Col. Richard Thomas Dunn, [redacted], Infantry.
Col. Michael Charles Galiano, [redacted], Infantry.
Col. Leon Henry Hagen, [redacted], Infantry.
Col. Kay Halsell II, [redacted], Armor.
Col. James Taylor Hardin, [redacted], Quartermaster Corps.
Col. William George Kreger, [redacted], Infantry.
Col. Robert Grant Moorhead, [redacted], Infantry.
Col. William Frederick Morr, [redacted], Infantry.
Col. Leonard Edward Pauley, [redacted], Infantry.
Col. Francis Shigeo Takemoto, [redacted], Infantry.

I nominate the Army National Guard of the United States officers named herein for appointment as Reserve commissioned officers of the Army, under the provisions of title 10, United States Code, sections 593(a) and 3392:

To be brigadier generals

Col. Daniel Preston Lee, [redacted], Adjutant General's Corps.
Col. Victor Lee McDearman, [redacted], Adjutant General's Corps.
Col. John Perrill McKnight, [redacted], Adjutant General's Corps.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 10, 1964:

U.S. COAST GUARD

The following-named persons to the rank indicated in the U.S. Coast Guard:

To be rear admirals

Capt. William W. Childress, U.S. Coast Guard.
Capt. Chester R. Bender, U.S. Coast Guard.
Capt. Paul E. Trimble, U.S. Coast Guard.

To be captains

Stanley H. Rice	Lewis W. Tibbits, Jr.
Roderick L. Harris	Donald H. Luzius
Opie L. Dawson	Urial H. Leach, Jr.
Harold T. Hendrickson	Ernest H. Burt, Jr.
Robert J. Clark	Francis X. Riley
Clinton E. McAuliffe	Bainbridge B. Leland
Hugh F. Lusk	Jerry K. Rea
James D. Luse	Richard L. Fuller
George C. Fleming	Billy R. Ryan
William C. Morrill	George H. Lawrence
John M. Waters, Jr.	Robert E. Emerson
Richard W. Young	Sherman K. Frick
Charles Dorian	Marcus H. McGarity
Roger H. Banner	John E. Day
James W. Moreau	Fletcher W. Brown, Jr.
Robert P. Cunningham	Francis D. Heyward
Edward D. Scheiderer	Edward F. Cotter
Leroy A. Cheney	Claude W. Bailey
Frederick A. Goettel	George W. Walker
Albert A. Heckman	

IN THE COAST GUARD

The nominations beginning Sam Pisicchio, to be commander, and ending Walter E. Johnson, to be commander, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on January 30, 1964;

The nominations beginning Walter R. Go'dhammer. to be lieutenant commander, and ending Herbert H. H. Kothe, to be lieutenant commander, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on January 30, 1964; and

The nominations beginning Denny M. Brown, to be lieutenant, and ending Robert S. Bates, to be lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on January 30, 1964.

HOUSE OF REPRESENTATIVES

MONDAY, FEBRUARY 10, 1964

The House met at 10 o'clock a.m.

Rev. J. C. Murphy, Community Methodist Church, Arlington, Va., offered the following prayer:

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

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

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

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

THE 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. 7356. 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; and

S.J. Res. 10. Joint resolution providing for the recognition and endorsement of the 17th International Publishers Conference.

The message also announced that the President pro tempore has appointed Mr. EDMONDSON and Mr. KEATING to serve as advisers with the U.S. representatives to the United Nations Committee on the Peaceful Uses of Outer Space for the balance of 1964.

The message also anounced that the President pro tempore, pursuant to title 10, United States Code, section 6968(a), has appointed Mr. MONRONEY, Mr. PASTORE, and Mr. BEALL, as members of the Board of Visitors to the U.S. Naval Academy for 1964.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 31]

Barry	Martin, Calif.	Powell
Beermann	Murray	Rooney, Pa.
Blatnik	Norblad	Schadeberg
Clark	O'Brien, Ill.	Siler
Davis, Tenn.	O'Konski	Skubitz
Hoffman	Pelly	Springer
Horan	Pillion	Thompson, Tex.
Kee	Pirnie	

The SPEAKER. On this rollcall 406 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CIVIL RIGHTS ACT [redacted]

Mr. CELLER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in 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.

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. KEOGH 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 85 of the bill. Are there further amendments to title VII?

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

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

Mr. SMITH of Virginia. Mr. Chairman, reserving the right to object, the gentleman has a double-barreled request

there; one part is that the debate conclude at the end of 2 hours, and the other is a specific time. Other matters may intervene. I think the request goes a little further than it should.

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 in 2 hours.

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

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

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

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

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

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

The CHAIRMAN. The gentleman will state it.

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

The CHAIRMAN (Mr. KEOGH). 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, a lot of conversation went on here Saturday. The gentleman from New York I know desires to reach some fair arrangement about this, but that was broken up. If you limit it to terminate at a specific hour then 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 offered 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.

So the motion was agreed to.

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

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

There was no objection.

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

> The smoothly functioning coalition of Republicans and northern Democrats that has been pushing the civil rights bill forward stumbled over only one serious amendment of the many put forward by southerners to delay, weaken, or disrupt the measure. That was the provision forbidding discrimination in employment on grounds of sex, as well as race, religion, and national origin.
>
> It may seem strange to many—as it did to nearly all of the women Representatives in Congress—that there should be any objection to ending this form of discrimination along with the others. One of the answers is that many statutes covering working conditions provide what was intended to be a more favorable position for women.
>
> What was put forward as protection has, in many cases, proved to be a hindrance. Hours, safety provisions, and the like have been improved for all by law, contract, and custom to a point where women believe they do not need a special status; what they do need, most of them would probably say, is a legal guarantee of equal opportunities in job seeking and equal pay for equal work.
>
> Yet the tangle of statutory provisions governing the employment of women remains, as well as such complex socioeconomic questions as marriage and maternity.
>
> The ban on discrimination against women passed; whether it will remain is, of course, dependent on the stormy future fate of the bill, which must still face the Senate, and then—if it surmounts the almost inevitable filibuster—a conference committee. The goal of the clause is worthy. It came, however, as an unplanned byproduct of a confused debate, in which the implications could not be studied with the care they deserved. The issue was raised for mischievous reasons, and it may well have unhappy effects.

AMENDMENT OFFERED BY MR. SIKES

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

The Clerk read as follows:

> Amendment offered by Mr. SIKES: On page 71, line 15, after the word "Senate" strike out the remainder of line 15 and line 16 through 22; and, on page 72, on line 21, after the word "desirable" add a new sentence: "The Commission shall submit to the President and to the Congress a final and comprehensive report of its activities, findings, and recommendations not later than September 30, 1968.".

Mr. SIKES. Mr. Chairman, the Commission as set up in the bill is permanent. I seek simply to limit its life to 4 years. This was done to the Civil Rights Commission in this bill. The language which I propose is taken from present law. We have a precedent. 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 and the American people do not want it. Now 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 commissar-dictated shambles and all American employees to a common dull level.

