3, 4, and 10; his "Open Letter to Father Charles E. Coughlin" ( Erie, Pa., Inside Publishing Co., 1935) on page 86, and the same page contains lines which greatly resemble point 3.

Any attempt to locate an undated, printed handbill captioned "The New Decalogue," which Mr. Boeckler has distributed widely, contains points 2 to 5 and 10, and a slightly different version which, under the title "The Industrial Decalogue," was included in the American Charter Compendium, by Mr. Boeckler (Erie, Pa., Inside Publishing Co., 1926), contains points 6 and 8 in a single "don't."

Furthermore, the 10 points were published under the title "Warning Signs on the Road to Prosperity" in the outside back cover of Investor America for February 1940, with no attribution of authorship. This periodical, a publication of the American Federation of Investors, Inc., of which Mr. Hugh Stewart Magill was president, bore on the front cover of the Committee on Lincoln Memorial in Washington. Subsequently, the maxims which had gained considerable popularity both in periodicals and in the general world were reprinted in a leaflet form by the Federation; and before long they were appearing in the Congressional Record, in the newspaper press, in house organs, official documents, and periodicals, and on Christmas cards.

"The Lincoln on Limitation" is the caption of a leaflet published by the Committee for Constitutional Government, of New York, in the fall of 1942, which contained on the reverse the official line of publication (which we have seen (one bearing the caption "Lincoln on Private Property") one attributes to the speeches of New Englander, another to "Inspiration from Wm. J. H. Boeckler;" the third and fourth bear no attribution at all. None of these has any attribution to authorship. However, as these printings were carried on the face of the leaflet except from Lincoln's writings, it appeared that Lincoln had written these items down as ados to authentic Lincolnisms, without specifically relieving him of the distinction, or the committee having earned the honor of being first associated Mr. Lincoln with the maxims.

The Boyle Forum, published quarterly by John Boyle & Sons, Paterson, N.J., in No. 24, September 15, 1943, printed the 10 points (p. 4) in a variant sequence under the title "Ten Things You Cannot Do, and ascribed them to Abraham Lincoln. This text, incorporated in a radio script, was broadcast as the work of Mr. Lincoln in Gajen Drake's program of November 30, 1943.

More recently, the 10 points, slightly transposed, with the omission of a word or two, have been widely published in various media, and there seems to be no way of overtaking the rapid pace with which the mistakes are spreading.

The full statement made by Lincoln from which the gentleman quoted and was part of his statement can be found on page 253 of the "Lincoln Treasury" and reads as follows:

"The strongest bond of human sympathy outside the family relations should be one of uniting all working people, of all nations and tongues and kindred. Nor should this lead to a war upon property, or the owners of property. Property is the fruit of labor; property is desirable; is a positive good in the life of the world. The great question is whether others may become rich, and hence is just encouragement to industry and enterprise. Let not him who is houseless, pull down the house of another; let him labor diligently and build one for himself. Thus by example, assuring that his own shall be safe from violence when built."

Mr. Chairman, a writing to American history must have some semblance of the life and character of Abraham Lincoln, and a wrong to our own generation, has been done by an advertisement that appeared today, Monday, February 10, 1942, in The Post. Of course, the Post abhors the advertisement and says so in an accompanying editorial answering this distortion which is predicated upon a minimum of truth. It is significant that the sponsors of the advertisement, the advertisement says, "Lincoln's Hopes for the Negro" and ascribed to Abraham Lincoln, whose director is noted as W. J. Simmons, of Jackson, Miss. The Post published the advertisement only because it defers to the right—in a sense the Lincolnian right to a wrong. The Post has abjured the right. The views of those with whom they disagree.

What is wrong with this unfortunate use of honest quotations from Lincoln and what is an intentionally deliberate torturing of the truth. Lincoln was, of course, a statesman who had to deal with the materials at hand and make the most out of the situation as it then existed. What matters is not what can be excised out of what Lincoln said in 1858 urging the separation of the white and the black races. What matters is the demonstrated genius of Lincoln for the transcendence of the dogmas, those that led to the Emancipation Proclamation.

What matters in this ugly, unhistorical, unchristian, unholy, misleading of the facts of history, is that the〒 of the moral persuasion of Lincoln's life is in precisely an antithetical position to what the Citizens' Councils of America and this Mr. Simmons is seeking to prove. Indeed, it is possible that the most noblest works ever fashioned by the hand of man, from sculpture and painting, to the written or the spoken word, and by concentrating on a single area make the work of a unworthy of public approbation.

Further, the advertisement does not make any reference to other quotes by Lincoln and 1862, both of which are included in "Abraham Lincoln Complete Works," edited by Nicolay and Hay, published by the Century Co., New York 1905-1906, vol. 1, p. 2774.

I will say, then, that I am not, nor ever have been, in favor of bringing about in any way the social and political equality of the white and black races—that I am not, nor ever have been, in favor of making voters or jurors of Negroes, nor of qualifying them to hold office; I as far as I can, will see to it that the white and Negroes are not made equal, but that the white man is made greater— and I will say in addition to this that there is a physical difference between the white and black races which will ever forbid the two races living together on terms of social and political equality. And inasmuch as it is not in the power of man to change this difference, I must be content to make the best of the situation as it is found."

(A speech in sixth joint debate with Senator Douglas at

A most formidable task for a people who would learn to live with their own history is that of proving worthy of its greatness, overcoming its sordidness, and knowing the distance to its perfection. The capacity to make this distinction, in Lenin's phrase, depends on the extent to which history and tradition have provided values and criteria by which to judge the actions of the course of this country's history we early enjoyed an abundance of such experiences. We learned in the 19th and 20th centuries that independence was preferable to tyranny, and we moved steadily in that direction. We have learned that the complete equality which the 14th amendment intended to make a reality for all races was a truism.

Mr. Chairman, to further clarify the Lincoln position and attitude I call attention to the following:

LEARNING TO LIVE WITH THE PAST

(Address delivered by Prof. John Hope Franklin at the New York Civil War Centennial Commission, Albany, N.Y., April 17, 1961.)

A most formidable task for a people who would learn to live with their own history is that of proving worthy of its greatness, overcoming its sordidness, and knowing the distance to its perfection. The capacity to make this distinction, in Lenin's phrase, depends on the extent to which history and tradition have provided values and criteria by which to judge the actions of the course of this country's history we early enjoyed an abundance of such experiences. We learned in the 19th and 20th centuries that independence was preferable to tyranny, and we moved steadily in that direction. We have learned that the complete equality which the 14th amendment intended to make a reality for all races was a truism.

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enormous amount of unfinished business. He could not finish it. Succeeding generations would not finish it.

We in this generation can complete the task begun by those who fought and died to preserve the Union, eradicate the barbarism of slavery, and establish equal rights for all people. We shall do no violence to the memory of any one who fought to save this Union. We cannot do this by attacking President Lincoln to fail to appreciate this awesome task and one with less courage than Lincoln had to shrink from it.

When he threw himself into the task of restoring and preserving the Union and administering its affairs, he did so with utter and selfless abandon. He had no interest in a personal triumph, and there was more than a hint that his election was a pyrrhic victory. What he sought was the preservation of the first principle of popular government, the rights of the people, against which the rebellion was made. What he sought was the revitalization of the Union, which for so many years had to come it could withstand the assaults of those who would rebel against it. This is what he told the Congress in 1861: "The struggle of today, is not altogether for today—it is for a vast future also. With a reliance on Providence, all his more firm and earnest, let us proceed in the great task which events have de- volved upon us."

In his contest of the affairs of his office he betrayed no obsession to wield power for the sake of it. He quarreled with McClellan because the general was unable to convince him that his plan would produce "a victory more certain" than the plan of the President. He suspended the writ of habeas corpus because he was convinced that widespread disloyal acts and deeds made victory far less certain. He kept his Secretary of State out of the war, merely sobering. In its wake lay a nightmare for those who hoped that for the first time in this nation's history each man had his voice in the decision of war and peace.

In the midst of his own triumphs and tragedies, he was embarrassed and filled with humility. "The first generation of freedmen who were hardly surprised that the former institution of slavery should be abolished, would become victims of the violence—burnings, hangings, and untold indignities—by the action of those who subscribed to the principle of equality but who had 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 over which he had led although he was tempted to take a backward glance at his beloved Springfield, there was no temptation to do so. The remaining days were devoted largely to the formidable task of making the surrender at Appomattox a victory for the future that may achieve and cherish a just and lasting peace among ourselves and with all nations. This was an enormous task, and to it the President summoned you and me, as he summoned his own contemporaries, to dedicate ourselves to the task of making the victory at Appomattox more certain.

Even before the war Lincoln became irrevocably committed to the idea of equality for all men. He eloquently supported the doctrine of equality set forth in the Declaration of Independence. The class of arguments, the principles he espoused, were included in the Declaration, he said, "is also calculated to break down the very idea of free society." The war would not undermine the very foundations of free society.

The war merely confirmed his views. He knew that the extension of the suffrage beyond the white race would not only give the Negro the means of protecting himself, but would constitute a shield for the effective growth of democratic institutions. He knew all too well that ignorance would be the safeguard peace where there was no law; where there were lingering doubts; and some of the Union's best soldiers had not learned that which has intervened has been an extremely

A VICTORY MORE CERTAIN

(Address delivered by Dr. John Hope Frank- lin, professor and chairman, Department of History, Brooklyn College, at the an- nual meeting sponsored by the Lincoln Corporation of February 10, 1865.)

One hundred years ago today, on the eve of his 52d birthday, the President-elect had no idea what the war would be like. The very next day the battle of Bull Run postponed and political in November had barely been exhilarating, merely sobering. In its wake lay a Nation almost prostrate, broken into a dozen fragments, the Civil War had started.

In February, the President summoned you and me, as he summoned his own contemporaries, to dedicate ourselves to the task of making the victory at Appomattox more certain.

Even before the war Lincoln became irrevocably committed to the idea of equality for all men. He eloquently supported the doctrine of equality set forth in the Declaration of Independence. The class of arguments, the principles he espoused, were included in the Declaration, he said, "is also calculated to break down the very idea of free society." The war would not undermine the very foundations of free society.

The war merely confirmed his views. He knew that the extension of the suffrage beyond the white race would not only give the Negro the means of protecting himself, but would constitute a shield for the effective growth of democratic institutions. He knew all too well that ignorance would be the safeguard peace where there was no law; where there were lingering doubts; and some of the Union's best soldiers had not learned that which has intervened has been an extremely
from the barbarism of slavery. And in speaking of the progress the Negro has made in learning to live as a freeman, we do not also reflect that white man has made, or has not made, in learning to live with freemen who happen not to have their full measure of learning to live completely free and only as whites learn to live with Negroes who are free and, consequently, that we will move toward solving the problems Lincoln had no time to solve.

When Lincoln arrived in Washington a hundred years ago this month the situation was critical. He did all that his heart and mind could do, he was always to the right and never to the left, but the nation was split, the nation was divided. There was a moment of failure as the Nation fell apart and as war came, with all its untold suffering and tragedy. Then, at long last, he and the Nation could hold their heads high and rejoice in the conclusion of the war and the triumph of the principle in which he believed that right might make might. But his steady hand was still, and he sent hurrying down through the century not only a great legal system but a powerful philosophy. It is a legacy of steadfastness to a principle and dedication to a cause. It is an inspiring legacy and an example to accept, even when one feels unworthy.

The responsibility that is ours—yours and mine—is how much charges we take to his legacy and, through our application, use it to make the victory over inequality and injustice more certain. It is a frightening responsibility, it is an inspiring responsibility, but it is a staggering responsibility. We shall again be able not to declare that 'all States are States equal, nor yet that all Negroes are Negroes equal, but to renew the broader, better, deeper declaration, including both these and much more, that 'all men are created equal.'

The triumph of this principle will mark the victory of which all can be proud and which will be consonant with the great American principle of freedom and equality. This will indeed be the victory more certain.

ABRAHAM LINCOLN'S WORLD INFLUENCE IN OUR TIME.

Mr. Chairman, on Sunday, February 9, I had the honor of attending the annual Lincoln birthday observance at Ford's Theater in Washington, D.C. Those of us who attended this commemorative ceremony heard a program of song, prayer, and speeches in tribute to our 16th President.

The highlight of this program was an address delivered by William Coblenz, public affairs specialist of the Legislative Reference Service of the Library of Congress. Mr. Coblenz spoke on "Abraham Lincoln's World Influence in Our Time.

It was an outstanding address, well delivered, and all the more meaningful on this 150th anniversary of Lincoln's birth, because of the tenor of the times.

I perceive this message should have circulation beyond the walls of Ford's Theater and the five score of us who attended the ceremony, so I am inserting Mr. Coblenz speech in the Record.

It is pertinent to note, I feel, that in Mr. Coblenz' position at the Legislative Reference Service, he has drafted remarks for the Congress. On this occasion he was able to deliver one of his own speeches. Mr. Coblenz is a superb writer. He reaches great heights when he delivers his own material.

The address follows:

ABRAHAM LINCOLN'S WORLD INFLUENCE IN OUR TIME.

The whole burden of my message to you today is that when we come into the story of Abraham Lincoln we enter upon a wholly new and formerly unknown temple of history.

The burden of my message is that in the whole saga of human biography since before Plutarch wrote—no one—who even remotely approaches the tragedy, the turmoil, the complexity of problems which confronted the mind of Abraham Lincoln, and his Biblically elevated approach to them and to his fellowman. There have been the outstanding founders of religion for whom I have the deepest reverence. They preached perhaps the greatest lesson in ethics the human race has ever known.

They didn't command armies.

They were not pressured by newspapers and politicians, by generals and crackpots, by malicious cartoonists, and by sometimes brilliant, sometimes ugly, but always critical and arbitrary the official establishment, in this case Congress itself.

They had no combat front in the literal military sense.

The orbit of their operations was limited to the spoken, the written word, and no written word.

They had no cabinet—no departments to administer, no armies, no navies.

This man was a Commander in Chief in a way and costly civil war that tore the very heart of this Nation into pieces. But he talked like the great and saintly founder of a religion of compromise. He did not deal with armies and with treason as no Commander in Chief before him in the whole galaxy of the great, matched the triumph of the official establishment, in this case Congress itself.

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He could be this?

Kentucky, to Indiana, to Illinois, to the White House. Less than 1 year of formal schooling and this on one in about a year and a quarter to elementary level. For intellectual companions, in the way of books, he had the basic best, but that was hardly enough for the 19th century man of his type, the classics, before the Greeks, after the Renaissance, after the feeble establishment of the principle of democratic government. He had the Bible, a prodigious influence. He had Shakespeare. He had "Pilgrims Progress" and "Robinson Crusoe," and maybe a little of other things. Also he had the Constitution of the United States which must have been in his heart or the mind of the man, last 10,000 years had dealt with opposition, with revolution, with betrayal, whether in his own political family or outside it. Here was the grandeur of a personality beyond anything hitherto known to scholarship and research. Everything that he did, unlike so many other characters in the history of the great, matched the triumph of the spirit of his words, and was consistent with a nature that belonged more in the area of great, general, decide, than in the area of slaughter and bloodshed on a continental level.

He could be this?
a powerful impact on the whole family of nations on this planet. Thus, I am saying that in my judgment Abraham Lincoln is the one great man God has ever breathed to man. And I am saying, that as a consequence of that fact, and the stage upon which he stood, I say, religiously to myself, he is the founder of a new aspect of religion that is unencumbered by a theology. This religion is as real as any that ever debated, as the religious war, has ever been. And there in the middle of the 19th century it came.

It came as the person of this tall, gaunt, brooding, and hopelessly tortured figure. There he stood, Abraham Lincoln, I mean mean decent Abraham Lincoln, contemptible, his words, read his decisions, but that I feel myself somehow in the midst of some religious war, combating 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. This is no prophet per se, and yet prophet he became, or the words and yet isn't this precisely what he did?

Then what, indeed, is he? FOX: For me this is a profound question, a profound one.

Lincoln had owed as much to his father as Alexander owed to Philip of Macedon. He would have opened or privately insulted him if he could be impressed. He was an honest man, no gig, no gig, no games. Before an assemblage of the most distinguished generals and personalities of the court? I mean I would like to have Aristotle— that peripatetic philosopher, probably the greatest intellectual of all time—as his personal tutor? And living with you right there in the palace? Why that's Harvard and Princeton and Yale, all rolled into one, unmitigated and unlimited.

There may have been—although I doubt it—some justification for Alexander in the light of his times.

Was there for Napoleon? Here was a really pretentious little Coriscan bandit: A liar. A cheat. A kidnaper. An emotional, supercilious, professed swindler, with the moral sense of a subway pickpocket. This brilliant assassin murdered the Duke of Englen after he kidnapped him. Under him the whole of France was turned into one massive funeral parlor. He bathed Europe in blood for 20 years. He operated through slaughter to a throne. He depleted France and Europe of its manhood.

He passed out kingdoms to members of his family, in his will, for missions to Europe as if they were postmasterships.

He was good at assignations—although I doubt that, too—demonstrably lousy at marriage except for Mary Todd. I believe Leo Tolstoy and H. G. Wells about Napoleon. He believes Napoleon's openmouthed and overawed biographers of adulation. He had no more to do with the Code de Napoleon than the lawyers of France had to do with the victory at Austerlitz.

His closest associates were universally corrupt: Talleyrand, Pouché, Talleyrand, Talleyrand. What do I tell you? I tell you this because until Lincoln came along this ghastly gallery of rogues and despoits constituted the image and glamour of the government of Europeans and for a whole millennium. The misery-ridden masses of Europe had nothing to adore, no one to adulate, no idol to look up to, but one blood-drenched Caesar after another.

What uplift could there be in Ivan the Terrible?

In Frederick the so-called Great? In Napoleon the Third? Where was the spirit of the West offered? The Hapsburgs? The Hohenzollerns? The Romanoffs?

Yet these were held aloft as the symbols of incarnate glamour and leadership at its greatest.
The more you read about them, the more the revulsion, or the pity, or the dismay and the political scepticism.

The more you read about Abraham Lincoln, as Carl Sandburg tells us, the more he grows on you.

Mastodon trying to high heaven: Must it be this way?

Revolution stalked the Continent.

This was the greatest and most potent of human grandeur in Bismarck. But it was Bismarck who gave Germany the tradition of "blood and iron" and the "Iron Chancellor" who deliberately falsified the telegraph at Ems helping to bring on the war of 1870.

And yet how far is the "blood and iron" tradition of the 19th century from being the roots of the thinking that made possible the unimaginable horrors of the Hitler awfulness in the 20th?

That grim man in the bleak Kremlin: Stalin.

And Mussolini, the "sawdust Caesar" of the Mediterranean.

Stalin, whose murder in the millions and Il Duce the castor oil genius of Italy. Are these the image of greatness that lifts the human spirit?

For the cloud of international melancholy, frustration, and defeat, that swept the Western world through the centuries, there was the solace, the inner comfort, the escape of the church that even the religious wars could not wholly nullify. It can never be estimated what strength emotionally this spiritual balm afforded what were known as the "lower classes." It prevented an epidemic of insanity that might have made Europe one enormous asylum for the insane, with consequences more devastating than the plague.

Indeed, there were periods when Europe, certainly portions of it, seemed actually insane, with consequences more devastating than the plague.

And out of this sublime manifesto, this freedom, this equality, the release of enormous energies and skills, education, science, culture, invention, industry, labor, the use of boundless resources—even the foundations of the world's great religions—that captured this country into the summit of world leadership it holds today: The last great hope of mankind.

For all of this the simplest, the greatest, the most dramatic human symbol is Abraham Lincoln and the most moving the language is really for the ages, for all time, and so movingly exemplifies it.

This was the man Lincoln had set him in treating with McClellan.

For an of this the simplest, the greatest, the noblest reaches of the human language is really for the ages, for all time, and so movingly exemplifies it.

This is John Bull incarnate.

But it was Mitchelangelico, his genius being for expression in stone on canvas, arriving at the simple through the complex. The profoundly spiritual manifestation of his character invests the very quintessence of his thinking. For me only Holy Writ matches the beauty and the brooding stylist of his language at once Biblical and Elizabethan. For me the music of the words: "with malice toward none, with charity for all" sounds like the 18th century echo of: "forgive us our trespasses as we forgive those that trespass against us." "The last great hope of mankind." "The greatest, the noblest reaches of the human language is really for the ages, for all time, and so movingly exemplifies it.

"Thus shall we fight;" so many owed so much to so many.

"This is God!"

"The humility, the simplicity, the ineffable spiritual surcease from the agony of the human condition.

That this man, with the soul of a poet and the heart of a saint, should have been the focal point of all the statesmen of all time, essentially, also, a man of action and a creator of statesmanship and policy—a military Commander in Chief—places him again in the company of all the outstanding figures in Holy Writ; the company of Solomon and his songs, of David and his psalms.

They were also heads of state and also poets.

Where is his triumph, I ask, greatest?

In saving the Union and thus providing, for his time at least, that "a nation so con­ceived, and so dedicated can long endure." Or in his genius with the language of spiritual sublimity that raised the tone and the tendency of politics to the level of God's own word?

See what he's done for the Presidents who succeeded him.

Let us take only the most recent. Harry Truman tells us in his memoirs that he was a great comfort to his Chief and so dedicated to his Chief and so dedicated to his Chief and so dedicated to his Chief that during the World War II genera by the example that Lincoln had set him in treating with McClellan.

On page 120 of volume 1 he says:

"I learned of General McClellan, who traded his leadership for demagoguery and even­ually defied his Commander in Chief, and
was interested to learn how President Lincoln dealt with an insubordinate general.”

When asked as Chairman of the

iout the national defense program he

took guidance in what had happened to

Lincoln knew history and thus avoided

the mistakes of others. Tolstoy tells us

effect, that those who are ignorant of history

are doomed to repeat

This talks about nothing but the monu-

ments and sculptures of Lincoln in the

United States and Canada.

This is the time to speak about farewell

to the civil rights of Americans, farewell
to South Carolina, farewell to free enterprise.

This is no contest between my knowl-

edge of history and that of the distin-
guished gentleman from Iowa. Indeed,

if I said anything intertemporally to

contradict the gentleman, I apologize.

I checked with the Library of Congress,

where we go to get the au-

thority, and we pay them, and they sent

this back to me.

The CHAIRMAN. The Chair recog-

nizes the gentleman from New York.

Mr. ROONEY of New York. Mr.

Chairman, I demand that the gentle-

man’s words be taken down.

Mr. ROONEY of New York. Mr.

Chairman, I do, Mr. Chairman.

The CHAIRMAN. The Clerk will re-

port the words as to which the request

has been made.

Mr. ROONEY of New York. Mr.

Chairman, In the interest of expediting

passage of this civil rights bill and al-

though I feel that no Member has the

time to characterize another Member or

Members as the gentleman from South

Carolina has done, I withdraw my de-

mand that his words be taken down.

Mr. COLMER. Mr. Chairman.

The CHAIRMAN. For what purpose
does the gentleman from Mississippi

rise?

Mr. COLMER. Mr. Chairman, I had

intended to object to the gentleman

withdrawing his request, but in order
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 under-

score 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 shoe fits, then wear it.

But we have heard a lot of people

who have suffered at the hands of fate

or someone in your family, who has lost

their life and have to resort to the law

in order to make some sort of pecuniary

restitution. Do you go behind all these other cases of those

people who would allege discrimination in

some particular aspect? Where are our

sense of values? Are we concerned for

the widow and her need for a speedy

trial? Let us be fair to all the people.

If we are concerned with civil rights and if we are concerned with human

rights, then let us treat all alike. I just

want to say I am a bleeding heart enough to

respect the rights of a widow and her

children to get her case tried in a court

just as quickly if not quicker than one

would be entitled to do so, and that he

has been discriminated against on account of color, race or religion or what-

have you.

Mr. Chairman, despite the failure of

most of my efforts to effect amendments

to this bill, I still hope that some of my

colleagues who have been constantly

voting against every amendment will

say that this bill is for humanity, that

this measure will guarantee human
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 guarantee 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, which are 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, we were to carry the contention of the proponents of this measure to its logical conclusion, no doubt, our record would read: The 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 sordidly. Our legislative as well as personal responsibility is not to believe that we can make the inequal equal, the black white, the lame walk or the mentally strong. But our investment 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 do not believe this is the week to weaken 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 bonafide job to a single member of the minority group; it will not stop the unwanted pressure on the employer as well as the employee, nothing but what is just and right for the health of the body and mind of the nation and God forbid that we should ever desecrate this nation because it is weak. It will not give one bonafide job to a single member of the minority group; it will not stop the unwanted pressure on the employer as well as the employee, nothing but what is just and right for the health of the body and mind of the nation and God forbid that we should ever desecrate this nation because it is weak.

The majority in this House are fighting for the rights of all of our people, the 90 percent as well as those of you who are fighting for the protection of the liberties of the minority group. If I may be permitted to paraphrase the words of Lincoln, I predict that 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 mess 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 majority of the vote on this bill will be a hollow hollow, based upon fear of pressure rather than faith in our people. I predict that the passage of this measure 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 for 1 1/2 minutes.

Mr. LeGgett. Mr. Chairman, we are locked in what historically will be referred to as a violent debate over the enactment of this inequitable and unconstitutional measure. Many have derogated from the federal government under this bill as 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 prove the weakness of our position."

No Representative from California is opposed to human rights simply because he is a Southerner, 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.

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 11 years ago calling that Court's action Warren's dictatorship. Many have said that the Court usurped congressional power. Well, the simple truth is that Congress itself will not act today or in a few days and when that measure is signed into law by a southern-born President, that law becomes the supreme law of the land.

We have not always been happy with the federal government programs primarily—but when those programs become law we respect the Constitution. I would expect all Members of Congress to return to their home districts with an obligation to make this act work effectively. This will take courage—this body of membership has shown substantial courage. It is the function of a Member not to reflect the mass hysterical thinking of his district but to channel public opinion into the direction of respect for law and order.

In short, when this battle is over, let us not continue the encounter such that the business of the United States is stalemated like last year. In spite of the arguments made over the past week, a substantial amount of Federal power is still ammortized over all of the States. Gentlemen, use this power wisely.

While allegations have been made that the Federal Government under this bill may over run the Southern States, as a practical matter the North would only pray that the South would find the power to live by this Federal law without interference.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan [Mr. Meader] for 1 1/2 minutes.
Mr. MEADE. 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 entire House or in the whole Senate. I am convinced, Mr. Chairman, that the voices of our children and of the generations yet unborn be heard, for it seems to me we are tampering with their hope for freedom when we tamper with the Constitution, when we pass legislation of questionable validity and take such action without having sufficient courage to face the problem and change the Constitution through the proper apparatus of amendment offered to and approved by the people of the United States.

The CHAIRMAN. The Chair recognizes the gentleman from Tennessee [Mr. Brock] for 1½ minutes.

Mr. BROCK. 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 of the Nation. The gentleman, Mr. Wyman, has on at least two occasions been chairman of the American Bar Association's top 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 minority groups of the country 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 the withholding of Federal money give our Government power to see that the people of the entire country are treated discriminately 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 see that the people of the entire country are treated with unfairness. We have seen in this House voting against giving 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 examples of the立法 acts in which 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, 'I have no control of the South alone—but in terms of the civil rights of all the American people. For this bill is not aimed only at Alabama, or at the South, nor would its punitive provisions apply to one Southern region of the country. Every American—North, South, East, and West, living in the big city or on the farm, whether white or Negro—will, if H.R. 7152 is enacted into law, face the same problem in the execution of Federal power. My opposition to this proposal is based on the fact that I believe is the paramount lesson of American history—the principle upon which this country was founded: Increased Government power is not the servant of individual liberties, but the enemy of those liberties. Mr. Chairman, I support the amendment of the distinguished gentleman from Virginia [Mr. Tucker] as it will improve the bill by repealing a provision that our whole pending measure. At the same time, Mr. Chairman, I point out to my colleagues that some future day H.R. 7152 can and may be used to throttle the civil rights of all our citizens. I therefore urge the defeat of this unnecessary and dangerous so-called civil rights measure.

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina [Mr. Wyman] for ½ minute.

Mr. SELDEN. Mr. Chairman, it was my contention when the debate on H.R. 7152 began—and it is still my contention—that this so-called civil rights package diminishes the civil rights of every American citizen rather than extending those rights.

Although there has been a serious effort by some of us during the 9-day debate which has taken place here in the House of Representatives to examine the dangers of this far-reaching measure, the amendments that have been adopted have failed to accomplish this purpose. As a result, I believe the least meaningful amendments have been defeated by wide margins by a coalition of Democrats outside the South and all but a handful of the Republicans.

I have been present on the floor of the House throughout the deliberation on this measure, and I have voted on all amendments that I believe would improve even one iota this drastic legislative challenge in the field of civil rights. The measure now pending for ½ hour, neither the debate on the measure nor the amendments that have been adopted have allayed my fears concerning the almost unbelievable extension of Federal power provided by H.R. 7152.

I am convinced, Mr. Chairman, that the measure now pending is the most drastic, the most far reaching, and the most dangerous we have ever considered during the entire 20th century. By concentrating arbitrary powers in the hands of the Federal executive and judicial branches of Government, this bill, if enacted into law, will provide a means by which the American system of individual liberty and private property can be destroyed.

I am not speaking today in behalf of the people of Alabama alone, or of the South alone—but in terms of the civil rights of all the American people. For this bill is not aimed only at Alabama, or at the South, nor would its punitive provisions apply to one Southern region of the country. Every American—North, South, East, and West, living in the big city or on the farm, whether white or Negro—will, if H.R. 7152 is enacted into law, face the same problem in the execution of Federal power.
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 100 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 these rights. Our Society, as well as 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 racism. 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 over the conditions. James Farmer, the national director of CORE—Congress of Racial Equality—one of the leading Negro organizations in the country, stated last summer at the annual convention of his organization:

No one can stop the demonstrations. The question is: Can we keep them orderly and nonviolent?

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 property, but it 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 are factors which should be seriously considered by Negro leaders. We must keep the demonstrations from becoming destructive and violent. This is a responsibility which they must assume.

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 elemental 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 working for education, by avoiding provocation, and by cooperating in the effort to assure civil rights for all Americans.

Let me make one point clear, however, Negro leaders have not asked 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 right 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 activities, and so on, must also be applied to them. That is a fair and just request.

At all levels of government, Federal, State, city, town, 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 excuses and explanations has passed, and that the time for action has arrived. We must reexamine 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, for Negroes, for all 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 social leader over the struggle for civil rights, the thought comes to mind: Why this intolerance in this great country of ours towards the member of a minority group, toward the person who belongs to a different race or faith? Did we not all come originally from different lands and practiced different religions, and national groups. All of these were 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 same opportunities to participate in a happy and prosperous nation. A civilization or society that assumes the responsibility what is granted to one will be granted to all should have no fear that the world would run amok. If man is so weak as to have forgotten its own moral values, we are losing one of its greatest assets: morality.

We know neither prejudice nor hatred of any people, of any color, of any creed. This is a responsibility which the world expects us to carry out.

The sooner we realize this, the better for us, for our Country, and for the world. The sooner we do this, the sooner we will have a just peace in the world, and also a full and just peace in our Nation. The sooner we do this, the sooner we will have a just and peaceful solution to the current problems, to find a way to live together, to find a way to work together, to find a way to be a happy and prosperous nation.

A city is dying when it has lost its heart for its real estate value, but has lost its heart for its real estate value, but has lost its heart for its real estate value, but has lost its heart for its real estate value, but has lost its heart for its real estate value, but has lost its heart for its real estate value, but has lost its heart for its real estate value, but has lost its heart for its real estate value.

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Mr. Chairman, I urge the defeat of the amendment.

The CHAIRMAN. The time of the gentleman from California [Mr. Edwards] has expired. All time has expired.

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 votes 76 ayes to 42 noes.

So the amendment was rejected.

The CHAIRMAN. Are there further amendments to title IX?

AMENDMENT OFFERED BY MR. ASHMORE

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

The Clerk read as follows:

Amendment offered by Mr. Ashmore: On page 86 after line 25 insert the following new title:

TITLE X—ESTABLISHMENT OF COMMUNITY RELATIONS SERVICE

"Sec. 1001. (a) There is hereby established in the Department of Commerce a Community Relations Service, which shall be referred to as the 'Service,' which shall be headed by a Director who shall be appointed by the President with the advice and consent of the Senate for a term of four years. The Director shall receive compensation at a rate of $20,000 per year. The Director is authorized to appoint, subject to the civil service laws and regulations, such other personnel, not to exceed six in number, as may be necessary to enable the Service to carry out its functions and duties, and to fix their compensation in accordance with the Classification Act of 1949. The Director is authorized to make the same rules and regulations as provided in title VII and II, and in addition to exercise such powers and duties as may be necessary for the effective performance of its duties.

"Sec. 1002. It shall be the function of the Service to provide assistance to communities throughout the United States by engaging in efforts toResolve or to prevent the occurrence of discriminatory practices based on color, race, or national origin, or other factors, in violation of any law or treaty of the United States, and to provide assistance to the Department of Justice, other Federal agencies, and the courts in the enforcement of any law or treaty of the United States,

The present law is that the Federal court, however, can send a case right back to the State court and refuse to try the case. Of course, this is called the remand. But this might be just the kind of a case that should not be sent back to the State court where the defendant could not possibly get justice. Under the present law the defendant is stuck in the moral of the circuit court. He cannot appeal to the circuit court for a reconsideration of the order sending his case back to the State court.

So, in short, what title IX seeks to secure this injustice in the law. It says that in civil rights cases the higher court can take a look and decide whether or not the case should be sent back to the State court or should it be tried in the Federal court as the defendant requests.

Mr. Chairman, what we are doing here is adding a judicial review of the order sending the civil rights case back to the State court. All civil rights statutes are subject to appellate review. That is what higher courts are for.

Mr. Chairman, I urge the defeat of the amendment.

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Amendment offered by Mr. Ashmore: On page 86 after line 25 insert the following new title:

TITLE X—ESTABLISHMENT OF COMMUNITY RELATIONS SERVICE

"Sec. 1001. (a) There is hereby established in the Department of Commerce a Community Relations Service, which shall be referred to as the 'Service,' which shall be headed by a Director who shall be appointed by the President with the advice and consent of the Senate for a term of four years. The Director shall receive compensation at a rate of $20,000 per year. The Director is authorized to appoint, subject to the civil service laws and regulations, such other personnel, not to exceed six in number, as may be necessary to enable the Service to carry out its functions and duties, and to fix their compensation in accordance with the Classification Act of 1949. The Director is authorized to make the same rules and regulations as provided in title VII and II, and in addition to exercise such powers and duties as may be necessary for the effective performance of its duties.

"Sec. 1002. It shall be the function of the Service to provide assistance to communities throughout the United States by engaging in efforts to Resolve or to prevent the occurrence of discriminatory practices based on color, race, or national origin, or other factors, in violation of any law or treaty of the United States, and to provide assistance to the Department of Justice, other Federal agencies, and the courts in the enforcement of any law or treaty of the United States,
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 theLetters of that document. It has suffered from Executive orders that seek to legislate by decree, and in the absence of approval by the Congress, on which the Constitution is founded, it held 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 Gov-
ernment and the States. There was a time when the States were supreme in their exercise of their delegated powers. The Establishment was contained within narrow limits of jurisdiction. In recent years, that trend has been reversed, and now the trend is very largely 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 a National republic of States toward a completely autocratic central 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 operations as to meet the needs of the day. I might add, however, that certain principles are as timeless in their application as the Ten Commandments, 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, on the 22d day of February of each year, we gather in this Chamber to hear the still vibrant, living words of the Father of our Country, our first President, George Washington, as he delivered them in his Farewell Address to the Congress. Many come to hear, Mr. Chairman, but the bill before us today is almost as important as that few bother to listen to the words. For indeed, he warned of the very type of legislative trap that we are being led into. I beg you now to listen to the words of Washington:

It is important likewise, that the habits of thinking in a free country should inspire confidence. If there is nothing more nor less than a bill of at

tainer, specifically outlawed by our Constitution; title VI violates, also, article IV, section 4, which guarantees to the citizens of each State the privileges and immunities of citizens of the several States. Mr. Chairman, in the light of the necessity of maintaining the rightful powers of the various States in their separate governments, it seems to me that if any bill, short of violating the Constitution, is as likely to erode the rights of the States, that bill is the one before this Chamber.

The United States shall guarantee to every State in this Union a Republican form of Government, and shall protect each of them from invasion.

Taken as a whole, Mr. Chairman, the bill disregards completely and holds in contempt the 19th amendment to the Constitution which circumscribes the powers to be exercised by the Federal Government, and reserves all other powers to the States, respectively, or to the people.

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 this amendment. The Federal Government, in its original and historic conception, is 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 are designed to confine the Federal Government, whether it be State or Federal. A constitution remains a living and workable document so long as it is honored in its application: when it can no longer contain constitutional powers within their appropriate jurisdictions because of legislative excesses, executive encroachments, and political court decisions, it loses its vigor and ceases to function in the interest of the governed.

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It is important likewise, that the habits of thinking in a free country should inspire confidence. If there is nothing more nor less than a bill of at
Thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and prominence to abuse it will, every avenue to the human heart is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the form of government, by having, in a state, dividing and distributing it into different departments, and constituting each the guardian of the public welfare, a particular branch of the government, and frequent and inveterate contradictions among them, have been evinced by experiments ancient and modern; some of them in our country and under our own eyes. To preserve the government as a body as to constitute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. The degree of success attained by these pressures can be measured by the failure of nearly every amendment that has been opposed by the Judiciary Committee leadership.

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 Justice Department, who like herds, are riding herd over their sheep.

On the other side, peering from their perch are the political parasites of our day. I see Members whispering individually as they walk through the tellers on the various amendments. I have seen Members summoned out of the Chamber by these people and called on the floor for having voted against their convictions. Members have told me of these pressures being exerted, and the threats that have been thrown at them by these organized political racketeers. The degree of success attained by these pressure activities can be measured by the failure of nearly every amendment that has been opposed by the Judiciary Committee leadership.

Mr. Chairman, I do not hold those Members in contempt who are so weak as to surrender their honest convictions to this crowd of agitators; on the contrary, they have my deepest sympathy, for it is they, not I, who will have to answer to their children and their children's children for this prostitution of their beliefs. It is they, not I, who will have to shoulder the blame for the destruction of our Republic, for indeed that must be the eventual result of this kind of legislation.

I am sorry that these pressure outfits have directed all of their energies into these efforts to use Negro bloc voting as a vehicle for undermining our system of government. Were they to devote their talents to the upgrading of morality among their members in the Negro race, they could make an significant contribution to the good of all mankind.

These outfits do not seem to care that every fourth Negro child entering the District of Columbia, public schools is illegitimate; or that the black reproduction proportion holds true in Illinois. They are unconcerned that every sixth Negro child in Iowa and Michigan is illegitimate. One out of every five Negro, under a public school system in Pennsylvania and Minnesota is illegitimate, but such sordid conditions are overlooked by the NAACP, CORE, SCLC, and other such medley organizations.

Instead of preaching morality, and obedience of law, these groups preach racial hatred against the white man. They exhort their followers to practice mob violence rather than practicing virtuous conduct.

Would it not be more useful for these leaders to teach their own the code of civilization instead of hounding Congress to socialize America? Mr. Crowder said 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 great experience during 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 exist in any region of America, and initiate punitive legislation aimed at one region because it is politically popular to do so. But I can assure all of you that as the South solved this legislative problem once before, it will be done again. I am sure that many white people will have to suffer in the meantime.

The South has overcome many obstacles—political, social, and economic. The South which was once behind 80 percent of some voter registration drive has assured them a city council seat in the June 9 election.

Think about that. The election is not until June 9, but Negro leaders say they have already decided who they will support. No candidate has been selected. Qualifications are immaterial. Here we have it on the admission of a Negro leader—Negroes will vote in a bloc for a Negro candidate, regardless.