Surely you recall that the Russians tried this system. They threw it into the discard. It would not work even under a totalitarian system. You cannot, by law, make all men equal; make everyone conform. It just will not work. But I will tell you what this bill would do. It would give the Russians their finest opportunity to pass us on all fronts—to take over world leadership. For under this bill as far as we can see into the future, we would be struggling with human discord and seeking to pass more bills in Congress to prop up a failing economic system which we ourselves had undermined by this foolish legislation.

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

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

The entire section on FEPC should be stricken. Then at the very least, let us limit the term of the damage to 4 years. Let us not make something permanent of which we may soon be very sick—possibly even after the next election.

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

Mr. SIKES. I yield to the gentleman.

Mr. GROSS. While I support the gentleman's amendment, I see no reason why we should have both a President's

Committee on Equal Employment Opportunities and an Equal Employment Opportunity Commission. One or the other ought to go. We are spending over a half million dollars each year on the President's Committee on Equal Employment Opportunities. Yet, there is being created, as the gentleman points out, a permanent commission in this bill for, it must be, the same purpose, and at an additional cost to the already overburdened taxpayers of nearly $4 million. This is the worst kind of duplication and there is no way by which it can be justified.

Mr. CELLER. Mr. Chairman, I rise in opposition to the amendment.

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 factfinding 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 have 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 from Ohio.

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. LINDSAY], who has made a particular study of this subject?

Mr. CELLER. I plan to do so.

Mr. LINDSAY. 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 now. It reminds me of the story of the lady who was being prosecuted and tried 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. GOODELL. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield.

Mr. GOODELL. I hope the amendment will not be enacted. I do not believe that the FEPC will in any respect 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. GROSS. 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 Commission and an Equal Employment Opportunity Committee, costing the taxpayers several millions of dollars. Please tell me why we would 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. I would hope 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 say 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 not factual when he makes that statement.

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

The 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 go all 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 judgeship. I yield to the gentleman from Ohio.

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

Mr. GROSS. 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 unanimous, decision of the subcommittee that that was the compelling reason for the legislation.

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

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

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

Mr. SIKES. It appears you have struck the opposition where the hair is short. As is so often the case, the gentleman from Iowa is right. With two tables full of experts here in the Chamber 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 officialdom meddling in everybody's business throughout the country. There will be two Commissions—at double cost—competing for priority.

Mr. GROSS. The gentleman is exactly right.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. SIKES].

The question was taken; and on a division (demanded by Mr. SIKES) there were—ayes 86, noes 131.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. SMITH OF VIRGINIA

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

The Clerk read as follows:

Amendment offered by Mr. SMITH of Virginia: On page 79, beginning at line 15, strike out all down and through line 20 on page 80.

Mr. SMITH of Virginia. Mr. Chairman, this amendment is to strike out the provision relative to regulations requiring every employer to keep elaborate records on why he hires anybody or why he does not hire anybody, why he fires somebody and why he does not fire somebody. I would like to address my remarks to my friends on the Republican side, because they have for many years carried the image of having been the great protector of the business interests of this country and being the great conservative party. Now, remember every employer who employs over 25 people is going to be required to keep such records as may be required by the Commission. It goes into details here. Let us take a great corporation such as General Motors, which employs hundreds of thousands of people. They are not given to this type of thing that this bill is aimed at, and this would cost a corporation like this hundreds of thousands of dollars in keeping records, making records, and making reports to the Commission that are required by this section. You ought to read it before you vote upon this. It is on page 79, line 15. Just remember this, also; you have been talking a lot about economy, not wasting money. Just remember that the expense of this is deductible under the tax provisions and 52 percent of the cost of keeping these useless records on these companies that are not in violation, have never been accused of being in violation, and never will be, because they have a program of nondiscrimination, as all the large corporations have, will be put on the Treasury of the United States. There are very few corporations of that size in my district, 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 relevant to the determinations of whether unlawful employment practices have been or are being committed, preserve such records for such periods, and make such reports therefrom, 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 the distinguished gentleman from Ohio [Mr. MCCULLOCH], to the fact that a great American corporation with headquarters in his State called to my attention the tremendous burden already imposed by the Federal Government in demanding countless forms, reports, and papers. I saw their annual report to their board of directors. In order to fill out the forms for the Federal Government alone in the last fiscal year over what they had to do 3 years ago, it cost them $250,000. They told me that they could have put the money into further capital expansion, which would provide more jobs and help eliminate poverty, but that they had to fill out these forms, many of them unnecessary and useless.

Now if we ram this bill down their throat it could well cost them 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 which would provide more revenue for local, State, and National Government. This bill is an attack on our whole private enterprise system and every business in the United States.

Mr. ROOSEVELT. Mr. Chairman. I rise in opposition to 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 nearly all which will be required under this provision are already being kept by corporations in order to fulfill the requirements of other statutes such as the tax statutes, 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 first to the Commission for relief and second, if they felt that they were not proper they could appeal to the court for relief from any bookkeeping requirements that are here set up.

In addition, Mr. Chairman, I think it should be pointed out that there exists in the law today a provision about which there is not too much knowledge.

The Federal Reports Act of 1942, 5 U.S.C. 139–139(f), gives the Director of the Bureau of the Budget authority to coordinate information-gathering activities by executive agencies and this authority has been interpreted to include recordkeeping requirements. Therefore, the Director can refuse to approve a general recordkeeping or reporting required which is too onerous or poorly coordinated with other requirements. The legislative history that we are making should amply prove that in no way will these requirements be an extra burden on the business community.

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

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

Mr. CELLER. These records are practically the same records, as you have indicated, as records that must be kept under the Wages and Hours Act, the Fair Labor Standards Act, and under the Federal Reports Act of 1942, as well as under the Social Security Act.

Mr. ROOSEVELT. The gentleman is absolutely correct.

Mr. CELLER. In addition thereto, we make ample provision, if there is any hardship in the keeping of these records, for application to be made to the Commission to relieve these corporate entities, the employers, or the labor unions, from keeping such records.

Mr. ROOSEVELT. That is correct.

Mr. CELLER. Then, if the Commission refuses to grant such an exemption, there is another remedy. There can be an appeal to the court indicating that the hardship is too great, and the court can rule on it.

Mr. ROOSEVELT. The gentleman is correct. We have a double safeguard in this statute.

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

Mr. ROOSEVELT. I yield to the gentleman from Hawaii.

Mr. GILL. I would like to point out that there is one further protection to any employer that is not included in the prior acts mentioned. You will find on page 80, line 14, the word "or." In other words, if the employer decides it does not want to go to the Commission to apply for exemption, it can, without even consulting the Commission, bring civil action in the U.S. district court in the district where such records are kept. They have 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. 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 section in any major piece of legislation that has come before our committee in the field of labor. We bound the Commission in all directions to see to it that they could not exceed reasonable requirements. It is our anticipation that in most instances the Commission will need no additional records other than are already kept in the average company.

This starts out, after 1 year, covering only those companies with 100 employees or more, the next year, 50 or more, and ends up with 25 or more. Any small business with 25 employees or less is completely exempt from the act. In addition, I think this requirement will help protect the employer. If they do not keep reasonable records at the present time, under the present procedure, they run the danger of not being able to come forward with the defenses that are available to them.

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

(By unanimous consent (at the request of Mr. GOODELL) Mr. ROOSEVELT was

allowed to proceed for 2 additional minutes.)

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

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

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

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

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

The gentlemen say there is nothing to it, that business is protected. Let me read to you and ask you to follow me as I read on page 79, and listen attentively. I am reading from page 79, line 15, paragraph (c):

> Every employer, employment agency, and labor organization subject to this title shall (1) make and keep such records relevant to the determinations of whether unlawful employment practices have been or are being committed, (2) preserve such records for such periods, and (3) make such reports therefrom—

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.

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

> The Commission shall, by regulation, require each employer, labor organization, and joint labor-management committee subject to this title which controls an apprenticeship or other training program to maintain such records as are reasonably necessary to carry out the purpose of this title, including, but not limited to, a list of applicants who wish to participate in such program, including the chronological order in which such applications were received, and shall furnish to the Commission, upon request, a detailed description of the manner in which persons are selected to participate in the apprenticeship or other training program.

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 which believes that the application to it of any regulation or order issued under this section would result in undue hardship it may (1) apply to the Commission for an exemption from the application of such regulation or order, or (2) bring a civil action in the United States district court for the district where such records are kept. If the Commission or the court, as the case may be, finds that the application of the regulation or order to the employer, employment service, or labor organization in question would impose an undue hardship, the Commission or the court, as the case may be, may grant appropriate relief.

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

Let me also tell you, my colleagues. We, in the Congress, are going to get from these businesses, from our districts and all over the country, such demands and requests for relief that I suspect we will have to put more personnel on our own staffs to take care of them.

Mr. Chairman, this amendment ought to be approved.

The CHAIRMAN. The time of the gentleman has expired.

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

Mr. Chairman, I rise in opposition to the amendment. I take this time to ask a question of the gentleman from California [Mr. ROOSEVELT].

I ask the gentleman, approximately how many States now have FEPC legislation?

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

Mr. EDWARDS. I yield to the gentleman.

Mr. ROOSEVELT. In response to the gentleman, I would say the latest figures we have are 26 States and Puerto Rico that now have FEPC laws of their own. They do differ in some repects, 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 as 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 would say the lesser part of industry would be affected.

Mr. EDWARDS. So would you say we say we could not anticipate 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 gentleman 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 his State of Washington, and 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 others have gone to great effort to try to convince the folks out there that the Federal Government will not be breathing down their necks. The gentleman from Washington [Mr. PELLY], in

his remarks included a letter from the ranking minority member of the Committee on the Judiciary, the gentleman from Ohio [Mr. McCULLOCH], and also a letter from one Edwin Guthman of the Department of Justice, which Department incidentally has been well represented in the galleries day after day, waiting hopefully for the extraordinary powers in this bill. They have been hanging over the upper railing and running up and down the steps eagerly 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 with effective [FEPC] legislation there 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 businessmen of the State of Washington would be exempt from this bill, and particularly from keeping the records which the pending amendment proposes to strike?

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

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

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

Mr. ABERNETHY. Which I have just stated.

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

Mr. ABERNETHY. Yes.

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

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 without any doubt whatever secured and 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 you 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 staffs?

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 arise now and advise the House, or insert in the RECORD, the number of colored employees in his office. Their constituents ought to know if they are practicing what they are preaching. Well, do you wish to stand and identify yourselves? Evidently 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 my remarks, the names of the members of these committees. So, I here and now invite them to put a statement in the RECORD as to how many colored employees they have in their offices.

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

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

I am pleased that he has the courage to stand, to say that he voted to report the FEPC provision and that he has an integrated office staff. I know his constituency appreciates courage. Are there others now? I do not see any other members of these committees arising. So I presume 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 or go to jail. Is this justice? Is this America?

Now, Mr. Chairman, I am listing below the names of members who serve on the Committee on Education and Labor, and the States from which they come, and also the names of the members of the Committee on the Judiciary and the States from which they come. A majority of each of these committees voted, in committee, in favor of the FEPC title of this bill. Of course, all members of the committees did not vote for such. Some voted against the title, particularly those from my part of the country. The members who did vote to force businessmen to hire employees, regardless of race, evidently should practice such within their own congressional 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. I know of a good many 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 I invite those 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.

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

EDUCATION AND LABOR

ADAM C. POWELL, chairman, New York.
CARL D. PERKINS, Kentucky.
PHIL M. LANDRUM, Georgia.
EDITH GREEN, Oregon.
JAMES ROOSEVELT, California.
FRANK THOMPSON, JR., New Jersey.
ELMER J. HOLLAND, Pennsylvania.
JOHN H. DENT, Pennsylvania.
ROMAN C. PUCINSKI, Illinois.
DOMINICK V. DANIELS, New Jersey.
JOHN BRADEMAS, Indiana.
JAMES G. O'HARA, Michigan.
RALPH J. SCOTT, North Carolina.
HUGH L. CAREY, New York.
AUGUSTUS F. HAWKINS, California.
CARLTON R. SICKLES, Maryland.
SAM M. GIBBONS, Florida.
THOMAS P. GILL, Hawaii.
GEORGE E. BROWN, JR., California.
PETER FRELINGHUYSEN, New Jersey.
WILLIAM H. AYRES, Ohio.
ROBERT P. GRIFFIN, Michigan.
ALBERT H. QUIE, Minnesota.
CHARLES E. GOODELL, New York.
DONALD C. BRUCE, Indiana.
JOHN M. ASHBROOK, Ohio.
DAVE MARTIN, Nebraska.
ALPHONZO BELL, California.
M. G. (GENE) SNYDER, Kentucky.
PAUL FINDLEY, Illinois.
ROBERT TAFT, JR., Ohio.

JUDICIARY

EMANUEL CELLER, chairman, New York.
MICHAEL A. FEIGHAN, Ohio.
FRANK CHELF, Kentucky.
EDWIN E. WILLIS, Louisiana.
PETER W. RODINO, JR., New Jersey.
E. L. FORRESTER, Georgia.
BYRON G. ROGERS, Colorado.
HAROLD D. DONOHUE, Massachusetts.
JACK BROOKS, Texas.
WILLIAM M. TUCK, Virginia.
ROBERT T. ASHMORE, South Carolina.
JOHN DOWDY, Texas.
BASIL L. WHITENER, North Carolina.
ROLAND V. LIBONATI, Illinois.
HERMAN TOLL, Pennsylvania.
ROBERT W. KASTENMEIER, Wisconsin.
JACOB H. GILBERT, New York.
JAMES C. CORMAN, California.