That is the type of racism which has caused the deaths of thousands of whites in Africa in the last few months. That is the type of discrimination which has spread all over America when voters are led to the polls like sheep. These professional agitators do not expect Negro voters to cast an intelligent vote. They expect them to cast a vote dictated solely by race. Is that the type of government you would like to live under?

I think not, but if you enact this bill into law, many millions of people will be living under such a government.

Instead of trying to arrogate unto themselves political power on the sole basis of race, Negro leaders should discourage such disproportionate high crime rate which exists among their own race.

In New York, the home of the chairman of the Judiciary Committee, I find that illegal alien workers, who are nine times as many Negroes as prison as it does whites. Now that State has on the books all the antidiscrimination laws that it wants to enforce. What is even more sinister is that New Yorker's prejudice. So sometimes I would like for my enlightened friends from New York to explain to me why the Negro crime race there is nine times the white.

Mr. Charman, I am indebted to the gentleman from Washington (Mr. Pelly), for letting the cat out of the bag 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 assturing Members that this bill will have no effect on the people in their States.

Those tactics point up the hypocrisy of those Negro leaders. Mr. Crowder and others have directed all of their energies into the wrong channels. Were they to devote their talents to the upgrading of morality and respect of law among their own, they would discover a perceptible change in the attitude of the white people. The economic condition would be improved.

What do these leaders want for their people? They want nothing for their people but they do want something from them. They want political power. Let me give an example.

The Washington Star on January 29, 1961, carried an article datelined Danville, Va. The lead paragraph reads:

Negro leaders here said today their voter registration drive has assured them a city council seat in the June 9 election.

Then the next paragraph:

The Reverend Lawrence O. Campbell, executive secretary of the Danville Christian Progressive Association, said the registration of some 1,500 Negroes—bringing to more than 3,000 the number eligible Negroes—guaranteed that a Negro candidate will sit in the council chambers for the first time.

Think about that. The election is not until June 9, but Negro leaders say they have already decided who they will support. No candidate has been selected. Qualifications are immaterial. Here we have it on the admission of a Negro leader—Negroes will vote in a bloc for a Negro candidate, regardless.

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would accept the amendment as presented.

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 himself has been called upon to mediate 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 Judiciary Committee’s substitute was adopted in place of the original version of H.R. 7152, 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. I argue that 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 over to reduce costs or otherwise necessary litigation. I have heard that some committee members preferred this section be added later by Executive order. Well, such an argument applies 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 instances on record where race violence has been avoided by conference and conciliation. 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 oppositions can keep a bitter controversy in the talking stage there is a possibility that this controversy will not move into the fighting stage. This is based upon the principle that talking allows people to approach each other for fear of losing face, much less sit down to talk over differences in personal relationships. That is why I believe it is so important that these leaders cannot admit publicly or openly that there is any basis for amicable settlement. I think this stage of controversy shall be a test of whether or not they 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 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. Much more cannot involve the violation of constitutional rights. Of course there are some problems that will have to be resolved in the courts. But even those which are susceptible to amicable resolution can often be handled much more quickly and economically by agreement.

This amendment specifically provides that the President shall seek and utilize the cooperation of State and local agencies, if any. It further provides, when peaceful resolutions 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. 7152 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 moderation in relations between the races. If the Bill of this law, he will be neither a northerner nor a southerner. What could otherwise become a very abrasive law will be administered with sufficient temperateness, with the power of persuasion get so firm when required, that will accomplish the easing of racial tensions to the satisfaction of all who want fairness and not only with the method rather than computing and fact.

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 cooperation are preferable to the 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 every race be satisfied and the fears of everyone eased.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina (Mr. Anderson).

The amendment was agreed to.

Mr. CELLER. Mr. Chairman, a parliamentary inquiry.

The 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 tendered to be offered when that title is reached.

The Clerk reads as follows:

TITLE X—MISCELLANEOUS

SEC. 1001. Nothing in this Act shall be construed as indicating an intention 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 such State law, or any agency of the United States which would be valid in the absence of such Act, except to the extent that there is a direct and positive conflict with such provisions so that the two cannot be reconciled or consistently stand together.

The Clerk reads as follows:

Amendment offered by Mr. MEADER:

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 that Title X on page 87, line 1, be changed to title XI.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk reads as follows:

Amendment offered by Mr. MEADER:

Page 87, after line 6, insert the following:

“Sec. 1001. Nothing contained in any of this Act shall be construed as indicating 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 such State law, or any agency of the United States which would be valid in the absence of such Act, except to the extent that there is a direct and positive conflict with such provisions so that the two cannot be reconciled or consistently stand together.”
And renumber sections 1002 and 1003 as 1009 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 necessarily 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 or early twenties prohibiting subversive activities. The Court based its decision on the ground that when the Commerce Clause of Article I, Section 8, of the Constitution preempted or occupied the field of subversive activities and the statutes of the States were therefore invalid.

The purpose of this provision is to assert the intention of Congress to preserve existing civil rights laws which may be on the books of the States or which may be enacted in the municipal ordinances. For example, to show you how critical this matter is in my own hometown, the city of Ann Arbor, Mich., within the last few months, adopted a so-called fair housing ordinance; but the attorney general of the State of Michigan said that that ordinance was invalid under the preemption doctrine because the Michigan constitution established a civil rights commission and the State of Michigan thereby preempted the field of civil rights.

This bill is so sweeping, covering so many facets of civil rights problems, that unless we adopt language such as that which is embodied in this amendment to accomplish the same purpose, the 32 States that have public accommodation laws, the 26 that have FEPC laws, and others that may have laws with regard to public facilities—may have their civil rights laws held invalid. This Federal law would perhaps be, under the Nelson doctrine, a defense to anyone charged under those State and local laws.

The Committee on the Judiciary has been so concerned about this problem of preemption that when we passed a Federal criminal law we often include in the statute a provision that we were not intending to strike down State laws or to occupy the field.

A bill that we passed just within the last few days, S. 741, relating to bribery in connection with the outcome of sporting contests, contained on page 2 these words:

This section shall not be construed as including and applying to the unfair conduct, or to the occupancy of 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 of their respective powers, duties, or authority 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 future, run the risk of having their ordinances or statutes held invalid because of the adoption of this civil rights bill, H.R. 32, 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 strike 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 failing to adopt this amendment I think we would run grave risk of doing great harm to State and local efforts to achieve the equal respect due a Negro, to respect the laws they have.

Mr. ANDERSON. Mr. Chairman, I ask unanimous consent to extend my remarks to this point in the Racoon 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 in support 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 State and Federal civil rights 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 provisions of Federal authority that the Federal Commission shall "seek written agreements with the State or local agency." I am reliably informed that no significant sessions of Federal authority have ever occurred in the labor-management field of the NLRB to State labor relations boards. Federal administrators out to make a record and build up their names sometimes are too busy seeking 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 word, the States, whereby State authority is not needlessly usurped by a centralized government, but I also believe that an obligation rests with the National 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 accept certain helpful 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 constituted to sit by and watch the creation 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. Doar], 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 preemption. This can in truth lead to the destruction of our Federal system. State commissions in my own State of Illinois, New York, New Jersey, and California, and some States should be more aware of local problems and conditions and be better prepared to provide solutions than more distant Federal commissioners.

Because we have a right to complain when they find themselves confronted with State commissions, Federal commissions, and a Presidential committee which are the equal to regional Coloradopolis in 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 am not opposed.

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 affirmative action in question is necessary amendment--necessary to retain the vitality of our Federal system.

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 on to say:

"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 one another, 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 was denied the right to travel and the right to vote. If we as Christians truly believe that the Christ who paused to bring healing and salvation to the sick and the poor and the oppressed will not reject the Negro who is black and poor and oppressed.

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 His own people because of their color. Because of race, because of color, those who are black and those who are white will not take place if founded solely upon the law. There must indeed be a conscious determination within the heart of each of us to contribute our thoughts and by our actions and by our deeds to the resolution of this problem.

We do indeed especially in this time of the year need to remember the words of the great prophet Joel: "With these words toward none and charity toward all." This will not be an easy task; for in many cases it will require laying aside age-old prejudices and preconceptions.

In conclusion, I can remember from our earliest childhood those gatherings in a Sunday school classroom, where in innocence we sang the words of that familiar child's hymn: "Jesus loves the little children—red and yellow, black and white.

In these climactic days of crisis where we have been saddened and shamed to witness in recent months the bombing of a church and the slaying of some of these Sunday school children, the time has surely come for us as Christians to do our part to help bind up these wounds and help heal those differences that threaten to divide us.

AMENDMENT OFFERED BY MR. WINSTEAD

Mr. WINSTEAD. Mr. Chairman, I offer an amendment which reads as follows:

Amendment offered by Mr. WINSTEAD: On page 87, line 8, after the word "appropriated" insert the following: "and let the Negro rest awhile."

Mr. MATHIAS. Mr. Chairman, I offer a substitute for the amendment.

The Clerk read as follows:

Substitute Amendment offered by Mr. MATHIAS

Mr. MATHIAS. Mr. Chairman, I offer a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. MATHIAS as a substitute for the amendment offered by Mr. MEADER: Page 87, after line 6, insert the following:

"Sec. 1102. Nothing contained in any title of this Act shall be construed as indicating an intent on the part of Congress to occupy the field in which any such title operates to the exclusion of State laws on the same subject matter, nor shall any provision of this Act be construed as invalidating any provision of State law unless such provision is inconsistent with any of the purposes of this Act, or any provision thereof."

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 Michigan.

Mr. MATHIAS. I thank the gentle­man.

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

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

Mr. McCULLOCH. Mr. Chairman, the Meader amendment was a good one. The substitute makes it even better. The legislation will be improved by the adoption of the substitute. I hope it is unanimously agreed to.

The CHAIRMAN. 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.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Michigan [Mr. MEADER] as amended by the substitute amendment offered by the gentleman from Maryland [Mr. MATHIAS].

The amendment, as amended, was agreed to.

The amendment offered by Mr. WINSTEAD was passed 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 of the South."

I believe it is about time that we found some other subject to "politic" about, and let the Negro rest awhile.
The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi [Mr. Winstead].

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 Sec. 13 on page 87 and insert in lieu thereof section 1106, if any provision of this act is held invalid the remainder of the act shall not be affected thereby.

Mr. WHITENER. Mr. Chairman, when we have had a previous civil rights bill before us, I offered an identical amendment to this one to strike out language identical to the language appearing on lines 10 through 13 on page 87.

At that time both the chairman of the Committee on the Judiciary and the ranking member of the Committee on the Judiciary [Mr. McCulloch] accepted that amendment. Before I go into a discussion of it, I wonder if they believe the Congress should do to any of them that I happen to have had the privilege of the professional politicians who exclaim so loud about discrimination, will select a few Negroes and give them an influence as nearly equal to that of the entire nation. Mr. Chairman, I say to the chairman of the Committee on the Judiciary, the gentleman from New York [Mr. Celler], and the ranking member of the committee, the gentleman from Ohio [Mr. McCulloch], I understand your States already have civil rights laws as strong as this bill. If that be true in your States, why are you here, why are you here, with so much 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 it.

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 an influence as nearly equal to that of the entire nation. Mr. Chairman, I say to the chairman of the Committee on the Judiciary, the gentleman from New York [Mr. Celler], and the ranking member of the committee, the gentleman from Ohio [Mr. McCulloch], I understand your States already have civil rights laws as strong as this bill. If that be true in your States, why are you here, why are you here, with so much 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 it.

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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 and for the rights of the defeated South who fiercely opposed it, are now enacting a bill which, 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 15th 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 history of the adopted amendments of the 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.

It is 100 years ago in an hour of “triumph of arms” there occurred the most tragic era in American history. Prostrate and devastated—ever more—than its worst enemies could desire—for this was the moment of preservation. 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 reasoning, when it passed laws limiting the power of the President to dismiss Federal officials, when it transferred the President’s power over the Army and depriving the Supreme Court of its jurisdiction over these laws.

Many of your Rejected, who will be telling the Nation of the help you rendered in passage of this civil rights hollow victory, might tell of many other things that President Lincoln said besides his Gettysburg Address. Tell your audience of the tragic years following his death when President Johnson honestly sought to carry out the conciliatory program of Lincoln, but the leaders of his own party fought to force him to be vindictive—even to the point of trying to impeach him when he tried to give the crushed South a fair chance.

We Democrats, who shortly will be presiding over the new Congress, should tell our listeners what Jefferson meant when he said:

That government is best which governs least.

It will be rather difficult, indeed, to explain how the present Congress 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 hire, it is obvious that the time has arrived when hereafter it will be impossible for Congress to attempt forever to settle the question of citizens’ rights. Unless this legislation is overruled by the Supreme Court, you are here today destroying the very principles of government, which you gloriously put in the Constitution which states:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States respectively, or to the people.

Certainly, there is no doubt that under the guise of guaranteeing civil rights that this bill takes away not only personal rights but also the property rights of every American. This rightly called “civil wrongs” bill contains much misinformation.

The bill, under title I, is based on the theory that voting is a matter of right and not privilege to be earned; and, further, the Federal Government assumes control over Federal elections. But, under the Constitution, this is a right reserved to the States respectively, or to the people.

Title II, providing for injunctive relief from discrimination in places of public accommodation, and title III, relating to desegregation of public facilities, are ill-advised and ignore the very principle upon which this Nation is founded in that all store-keepers and others serving the public will no longer have the free choice of serving but will be required by the Federal Government to serve everyone.

At best, both sections are clearly unconstitutional.

Title IV, desegregation of public education, is based on a false premise, for desegregation of public schools is not a matter of law inasmuch as Congress has not taken action on it; however, there are some who claim that a Supreme Court decision is forthcoming, and, if this be true—which I do not admit—then this is a moot question. On the other hand, I do seriously object to the right and authorization by the Federal Government to appropriate 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 timed directly to the 1964 FEPC. This will 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 Draconian sections yet to be placed on the books and, in the end, will not help those whom it purports to help. There are so many factors involved in the selection of an employee that rigid and harsh criteria can be set out.

Incidentally, what has become of the God-given right to run one’s own business and employ whomever 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 this, the Civil Rights Commission which you already set up under this section sets up another expensive Commission to harass and plague the people.

All in all, this legislation is unnecessary and unjust to the very people it seeks to benefit—the very people it seeks to help. It is legislation that would be committed to a far more democratic, 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).

Mr. SMITH of Virginia. Mr. Chairman, I demand tellers.

Mr. Chairman appointed as tellers Mr. SMITH of Virginia and Mr. ROANO.

The Committee again divided, and the tellers reported that there were—ayes 98, noes 163.

The amendment was rejected.

Mr. JENSEN of Iowa. 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 of Iowa. 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 help will learn to tolerate and endure 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 to the gentleman 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, fined or jailed for exercising the full responsibility of American citizenship, which I have provided in this amendment, and to make it just as cruel and to win the elections for your party.

In conclusion, let me say, Mr. Chairman, that along with all the blessings and benefits of American citizenship it follows as a matter of course that the American way of life is relative to the public accommodations 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 that God may be our witness.

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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 2792 add two new sections, appropriately numbered, as follows:

"Sec. 1. To provide for the expeditious 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 marshall, and juries as he deems necessary.

"Sec. 2. In addition to all other appropriate means authorized, there is hereby authorized to be established such funds as the Attorney General deems advisable, but not to exceed $100,000,000, for the erection of new jails, prisons, and compounds without regard to the provisions of Title VI providing for the withholding of Federal funds in areas where discrimination is practiced. This amendment would release 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 is directed at the South, at least, that is the primary direction.

These jails are for southern white folks only. Therefore, 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. Surely 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 to the gentleman from Alabama. Mr. Chairman, will the gentleman yield?

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Mr. ABERNETHY. I yield to the gentleman from Alabama. Mr. Chairman, will the gentleman yield?

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 jail 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. Therefore, 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.

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Mr. ABERNETHY. Of course, the gentleman is correct.

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Mr. ABERNETHY. Of course, the gentleman is correct.

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Mr. ABERNETHY. I yield to the gentleman from Alabama. Mr. Chairman, will the gentleman yield?

Mr. ABERNETHY. Of course, the gentleman is correct.
They are not only trying to circumvent proceeding along the road of basic law, but they are trying to circum­poséd to be applied. 

Mr. ROGERS of Texas. Mr. Chair­man, it is not my purpose in offering this amendment to debate. 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 by the people who carry on 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 those 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 expounding 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 Mississippi.

The amendment was rejected.

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 number ed title XI to read as follows:

"Evidence received in all proceedings under any title of this act shall be subject to and in conformity with rule 43 of the Federal Rules of Civil Procedure, with the exception that 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. 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.

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

The amendment was rejected.

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

The Clerk read as follows:

Amendment offered by Mr. SIKES: On page 87, line 7, strike out lines 7 through 9.

Mr. SIKES. Mr. Chairman, this is not a frivolous amendment. The lan­guage used which proposes 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."

The amendment is a very 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. It was 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. For what 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 about our problems, this bill is proposed. We can call it the great leveler, because it would level enterprise and restrain ability and harass and try the bold spirits who keep America great.

I do not know what voice the Com­munists had in this enterprise, but I am confident they could not have been hap­pier had they been in Moscow. America's phony revolution helps their cause, not ours. It is interesting to note that there are riots and revolu­tions in many parts of the world, the most recent being in Kenya, in the Panama Canal—almost everywhere on our side of the Iron Curtain. It is always interesting to note that rioters and revolutionists are neither encouraged nor tolerated on the other side. But no­where in the world are the rioters and the revolutionists free and prosperous as they are here. Nowhere else are they given an opportunity to go all the way to the top in their chosen field—even in the field of riot and revolution.

This legislation will not pull to the top of the economic heap the rank and file of those who went into the streets. It can pull our economic system down on them and on the Nation, because this bill will destroy the enter­prise system and when that system is gone the greatness of America will be gone.

Yes, we have had a phony revolution to pressure the Congress and the admin­istration into supporting unneeded and unwanted legislation. Now, I predict that this will not be the last word on civil rights. I predict there will be a real revolution at the next polls. The American people are not blind. The great majority do not want the free en­terprise system destroyed. A majority has rights too. They will have the last word. There will be a hereafter to this debate.

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 CHAIRMAN. 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 lines.

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 will be a hereafter to this debate.

I wish to explain why this objection is made. I believe it is evident that what I predicted on Monday would happen has happened. I predicted the debate would be cut off, and that amendments would be offered and that there would be no 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 were to extend 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 for debate comes down on 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 taking 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 argue the merits 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 Smoot 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 going to be 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. We are going to over it 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 Missouri. 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 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 Alabama.

Mr. WAGGONNER. Mr. Chairman, 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.

I yield back the balance of my time.

Mr. CELLER. Mr. Chairman, 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 read as follows:

Amendment offered by Mr. WAGGONNER:

On page 456, 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 not take effect 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 an un- disposed 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 close in 5 minutes of the time that I made the motion.

The CHAIRMAN. The question is on the motion of 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 (demanded by Mr. JOHANSEN) there were—ayes 135, noes 62.

So the motion was agreed to.

The CHAIRMAN. The gentleman from Louisiana (Mr. WAGGONNER) is recognized for 5 minutes in support of his amendment.

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

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

Mr. Huddleston. Mr. Chairman, I have an amendment at the desk which attempts to place a ceiling on section 1102 of §15,500,000 which is the amount the Department of Justice said it would cost to run their anticriminal programs for the first year. I am not allowed to discuss my amendment. I have been completely thwarted. I thank the gentleman from Alabama for yielding me this amount of time.

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

Mr. WAGGONNER. I yield to the gentleman.

Mr. Corman. 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 effort to appease them, while 89.9 percent of the population of the country is white and countenances prejudice is nored 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 news media.

Some Members say that we cannot do it. We can do it in wheat referendum. Should we 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 to whether or not they want it? 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 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 commend Mr. Hooper as reported by New York [Mr. Cellini] and the other gentleman from New York [Mr. Kosonu] for the splendid and fair job in which this debate was carried on.

With all due respect to 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 not had the opportunity to be present on the floor 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 433 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 do. 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 respected. This is America and this is the American House of Representatives. 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 Clerk read as follows:

Amendment offered by Mr. HUDDLESTON: On page 67, line 8, after "appropriated," strike out "such sums as are necessary," and insert "$15,500,000.