WILLIAM L. ST. ONGE, Connecticut.
GEORGE F. SENNER, JR., Arizona.
DON EDWARDS, California.
WILLIAM M. MCCULLOCH, Ohio.
WILLIAM E. MILLER, New York.
RICHARD H. POFF, Virginia.
WILLIAM C. CRAMER, Florida.
ARCH A. MOORE, JR., West Virginia.
GEORGE MEADER, Michigan.
JOHN V. LINDSAY, New York.
WILLIAM T. CAHILL, New Jersey.
GARNER E. SHRIVER, Kansas.
CLARK MACGREGOR, Minnesota.
CHARLES MCC. MATHIAS, JR., Maryland.
JAMES E. BROMWELL, Iowa.
CARLETON J. KING, New York.
PATRICK MINOR MARTIN, California.

Step forward gentlemen and be counted.

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

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

Mr. Chairman, this is one of the most important amendments that has been offered to this legislation. Now, I realize that when we get into 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 little 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. It 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 do what work they themselves should be doing rather than the little business people. They descend upon them and they say, "Do you have these records ready? If you do not have these records ready, then 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, to one 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 approved 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 exempt 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 forced, because of the seasonal situation in agriculture, to hire 35 or 40 people for a couple of weeks during the year and hence fall under this act. There is no exemption in this bill, and if the man hires that many people, he is going to be subjected to keeping all of the records and subjected to all of the penalties laid down by the department and agency heads from time to time, from which he has no appeal. He cannot make a living today working 12 to 15 hours on these farms. These individual farmers cannot make a living, and you are fixing to saddle him with another burden. Do you know what is going to happen? He is going to throw up his hands in frustration and he is going to move into the city and into the already overstocked labor pool, and you are going to have a further unemployment problem on your hands.

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

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

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

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

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

Mr. ROGERS of Texas. The gentleman is eminently correct.

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

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

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

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

Mr. Chairman, I withdraw my reservation of objection.

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

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

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

Mr. HARDY. But somebody else did.

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

There was no objection.

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

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

Mr. HARRIS. Mr. Chairman, what I am trying to say is that the Members of the House know that there is nothing to the contention of protection through the courts. I know they do not want to mislead Members, but we must understand what the present law is and know that any agency can make a record that will be sustained by the court on the question of reasonableness.

Mr. ROGERS of Texas. I thank the gentleman.

Mr. Chairman, I want to point out one further thing. When you vest in these agencies and departments downtown the right to write rules and regulations you do not bind them with the rules that are applicable in court. There was a statement made the other day that electronic devices that could be used to spy on people could not be used in the enforcement of this act. That is not true at all. All you have to do is to read the act itself. You delegate to these agencies and departments downtown the right to write these rules and regulations and to do as they please in making a determination and exercising their discretion. It will be argued that there is a provision for judicial review. Anyone familiar with the law, knows that this provision will not protect the individual, if he tries to go to court. But how many of these little fellows in business are able to get to court? Most of them cannot afford to pay the court cost, let alone the legal fees that would be necessary.

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

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

Mr. FEIGHAN. Mr. Chairman, does not the gentleman think it would be an excellent idea if Congress itself provided the staff through our own committees to do the work of writing these rules and regulations, instead of delegating that authority to these nonelected persons who are responsible to nobody, at least not to any electorate.

Mr. ROGERS of Texas. Let me say to the distinguished gentleman from Ohio that I think we are violating the Constitution by giving away our legislative powers when we delegate to these departments the power to write these

rules and regulations from which, as the gentleman knows—and he does know 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. ROGERS of Texas. 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 Congress. Dr. Galloway is a recognized authority on this House and on the Federal Government in general. Dr. Galloway is reported as saying after years of study that 90 percent of the rules and regulations with the full force and effect of law are not made by this Congress but by the bureaus, departments, and agencies of the Federal 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 to provide that they have an education, because they are going to need a Ph. D. to stay out of the penitentiary.

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

Mr. Chairman, I hope this body will seriously consider the amendment offered by the distinguished and able gentleman from Virginia, Judge SMITH. 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.

Much of my correspondence during my 11 years in the Congress has contained complaints about the "countless rules and regulations," too frequently not understood, but whether understood 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 this country store and introduced myself to the owner. He apologized to me for not coming out as soon as I stopped my automobile by saying:

> Mr. FOUNTAIN, when you drove up, I was here reading some Federal Government regulations trying to figure out what they mean and how they affect me. You know, there are so many laws and regulations which we small businessmen have to comply with now, that everytime someone stops at my place, I am fearful it is some "Government man" stopping to accuse me of having violated some law, rule, or regulation which I either didn't understand or didn't know I had to comply with.

This man was deeply concerned. In fact, he was bitter. He asked me if I was a lawyer. I told him I was, whereupon he handed me a sheet of regulations. I do not recall the Federal agency from which they came. He said, "Read these two paragraphs and tell me what they mean." I read the two paragraphs several times and responded by saying, "I am sorry, the language is ambiguous and unclear." I will never forget that experience. If that citizen felt that way in 1952, it is not surprising that so many feel that way now in 1964.

I tell you in all sincerity that this is an extremely sensitive subject in the business world. This legislation will increase the problem.

Many of you talk about your respective States already having such requirements, about your Public Accommodations Statute and a Fair Employment Practices Act and you say these acts and their enforcement have not created any problems. Whether or not such laws in your respective States are enforced, there is a decided difference between States having their own statutes and placing such power—such all-embracing, such sweeping power in the hands of one powerful government—the Federal Government, and incidentally the Government which has control and power over all of the Armed Forces of this Nation which, if needed, can be used to enforce any of its edicts, and even to change our way of life.

Just how far do we expect to go in telling a private businessman who he must hire and fire, who his customers and associates must be, however much one may disagree with his choices. Just how far are we in this Congress going in centralizing more and more power in the hands of nonelected public officials here in Washington, especially the power of life and death over private enterprise. Why, I remember in 1952 when you on my left and your political party were supporting, and when with the help of many Democrats, you elected to the Presidency a man who spent quite a bit of his campaign time talking about the "centralization of power and authority" in Washington. In fact, after he got to the White House, he still talked quite a bit about it, but not half so much as have many of your party's congressional leaders. I am therefore amazed at your position on this bill.

Since 1953 when I came to this body, in one way or another, in one piece of legislation after another, more and more power has gradually been concentrated in this Federal Government of ours. The executive branch of Government already has, or by Executive orders, has assumed the power of life and death over business and over the rights and privileges of all freedom-loving Americans. Over a period of many years now, session after session, just a little more here and a little more there, our Federal Government has become more powerful than at any time in history. True, it has the power to do good, and it does so much good, but I pray to our God above that it will never use all of its power in the direction of evil.

I do not come into this well very often. I have found that I can do more effective talking elsewhere. However, I have listened to many speeches on this floor. I have voted on many prices of legislation both for and against, sometimes in doubt but every year I wonder how much more power the American people are willing to concentrate in Washington, without more adequate checks. How much further can we afford to go.

If the centralization trend continues without more adequate checks and balances, it is not inconceivable that in the not too distant future, there really will not be much difference between our system and the Communist system, except for our belief in God. A growing materialism in America, aided by an all-powerful centralized government could be the end of the kind of freedom bequeathed to us by our forefathers.

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 guardianship of either elected or nonelected Federal public officials? Have we no courage left? Can we not boldly and courageously record by our public votes our private convictions. I believe the American people would stand by such a show of support for the Constitution of the United States.

Mr. Chairman, the time has already arrived—in fact, it is later than we think. This is the hour for us to stand up and be counted for the fundamental principles upon which this Nation was founded and for the human and property rights of all our people of all races and creeds and colors everywhere. If you pass this civil rights package, in its present form, among other things you will be delegating to nonelected Federal public officials in more than 100 Federal agencies authority to withhold, restrict, or deny participation by local and State governments and private citizens in programs involving grants, contracts, and loans. This legislation is of unwarranted severity and unprecedented sweep. Many of its enforcement provisions will definitely infringe upon the rights and responsibilities of private citizens of all races, and the rights and duties of State and local government units.

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 this has been admitted time and time again during this debate. They feel that its enactment will be a vote of no confidence 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 equality of opportunity before the law for all people without regard to 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 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 hear something about the ups and downs of some of them. I have borne their burdens with them. I have pled their causes before city boards, in the courtroom, and in community life. I will continue to do so. Their problems have been upon my heart and upon the hearts of the people of North Carolina and, I believe, people throughout the Southland for many, 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, throughout America, in recent years responsible local people of both races, people closest to the problem, people who know what can and in due time what should and must be done, are solving the problem too slow for many and too fast for others but with a spirit and a will, with courage, and conviction, conscience, commonsense, and judgment, that cannot be legislated.

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 problems can and will be worked out on the local level in a way that is honorable and effective. In my opinion this legislation before us will make a continuation of such cooperation extremely difficult. If it should be enacted, I hope my prediction will prove wrong.

Notwithstanding the apparent urgency of solutions to racial problems, in some 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 coercive laws, particularly laws which would give Federal officials dictatorial powers over the life and private property and rights of every individual citizen of every race, creed and color.

As pointed out in an editorial in the North Carolina Greensboro Daily News last year—the greatest collective fault with this civil rights package is that "in the name of the noble cause of racial justice," it would endow Federal officials with sweeping and unprecedented authority to invade and intrude in almost every area of local activity, public and private, superseding the rights of States and local governmental units and of private citizens, including even home authority.

I agree with Arthur Krock of the New York Times that such laws, and the provisions for their enforcement, would give Federal authorities discretionary powers over private property and its use and individual freedom of choice that would be "comparable in magnitude only with those exercised in time of war and during the post-Appomattox period of southern reconstruction." The proposals contain words, phrases, and sentences which would be interpreted to mean whatever the present or any future Attorney General of the United States, or his agents, desired. The authority contained in this legislation is "open end."

Heads and hearts, wills and spirits, mutual respect, and understanding simply cannot be forced or legislated. As I have already pointed out to attempt to do so, especially on the Federal level, in such a highly explosive area of human relations would further endanger the traditional feelings of good will between our races and seriously discourage and impair already evident 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 would 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 at the community level are best equipped to find, and with the necessary help of God will find, an honorable, reasonable, and orderly approach to and a sane and sensible solution to the problem.

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 Majority." In a nutshell, it describes this legislation as follows:

RIGHTS BILL WOULD ENDANGER THE RIGHTS OF THE MAJORITY

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

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

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

There is a duty here to posterity that is so important that the U.S. Senate connot afford to be stampeded into hasty action, no matter how great the pressure on that body.

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

This is not a matter of impugning the motives of those who have drawn the bill. There are mixed motives, and some are on the highest moral plane. The "caution flag" must go out on this bill because the individual liberties of Americans are too precious for Congress to seek good ends through bad means.

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

It is our Government, just as much as the one in the State 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 about making a drastic change in Washington's historic role, and we should know what we're about.

This is not racist talk. We have no patience with those who have done everything in their power to deny basic American freedoms to 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 seek to envision the exercise of these new powers 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 with reason and restraint. 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 individual Americans, not just Negroes, will be secure in their persons and effects against unreasonable Government power.

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

Mr. Chairman and my colleagues, we do not need this law. Certain of its provisions, as I have hereto pointed out, are obviously unconstitutional. What we do need—all of us, especially those of us in this body, is to get down upon our knees and call upon our Father in heaven for more faith in Him, for a better understanding of his magnificent purpose in our lives, and for a greater courage, both in private and public life, to carry out the many glorious tasks which He and the people we represent have committed to us individually and collectively.

If we, the people of America, of all races, creeds, and colors, would stop thinking in terms of what Government can do for us, and think instead of what we can and should do for ourselves, in due and proper time, with the help of God, the problems which this and much other legislation was allegedly designed to solve, will be substantially solved.

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 the day when "reason shall strike from the hand of force the sword of hate and pluck from the heart of war the germ of greed." When love, liberty, justice, and understanding shall march up and down 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:

Thirty-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 yet. The next paragraph of the letter is to this effect:

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

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

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

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

Now I yield to the gentleman from Mississippi.

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

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

Mr. McCULLOCH. I do not yield any more.

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

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

Mr. CORMAN. Mr. Chairman, I rise in opposition to the amendment.

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

We have an employee we hired because she is an efficient secretary, and her name happens to be Georgia Washington.

Now the telephone number in our District office is 345–1776.

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

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

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

Mr. CORMAN. I yield to the gentleman.

Mr. ABERNETHY. I thank the gentleman for taking the floor. The gentleman is doing exactly what I asked the members of the Committee on Education and Labor and the Committee on the Judiciary to do. Of the 66 members who are on those 2 committees, we have only 2 who have now testified that they live up to the principles of the FEPC. I congratulate the gentleman for practicing his convictions. I trust other members of the two committees responsible for voting out this title will take the floor of the House and testify as to what they have done in the hiring of their own office personnel. Have they practiced what they preach? Have they hired Negroes to serve as their secretaries or clerks? Or do they have all white staffs? I cannot imagine any member of either committee voting to report this FEPC section unless he has practiced the philosophy of FEPC in recruiting his office staff. Only two members have thus far come forward and told the House that they have biracial staffs. I am afraid, in fact I know, many others are now in hiding.

Mr. CORMAN. I thank the gentleman very much.

Mr. Chairman, the primary purpose for rising was to urge the defeat of this amendment.