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 constitutional rights in education, to establish executive and legislative, 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, to establish executive and legislative, 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 legal motivations 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 legal motivations 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 legal motivations are not always the interests of all. In sustaining our way of life and in preserving our historical traditions, however, the fundamental rights of each citizen must be protected. 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 has hindered us in our land and thereby revive and sustain the faith of the American people in the viability and strength of our great Nation. It is a challenge 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 the minority report did so because of political expediency. I believe

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 Congressmen 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 of the Members 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 referred to 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 support it, 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 the report supporting the capability of the 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. 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 all are not always the interests of all. In sustaining our way of life and in preserving our historical traditions, however, the fundamental rights of each citizen must be protected. 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.
CONGRESSIONAL RECORD — HOUSE
February 10

With kind personal regards and best wishes,
I am,
Sincerely yours,
ROBERT E. SMYLIE,
Governor.

However, Mr. Chairman, I support this legislation because I believe that it is the responsibility of every American citizen to pay taxes, to rise to the defense of our Nation by bearing arms in the military service in times of national peril, to make an honest and decent contribution of our State and the property of our Government, I also firmly believe that it is the constitutional right of every American citizen to vote in free elections, to obtain an education and a public school in the State where he resides and at the higher State institutions of learning in the State in which he resides, and to enjoy fully the public accommodations of restaurants, hotels, and public meetings and public places regardless of his race, creed, or color. Unfortunately, this is not possible today in some sections of our Nation. In some sections of the South, African-American citizens are transported unnecessarily great distances to attend schools where attendance is determined solely on the basis of color rather than the district of residence. If you, sir, as a member of this committee, visit some sections of the southern part of the United States either to be as a member of a baseball team or as a member of a scientific research team working on the problems of education in the South, you will find that they are often not allowed to stay in the same hotel or dine in the same restaurant with other members of the team. This is not only humiliating to them, it is often humiliating to their white team members. This is a moral injustice. This is a flagrant violation of the Constitution of the United States.

I rise, Mr. Chairman, in support of H.R. 7152 because I, too, feel that this important bill will do much to conquer intolerance and prejudice and thereby revive and sustain the faith of the American people in the solidarity and strength of our great Nation.

Mr. CONTE. Mr. Chairman, I would like to take this opportunity to congratulate you, Mr. Chairman, for your leadership in the Judiciary Committee (Mr. Celler) who has spent untold hours behind the scenes and on this floor in behalf of this legislation out of his personal conviction of the necessity and the importance of keeping problems in this area at a minimum.

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 State, anti-civil-rights stands were a number one prerequisite for being elected to office, and the stronger the anti-civil-rights stands the better the chance of election. In fact, I have heard it said that one is likely to succeed in politics if he can scare 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 am sure many others 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.

Now, having made my points that I object to charges or insinuations that either the supporters or the opponents of this legislation are interested in anything 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 as broad as the one 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. 1732.

The policy of the State of Idaho with respect to these matters is contained in Chapter 309, Idaho Session Laws of 1961, which reads as follows:

"Section 1. The right to be free from discrimination because of race, creed, color, or national origin, the full enjoyment of any of the accommodations, advantages, facilities or privileges of any place of public resort, accommodation, assemblage 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 include any person or a lessee, proprietor, manager, agent or employee whether one or more persons, partnerships, associations, natural persons, corporations, organizations, corporations, cooperatives, legal representatives, trustees, receivers, of this statute, 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 be limited to any public place, licensed or unlicensed, kept for gain, hire or reward, or where charges are made or required for the use of or access to any of the premises or facilities, whether conducted for the entertainment, housing or the lodging of the public, the use or accommodation of those seeking health, recreation or rest, or for the sale of any goods and merchandise, or for the rendering of personal services, or for public conveyance or transportation on land, water or in the air, including the stations and terminals thereof, where food or beverages of any kind are sold for consumption on the premises, or where public or private schools, or recreation, or recreational use or recreation of any kind is offered with or without charge, or where medical service or care is made available or where the public gatherings, 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 private school or any private club, or any organization, or anything herein contained shall be construed to include, or apply to, any institute, 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 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 compensations 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 accommodations, advantages, 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 legislature and 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 at a minimum.

larger sum than the uniform rates charged other persons, excluding from any person the 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 include any person or a lessee, proprietor, manager, agent or employee whether one or more persons, partnerships, associations, natural persons, corporations, organizations, corporations, cooperatives, legal representatives, trustees, receivers, of this statute, 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 be limited to any public place, licensed or unlicensed, kept for gain, hire or reward, or where charges are made or required for the use of or access to any of the premises or facilities, whether conducted for the entertainment, housing or the lodging of the public, the use or accommodation of those seeking health, recreation or rest, or for the sale of any goods and merchandise, or for the rendering of personal services, or for public conveyance or transportation on land, water or in the air, including the stations and terminals thereof, where food or beverages of any kind are sold for consumption on the premises, or where public or private schools, or recreation, or recreational use or recreation of any kind is offered with or without charge, or where medical service or care is made available or where the public gatherings, 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 private school or any private club, or any organization, or anything herein contained shall be construed to include, or apply to, any institute, 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."

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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. 7193. 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 Florida [Mr. Cramer], who has throughout this debate in a forceful manner presented strong legal arguments in favor of many amendments, which if they had been adopted would have greatly improved the bill.

I am disturbed that there are so many Members of the House who, in their zeal to try to pass a civil rights bill, have ignored the sound legal arguments that have been presented against certain sections of the bill, but have simply voted in accordance with the image the bill seems to have created.

What these zealots lose sight of is the fact that there are a lot of people in the Congress of the United States who would vote for a civil rights bill but because of the unreasonableness of many of the proponents of the bill, they are forcing people of good will who believe that some legislation in this field is to be desired, to vote against it. Obviously, there are not going to be enough to kill the bill and it is because the proponents know this, that they have been riding roughshod over all opposition. Therefore, they are right but because they have the votes.

I talked to one of the lobbyists for this bill the other day, who admitted to me that this was a case of "they wanted to make it as strong as possible because they felt that it was going to be watered down in the Senate and therefore if they could make it quite strong here they would not have to yield as much in the other body. In my judgment, that is a pretty poor way to legislate, but then if you do not have the votes, I think it is another thing you can do about it, except that we will be in a position to say, "I told you so," a few years hence.

It is a movement that the House action so far on this bill, that the gentleman from New York [Mr. Powell] was correct in the statement that was attributed to him some time ago, when he was reported in the press as saying, "We've got the white man on the run." Can the membership of this House not see that you do not solve any problem by passing unreasonable laws? Every bit of the trouble that has come about so far is not because of the lack of laws but because of laws that have already passed or have been written by the Supreme Court. How can any reasonable person assume that more laws will make less trouble? Can anyone show me one single thing in this bill that will do the first thing toward changing people's hearts? And I want to say to the House that this problem is not in legislation, but in people's hearts.

I think this bill, if it is passed in its present form, because of its extremism and because of the annoyance that it brings to many people of good will who would like to vote for a civil rights bill. It has appeared from my observation that there are very few people who will stand off and look at this legislation objectively. I did have a letter from a young lady sometime ago, who was a big enough person to do just that and I want at this time to quote from a letter that I received from Miss Nancy J. Hartwell, who is a student at American University here in Washington. On December 10, she wrote me in part, as follows:

Please do not vote for the Civil Rights Act of 1963 the way it stands right now. I am an ardent integrationist but am convinced that this bill will do more harm than good in the long run. It needs a civil rights bill the most—the South.

A major objection I have to it is the fact that courts will have to control their votes on this bill. This bill can hardly be called equalizing rights, unless you consider it acceptable to take most human rights away from persons.

A little medicine, taken in the proper dosages and at proper intervals, is a good thing. But a whole bottle poured down unwilling throats defeats its own purpose; in fact, it is deadly poisonous.

It is too bad, you too sad, that more people who are ardent integrationists as is this young lady, will not let logic and reason rather than hysteria and a false image control their votes on this bill. In its present form, it should be defeated, but being realistic, my observa- tion of what has gone so far tells me that any hope in that direction is in vain.

Mr. O'BRIEN of New York: Mr. Chairman, the House of Representatives is now completing its element one almost incidental to the vast extension of national control of decidedly private affairs. If there is ever an honest-to-God civil rights bill, I ask you to support it. This bill can hardly be called equalizing rights, unless you consider it acceptable to take most human rights away from persons.

All of us, alarmed by the growing tendency to downgrade our legislative branch of Government, have been inspired by the debate, pro and con, to which we have listened. It will be a gold mine in which scholars and historians can dig for many years. I hope the credit for the high level of debate rests with the membership generally and with those on both sides of the aisle who have managed or sought to amend the legislation.

Their efforts, however, have been augmented in great measure by the gentleman from New York [Mr. Koons], who presided over the deliberations of the Committee of the Whole during the entire discussion. No man in recent years has had a more difficult assignment. The debate itself has extended over 9 days. During that time, the gentleman from New York has presided with courtesy, dignity, and fairness to the nth degree.

I know that I speak for every man and woman here when I say that the dignity with which he has conducted the discussion, the last 9 days was due in enormous measure to the gentleman from New York. We thank him for adding not only to his own stature but to that of the House of Representatives as a whole.

Mr. HORTON. Mr. Chairman, we are nearing the conclusion of the greatest challenge this House has had to meet...
in this or many Congresses. Before we cast our votes and determine whether H.R. 7162 shall leave the House of Representa-
tives as a constructive and effective measure, designed to protect the
right of every American citizen to be free from racial and religious discrimi-
nation, or leave as a crippled measure that pays no more than lip service to
civil rights, one way or another, I want to announce my voting intentions.
Thereby, I hope to reaffirm my stand in favor of this bill, because I am con-
vinced it is a constitutionally and morally
necessary to strengthen our Government to guarantee the full en-
joyment 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 Jus-
ticiary Committee and which has pro-
gressed to this point unchanged except for amendments which I may add.
Such amendments, all of which I supported,

Further, should there be offered a mo-
tion to recommit this bill which would
have the effect of preventing any vote
day, 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 recommittal.

**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 divi-
sions which exist between our Members
pray for the addition of
handing the judiciary Committee and which has pro-
duced a statement of Congressional Intentions
which transcend personal and po-
sition in the House at the start of this 88th
Congress, so that our representatives seek to
accomplish this recommittal.

**SECOND BILL**

On February 20, 1963, I introduced the first two civil rights bills which I have
offered thus far. During this same peri-

ded, nearly 50 other Congressmen subm-
itted similar civil rights bills. All of these propos-
als, while not completely identical in substance,
in language, were identical in substance.
My first civil rights bill, H.R. 4034,
known as the Civil Rights Act of 1963,
was a comprehensive bill. It had
principles 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 80 in the first real voting test of civil rights in
this Congress. Subsequently, the
measure was signed into law.
- Establish a Commission for Equality of
Opportunity in Employment.
- Authorize the Attorney General to file
injunction 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 illiteracy qualification
for voting in a Federal election.

**JUDICIARY COMMITTEE HEARINGS**

On May 9 of last year, the second of
20 days, beginning April 20, devoted to public hearings on civil rights legisla-
tion, 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 to our country today, in Con-
gress are attempting to enact into law meas-
ures that will lend additional guarantees to
our constitutional heritage. In recent times,
there has been an increasing number of
American citizens who have been 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
its own local civil rights laws similar to
New York State there would be little need for
Federal legislation in this field. In fact, recent testimony from the Committee
voted the right to vote, the right to work,
the right to own property, without regard to
race, creed, or national origin.

However, there are many States which
have tried to restrict the rights of citizens
as protected by the Constitution. In
these, the term "second-class citizen" is
a sad reality.

These conditions of deprivation of basic
humanity and dignity violate that which is
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 legis-
lation which is before it, both in my bill
and the bills of many of my colleagues,
regardless of the bills of many of my colleagues,
implemented—this legislation faces, few bills, it en-
acted, could more effectively serve the
civic function.

As increasing tensions erupted in vio-

Our Constitution contains explicit pro-
tection against the action of any State
to deny a citizen such equal protection.
As a nation founded on law, we hold that
civil rights are a fundamental right which
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 of-
ends freedom both legally and morally.

Because of my conviction that the
people of our country, as well as the prob-
lem 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, re-
ceived permission to explain the provi-
dions of our proposals at the conclusion of the
ergic to serve the policymaking and
the giving to
each American an equal opportunity, I
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On the occasion of its introduction,
June 4, 1963, the more than 30 of us in
the House sponsoring similar bills, re-
ceived permission to explain the provi-
dions of our proposals at the conclusion of the
regular legislative business sched-
uled that day.

Toward the end of a session that lasted
until 10 p.m. I addressed the House. Ex-
cepts 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 can assure each and every American
an equal right to share in all the benefits and
all the privileges of this great country, this
democracy will not be healthy democracy.
So it seems to me that as this legislation is
presented, we here in the Congress should
not delay in passing this bill, not to
make certain that our democracy is not go-
ing to continue to be an anemic democracy.
No, I hope that we can perhaps make the
world can be
proud of this Congress and its leadership in
making certain that all American citizens
have their equal rights and their equal opportunity.

The bill I have introduced would grant
broad authority to the Attorney General to

being deprived of their constitutional guarantees, by those who report this morning on the front pages of newspapers 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 accommodations, food or services to the public. My bill also contains the so-called title III provisions of the New York Civil Rights bill by Horan during the Eisenhower administration, but failed in the Senate. This legislative language 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.

REPEAL

Because of the intensity and emotion which exists in public and private considerations of civil rights, let us try to sort out from the superficial arguments the central meaning 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 consideration. This response is inaccurate. The Negro citizens of America — cannot, must not be made to do these two words say to us?

To all the Members of the House, I rejoice in extending my congratulations and deep appreciation for their outstanding work on the bill.

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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, preserving 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 pathways 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 unequalled country, to preserve law and order, 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 affictions of Godless materialism, debasing 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. Let us set aside the artificial barriers to friendship, love, good will, understanding and 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.

For us, 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 will do all I can to support this bill. I urge its overwhelming passage by the House.

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 admit, by means of Federal legislation, that a substantial group of American citizens are denied basic constitutional rights. Rights I believe are the birthright of all of our citizens. It is not pleasant to attempt to legislate discrimination out of existence because it is a tacit admission that we have lagged in practice, far behind the American ideal that the rights of citizenship should accrue fully to each individual American. I look forward to the day when laws and practices hereafter will provide that no one can be wiped off the books because they will not be necessary.

There is, however, at the present time, a basic need for enactment of the civil rights bill before us. The growing impatience of those who for generations have been the victims of discrimination has been combined with the realization by men of good conscience that we must turn our heads and neglect the gap between present realities and the American ideal of equal opportunity and the national climate where each individual can achieve self-think and self-improvement.

It should be recognized that some progress has been made in eliminating discrimination in the last century through local initiative and voluntary action, local and State laws, and various Federal actions along with the Civil Rights Act of 1957 and 1960. The bill before us today represents a giant step toward the resolution of the problem that has not resolved itself. No one claims that this bill will completely resolve our discrimination problems, but it should create an atmosphere for progress on the national, State, and local level, and a climate conducive to healthy change.

Mr. WIDNALL. Mr. Chairman, in speaking for the civil rights bill, I want to correct an impression that has been left by some of the discussion of this legislation. It is often said that by enacting this bill, we would be establishing new freedoms or rights at the expense of others. This is not the case. The Constitution of the United States guarantees basic rights and freedom to every citizen. It is not our purpose to establish new freedoms or rights by means of this legislation. It is the purpose of this bill to provide a means by which the Federal Government can exercise its power to enforce the Constitution of the United States, including the Fourteenth Amendment, in a discriminatory fashion. I urge its passage.

Through enactment of this legislation, Congress is merely providing a means by which rights that have always existed under our constitutional framework can be exercised by Americans of any race or faith, of any color or creed or national origin. The method by which this is done is an appropriate subject for debate, for there is no one sure way in which the necessary task will be accomplished. It is my opinion, however, that in the bill before us, a bill which evolved from the thoughts and efforts of members of both parties, we have an opportunity to solve a great problem.

It is also said that provisions of this bill would impose restrictions on the manner in which individuals conduct themselves within our society. The Constitution itself imposes restrictions, for the simple reason that some rules of procedure for living in society are always necessary, and where custom does not provide guidelines, it can be expected that some type of organized restraints will eventually be constructed. Here again, if individuals will feel restricted because of provisions of this bill, it is not because of provisions of this bill, it is not because of discrimination under our Constitution is being newly imposed. It is because that basic restriction has been either impaired or continuously ignored.

I have watched with interest the development of opinion behind the civil rights bill in this 88th Congress, and not just from the day a year ago that 40 of my Republican colleagues introduced legislation. Since that time, we have witnessed a pouring out of grief and discontent in the streets, the schools, the places of work and worship in countless cities and towns, North and South, East and West. I have had the privilege of associating myself with 30 Members of the minority party in the introduction of civil rights legislation in May of last year. The approach we recommended with respect to public accommodations, that of basic legislation on the 14th amendment, has since been accepted by the majority party, and in tentative action, passed favorably upon by the House as a whole last week.

Once again, the major criteria of persuasiveness are the provisions of title VI of the current bill. Last July I submitted testimony to the Judiciary Committee, with many other Members, in which I stressed the need to strengthen what was then a discretionary authority with respect to the use of Federal funds in a discriminatory fashion. I find nothing more logical or compelling than the argument that if taxes are paid by our citizens regardless of race, color, or creed, that the programs these taxes are used to support should also be carried out in nondiscriminatory fashion.

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 toward the use of Federal funds in a discriminatory fashion. I urge its passage.

There should be no false hopes, no false promises rising from this legislation. It is not perfect. It is not a panacea. It is merely a step toward the resolution of one of the age-old problems of prejudice and ignorance. It is not enough to accept and enjoy the provisions that have been made to provide a means by which we can no longer turn our heads and neglect the gap between present realities and the American ideal of equal opportunity and the national climate where each individual can achieve self-think and self-improvement.
reasonable manner, and, by passage of this legislation, can produce a responsible solution.

Mr. GILL. Mr. Chairman, passage by the House of the Civil Rights Act of 1964 is a large step toward real equality in this nation. I feel it is not as important as the forces which gave it birth. If finally passed in its present form, it will provide a powerful weapon in the fight for human dignity but, I believe, is not enough. We also need the persistent and calm insistence of most of us that our culture recognizes men as men regardless of color. Without this insistence, no civil rights law can really work, any more than similar laws passed after the Civil War worked.

This bill is important for other reasons as well: first, it reaffirms the American principle that when they clash, human rights will prevail over property rights; second, it will show the rest of the world—the vast majority of which is nonwhite—how we can improve the design and deliver an effective fashion to solve our racial problems, as indeed they should move on theirs.

I am very pleased that the two areas this country and labor where our Committee on Labor and Education contributed legislation, have survived in reasonable form in the House bill. If our committee had not acted as it did on H.R. 7771 and the FEP bill, H.R. 406, and fully promoted these concepts in the House, titles 6 and 7 would probably not have come through as a effective form as they have.

It has been a privilege to participate in this historic legislative struggle. What we have achieved is built on the often lonely legislative efforts of many who have gone before; many is in turn serve as a foundation for the efforts of the myriad who will follow.

Mr. ROUSH. Mr. Chairman, I have been impressed this year with the emphasis 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 many 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 up 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 nations honoring 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 deny 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 and to vote, and the right of equal opportunity.

As a legislator 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 the distrust of their fellow men. 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 contradiction of the Constitution.

Many of the sponsors know that is true, but they say: "Oh, we will just let the Supreme Court decide that issue." I am assuming—and secretly hoping—that the other body will bail us out and never allow this monstrous attack upon constitutional government and the rights of the individual to go down the land.

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. If he served in this 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 conformance with the requirements 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. What 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 the problem in the area I represent. The racial issue as such is relatively unimportant here. The matter of dealing with racial problems as a whole is the far 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.

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 I hope have always 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 create a situation in which we do not encourage employers to employ more Negroes. On the contrary, despite the commitment 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 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, if this proposal is enacted its 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 the equality 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 deliberations on this 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 were not. The sponsors 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, fair, and impartial. 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 on Labor and Education while Mr. Fish was Chairman of the Committee, the gentleman from New York [Mr. Kosow], who patiently and judiciously presided for the 9 days of this debate.
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 desire to make enforcement of its authority.

The result of this trying effort is legislation—legislation Mr. Chairman, which will preserve basic human rights for all to the extent of the country's legislative power. Disenfranchised citizens are given immediate remedies in the exercise of their franchise.

Financial assistance has been provided to aid in school desegregation. Public accommodations are safeguarded for the use of the public in its entirety. By the adoption of title VI, Federal funds should no longer find their way into segregated programs. And the key provision of all, the section on equal employment opportunities, should bring our country to higher levels of dignity and manhood and more clearly signify the new spirit of the Fifties.

This bill will not provide instant brokering, and can render fine contributions to its operation for the good of the community.

The bill also provides for corrective enactments affecting labor unions' programs that are inimical and prejudicial to Negro employment and job training.

The enforcement provision if properly activated can bring about a practical solution of many of the basic problems confronting the Negro due to unfair practices that victimize him in everyday life and society.

The Commission can enforce its findings through the Federal district courts. Although the bill in its entirety is not an answer to 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.

The community relations service, if properly administered, can alleviate the many problems and help in their solution.

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 effort on those specific purposes. And in this instance it is of the greatest importance to all of our society. This is the most fundamental issue of which lesser ones are a part, and it is the difference between being ostracized or becoming an integral part of its civic and spiritual life.

We are, in this instance, of the greatest importance to all of our society. This 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.

God's will demands that this be done for the preservation and unity of our Nation. Our leadership of the liberty-loving nations of the world would be secure in this. This 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 Abraham Lincoln had lived.

Mr. CORMAN. Mr. Chairman, this is an excellent bill and will remedy many of the iniquities long suffered by our Negro citizens.

The credit for this great accomplishment must go to Chairman EMANUEL DADDARIO of Connecticut. And on behalf of the present Chairman, Mr. WILLIAM McCULLOUGH, 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 expeditious 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 reasonableness 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 united everyone to either strengthen 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. There has been wide agreement that this is the one powerful program the two of our great Constitution, seeking to secure the blessings of liberty for all our people.

I am deeply grateful, as I know we all are, that the thinking and work we have 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 and the thinking that went into it, without question, the vote of this body must be for legislation which will strengthen the dignity of the individual, promote the maximum development of his capabilities, and escalate the rise and widen the choice and effectiveness of opportunities for Individual choice.

There has been discussion throughout the debate of the opportunity for 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 completing that which I think has been accomplished if our martyred President Abraham Lincoln had lived.

Mr. LIBONATI. Mr. Chairman, H.R. 7152 incorporates into the law of our land provisions of a drastic nature that call
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 abides by the agreements, 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 p...
require greater efforts to solve, but I believe that it is in the very nature of this country to act swiftly and fairly to end this grave injustice and to assure a climate of freedom that will allow each of us to judge for ourselves the worth of her merit, blind to the hallmarks of color, accent, or ethnic origin.

Although we pass this bill—and it must be passed—we must still concern ourselves with the subtle but lasting problems of discrimination. We must work together in every city, every community, every neighborhood to give reality to our principles and strength to our goals. I am sure that all Americans will react to this challenge and that it will be met with maturity and with the wisdom of shared experiences and common goals.

The CHAIRMAN. The question now recurs on the committee substitute, as amended.

The committee substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. Kegon, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 7152) to enforce the constitutional right of the people of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect the right of a citizen to exercise his privilege and rights in education, to establish a Community Relations Service, to extend for 4 years the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes, pursuant to House Resolution 616, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

Under the terms of House Resolution 616 a separate vote may be demanded on any amendment adopted in the Committee of the Whole.

Mr. WILLIAMS. Mr. Speaker, I demand a separate vote on the amendment that was offered by the gentleman from Virginia (Mr. Swanson) having to do with adding the word "sex" to the bill, and also the amendment offered by the gentleman from Ohio (Mr. Assata) dealing with the subject of atheism.

The SPEAKER. The Clerk will report the first amendment on which a separate vote was demanded.

The Clerk read as follows:

On page 68, line 23, after the word "religion," insert the word "sex." 
On page 69, line 10, after the word "religion," insert the word "sex." 
On page 69, line 17, after the word "religion," insert the word "sex." 
On page 70, line 1, after the word "religion," insert the word "sex." 
On page 71, line 5, after the word "religion," insert the word "sex." 

The SPEAKER. The question is on the amendment.
been most dignified and most statesman-like in their defeat. A tribute is due them even in their defeat.

GENERAL LEAVE TO EXTEND REMARKS

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. 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.

I WOULD HAVE VOTED "AYE"

Mr. TUPPER. 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.

IMPERESSED 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 with which they conducted themselves during the long, strenuous debate. Their conduct was a credit to the Congress of the United States.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Ratlford, 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:

H.J. Res. 779. Joint resolution to amend the joint resolution of January 28, 1948, relating to the membership 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. 5377. An act to authorize the Civil Service Retirement Act in order to correct an inequity in the treatment of certain officers of 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 all 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 available.

Feder programs have played a major role in these advances: Federal expenditures in the fiscal 1965 budget for health and health-related programs total $5.4 billion—about double the amount of 8 years ago. Federal health program 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 greater strain is put on our limited supply of trained personnel.

Even worse, perhaps, are those 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 the unqualified for military service are

them come from poor health—poverty. Above all, we found unqualified for military service are

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

strenghthened our attack on that particular companion of prolonged and costly illness.

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 the paragraphs that follow, I present the rest of this year's agenda for America's good health.

I. 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 adopting 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 to ask for 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 $77 a day. And the average social security benefit is just $77 a month for retired workers and $67 a month for widows.

There is no '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 just one possible solution. Hospital insurance based on social security payments is clearly the best method of meeting the need. It is a logical extension of a 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:

I recommend a hospital insurance program for the aged aimed at two basic goals: First, it should protect against the high cost of care for 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. Basic 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 contribution 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 years to protect himself in old age in a dignified manner against the devastating costs of prolonged hospitalization.

Hospitalization, however, is not the only end of older people's medical needs. Many aged individuals will have medical expenses 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 we have made possible through 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 their 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 three times 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:

(c) 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:

(d) I recommend that the separate grant programs for nursing homes and other long-term care facilities 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:

(e) 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.

(f) In addition, I recommend that authority to insure mortgage loans for the construction of nursing homes be extended from the Federal Housing Administration to the Public Health Service.

These changes will help us build more hospitals and other medical facilities.

The present Hill-Burton Act cannot meet this critical need. Further neglect will only aggravate the problem. Therefore:

(g) 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.

5. ENHANCED MEANS OF PAYMENT

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:

(i) 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 personnel and management of education for the health disciplines which 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 STRENGTHENED 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 advisers to the Public Health Service has recommended that the number of professional nurses be increased from the current total of 550,000 to 600,000 by 1970.

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 organizations, 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 have helped 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 1969.

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.

I was, 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 be substantially increased.

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 heart and health, harbored 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 by pesticides, indispensable to our farmers sometimes introduce chemicals whose long-range effects upon man are dimly understood.

We must develop effective safeguards to prevent such hazards 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 mental 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 on pesticides, released last 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 Transportation, is revising and revising procedural requirements 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 permitted.

Finally, the Federal Government's own use and application of pesticides are being reviewed to assure that all safeguards are applied.
the World Health Organization. The Congress has endorsed this objective and has appropriated the necessary funds.

We will continue to encourage WHO in its work to eradicate malaria throughout the world.

We will continue to commit substantial resources to study and development of turbines through bilateral programs of malaria eradication.

The United States will also initiate in 1964 a program to eradicate the mosquito, the vector of yellow fever. My 1965 budget provides expanded funds for the second year of this program.

CONCLUSION

The recommendations 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 this week, a message from 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 International Atomic Energy Agency Participation Act, the sixth annual report covering U.S. participation in the International Atomic Energy Agency for the 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 gentlemen 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 that Americans get the American myth that the Johnson administration is practicing economy in the expenditure of the taxpayers’ money. The Members of Congress have an obligation to appropriate the money, they know that we are dealing with a myth, but the public is being misled.

Here are two simple facts that should set the record straight:

1. President Johnson is already planning to spend, on his own budget figures, $600 million more by the end of the current fiscal year next June 30, than the late President Kennedy planned to spend according to a statement by Budget Director Gordon on November 19, 1963, 3 days before he died. President Kennedy’s budget for the current fiscal year.

2. President Johnson’s budget for the next fiscal year calls for an increase of $5 billion over what was approved under 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 requested by Mr. Kennedy. This reduction effort was initiated a year ago by a Republican budget-cutting task force under the leadership of Frank B. Moss, Senator from Ohio, but the reduction was possible because of the dedicated assistance of all Members of Congress, and I believe in equal 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 operation of the GOP budget-cutting task force 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. Merritt, of Chicago, former Deputy Director of the Budget, both of whom served under President Eisenhower. I have always been invited to assist again this year. We reached the decision to continue the task force for two reasons:

(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 they have been increased by the Administration. True economy demands that we substantially reduce Mr. Johnson’s requested increase.

(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 risked. 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, Jim Cannon, of Missouri, for his leadership in the economy battle last year and to express our confidence that he will continue to cooperate with us for economy this session.

Further, we commend our chairman, Mr. Cannon, 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.
- Interior Subcommittee, report, Friday, March 13; floor, Tuesday, March 17.
- Treasury-Post Office Subcommittee, report, Friday, March 30; floor, Tuesday, March 31.
- Legislative Subcommittee, report, Friday, April 3; floor, Tuesday, April 7.
- Agriculture Subcommittee, report, Friday, May 8; floor, Tuesday, May 12.
- Domestic Agency Committee, report, Friday, May 22; floor, Tuesday, May 26.
- Public Works Subcommittee, report, Friday, May 29; floor, Tuesday, June 2.
- Foreign Aid Subcommittee, report, Friday, June 5.
- Legislative Subcommittee, report, Friday, May 15; floor, Tuesday, May 19.

LEGISLATIVE PROGRAM FOR THE REMAINDER OF THIS WEEK

Mr. ARENDTS. 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 arrange for us to discuss 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, I am quite sure 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 thereafter will be business for the balance of that week.

Mr. ARENDS. I thank the gentleman from Oklahoma.

ADJOURNMENT OVER

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns on Thursday next it adjourn on Thursday next and 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 induce foreign nationals as members of the Canal Zone Police.

The press release of President Chiari and Fleming was 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 corroboration of telegrams:


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.


CUTNAN 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. The proposal 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 85-550 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 as premium policy holders. Else 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, I am convinced 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, 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 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 hospital care 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. The projection of the program would be financed by an increase of onefourth of 1 percent each on employers and employees in the social security tax with other provisions. 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's intrusion 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 $2 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 symbol of approval. The bill provides for a nation-wide federally chartered association which private insurance and group service companies could join in and sell a standard policy providing uniform basic coverage at a uniform low rate but with regional variations in benefits and fees, or qualified alternative policies.

By covering the major cause of dependency due to illness and the largest part of the individual's total medical bill in this dual public-private program, the burden placed on public assistance measures such as Kerr-Mills would be substantially reduced.

Our elderly citizens are being priced out of the health's care market by rapidly increasing costs; yet we want them to enjoy the best health care and enhanced life expectancies that can produce.

Private health insurance alone cannot do the job of providing protection at a price that an average income family can afford. While 50 percent of those over 65 are estimated to have some kind of health insurance, less than 10 percent of their total medical costs are paid by this insurance.
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 85 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 program, and with making it a part of Congress 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 the key to the successful implementation of this legislation.

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.

I. 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. I 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 progressive leaders in our community, who are directly concerned with the exercise of such compulsion for the benefit of favored groups on the other.

Two titles of this proposed legislation, Title II—Innocent 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 human rights. The ban against unreasonable search and seizure covers "persons, houses, papers, and effects" without discrimination.

The Founding Fathers realized what present-day politicians seem to have forgotten: A man without property rights—without the right to the product of his labor—is a free man. Unless people can feel secure in their abilities to retain the fruits of their labor, there is little incentive to save to expand the fund of capital—the tools and equipment for production. "Without freedom of thought and action, no man can be free.

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 place to live, 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 necessities 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, but demands for new forms of governmental compulsion. They are not claims to the product of one's own labor; they are, in some if not in most cases, claims to the product of other people's labor.

These human rights are indeed different from property rights. They are not freedoms or immunities assured to all persons alike. They are special 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 encourage these communities, in our efforts to secure social equality for some.
are not being provided to some of our citizens. This is particularly true as to those citizens who are Negroes. Long
standing and commendable efforts of pri-
vate individuals and organizations and,
in many instances, of local and State
governments have been inadequate to pro-
vide adequate taxpaying adequately any promise of providing it in the foreseeable future.

For this reason many Americans, among whom I number myself, have that con-
cern and a responsibility as a nation that can
only be met by fair and workable legisla-
tion by the National Congress. This is
not to derogate or resent the efforts that have been made through other channels, and,
and, hopefully, the actions and programs of
any authority set up under this legis-
lation will recognize this and will move with
together 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 can be
the foundation. It is here where we
are concerned, and so far the actions that could have serious international
quences 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 that the years pass and progress is made even 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
Recess 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 discrimina-
tion. Opponents of this title point out that it conflicts with certain foreign policies.
I must agree. It is obvious Federal con-
trol. But Congress has a proper respon-
sibility to reasonably control the ex-
dpenditure of Federal tax dollars. It

amazes me to find so many who seem to be discovering for the first time that 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
domestic programs fairly benefit all residents.
Hopefully, recognizing that Federal con-
trol for 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-
yzed to see if the problems involved
might not be solved more economically,
more efficiently, and responsibly by
the needs of the people at the State or
vital level. Not until that happens will
the American people see a more realistic
approach to many of the problems fac-
ing this growing, dynamic Nation which
so urgently need attention.

Amendments similar to title VI have
been offered to various Federal programs
during the years passed and progress is
forty-first, 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 set as 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. KEITH) may extend his remarks at this point in the Recess 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
seizure and threatened prosecution of
Cuban fishermen caught illegally operat-
ing in our territorial waters.
There has been legislation pending for
some months now which would have had
direct bearing on this situation and, in
fact, would have given the U.S. Federal
Government the power to act against
these foreign fishermen, rather than
limiting the Federal authority to that of
either simply escorting the violators
back to the high seas or of turning them
over to the Florida for prosecution under
State law.
The fact is that under present Federal
law, while it is of course illegal for for-
terior vessels to fish within our 3-mile
limit, this prohibition is little more than
words. Existing law provides no effec-
tive sanctions to enforce the prohibitions.
As in the case of the Cuban fishermen,
risk considerable. They could lose their vessels, equipment, and catch and find themselves swimming to freedom. As such, the Government would have a powerful tool for dealing with the Soviets, the Cubans, or nationals of any other unfriendly nation who boldly 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. Atlee) may extend his remarks at this point in the Recess 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 appeasing the Soviet Union in secret meetings at Tehran and Yalta, succeeding Democratic administrations have followed the policy of mistrusting the American people and evading foreign policy through 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 of the Panama Canal. The Post said the United States was to give up its sovereignty in the Canal Zone.

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 with foreign governments that has resulted in the mess in foreign affairs now coming to light under the present administration makes the people ask: "Why was I sold out?"

Are we going to do whatever it takes to stay in Guantánamo, or are we already planning to abandon it with some kind of an agreement? That is no longer serves our purpose? This happened in Greece and Turkey, Mr. Speaker. Khrushchev said we had made an agreement to get our military bases out of Greece and Turkey. It was like 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 Red China 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 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 who are aligned with them. We should reinstate the Monroe Doctrine and clean the Communist conspirators out of this hemisphere, starting with Cuba. In doing so, 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 slavery preferable to death? Our forefathers did not think so. Have we become so craven and so base that we would deny our heritage for which generations of Americans worked and fought and died? I do not believe the American people have foresaken the dream. Is it too much to ask that our leaders have the courage to live. For as me, and I believe for the overwhelming majority of the American people, there will be no compromise with them, no knelling in front of any foreign policy now. We should hold the door open for all those nations who are worse calamities. Is slavery preferable to death? Our forefathers did not think so. Have we become so craven and so base that we would den

[From the Washington (D.C.) Post]

CANAL MEMO NOT BUNTING, 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, addressed a commitment by the late President Kennedy said last night 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 the commitment of any kind."

NO CHANGE IN VIEW

The spokesman said:

"There is not and never has been a secret governmental agreement between the United States and Panama concerning treaty relationships. There is no difference in the attitude of the U.S. Government toward treaty revision and that which existed in
June 1962. A memorandum being circulated by Latin American sources never constituted public. It is simply a memorandum of conversation describing certain conditions which might entitle treaty revision.

Earlier yesterday Under Secretary of State W. Averell Harriman said that he knows of nothing that U.S. officials have said to Panama concerning Canal Zone negotiations that has not been said publicly.

Harriman said that U.S. officials have privately agreed to negotiate, not merely discuss a new Canal Zone treaty but have refrained from saying publicly because fear of adverse reaction from the public and Congress.

Basis Preconditions

Asked about the report in an interview on "Face the Nation" (CBS, WTOP-TV), Harriman said the U.S. position was and is that "we are prepared to discuss the difficulties, to discuss anything that the Panamanians have in mind, but we will enter these discussions without any preconditions."

Asked whether there was a secret 1962 memorandum, Harriman replied, "I don't know about what was done in 1962."

The memorandum was offered to the Inter-American Secretariat by Miguel J. Moreno, Panama's Ambassador to the United States, sometime after the United States was going back on its previous commitment, 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 the New York (N.Y.) "Daily News"

L.B.J. MUST GET TOUGH, DISOWN "PEACE" ROLE

(File 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 in 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 demanding Johnson's successor's own policy.

It is not his fault. He, like so many supporters of the past administration, was simply taken in by the fallacious assumption that all is relatively calm in world affairs.

This effort to play down every explosive situation around the globe was a disservice to the Nation from the start. It amounted to the withholding of vital information. If that information tended to show that a situation was potentially critical.

Everybody was supposed to keep calm. If they did, every crisis was supposed to just blow away or simmer down.

Now Castro, as might be expected, has kicked off an underground effort to make the President delay making a major foreign decision until after the November election.

Actually, there never was a chance that the administration's self-proclaimed lull lasted that long anyway.

And it would enhance L.B.J.'s place in history.

CASTRO EMBOLEMBED BY OUR ALLIES' ATTITUDE

In Panama, the situation is far more precarious than the administration will admit. President Johnson's Cuba policy played a much bigger role in the riots there than was ever acknowledged. What is feared is that long after the coup will have won control of Panama internally and could clear the way for a Castro-inspired regime.

The Cuba problem is far more complex than the present cleavage between Castro and the United States. It is believed here that Castro would not have acted with such insane boldness but for the way our everywhere allies have run out on supporting our blockade policy.

British and French firms have made significant 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 1,500 buses has been suggested. The French are selling $10 million in trucks.

But this is not all. French firms are about to make a$44 million contract for the supply of locomotives to Cuba. And Spain's Generalísimo Franco has just turned down a forceful ultimatum to不准 Cuba the 500 fishing craft, including trawlers, to Cuba.

Trade Underscunts Effort to Stifle Cuban Economy

These are the only the latest sorry instance of lack of cooperation in this country's effort to clamp an effective economic blockade on Cuba.

In 1961, for example, a British firm sold Castro $2.5 million worth of equipment to build a factory. In 1961, French firms sold Cuba $6 million worth of locomotives and a factory, and back 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 comes to a standstill?

It had primarily two effects. First, it has raised havoc with the morale of the embargo. Second, it has increased the Castro cause.