Mr. Chairman, the Committee on Education and Labor and the Committee on the Judiciary decided it was essential that the Federal Government regulate in this field of discrimination in employment. I doubt that the business community in this land could have survived without having certain reasonable regulations that have been imposed on it by the great Committee on Interstate and Foreign Commerce. That committee, I am certain, only legislates when it is essential and in the public interest, and it makes those regulations effective. The same can be said for our two committees. 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 legislate regulations but do not back them up with the necessary requirement to keep records so that we may ascertain whether the regulations are being complied with. I believe that is the pattern for regulation 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 a sham piece of legislation and say 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 entire civil rights legislation. It is my fervent hope that peace and tranquillity will prevail throughout our whole Nation once this bill becomes enforcible. Our late beloved President John F. Kennedy believed that laws should be enacted in order that all of our citizens would enjoy the same rights and privileges. On February 28, 1963, the President transmitted to the Congress a message pertaining to civil rights. Subsequently, on June 19, 1963, President Kennedy transmitted a second message containing recommendations pertaining to civil rights. Hearings were held by the Committee on the Judiciary and as a result we have before us this bill which is far reaching and will give to all of our citizens protection under the laws in the areas of voting, public accommodations, public facilities, public education, federally assisted programs, equal employment opportunities, and makes permanent the Commission on Civil Rights. I support all these sections in the bill.

President Lyndon Johnson is sincerely carrying forward the program laid down by our late President on this problem of civil rights. Let us join with him during this critical period in binding the Nation's wounds and in a spirit so well pronounced by Abraham Lincoln, as we approach his birthday, let us pass the necessary legislation with malice toward none and justice for all.

Mr. Chairman, St. Francis of Assisi had the answer and if we could all follow the fine principles of his famous prayer, legislation would not be needed and all men could live together in harmony and peace. I ask permission to include this prayer.

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, pardon.
Where there is doubt, faith.
Where there is despair, hope.
Where there is darkness, light,
and where there is sadness, 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. Chairman, I sympathize with the arguments made with reference to the recordkeeping requirements that we have in present legislation on the books. I might say the FCC is one of the worst offenders in this respect. I wish we had some of the guarantees and protections that we put into this law and into this proposal for the average individual in the FCC law—it just is not there.

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

Mr. GOODELL. 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 accurate. I think 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 statute we can go directly to the court while in the statute to which the gentleman refers, they must first go through all of the Administrative Procedure Act, and they cannot get into court 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. The Federal Communications Commission Act itself says nothing about management being controlled by Government or the operation of matters concerning employment or personnel that come under the jurisdiction of the Commission.

Mr. GOODELL. I appreciate the gentleman's contribution. I think every Member here has received a great many letters criticising the FCC's overzealous recordkeeping requirements. People are upset about it. I am glad to hear that you have the same kind of protections, to a degree at least, in the Federal Communications Commission Act that we are trying to guarantee in this act.

I say to the gentleman and to my colleagues that this is a vital sector of title VII.

I emphasize that we are creating a Commission with very little authority of its own. This is unlike most of the commissions about which we complain and about which our constituents complain. In those cases, the Commission itself can go in and make a finding and a determination of facts and when anyone goes to court to try to appeal that finding it is largely a futile and vain enterprise, because, if there is even a scintilla of evidence supporting the Commission's finding, the court will uphold those findings. This Commission would not have such power. This Commission is to be charged with a responsibility of investigating. If it finds facts which it believes justify further action, it may attempt to conciliate and thereafter take the matter to court. The Commission must prove the case in court.

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

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

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

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

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. SMITH].

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

So the amendment was rejected.

AMENDMENT OFFERED BY MR. CRAMER

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

The Clerk read as follows:

Amendment offered by Mr. CRAMER: On page 74, line 23, strike out "reasonable cause exists for crediting the charge" and insert "there is reasonable cause to believe that the charge is true".

Mr. 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 today. To me, I am afraid, it means a mere scintilla of evidence; that is, a small amount of evidence, is adequate to give credence to the charge and, therefore, credit to the charge and, therefore, even though there is only a scintilla or a minute amount of evidence that discrimination actually exists, that then the persuasion—and it is pretty substantial—of the Commission can be brought into play.

I am concerned about the phrase "reasonable cause for crediting the charge." The phrase that I propose, "reasonable cause to believe 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. GOODELL], if he will accept this amendment.

Mr. GOODELL. Mr. Chairman, if the gentleman will yield, I think the amendment clarifies exactly what we intended. I think it is a 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 there having to be proof 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, then why was the word "crediting" rather than "reasonable cause to believe the charge is true" used? I ask that because it is not a 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 difficult 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. ROOSEVELT. 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 read as follows:

Amendment offered by Mr. WILLIS: On page 65, line 2, strike out "100" and insert "150" and on page 65, line 5, strike out "50" and insert "100" and on page 65, line 6, after the word "employers" insert a comma and the following language: "and during the second year after such date persons having fewer than 50 employees and their agents shall not be considered employers."

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

My proposal would mean that for the first year an establishment having 150 or more employees would be covered. For the second year, establishments having 100 employees or more 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 CHAIRMAN. Without objection, the Clerk will rereport 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 amendment will be modified according to the request of the gentleman from Louisiana.

There was no objection.

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

Mr. WILLIS. I yield.

Mr. RODINO. Does the gentleman mean that after the third year any establishment having less than 50 employees would not be covered?

Mr. WILLIS. No. For the first year it would be 150; the second, 100; the third, 50; the fourth year, 25, and thereafter permanently 25.

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

Mr. WILLIS. Yes, exactly.

Mr. CELLER. Mr. Chairman, I am inclined to accept the gentleman's amendment, but I want to understand what it is.

Do I understand for the first year the title is not affected? It only operates for 1 year?

Mr. WILLIS. Yes; that is correct.

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

Mr. WILLIS. That is correct.

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

Mr. WILLIS. That is correct.

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

Mr. WILLIS. That is correct.

Mr. CELLER. And the fifth year, 25?

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

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

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

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

There was no objection.

Mr. CELLER. I do not think the gentleman's amendment is consistent with that explanation. I think it should be reread and changed, or modified.

Mr. WILLIS. The gentleman suggests that 25 is not in my amendment. It is unnecessary to be in here, as I see it, because 25 is on page 64, line 17. Under the structure of the bill the first sentence reads:

The term "employer" means a person engaged in an industry affecting commerce who has twenty-five or more employees. * * *

That is not disturbed.

Then later on in the bill there is a proviso, and let me read that:

provided during the first year after the effective day prescribed in subsection (a) of section 719 persons having fewer than 100 employees—

I make it 150—

and their agents shall not be considered employers. During the second year after such date persons having fewer than 50—

I make it 100—

and their agents shall not be employers—

And I add during the third year after such date persons having fewer than 50 employees and their agents shall not be considered as employers.

I adopt 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. The time of the gentleman from Louisiana has expired.

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

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

There was no objection.

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

Mr. CELLER. I think I understand it.

Mr. O'HARA of Michigan. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. I yield to the gentleman from Michigan.

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

Does the gentleman follow that, or shall I restate it?

Mr. WILLIS. I would 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 gentlemen from New York [Mr. CELLER and Mr. LINDSAY] 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 his 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 those same figures would apply to the figures on page 66?

Mr. WILLIS. Exactly.

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

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

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

Mr. WILLIS. That is correct.

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

Mr. WILLIS. Yes.

Mr. LINDSAY. 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 modified.

There was no objection.

AMENDMENT OFFERED BY MR. WILLIS

The Clerk read as follows:

Amendment offered by Mr. WILLIS: On page 65, line 5, strike out "fifty" and insert "seventy-five" and on page 65, line 6, after the word "employers" insert a comma and the following language "and during the third year after such date, persons having fewer than fifty employees and their agents shall not be considered employers.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana to modify his amendment as read by the Clerk?

There was no objection.

The CHAIRMAN. The gentleman from Louisiana is recognized.

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

Mr. WILLIS. I yield to the gentleman.

Mr. CELLER. Then the gentleman wants to amend the figures on page 66; does he not?

Mr. WILLIS. Yes, and that would be on page 66, line 11, the figure "seventy-five" would be substituted for the figure "fifty". Then on line 11, following the word "date" there would be added the language: "or fifty or more during the third year". That would make both amendments conform.

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

Mr. WILLIS. I yield to the gentleman.

Mr. RODINO. However, the amendments should be accepted together; should they not or would it be one amendment going to page 65 and page 66?

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

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

Mr. WILLIS. Mr. Chairman, I ask unanimous consent that my original amendment be amended to include the conforming amendment so far as the figures are concerned on page 66.

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 read as follows:

Amendment offered by Mr. WILLIS: Page 65, line 5, 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." And on page 66, line 11, strike out "fifty" and insert "seventy-five", and on 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 newspaper people with headquarters 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 invests an awesome responsibility in Congress, a responsibility that has not been properly exercised in the House as it worked against the clock and under intensive political pressure from civil rights groups.

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

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

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

This is not a matter of impugning the motives of those who have drawn the bill. There are mixed motives, and some are on the highest moral plane. The caution flag must go out on this bill because the individual liberties of Americans are too precious for Congress to seek good ends through bad means.

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

It is our Government, just as much as the one in the State 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 about making a drastic change in Washington's historic role and we should know what we're about.

This is not racist talk. We have no patience with those who have done everything in their power to deny basic American freedoms to 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 seek to envision the exercise of these new powers 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 with reason and restraint. 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 individual Americans, not just Negroes, will be secure in their persons and effects against unreasonable government power.

The search for justice is going on, as it should, within our highest deliberative body. But the U.S. Senate must remember that this is not a sociological treatise but law that it is writing, law that it will 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 look at the amendment 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 on a substantial provision 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 on the disagreeing votes between the two Houses.

I therefore oppose the amendment. I do not believe it should be accepted. I feel that the bill should retain, 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 end up with a section that is merely a fraud and deceit. I hope there will not be many more diluting amendments accepted.

Mr. FULTON of Pennsylvania. I thank the gentleman. 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 favorable votes, as the foundation 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 FEPC principle 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 Louisana [Mr. WILLIS].

The question was taken; and on a division (demanded by Mr. FULTON of Pennsylvania) there were—ayes 107, noes 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].

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

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

On line 18, page 68, after the word "religion" there was an omission of adding the word "sex." That is the hiring and firing area which, after all, was the reason we sought the change. The other omission was on 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 of Virginia. 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 5. I do not have it on line 3. I will be very happy to, Mr. Chairman.

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

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

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

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

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

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

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

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

Mr. GOODELL. I wonder if the gentlewoman would not intend that the requirement for no discrimination against an individual on the basis of sex would also be subject to a bona fide occupational qualification exception. Would she not accept adding the word "sex" on page 70, lines 7 and 8, after the words "national origin" and on page 71 in two instances on line 7. There are so many instances where the matter of sex is a 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. CELLER. 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 have the unanimous-consent request put during the course of the colloquy between the gentleman from Ohio and the gentlewoman from Ohio.

The Clerk will report the amendment offered by the gentleman 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 gentleman from Virginia [Mr. SMITH] 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 should be included in her conforming amendment. The gentlewoman from Ohio asked the gentleman from New York if he would include those and he

said he would. If that is the case, is not the unanimous-consent request of the gentlewoman from Ohio now before the Committee?

The CHAIRMAN. The Chair will state to the gentleman from Arkansas that those requests have not been reduced to the proper form so that the Clerk could report them, so that the Chair could put them to the Committee.

AMENDMENT OFFERED BY MR. COLMER

The Clerk will report the amendment offered by the gentleman from Mississippi [Mr. COLMER].

The Clerk read as follows:

Amendment offered by Mr. COLMER: On page 70, at the end of section 704, add the following new subsection: as used in this title, the phrase "unlawful employment practice" shall not be deemed to include any action or measure taken by an employer, labor organization, joint labor-management committee, or employment agency with respect to an individual who is a member of the Communist Party of the United States or of any other organization required to register as a Communist-action or Communist-front organization by final order of the Subversive Activities Control Board pursuant to the Subversive Activities Control Act of 1950.

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

Mr. COLMER. I yield, very briefly.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

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

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

Mr. POFF. I thank the Chair.

Mr. COLMER. Mr. Chairman, this is a very simple amendment. It simply provides that it shall not be deemed "unlawful employment practice" under the provisions of this bill to refuse employment to a Communist or a member of any subversive group heretofore constituted as such. Or to put it in different language, generally an employer will not be penalized under the act if he fails to employ a Communist or a member of such subversive groups who otherwise would come under the provision of this section.

Mr. Chairman, I have given a great deal of time and effort to this bill. I have also, I might point out, been around this House for a good many years. I was here when all of this movement was initiated under the mislabel of "civil rights." I think I know something of the historical background of this movement.

Yes, Mr. Chairman, I had been here for approximately 10 years when the first FEPC bill was introduced; likewise, I was here when all of these so-called Powell amendments were offered as amendments to bills being considered on the floor of the House. 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 in the Congress. The date of it is 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, voted against the bill.

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. FLYNT] had proposed to offer and on which he 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 do not expect this amendment to be adopted because of the strange correlation here between the Republican and Democratic leadership. I might add further that I have not had it cleared 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 spotters 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 want to say to you frankly that I have become so sick by this procedure that I have reached the point where I do not give a darn whether I am making friends or enemies on the consideration of this attack upon our common country.

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

Mr. CELLER. Mr. Chairman, I move to strike the last word.

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 now, of course, sex.

I have prepared a statement which I want 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 bill, will in no way affect the validity or application of any other provision or application. Therefore, I see no need to oppose this amendment relating to refusals to hire Communists because some think it of dubious constitutionality.

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 of the speech the gentleman from Mississippi made. If we oppose this amendment it would put you in company with Communists or pro-Communists. I do not think any Member should be put in that light. I believe in the patriotism of every Member of this House. By insinuation it should not be allowed to be questioned. Therefore, I accept the amendment.

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

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

Mr. 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 bill. The bill simply is intended to prevent discrimination based on race, creed, color, or national origin. It has nothing to do with subversive activities.

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

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

There was no objection.