For instance, the Cyprus crisis is far more dangerously tricky than it is made out to be in the official line. Greek Cypriot Communists are blamed for the bombing of our Embassy. It is feared that if the strategic island is controlled completely by the Greek Cypriots, it won't be long before Moscow gets control of Cyprus and has an "unsinkable aircraft carrier" in the eastern Mediterranean.

The South Vietnam military situation is moving uncomfortable close to a crisis stage. Vietnamese infiltration of the Mekong Delta is now beginning to involve artillery and battalion-size forces.

This is the traditional Communist-type of buildup. The next step would be regimental actions, aimed at establishing Vietcong occupation of the Delta itself. That effort could be made within 2 months, it is reported here. If it is, then the United States would have to mass arms on the border to attract more American troops, ordering them directly into combat, or seek from an unfavorable bargaining position a neutrality agreement.

What good 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?
CASTRO should know that at the time of the Bay of Pigs invasion decision, Johnson, then Vice President, strongly favored cancellation of the U.S. assault to protect the exile forces. If President Kennedy had taken Johnson’s advice, there would not be any Castro in Cuba today.

PANAMA CANAL: U.S. TROOPS, CANAL ZONE POLICE WIN HIGHEST PRAISE

Mr. TUPPER. Mr. Speaker, I ask 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 who has read the statement of my distinguished colleague from Pennsylvania [Mr. Flood] to the House on December 17, 1963, on the subject, “Panamanian Outbreak, January 9, 1964: What Really Happened,” have authoritative knowledge of what occurred. The spontaneous commendation that many other Members of the Congress have supplied an irrefutable documentation derived from facts ascertained by observers on the scene.

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. But such defensive measures made it possible for our civilian employees to keep 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 commendation of President General O’Meara 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 fighting men and the extreme provocation 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 for 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?”

Ammended testimony. “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, those 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 things during this period. I also include the Canal Zone police who faced very, very tremendous odds during the early stages of rioting, and I think conducted themselves in splendid fashion.”

OFF THE RECORD VOTING

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

The SPEAKER is objection to the request of the gentleman from Hawaii.

There was no objection.

Mr. Gonzalez. 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 Congressman 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 vote, and then vote for the bill on a record vote. It is said that such tactics are objectionable and destructive; that such behavior is less than forthright and less than honest. It is said that when a Congressman votes one way when no record is being made and then votes the opposite way when a record is being made, that he is being deceptive. These are the things that some of the critics of Congress are saying.

A case in point is the action that took place on the floor of the House during the debate of the bill to provide for the coinage of 50-cent pieces bearing the likeness of President John F. Kennedy. H.R. 9413. I was particularly concerned with the progress of this bill because I introduced the first bill in Congress to provide for the coinage of the Kennedy 50-cent piece—H.R. 9293— and as a member of the House Banking and Currency Committee I played some part in the passing of the Kennedy coin bill out of committee so that it could be considered on the floor of the House.

Because of my affection and deep respect for our late President and because of my personal efforts in getting this bill to the floor, I was greatly interested in this matter and I took careful note of what transpired during the debate.

It will be recalled that the debate took place on December 17, 1963. Most of us were involved in moving up the brutal assassination of our beloved President. It was scarcely 3 weeks since a good part of the world wept at his burial. We were still in the official period of mourning.

It was therefore a great surprise to see that on the occasion of memorializing John F. Kennedy the detractors and the obstructors were still at work. A constituent of mine was in the gallery during that debate and he noticed a very odd thing. He noticed that there were actually two votes taken on the Kennedy coin bill. The first vote was a division vote and no record was made on who voted aye and who voted no. But there were relatively few votes against the Kennedy coin bill and it was easy to see and identify the ones voting against it. Mr. Speaker, it was said that on the division vote only eight persons stood up to vote against the bill. And at least one of the persons who stood up against the Kennedy coin bill was the Congressman from the 16th District of Texas. But after this division vote was taken there was a motion that a quorum was not present and it was necessary to take a record vote. On the second vote the Congressman from the 16th District changed his vote and voted “aye.” My constituent asked:

How come the Congressman from the 16th District of Texas changed his vote on the Kennedy coin bill when no record was being made, and then changed his vote and voted “aye” when a record was made?

My constituent asked:

Is it right for a Congressman to vote against a bill when no record is made of his vote, and to then vote for the bill when a record is made? Is it ethical? Is he trying to fool the people who cannot be present to see how he really acted? Is he trying to pull the wool over the public’s eyes by making them believe he was for the Kennedy coin bill when he was really against it?

These are some of the questions my constituent asked.

The trouble was I could not answer these questions. He witnessed the events on the floor of the House December 17, 1963, as did I, and the strange off-the-record “no” but-on-the-record “yes,” now you see me, now you do not type behavior was a little baffling. I could not explain it, and now I am afraid that my constituent does not think as well of Congress as he used to. I am afraid he has joined, the increasing number of critics of Congress.

COMMUNISM

The SPEAKER pro tempore (Mr. ALBERT). Under previous order of the House, the gentleman from California [Mr. Lipsc time is bewildering to many Americans.

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. policy. In speeches such as his talk on arms limitation, he called a distinctive order to the organization. The report itself was in the hands of officials of the agency and its successor agency in the State Department. The Institute for Defense Analysis is a private research organization with over $10 million in Government contracts, primarily for the Pentagon.

The document presents the conclusions of a study known as Project Rock. It 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 Approach to the Problem of International Tension and Arms Control,” by Vincent P. Rock.

The document presents the conclusions of a study known as Project Rock, according to the study’s foreword. It is a member of the Institute for Defense Analysis’ International Studies Division and has been associated with national security policy on the White House staff in the Executive Office of the President, and with the National Security Council.

The Institute for Defense Analysis is a private research organization with over $10 million in Government contracts, primarily for the Pentagon.

The document is labeled “An Analysis of the Present and Potential Scope of Interdependence Between the United States and the Soviet Union.” Author Rock, according to the study’s foreword, is a member of the Institute for Defense Analysis’ International Studies Division and has been associated with national security policy on the White House staff in the Executive Office of the President, and with the National Security Council.

The Institute for Defense Analysis is a private research organization with over $10 million in Government contracts, primarily for the Pentagon.

The Rock report was printed and distributed in July 1963. The study reportedly has been must reading for administration officials. Published accounts have indicated that it has been given the test ban treaty in Moscow last July. It has been speculated that Secretary of Agriculture Orville Freeman spent more time in Moscow looking at Soviet crops on his trip to Russia last summer; this might explain his announcement, made just weeks before Soviet crop failures became public knowledge, that Russian agriculture was doing just fine.

The Rock report becomes an important document, because its release, administration officials seem to have coincided to a high degree with its recommendations. Although it purports to be nothing more than its author’s opinions, it has turned out to be a handy advantage guidebook to administration actions.

Example: The Rock report recommended that the United States develop an arms race so that the United States and the Soviet Union spend equally on military spending on both sides.

Action: President Johnson announced January 8, that the United States would reduce the production of enriched uranium and would soon close four plutonium piles. He endorsed a policy of mutual example to limit the arms race. From the New York Times, January 9, 1964:

In essence, the President agreed to an attempt by the two nations with the United States to hold down military budgets and their rates of increase without formal agreement. Neither side would significantly sacrifice its overall military power, but each would save money for other purposes and encourage the other along the road to economy. Officials of the State and Defense Departments explained today that none of the cutbacks in fissionable materials would reduce the strength of the conflict or the weapons. However, the limitations do take into account, they said, the levels of military spending in 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 a joint Soviet-American agreement for a joint joint contributions to the World Magnetic Survey. Secretary of Defense Robert McNamara proposed that the United States join the United States in a cooperative expedition to the moon. The report's recommendations, all aimed at achieving restraint of allies and neutrals; joint programs in joint military projects; encouragement of Soviet development of mutually invulnerable weapon systems; and an overall U.S. policy of collaboration, would enable 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 programs—will not only cool Soviet aggressiveness but will also temper Soviet aggressiveness before the economic balance of power shifts in the Communists’ favor.

The report’s study view of Soviet economic progress 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 4 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.

This is against the Soviets. Nikita Khrushchev admitted, 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 difficulties. 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 economic planners to change their priorities. If Communist planners decide to invest more in consumer goods, they will do so for cold reasons of power—less Russian public discontent, more incentive for Russian workers, more propa-
ganda appeal, and a more stable Communist power base.

Fallacy 3: The report assumes that both the better dressed and better clothed Russians will create a less aggressive, more representative government in the Soviet Union, and, consequently, a change in the military aims of the Communist Party toward world domination.

This crude fallacy is apparently shared by many in the administration. For instance, a Washington Star article recently devoted to top-level Department of State officials:

A well-fed Soviet population might in the long run be to this country's interest.

It is hard for me to see the Russian people pressing hard for changes in their Government if they are content with their material lot in life. Even Arthur Schlesinger, Jr., former special assistant to the President and resident White House historian, wrote in Encounter, January, 1961, on extensive trip through the Soviet Union:

The unquestionable progress in the last half dozen years toward greater personal security and greater personal comfort may even have been more important than the changed statement be denied the dogmatic and ideological character of Soviet society.

Philip E. Mosely, widely known Soviet expert and principal research fellow, Council on Foreign Relations, New York, had much the same comment in Foreign Affairs, April 1961:

Far from raising a stronger demand for freedom of information and opinion, the raising of the Soviet standard of living seems from personal observation of many visitors to have raised the level of popular trust in the party's propaganda. It has positively enhanced Khrushchev's ability to mobilize the people's energies and loyalties behind his foreign as well as his domestic programs.

Finally, consider the example of totalitarian Germany during the 1930's when the German people acquiesced in Hitler's aggressive adventures despite a relatively affluent living standard.

Fast experience teaches that popular dissatisfaction with a socialist system is most likely to dilute the schemes of Communist rulers. For example, Poland's liberalization occurred only after 1966 mass-uprisings attributed primarily to food shortages.

Fallacy 4: The report assumes that Communist ideology now has mellowed enough so that the United States and the U.S.S.R. can work together as well as independently, that the Communist Party can learn to identify the cumulative mutual advantages to be gained from restraint, cooperation, and common endeavor.

It is difficult to imagine what these common endeavors might be as long as Nikita Khrushchev or his successors stick to U.S.S.R. can work together as well as independently, that the Communist Party can learn to identify the cumulative mutual advantages to be gained from restraint, cooperation, and common endeavors.

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. Why do not we try 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 Communist propaganda claims that the Russian people, decided the alleged 100-megaton terror bomb exploded in 1961 testing was a better investment for Russian rubies 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 to the civil 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. "State party's" control over the 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 savings in materials and labor which the regime can divert to more necessary or strategic use.

In this sense, U.S. wheat sales, sufficiently peaceful and successful are in fact an extension of strategic. W. W. Rostow, Chairman of the Department of State Policy Planning Council and an advocate of interdependence, 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. 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 indistinguishable from West Germany 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 autarky or independence of non-Communist supplies. The报告 suggests a self-sufficient government 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 a bend 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 Central Committee on
December 9, 1963, about Soviet chemicalization contained this paragraph:

I must frequently listen to my scientists from various research institutes have difficulty in obtaining reagents—particularly of high purity, complex modern instruments, and other equipment that we 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 an apparatus for maintaining experimental equipment and reagents.

Within a 2-day period—October 22-25, 1963—the Department of Commerce announced at least nine separate licenses for export of reagent chemicals to Soviet laboratories. What is more, all shipments were 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? In the context that soon as the Soviets become self-sufficient, there will be no market at all.

The same goes for medicinal preparations. Said Khrushchev 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, Khrushchev said:

By 1970, it is planned to utilize 1.1 million tons of plastics and synthetic resins in the engineering and electrical industry. And where 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. This is explained by the lag in research work. It is time to tackle in the proper manner the creation of a new chapter in the science of materials * * * to determine the fields of application of plastics and synthetic resins, and to publish appropriate reference literature.

On November 20, 1963, the Department of Commerce announced it had licensed export of $144 worth of industrial chemicals used in the manufacture of synthetic resins. A $1 license fee for a synthetic resin sample was revealed on October 9, 1963, another on October 25, 1963.

The list of small prototype lots exported to the Soviet Union during its chemical expansion drive extends similarly to other types of organic chemicals, synthetic rubber compounds, petroleum additives, synthetic fibers, and antioxidants.

Do these odd lot sales really expand East-West trade or are they simply contributions to a Soviet effort to improve capability in a specific product field—a shortcut in overtaking capitalism?

Regarding the Rock report's contention that by every conceivable contact, one need only ask if the heavy-handed presence of Amtorg, the Soviet state trading monopoly's New York representative for industrial espionage since 1950, did not affect the U.S. market influence whatever on the basic conflicts that divide East and West. According to an article by FBI Director J. Edgar Hoover, 1964:

Amtorg * * * is staffed by Soviet intelligence agents, is a seedbed of espionage. Prior to diplomatic recognition of the Soviet Union in 1933 and the opening of the Soviet Embassy, it served as the chief base of Russian spy operations in the United States.

Falsity 9: The report states that a relaxed trade environment; that is, we could cut off trade if the Soviets refuse to behave well, to become interdependent, or to funnel more resources into coal conversion.

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. businessmen and workers, newly dependent on East-West business, would be hurt. Would not an administration be prone to argue that interdependence takes time, and that we should not cut off 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 sale period 1964:

January 7, and an option February 3 for 1,000 more; a $51 million sale of ship trawlers to Cuba is pending; a $300 million sale of synthetic rubber 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 28 she is preparing to sell synthetic rubber to Cuba; a U.S. agreement January 28 to negotiate a long-term trade pact with the Soviet Union to include exports of machine tools and electronics; a French offer February 3 to sell jetliners to Red China; an Italian deal February 5 to export synthetic rubber to Cuba; a Polish-French trade pact February 5; a Moscow-Tokyo pact February 5 to expand 1964 trade 14 percent. Every deal brings new reports of Allied trade defectors.

Once trade bars are lowered, as a practical matter it is very difficult to track. The allies would ignore our about-face once their profit caravans were blessed instead of blocked.

Falsity 10: The report uses the argument that if we do not trade with the Soviets, others will; the Soviets can get it elsewhere.

When the West is presented to offer to buy an item from the United States, essentially they do so because first, our price is better; second, our quality is better; third, we can deliver sooner; or fourth, our customers have the advantage. Otherwise they would not bother to make the offer. Also, the Soviets want to establish trade precedents with the Western bloc as often possible; that is, sales to be used later as arguments for allied countries to sell to the U.S.S.R. more obviously strategic items.

There are many other fallacies in the Rock report that have been explained. Despite these fallacies, events suggest that its ideas are at this moment influencing U.S. East-West trade strategy.

A significant contribution to the bloc economic potential. Mr. Hodges maintained that this significant contribution to the bloc economic potential was in the overall best interests of the United States, and that the decision was considered at the highest levels of the administration.

How else to construe a letter written to me by Secretary of Commerce Luther Hodges, August 30, 1963, explaining the sale of potash mining equipment to the U.S.S.R. is:

There was little doubt that the equipment would make a significant contribution to the production of potash in the Soviet bloc.

He added that the machinery sale was—and I quote:

A significant contribution to the bloc economic potential.

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. wheat buyers in the United States; and a Presidential determination February 4, 1964, that such credit is in the national interest.

Why this effort to push through agrarian commodity sales if the administration does not believe an affluent Soviet Union is desirable.

And why an affluent Soviet Union? According to the line of argument being used by the Western bloc, the Congress and the Soviet Union will thereby be induced to change its beliefs and intentions. To my mind, this point is the crux of the East-West trade debate.

Any East-West trade strategy should be designed to reduce the capacity and desire of the Soviet Union to menace our national security. The policy of the U.S. then is not to allow the Soviet Union or fall on whether this policy will accelerate favorable changes in Soviet
House will have a change of heart because of more reasonable, but wishing never seems on real cause and time for a persistent, determined enemy ture.

reasoning, trade. After looking at the Rock report's economic deeds with words in the minds of Communist ideology must match eco­ in the form of agriculture sales and other ed to the free world's welfare and security.

ous to make a few hundred million in Vietnam.

Sino-Soviet about comparison with what we have already spent 158,000 $700 on Korea. We 1963, grain sales to the

The interdependence approach substi­ inftuenced.

The problem is: Precisely how can the cooperation delusion merely buys inCommunist 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 East-West trade conference. Its purpose: to unsnarl rampant contradic­

The conference should rankly discuss the problems 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 marshalled 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 roughly 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. The actual reduction was less than one-half of this amount to the Soviet Union.

Next, the administration should operate on the theory that U.S. trade is more obligated countries trade permis­ sively with the Soviet bloc.

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 influence will yield 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 re­

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sion that unilateral investment in

mote gradual erosion in Communist goals and liberalization on the

rules 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 to­ ward a more rational course in human affairs; toward better food, clothing, and housing; toward the recognition of a moral, 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 disregard of actual Soviet consumer needs. U.S. economic aid will actually lessen popular Russian disillusion­ ment and demands for more consent in the Soviet Government.

How then can we use our economic and technical superiority realistically to pro­ mote gradual erosion in Communist goals and methods? What are alternatives to interdependence in East–West trade?

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. 7152, the so-called Civil Rights Act of 1964, I have listened closely to the many long hours of argument and have concluded that this bill fails in its basic target. Regardless of the artful promises and inversions that make away more freedom than it will create. Time and time again, efforts at construc­

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 must face the economic deeds with words in the minds of party functionaries and the Russian peo­ ple.

Khrushchev has promised the long­ suffering Russian common man a bet­

more or less have a long record of wishing reasonable acts would in themselves make the world more reasonable, but wishing never seems to do anything.

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 must face the economic deeds with words in the minds of party functionaries and the Russian peo­
I firmly believe that the Congress does not have powers other than those enumerated to 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. Congressional action and executive action to prevent discrimination of any type in employment by the Federal Government or in Federal contracts.

Second. Regulation and protection of the interstate transportation of persons.

Third. Congressional action to guarantee that Federal assistance programs will not be utilized to subsidize and perpetuate discrimination.

Fourth. Congressional action and executive action to prevent discrimination of any type in employment by States.

Other rights could be added but these serve as the basic framework for Federal activity. In my judgment, H.R. 7152 has no meaningful relation to these basic principles and Constitution and this bill has hitherto been considered as proper State or local as well as private conduct that the passage of this bill will effectively remove and destroy any semblance of the federal system which has been so carefully constructed in this Nation.

In every bill there is good and bad. Rarely is a Member of Congress in total agreement with a measure in total. In the case of H.R. 7152, I can honestly say that the bad provisions so far outweigh the good sections that I could not give it any degree of support. My constituents know that I have always been willing to candidly state my beliefs and my position on legislative matters. I have never willingly dodged an issue nor attempted to deceive anyone on the nature of my convictions. I will endeavor to do exactly the same thing on the issue of civil rights.

Repeatedly, it has been my experience that a major difficulty in communicating is in reaching the mind under a veil of terms. I have received many letters earnestly advocating my support of civil rights legislation but on discussion I quite often find they do not fully understand what those two words actually mean.

I am reminded of an applicable statement which has been attributed to Voltaire. This great philosopher once said: "Before we converse, first define your terms." I continually ask my constituents and others, "Just what do you mean when you say 'civil rights'?" Quite frankly, there is little general agreement on the term and it means about as many different things as the number of people you ask. To some, it means transport my children, to others 20 or 30 miles to classrooms in another school district so they will be in a racially balanced district, all of this because my hometown might happen to be predominantly white so the act of putting myself in the right to sell or rent my property to whomever I want to and on the terms I desire. To others it would mean that I should not pay the same rent per square footage in my business whether it be newspaper or in

To others, it would mean that there must be Federal Government interference with what I feel is my right to choose or accept members of the community in a vast array of groups related to some phase of our total culture. To others it would mean that if what is necessary and to be done to work for it or earn it. To others it would mean securing voting rights or preventing discrimination at public parks. Yes, civil rights means a great deal to many people and this is possibly why it is so difficult to communicate meaningfully on this sensitive subject.

It is indeed hard to arrive at any common definition. The same dilemma is encountered when we talk about individual freedom or personal liberty. As we all know, our freedom is not an absolute one. I do not have the right to yell "Fire!" in a crowded theater as an exercise of my personal freedom. In many cases, people want individual freedom to abuse what may be called the civil rights of others. One group of people to impinge strongly on the individual freedoms which others are exercising.

Men of good will have disagreed in the past and always will disagree as to the legitimate boundaries of one's freedom. I believe that in this bill we see such a strong intrusion into the legitimate domain of individual rights that even the words "civil rights" cannot be used to cover up the naked abuses.

I have always been keenly interested in the semantics which are used more and more as the art of modern politics. According to Civin, something that is good as a semantic term and it is the right of the individual that even the words "civil rights" cannot be used to cover up the naked abuses.

There is a curious parallel here with another piece of legislation which had the same purported humanitarian purposes. Many of the same people were writing a short time ago urging one another to support the migrant workers bill. Now who could oppose this? The spectacle of Puerto Rican and Mexican farmworkers being exploited by unscrupulous gang leaders and farmers was present in the country with 1-hour TV programs and national attention. The bill, as it came to the floor, was a smokescreen cover to place Government control over all youthful farmers which others are exercising.

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 purported humanitarian purposes. Many of the same people were writing a short time ago urging one another to support the migrant workers bill. Now who could oppose this? The spectacle of Puerto Rican and Mexican farmworkers being exploited by unscrupulous gang leaders and farmers was present in the country with 1-hour TV programs and national attention. The bill, as it came to the floor, was a smokescreen cover to place Government control over all youthful farmers which others are exercising.

The 15th amendment has as its sole purpose the prohibition of State law which would give preference to one citizen over another on account of sex, color, or previous condition of servitude. It has uniformly been held by the Supreme Court that literacy tests are applied, and yet here we see an attempt by unscrupulous gang leaders and farmers to place Government control over all youthful farmers which others are exercising.

I have absolutely no patience with chicanery of local voting officials, nor with the matter of vote frauds in Chicago or in the denial of the right to vote. As a state senator, I have not been with a registration because I have been led to believe that every registration is a smokescreen cover to place Government control over all youthful farmers which others are exercising.

Mr. O'Hara of Michigan. * * * That situation would be covered by this legislation. In the absence of any other power to cover it, it is impossible to do without...
Nation and the State would fall to the ground. The fact that the very command of the amendment recognizes the possession of the general power by the State, since the amendment is extended to the particular subject with which it deals. * * *

It is true also that the amendment does not change, modify, or destroy any of the State’s power to sufrage except of course as to the subject with which the amendment deals and to the extent that other liberty be commanded is necessary. Thus, the authority over sufrage which the States possess and the limitation which the amendment imposes on the State’s coordinate power 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 1955 this principle was affirmed in the unanimous opinion of the court in Lassiter v. Northampton Board of Elections (360 U.S. 453). There 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 institute the Federal regulation of commerce and local matters. As a moral belief, it is part of a man’s civil rights that he need not change, modify, or deprive the property rights. The Communists are loudest in proclaiming that they have no shield against merely private conduct, however discriminatory or wrongful.

This principle was reaffirmed in Peters v. City of Greenville (373 U.S. 244) in May 20 of last year. The Court said:

It cannot be disputed that under our decision private conduct abridging individual rights does no violence to the equal protection clause unless to some significant extent the State in any of its manifestations has been found to have become involved in it.

A clever means has been utilized to bring in State action. This title becomes operative which is never defined in the bill—is supported by State action. Section 201(d) sets out a definition of this key word by saying:

Discrimination or segregation by an establishment as prohibited in this title, means the meaning of this title if such discrimination or segregation (1) is carried on under color of any law, statute, ordinance, regulation, custom, or usage of any State or political subdivision thereof.

You do not even need to be a lawyer to see that this is an open invitation to control just about every conceivable action of local law enforcement officials. Take this example: A group illegally conducts a sit in in the entranceway of a restaurant, physically blocking all who would peacefully enter. A policeman is called to remove the offenders and at that point, under this title, the bill would say this supported by action of a State of the United States. The effect of a political subdivision under color of any law. Of course, the flip side of the broad coverage of the words “custom or usage.” This can be interpreted to be just about everything.

There has always been a concerted effort to get the fruit store, the drug store, the barber shop, and even the doctor’s office by using the licensing theory. Anything the State licenses it can control, according to this argument. Get the foot in the door and then bring in the 14th amendment, and so forth. This argument was rejected in a court of appeals decision in Williams v. Howard Johnson Restaurant (268 F. 2d 845). The court said, in answer to this licensing argument:

This argument fails to observe the important distinction between activities that are purely regulated by the State and those which are carried out by voluntary choice and without compulsion by the people of the State in accordance with their own desires and social practices. Unless these actions are performed in obedience to some positive provision of law, they are not within the purview of the State action. This decision supports the Minority Report of the Senate Committee on Interstate Commerce.

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 Federal interference in 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.C.'s as 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. This is where the power of abolishing property rights if necessary. History indicates that there have never been human rights in any society or government which did not have respect for property rights. The Communists are loudest in proclaiming that they have human rights in Russia. The most fundamental right of all, of course, is to worship God in such a way as to be free from restraint or fear of reprisal. Next to that, nothing is so basic a human right as the right to individually own property. This is the highest human right we have here in the United States. This right is derived from the religious. To remove this right
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 price of the splendor by 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 concept involves the idea that with your doors 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 regulation. Independent businesses rest squarely upon the system of a free enterprise which was the heart of our system founded by our forefathers. When the day comes that all business contracts with Government with whom you control of this 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 care of, etc., but that is not the same as the control or utility which is regulated by the Government. It is a foregone conclusion that if this bill passes, I cannot imagine an unnecessary public necessity in this day and age which can follow the expenditure of $100 billion by the Federal Government.

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 the right of control over your property to sell your property to whomever you want to sell it to, who want to pick and choose. What is more fundamental than your right to sell your property to whomever you want to sell it to? What makes a thing 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 in the hands of others. We are not asking for a compact of that 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 care of, etc., but that is not the same as the control or utility which is regulated by the Government. It is a foregone conclusion that if this bill passes, I cannot imagine an unnecessary public necessity in this day and age which can follow the expenditure of $100 billion by the Federal Government.

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county 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. Authors of the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society, and accept the responsibility for assuring that education is available to all. The purpose of education is to create a social, and political life, regardless of economic status. Compulsory attendance laws and desegregation are the most feasible manner with which we can further these ends. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity to an education. Such an opportunity, where the State has undertaken to provide it, is a right which must be made available to all on equal terms."

In the light of today's developments, this same right to education which is to be considered on truly equal terms must reflect the homogenous composition of any area. The presence in the streets of the schools is to prepare pupils to participate fully in economic, social, and political life, regardless of environment. Pupils must be given the opportunity to play their role as citizens of the world as well as of this country and to aid the United States in maintaining itself as a free world. In the case of the Johnstown School it is obvious, in addition to the right of the Negro petitioners, that the 2,332 white students of the total student body of 2,345 do not receive a realistic educational preparation for citizenship in a fully integrated society.

In the Brown case the Court also said: "Our decision, then, can turn on many different aspects 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."
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, but they are the essence of public education. We must consider whether in reality population factors totally irrespective of traditional concepts of segregation, the Negro school district patterns which achieve the same result by the consolidation of racial imbalances among districts resulting from past practices and socioeconomic factors develop a black Harlem and a white Westchester County in the same area or a white Johnstown and a more racially balanced Columbus side by side, segregation results whether intended or not.

The presence in a single school of children 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, the children of students between individual school districts located less than 25 miles apart, is within the limits of feasibility. We have referendum in racially balancing both school districts.

The doctrine of "separate but equal" has no place in the field of public education. "Equal" educational facilities are inherently unequal. School districts in which there is a preponderance of any race are also inherently unequal and fatal to the constitution of a suit of the Attorney General, are, in fact, segregated within the meaning of the 1864 Civil Rights Act. The consideration of appropriate relief was necessarily subordinated to the consideration of the constitutional segregation in public education. We have now announced that segregation will, in fact, include racially imbalanced school districts which create an equal violation of the constitutional protections of the 14th amendment. School districts will therefore desegregate in the most feasible manner with special educational problems of desegregation. It was presented as a completely open-ended proposition 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's case was that the Congress of our Union is the only place he will have a chance of obtaining the kind of attention he needs to implement this section. This is hardly a realistic way to achieve racial balance. It is obvious, in addition to the time certain, shutting out cover of law. I shudder to think of every law to the ultimate and reach into our history on the whole has been a patchy one and open-ended umbrella for their intentions and past performance and on the basis of that I certainly can see that this bill will give bureaucrats a field day. They have done pretty well by sheer assertion of their authority and in some cases with out cover of law. I shudder to think what they can do with such a protective and open-ended umbrella for their activities may be a tool in H.R. 7152.

TITLE V—CIVIL RIGHTS COMMISSION

This section of the bill would extend the life of the present Civil Rights Commission. While controversy will always surround the activities of any body which is studying so volatile a subject, their history on the whole has been one of restraint. Indeed, I have not heard of complaints of their investigation of fraternal and private organizations and on studying the matter found that, indeed, they had gone off the deep end in this instance. While controversy will always surround the activities of any body which is studying so volatile a subject, their history on the whole has been one of restraint. Indeed, I have not heard of complaints of their investigation of fraternal and private organizations and on studying the matter found that, indeed, they had gone off the deep end in this instance. Proponents of this bill are quick to say that there can be no harassment in matters of this type. However, pursuant to authority in section 106(c) of the Civil Rights Act of 1957, State advisory committees were set up. The committees in one State began questioning policies of fraternities and sororities, clearly private associations which citizens should be able to join regardless of admission requirements. I wrote the Civil Rights Commission and, in part, got the following reply from John A. Hannah, Commission Chairman:

In undertaking this survey, the Utah committee was attempting to ascertain (1) whether fraternities and sororities located at the State universities have a degree of racial discrimination and (2) if so, whether the University is so involved in the conduct of these sororities and fraternities that it is bound by the provisions of the equal protection clause of the 14th amendment.

See how the tentacles of Federal authority gradually reach out into even the private sector to private association. Clearly a State university has a degree of supervision over sororities and fraternities. In the minds of those who would stretch every law to the ultimate and reach into every conceivable manner of private association, this would be an entree, a wedge to bring in the full force of the provisions of these bills. For now, at least, a buffer has been set up to prevent these ambitious bureaucrats from getting into the fraternal organization field. I supported an amendment which has the effect of prohibiting the Civil Rights Commission from tampering with associations of this type. This was one of the few substantive efforts at modifying this bill which was adopted. Time and again we are told to pinpoint our focus on a particular type of activity. How would you pinpoint activities of this type? As a legislator I have no way of knowing how far someone will stretch authority given to them. I do know nothing about their intentions and past performance and on the basis of that I certainly can see that this bill will give bureaucrats a field day. They have done pretty well by sheer assertion of their authority and in some cases without cover of law. I shudder to think what they can do with such a protective and open-ended umbrella for their activities may be a tool in H.R. 7152.
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 mind in this connection. I supported numerous amendments to this title because the effort here goes much further than what is necessary to accomplish the things it sets out to accomplish. Title VI contains an awesome delegation of authority which is not tied down specifically.

One of the most persistent complaints about this bill is misplaced to protect order of 'general applicability' which, of course, means nationwide regulations, and on any violation of these orders whether through discrimination or not the assistance of a Federal program of assistance is absolutely unconditional. No adequate remedy of grievances is available to the local or State agencies. The target of this bill is to cover establishments with 23 or more employees but the extent that they will have to think twice is quite a surprise. They must comply without ever being help. This seems like a fantastic power of control. As said before, discrimination is not defined anywhere in this bill so you know we are headed for trouble. In this provision, a determination to cut off a Federal enterprise for profit which would be covered by this bill. A man comes for employment and the employer is honest enough to tell the applicant, while he is otherwise qualified, he cannot hire anyone of atheist convictions. The man then uses his remedies provided by this measure. It is my interpretation that as a part of his civil rights purported to be given him in this FEPC title, he could allege he has been discriminated against and proceed against the employer. I wonder if the chairman of the Committee on the Judiciary could give me his interpretation of this. After due consideration of this, I will gladly withdraw my amendment.

Mr. Celler. The bill provides there can be no discrimination of any kind against an atheist. I can be forced to hire one?

Mr. Ashbrook. * * * He could not discriminate against a person because he is an atheist? Is that correct?

Mr. Celler. That is correct.

Mr. Ashbrook. That is what my amendment would endeavor to do; that is, to say the employer could discriminate because of the atheistic practices or beliefs of an applicant for a job. My amendment would seem to be in line of thinking in terms of a discrimination, regardless of the facts involved.

Probably the best example of just how ridiculous this whole proposal is was contained in some of the questions to the long debate. Proponents of the bill had berated all of us who claimed there were booby traps in the bill but I found a good one. Recently I have received several thousand letters from constituents who are concerned about the Supreme Court decision concerning prayer in public schools. All of these letters expressed concern over the repeated emphasis by the Court of the motion. We already have a great deal about this bill is a key problem in this case. What really constitutes discrimination in employment? Unless the Federal Government lays down regulations to dictate hiring, firing, and promotion policies a businessman can never have any idea what constitutes discrimination. As said before, discrimination is not defined anywhere in this bill so you know we are headed for trouble. In the simple observation that customers just naturally go to his teller window first. We already have some idea of what criteria will be used. Contractors are supervised in this area to a great extent as well as Federal agencies and other public officials and organizations. That is the answer I have to give you.
the bill. My amendment seemed to pin-
point the fallacy of the entire FEPC logic and, despite the opposition of the sponsors, was adopted. Title VI, which protects against discrimination on the basis of sex, was adopted over my vote of 137 to 1. To those who believe discrimination against women can be a liberal fetish 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 foreing me my right to have or not to have any religion. 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 discrimina-
tion is concerned. For example, in a situation where only white men have traditionally been employed, a Negro woman would be discriminated against 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 discrim-
ation 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 white women. I joined others in the effort to add "sex" to the FEPC provisions. This was the only basic amendment which was adopted over the proponents' 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 but the old argument which 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 concept of opportunity when the government could discriminate against a Negro since all of the employees of this firm are white and no allegation of discrimina-
tion on account of sex could be brought.

Moreover, one of my strongest criti-
cisms of the bill is that it furthers the trend toward injunctive relief. This by-passes jury trials and allows judges to hand down decrees. The decrees in turn are enforced by contempt proceedings in which there is no right to jury trial. This procedure effectively sheers most of the protections set forth in the Bill of Rights from the defendant. Many have been the cases in which it has been impossible to compare this civil rights law with the one enacted by the House today. While it is true that Ohio's civil rights laws provide for injunctive relief the Supreme Court said nothing to compare with the powers in-
vested in the Attorney General or the injunctive provisions of H.R. 7152.

These are but a few examples. How could anyone be expected to believe that the executive department? Time and time again we heard it said that al-
though there was wide discretion au-
thorized under this bill, the Attorney General would never do any of this or that. This runs counter to his-
tory. Powers granted have been powers used at a later time. History has not changed, human nature has not changed. Powers granted have rarely been recovered by the Congress or the courts. The sponsors have been very specific in talking about what they feel the Attorney General would not do but they have not been able to effectively deny what the Attorney General can do. My amendment to point out this or that. Under our system of government this has been intelligently diffused by separation of powers and by our Federal system. Here we see a concentration which takes place from State to Federal and to the Federal level and at the Federal level it is abdicated by the Legislature and concentrated into the executive de-
partment. This is a double assault on the people. People have no regret to their lives of any type, whether manifested in vote frauds, city hall corruption, or racial bigotry is of the same gender. All too many northern cities apply to vote frauds, city hall corruption, or racial bigotry is of the same gender. All too many northern cities allow the former two of these problems to go uncorrected and then point an accusing finger at cities which have seg-
regated and say "See, there is a cancer." Just as it would not help to destroy local law enforcement and charge the Attorney General with the power to conduct all elections and investigate all crime on all levels, the same deleterious effect can be accomplished by empowering the Central
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. Race is not an abstract concept; it is a real and a moral people and our great progress and contribution in the areas 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 enactment. 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 catch phrases, or unconstitutionals actions. He exemplifies perseverance which overcame adversity, hard work, respect for the work and the results, and impossible problems and humility. It has become fashionable for the liberal theoretician to promote the thesis that property rights are not important. Lincoln certainly never subscribed to this idea. People who do not have property can get their share by insisting on a portion of the property of someone else or through armed and violent politicians. 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 popular support they have received in proclaiming that the property owner is an evil fellow who has what we want and must take. Lincoln did not speak thusly of property rights. Property rights and human rights are not incompatible. In my judgment, they are one and the same thing. Nature, in the strict sense, endowed no other creature with rights except human beings. When we talk of property rights we mean human rights. Lincoln's moral soul was troubled because men were trying to make of man a property right. This is basically the same idea 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 dis-honor to his name. If he exemplified anything else, it was 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. We are going to do all 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? If property rights are certainly 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? The right of all to equally enjoy property without interference by laws giving special privilege to any group or groups? The right to determine the acceptability and desirability of the 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 necessary 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 rights in choosing who our associates and determining use of private property is maintained, our great free system will prevail. Freedom is never lost at one time. It changes away at a myriad of forces and frequently this will be done in the name of unity. This is what the Supreme Court meant in West Virginia State Board of Education v. Barnette (319 U.S. 624) when it referred to:

The Roman drive to stamp out Christianity as a disturber to its pagan unity, the inquisition as a means to religious and dynastic unity, the Siberian exiles as a means to Russian unity.

Concluded the Court:

Compulsory unification of opinion achieves only the unanimity of the graveyard.

Breaking down individual freedoms has always been a poor way of achieving unity and it will continue to be.

THE CIVIL RIGHTS MOVEMENT

It is not my intention to dwell on the forensic arguments which have brought this civil rights bill to the floor. The issue is already difficult enough without going at length into the civil rights leaders, their associations, their tactics. There has been a gigantic propaganda effort centered on the theme of the white man's guilt which, however, deserves comment. Our society is not perfect but it certainly is not the desiring recipient of the scorn and obloquy heaped on it in the past few years. No society has ever done more for the distressed, the diseased, and the downtrodden, than America. No society can ever look more proudly at its humanitarian record. We are far from perfect but nowhere in the world can any country look forward to higher standards for every race in the future. Nowhere is the prospect of mutual understanding among people brighter than in the United States.

Many Negro leaders have developed a strange theory. If you are concerned for the problems of the colored man as he reaches for fuller participation in a predominantly white society, there is skepticism. If you are unconcerned but not prejudiced, you meet the usual white stereotype. If you are warmly receptive to their problems and aspirations and identify with their problems, you are often accused of being a negro sympathizer. If you feel it can never be safe where property is not safe, you areánt white.

I for one will never be ashamed of the society the white man forged. He did not do it alone and he has always been the one who will share the problems and the solution he has developed. This is not to say that I am satisfied with society as it stands now—I think it can and must improve. This propaganda of the white man's guilt and sin is certainly far overdone. Time and time again we hear the argument that because of this oppression of the past, we Negroes should now get preferential rights. We have always contended that if a job is open and a Negro and a white man apply, the Negro should be hired since he has not gotten a fair shake in the past. There is no end to the planning schemes which our society will be propounded. Some Negro leaders say "we are here because of the white man's lust and greed—your forefathers had no right to a Negro."

This is today is certainly true and slavery and the whole epoch of slave ships and the auction block must stand out as one of the most repugnant examples of man's inhumanity to man. The other side of the picture is always soft-pedaled, however. For every white slaver there was a black forefather of the American Negro of today who willingly sold his family, his tribe, and his fee for pieces of silver. It is a sad page in the history of man—not just white man, but all men. There is no effort at reason, no attempt to balance out the picture, however, and a gigantic propaganda effort has descended upon us. Few voices try to pierce it.

The white man has fought feudalism, opposition, and slavery. The blood of untold millions of white men has flown in the cause of freedom. The liberties we have today were not won in a day. They were not even won in the Revolutionary War or by the men who signed the Declaration of Independence and drafted our Constitution. They were won in a slow evolution of history which brought us to this plateau. Nor was our wealth of today, our standard of living, achieved overnight. What has happened to the lessons of these battles? The struggle in the past has been against oppression by governments of the small power of tyrants and kings. It is a strange and shortsighted historical quirk of fate that today the Negro civil rights leaders are advocating the very thing our forefathers fought against, centralistic authority over our lives that has caused slavery and oppression in the past. Yes, the past is prologue. Let us not look back to these reactions a degree.

It has always failed when the effort is made to cloak government in a moral armor to combat hunger, insecurity, and despair. I fear it will fail in these United States. People can be short-sighted; government cannot. People can be compassionate; government cannot.
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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 meted out and overpow­ erful government in the hands of men bent on imposing their will on a free people.

We are threatened with the very type of conduct which was followed from the New Year’s Day Mummers festivities in Philadelphia, threats that a peaceable assembly, a par­ ade, would be met with a cordon of Negro­ guards from the schools and thus involve­ ning 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. In this any way to cure in­ justices, both real and purported? We see leaders inciting to lawlessness and predict­ ing 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 to be a new statement that has no­ tice. Mrs. Gloria Richardson, Negro leader in the Cambridge, Md., struggle, last fall said, “Possibly in the near fu­ ture we might have to go into civil dis­ obedience efforts to get our constitutional safeguards back.”

On November 6, 1963, Rev. Martin Luther King, Jr., spoke at Howard Uni­ versity. I heard his remarks on radio the next morning. He warned that unless the Congress passes a civil rights bill during the current session the country would be plunged “into a night of dark­ ness and violence.”

Also on the New York City Board of Education to solve the problem of racial imbalance, Negro leaders take untenable positions. Rev. Milton A. Gal­ amon, chairman of the Citywide Com­ mittee 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.” This is a matter of pure power politics.

He said that he would rather see the city school system “destroyed—maybe it has run its course anyway, the public school sys­ tem then 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 any­ thing approaching its proper perspective or in a balanced manner. Negro leaders to the Negro has not achieved its purpose. Where is the free­ enterprise system. The tendency to raid the treasury is always present as is the

CONSTITUTIONAL PRINCIPLES

Those of us who rely heavily on our constitutional precepts are scorned. “You are selling distrust of our govern­ ment,” 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 but on closer examination it is indeed, dangerous. As a person who believes in govern­ ment and law I would never sell distrust of government. Government is the highest form of human society and cannot tolerate an­ ybody. Men, sitting under cloak of go­ vernment authority, can. This is what George Washington meant when he said: Government is not reason, it is not elo­ quence, it is force, fire it is a dan­ gerous and fearful master.

Liberals have the incorrect belief that for every wrong and for every human de­ sire 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 may be操作系统 at the root of our firmly embedded constitutional and free enterprise system. Rejecting these arguments do not mean a person is not compassionate to hunger or to discrimination although this is what the liberal will charge. It more properly means that the constitutionalist recog­ nizes that it is just as important that man be himself in this country. We have a constitutional government. Hitler and Khroushchev did not visit their oppression on people through local government or a constitu­ tional system. It came about by a strong centralization government with a near-ab­ solute delegation of authority to men. We cannot afford to take this path.

The same notion has built up regard­ ing the Supreme Court. Many liberal thinkers feel it is appropriate for the Court to stay from legal precepts and the established interpretations of the Constitution and produce decisions based on the thought of what the 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 sim­ ply on the impulse that “something should be done,” or which looks no further than to the “justice” or “injustice” of a particu­ lar case, is not likely to have lasting influ­ ence. Our scheme of ordered liberty is based, like the common law, on enlight­ ened and untainted legal 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 in a recent interview:

1964, New York Daily News carried the following item:

SHIPPENSBURG, PA., JANUARY 22—Justice William O. Douglas of the U.S. Supreme Court said today that the free enterprise system may foster the idea of a “Glorious Dent” which some may favor by reading the public schools has nothing to do with its constitutionality. In an interview with the Philadelphia Inquirer, Mr. Douglas said the purpose of the Constitution is to “protect the minority no matter how repugnant it may be.”

I guess it all depends on what minority you are talking about. Turn the argument around. Does not the major­ ity 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 into abuse of the rights of the majority 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.

The one 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 govern­ ment in promoting this thesis. Think about it. This bill will take care of dis­ crimination, so it is the crimes that have criminals so let us get them, too. Never mind personal rights. Authorize the FBI to legally wiretap, change our constitu­ tional protection so law officials can forever search and seize evidence. Some criminals get away so reverse our time-tested principle of double jeopardy. We cannot allow mere principle to stand in my way—-we want to get these crim­ nals. Then, too, let the Communists. They hide behind the fifth amendment so let’s abolish that. Free­ dom of speech—well, not for them so let us take it away. Foolish? Just as log­ ical as many of the arguments they have given for the passage of this legislation. Of course the Negro has not achieved what is referred to as full equality. Of course we want him to. It is not any­ thing that can be given to him. Is this any reason for tearing down carefully constructed constitutional and free en­ terprise principles which have allowed millions of people to operate in the areas of choice, association, employ­ ment? I think not. I resist these ef­ forts just as I would efforts to abrogate study in criminal law, to abrogate the rights of in­ dividuals protected in the fifth amend­ ment, to legalize the seizure of evidence to obtain convictions which is now un­ constitutional and so forth. Why? Be­ cause in each case, as in this so-called civil rights bill, the effect, however laud­ able, would be to take away individual rights and freedom and destroy author­ ity and control by the Government over our lives. We have already gone too many miles down this road and the in­ dividual is in danger of losing too much of his personal freedom. It is the business 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. It tells them 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 economy. The system must be over­ powered by 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 at the same time the desire to conduct these goals about?
inclement 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 would be for us a case of putting the cart before the horse. 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 without their suspicions of 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 trust his usual reliance on the guarantees of civil rights, is to chip away at the heritage we have and move closer to that thin line which separates freedom and tyranny. I like to avoid controversy, but I am convinced that fundamental precepts are at the mercy of wicked rulers, or those in civil life from military trials. 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 without their suspicions of 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?"

The SPEAKER pro tempore. Under previous order of the House, the gentle
man from Iowa [Mr. SMITH] is recognized for 30 minutes.

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 facts are that there was no big increase in carryover of feed grains in spite of the unusual bumber yields proves conclusively the effectiveness of the feed grains program. But for the program, the cost of feed grains in 1963 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 volume of 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 17.8 million fewer acres than in 1959-60. After allowing for the increase in corn acres, the reduction of feed grains acreage diversion program, either stocks in 1962 and 1963 is not an accurate measure of the effectiveness of the programs.

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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 conceivable do so. The Iowa economists projected the loss could be $3 billion.

In their report entitled “Farm Program Alternatives”—CAEAD Report 18, published a few months ago, the university economists projected production, from 1964-67 if diversion programs and price supports for wheat and feed grains were discontinued, but storage of surpluses 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 drop. 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 $100 per head, 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. 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 oil-producing countries. Two aspects of these projections interest me. In making them, the Iowa State economists have taken into account the influence of the low prices on the less productive to be expected in the following years. They also have noted that grain production would increase faster than livestock production could be expanded in elasticity, and conclude that if “orderly marketing” were to be encouraged, even at these lower prices 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 19 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 unpleasant price picture that Iowa State economists paint for us if the wheat and feed grain programs are abandoned.

What 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 and fall in prices for grains and livestock would cause farm income to decline over $3 billion the first year, or more than one-fourth. The Iowa State economists’ projection of net farm income in 1967 is 10% lower than 1963. They also have noted 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 authoritative 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, stated 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 $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 prevails and programs similar to the 1963 programs were continued, farmers 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, loss of tax receipts and jobs in private industry, or $1.3 billion 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, loss of tax receipts and jobs in private industry, or $1.3 billion in Government costs?

I believe, with President Johnson, that although we do not now see ways that could have been improved, the agricultural commodity programs developed in the past 30 years have served both farm and urban citizens well. They are an indispensable bulwark to our agricultural economy. We can and we should make changes in them as necessary in line with the changing conditions.

But our national economy will suffer if we drop them rather than improve and extend them.

INDIGNANT PUBLIC DEMANDS STATE DEPARTMENT REVOKE BURTON VISA

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Ohio (Mr. Feighan) is recognized for 15 minutes.

Mr. Speaker, Mr. Speaker, 1 week ago today the Subcommittee on Immigration and Nationality held an executive hearing on the eligibility of Richard Burton to receive a visa and to be admitted into the United States. The nature of this highly publicized affair called for an executive session in which the facts were examined by Mr. Burton himself.

The hearings were under way, word got out about the nature of the inquiry and members of the press were obviously curious to know the results of our inquiry.

At the conclusion of the executive hearing I issued the following statement to the press:

Our subcommittee held an executive meeting at which we considered the eligibility of Richard Burton to receive a visa to enter the United States and his eligibility to enter the United States under our immigration laws.

In the course of the hearing, both State and Justice Department representatives stated they would go on record regarding this case in light of the growing public clamor for admitting Burton and others like him.

In my opinion, the conduct of Richard Burton and Elizabeth Taylor is a public outrage and highly detrimental to the morals of the youth of our Nation. Our subcommittee will continue its inquiry into this case until a final determination is made by the Department of Justice on the eligibility of Richard Burton to enter the United States. I can see no significant difference between the infamous Christie Keeler-Mandy Rice-Davies cases and the Burton case. The law and congressional intent there were the questions of his eligibility to receive a visa to enter the United States and his eligibility to enter the United States under our immigration laws.

Mr. Abraham Schwartz of the State Department and Immigration Commissioner Raymond J. Farrel were before our subcommittee as witnesses on the issue.

Since that time, as a matter of fact, within hours thereafter, my office has been flooded 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 to 1 to 1 in favor of revoking Burton's visa and barring admission to the United States as an undesirable.

Mail from abroad, from Switzerland, England, Italy, Australia, and I should mention every country in my District—our neighbor—has also been coming 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 responsible have the right to be respected. I believe that direction would lift our Index rating on friends, respectability, and honest purpose.

The decision in this matter at this point rests with the Department of State, which has the clear and uninhibited authority to revoke the visa given to Richard Burton. That authority is vested in the Department of State by law. The question is, that our consent will be the clear congressional intent thereon be exercised by the Department of State.

The mail I have received comes from every State in the Union, from people in
every walk of life, from parents of teenage children pouring out their concern over the deplorable example of public conduct set by Richard Burton and the trying problems of parents striving to raise their children as decent, law-abiding adults and citizens of our country. The people of the United States in overwhelming numbers do care about the moral tone of our Nation. They are incensed about this affair. They expect their elected officials to show equal concern for their feelings, as well as concern for the future of our country.

I have selected a few quotes from the volumes of letters I have received which demonstrate public sentiment on this issue. Let me read a few:

From a newspaper editor in Texas

Thank goodness, someone is finally blowing the whistle on Burton and Taylor. We have no privileged class in this country, or at least we are not supposed to have.

From Peoria, Ill.

I am writing for a group of college freshmen who feel that your stand on Richard Burton in the United States is being taken. * * * We can only implore you to hold your ground and give you a clear vote on my teenage children would be of much greater benefit.

From an American Legion official in Wisconsin

We have with interest your comments on the conduct of Richard Burton and Elizabeth Taylor. Our youth will imitate the example of their elders; those in public life owe an obligation to this Nation to set and demonstrate a high moral and ethical code.

From the vice principal of a famous junior high school in Oklahoma:

As one who works with and for young people, I appreciate someone like you having a strong enough sense of right and wrong to say so. We are proud of your efforts.

From a State probation and parole officer in Wisconsin:

We have with interest your remarks on this conduct of Richard Burton and Elizabeth Taylor, and wish to state that we have had a double standard where morality is concerned. If Elizabeth Taylor and Burton had been just plain Jones or Smith, they would long ago have been ostracized by society or perhaps even jailed for misconduct.

Another letter from Allendale, N.J., raised the question of Hamlet and points out:

I agree with your stand on Richard Burton, in spite of the fact that I sent money for tickets to Hamlet many weeks ago, and I will miss the pleasure of seeing him perform. I feel that your stand on my teenage children would be of much greater benefit.

Finally, a letter from a parent in Rocky River, Ohio, which expresses the sentiments of responsible parents throughout our country:

As parents and teachers (both my husband and I) we are appalled at the shoulder shrugging of men in high places. Certainly if an official stand is taken perhaps our people can realize that amoral behavior is to be censured even if you are talented and have money.

TIE FIGHT FOR TAX CREDITS FOR HIGHER EDUCATION COSTS MUST GO ON

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New York (Mr. HALPERN) is recognized for 15 minutes.

Mr. HALPERN. Mr. Speaker, the defeat in the Senate of the so-called college education amendment to the tax reduction bill is a big disappointment to all of us who have hoped for relief for the costs of higher education. But, I am encouraged by the support the proposal received and by the closeness of the Senate vote in its first test on the floor of either body of the Congress. This convinces me that by continuing to push relentlessly for legislation of this kind, we can pass a bill which would not only afford students and parents relief from the growing cost of education, but would provide the greatest spur ever given to higher education in this country.

There is no reason whatsoever, Mr. Speaker, that the objectives of this amendment still cannot be achieved through separate legislation along the lines of my bill H.R. 5719, or the language of the amendment offered by Senator Rivers. It is simply a superb job in leading the fight in the other body for this twofold program.

There is no requisite that such legislation must tie in with the omnibus tax cut bill. Congressmen know the facets of that bill may be, it still falls far short of resolving many of the inequities in our tax laws, of which tax relief for education is but one.

Mr. Speaker, I for one, intend to continue the 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 substantial 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 plug back tax savings into the mainstream 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 helping students in education and thus enhancing the opportunity for advanced knowledge and increased earning capacity of every young man and woman in America.

In case, there was the short-term loss of revenue to the Government. But under the principle of the tax-cut philosophy it will provide an additional flow of money into the economy and, in the long run, the dividends to our Nation will be astronomical.

Aside from the basic economics of this issue which, I am convinced, are all on the plus side, we will be heading legislation such as I advocate, be making 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 realistic facts. They clearly point up to the need for legislation of this type. Today, the average cost of a year's attendance at a private college is $1,460 according to a recent study by the U.S. Office of Education. The cost of a year's attendance at a private college was only $120. 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 80 percent of our families have incomes of between $3,000 and $10,000, and it is for these families that a tax credit to cover a substantial portion of college costs is a most pressing and vital matter. By denying this income group in particular a tax credit for college education, we are, in effect, perpetuating a kind of "resistance on opposition" to their children.

Just a few months ago, we were loudly proclaiming that we faced a crisis in education. We took to the radio, to television, to the newspapers and periodicals; we encouraged colleges and universities to seek the fullest possible education. We told students that our defense posture and our space exploration efforts depend on the development of their brainpower.

Yet, when we had the opportunity to really help students to pursue a higher education by easing the financial bur-
written to protect the domestic fuel industries and the large segment of the economy which depends on them against excessive importation of 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 the west. I do not think they know what is best for us. We in the east coast area are being economically penalized by the administrative restrictions already placed on our vital and needed residual fuel supplies. It is time to cripple us further by turning the economic rack on which we are being financially 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 hospital. It is a matter of life and death needlessly high—because of the restrictions on residual oil imports. Every person, every business, every aspect of life in this highly industrialized area is suffering because of the arbitrary, and unnecessary restrictions on these imports.

Second: I am puzzled by the gentleman from West Virginia [Mr. Moos] statement that residual oil is "an unnecessary foreign oil." It may be "unnecessary" in the hometown of the gentleman from West Virginia [Mr. Moos], along the 700,000 barrels of residual used in West Virginia in 1962, but I can tell you from personal knowledge that it is greatly needed in my home area, and everywhere else on the east coast. If anyone is under the illusion that residual oil is not needed, I suggest he go to our public utilities, to our factories, to our Government buildings, to our hospitals. That residual oil that gives us light, powers our industry, heats our public buildings and hospitals. And if jobs, Government, utilities, and hospitals do not demonstrate the need for residual oil, then I suggest that the dictionary be rewritten with a new definition as to what the word "need" means.

And, let this point be clearly understood, too: It is not just a matter of the users placing an order for a different kind of fuel and switching from residual oil, because we do not have that choice. The fact of the matter is that our plants are designed for residual fuel. Conversion to other fuels would be, for the east coast of the United States, prohibitively high, if not impossible. But, apparently to those who do not understand our handicap, such an additional economic penalty is not very important.

There have been, Mr. Speaker, a lot of questionable claims made by those who are trying to break the economic back of the east coast by cutting off our fuel. But to say that residual oil is unneeded is an affront to fact and a Callous disregard of the interests and human requirements of those who live and work on the east coast.

Third: The gentleman from West Virginia [Mr. Moos] has, unfortunately, mixed the residual fuel requirements of the east coast, with extraneous issues of coal production and coal depletion plans. The coal problem is not pertinent for the simple reason that it is not residual oil imports that are cutting coal consumption, but rather the demand which is rising. Mostly it is the mechanization of the coal industry that is putting the gentleman from West Virginia [Mr. Moos'] people out of work. For instance, the Office of Economic Research reported to the President, just about a year ago, that with respect to unemployment in the coal mines:

The principal contributor has been the 88 per cent that the domestic refinery processing worker man-hours in the decade following 1949, a change accomplished largely through mechanization.

So, it is not residual oil imports that can slip away in the coal mining industry, but rather the technological progress of the mining industry, together with a loss of coal markets. I suggest that the gentleman from West Virginia [Mr. Moos] check this out. He can do it himself, and I can tell you from personal knowledge that it is greatly needed in my home area, and everywhere else on the east coast. If anyone is under the illusion that residual oil is not needed, I suggest he go to our public utilities, to our factories, to our Government buildings, to our hospitals. That residual oil that gives us light, powers our industry, heats our public buildings and hospitals. And if jobs, Government, utilities, and hospitals do not demonstrate the need for residual oil, then I suggest that the dictionary be rewritten with a new definition as to what the word "need" means.

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First: The gentleman from West Virginia [Mr. Moos] has, unfortunately,
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 necessary 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 decision.

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<td>Mr. ABERNETHY</td>
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**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.

**EXECUTIVE COMMUNICATIONS, ETC.**

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

S. 2483. 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 property 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.

**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 and adjacent colleges, to stimulate water research at other colleges, universities, and centers of competence, and for other purposes; to the Committee on Interior and Insular Affairs.

Mr. BURKE of New York: Committee on Interstate and Foreign Commerce.

**PUBLIC BILLS AND RESOLUTIONS**

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

By Mr. BARRITT:

H.R. 9881. A bill to amend the Federal Firearms Act, in order to provide more effective control over firearms shipped in interstate or foreign commerce; to the Committee on Ways and Means.

By Mr. HABSHA:

H.R. 9882. 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. 9964. 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 Interior and Insular Affairs.

By Mr. POOL:

H.R. 9965. A bill to amend the Internal Revenue Code of 1954 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. ROHDES 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. MYRDAL:
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 from domestic and foreign sources, and for other purposes; to the Committee on Ways and Means.

By Mr. BURLESON:
H. Con. Res. 265. 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 Egle & Phenix 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 Younie; to the Committee on the Judiciary.

By Mr. LEQST:
H.R. 9974. A bill for the relief of Gwendoyn Dodsley; 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:

665. By the SPEAKER: Petition of Harry E. Hart, College Park, Ga., relative to the presentation of the United States and Panama; to the Committee on Foreign Affairs.

666. Also, petition of Henry Stoker, Avon Park, Fla., relative to the U.S. Marine Corps; to the Committee on Armed Services.

667. Also, petition of Henry Stoker, Avon Park, Fla., requesting passage of H.R. 9902, relating to employment; to the Committee on Education and Labor.

668. Also, petition of Henry Stoker, Avon Park, Fla., to provide for the dissemination of dynamic, simon-pure Jeffersonian Americanism throughout the world; to the Committee on Foreign Affairs.

669. Also, petition of Henry Stoker, Avon Park, Fla., relative to the 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.

CONGRESSIONAL RECORD — HOUSE

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 citizens of Lithuania in their hope 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 have helped to cut 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 directly 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 again plaguing and embarrassing 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 inexcusable 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.