Mr. DORN. Mr. Chairman, this amendment of the distinguished and able gentleman from Mississippi [Mr. COLMER], is essential to the security of this Nation. Communists and subversives have been all too active under our present laws. We have been too lenient. Communists can buy technical magazines and scientific books at almost every newsstand and every bookstore. They have access to many of our blueprints and patents.

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

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

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

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

The amendment was agreed to.

AMENDMENT OFFERED BY MRS. FRANCES P. BOLTON

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

The Clerk read as follows:

On page 68, line 18, 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 gentlewoman 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 crucial matters in the 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 right as men when it comes to the matter of employment and discharge from employment.

Mr. Chairman, this amendment to include 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 gentlewoman 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 chairman of the Committee on the Judiciary.

Mr. Chairman, I ask unanimous consent to modify my amendment so that on page 71, line 7, in the two places where the word "religion" appears to insert a 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. Conforming 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 whatsoever—against men or women. Will the perfecting 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 gymnasium 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 qualifications section?

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

Mr. KUNKEL. May I inquire of the gentleman from New York [Mr. GOODELL] whether his amendment is included in the amendment offered by the gentlewoman from Ohio.

Mr. GOODELL. Yes.

Mr. ROOSEVELT. Mr. Chairman, I ask unanimous consent that the gentlewoman 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. Chairman, the additional amendments just presented by the Representative from Ohio [Mrs. FRANCES P. BOLTON] clearly indicate that full and careful consideration 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 understood.

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 prohibited from advertising and interviewing just women 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 interviewing just men for this position because it also would be discrimination based on sex. Let us take another example: In a large hospital an elderly woman 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 or a Negro or 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] this would be discrimination based on sex. The suggestion of the gentleman from New York [Mr. GOODELL] helped a great deal, however.

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 nurtured by the cruel discriminations, the injustices—yes, and man's inhumanity to man in State after State. This title which we are loading with so many extra burdens is a very important section of this bill. In fact, voting rights and desegregation of public accommodations will not mean a great deal unless educational opportunities and job op-

portunities are made available to all regardless of race or color.

It was 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 is perhaps one of the most important parts.

Now we see one attempt after another to add amendments by many of the opponents of the bill—opponents who may very well 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 who wanted to cross the river. The scorpion in a very beguiling way said to the muskrat, "Will you not 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. Why would I do that, because 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. Sure enough, when 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 the scorpion replied, "Oh, it's just my nature."

And so, Mr. Chairman, as opponents of the legislation in a beguiling way make a good piece of legislation carry all 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 weaken it—to divert attention from the primary objective of providing basic constitutional rights.

But may I suggest, 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 as the Negro woman against 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 Cicero, in Alabama, because someone somewhere dared to speak out against the injustice and cruelty to Negroes who were demanding their voting rights and who wanted a chance to get decent jobs and decent wages?

In making jokes and introducing some very irrelevant amendments, have we so soon forgotten the James Meredith's, the Medgar Evers—yes, and Prince Edward County where for 5 long years there was no public school door open to any child who happened to be born a Negro? And have we forgotten the most un-American activity when four little girls were killed in their Sunday school classroom by a bomb because Negroes finally dared to ask for their just rights? Yes, and when the Negroes have wanted equal opportunities for decent jobs, have we so soon forgotten the electric cattle prods, the firehoses and the police dogs?

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

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. DOWDY

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

The Clerk read as follows:

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

"PROPOSED TITLE VII—EQUAL EMPLOYMENT OPPORTUNITY

"PART A—ESTABLISHMENT OF A COMMISSION

"The Commission on Equality of Opportunity in Employment

"SEC. 201. (a) There is hereby created 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 unexpired term of the member whom he shall succeed. The President shall designate one member to serve as Chairman of the Commission. Any member of the Commission may be removed by the President upon notice and hearing for neglect of duty or malfeasance in office, but for no other cause.

"(b) A vacancy in the Commission shall not impair the right of the remaining members to exercise all 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, salaries, and duties of all individuals in its employ and the moneys it has disbursed; and shall make such further reports on the cause of and means of eliminating discrimination and such recommendations for further legislation as may appear desirable.

"(e) 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 one or more of its members or by such agents as it may designate, conduct any investigation, proceeding, or hearing necessary to its functions in any part of the United States. Any such agent, other than a member of the Commission, designated to conduct a proceeding or a hearing shall be a resident of the judicial circuit, so defined in section 41 of title 28, United States Code, within which the alleged unlawful employment practice occurred.

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

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

"Rules of procedure of the Commission

"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 Commission.

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

"(d) The Chairman or Acting 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 defame, 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 subpena additional witnesses.

"(g) No evidence or testimony taken in executive session may be relaesed 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 Commission is the sole judge of the pertinency of testimony and evidence adduced at its hearings.

"(i) Upon payment of the cost thereof, a witness may obtain a transcript copy of 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 $12 per day for expenses of subsistence, including the time necessarily occupied in going to and returning from the place of attendance. Mileage payments shall be tendered to the witness upon service of a subpena issued on behalf of the Commission or any subcommittee thereof.

"(k) The Commission shall not issue any subpena for the attendance and testimony of witnesses or for the production of written or other matter which would require the presence of the party subpenaed at a hearing to be held outside 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 Civil Service Act, rules, and regulations, such officers, agents, and employees, as it deems necessary to assist it in the performance of its functions, and to fix their compensation in accordance with the Classification Act of 1949, as amended; attorneys appointed under this section may, at the direction of the Commission, appear for and represent the Commission in any case in court;

"(2) to furnish to persons subject to this title such technical assistance as they may request to further their compliance with this title or any order issued thereunder;

"(3) to make such technical studies as are appropriate to effectuate the purposes and policies of this title and to make the results of such studies available to interested governmental and nongovernmental agencies;

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

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

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

"Investigatory powers

"SEC. 304. (a) For the purpose of all investigations, proceedings, or hearings which the Commission deems necessary, the Commission, or any member thereof, shall have power to issue subpenas 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 subpena issued to any person under this title, any district court within the jurisdiction of which the investigation, proceeding, or hearing is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Commission shall have jurisdiction to issue to such person an order requiring him to appear before the Commission, its member, or agent, there to produce evidence if so ordered, or there to give testimony relating to the investigation, proceeding, or hearing.

"(e) Complaints, orders, and other process and papers of the Commission, its members, agent, or agency, may be served either personally or by registered mail or by leaving 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 serving the same setting forth the manner of such service shall be proof of the same, and the return post office receipt therefor when registered and mailed as aforesaid shall be 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 insure that the contractor or subcontractor, as the case may be, will not limit, segregate, classify or otherwise discriminate against any person because of race, sex, creed, color, or national origin in employment practices.

"(b) The employment practices covered by subsection (a) shall include, but not be limited to, the recruitment or advertising thereof, failure or refusal to hire, upgrading, demotion, transfer, discharge, layoff, termination, selection for training (including apprenticeship), rates of pay or other forms of compensation, and any other terms, conditions, or privileges of employment.

"SEC. 211. (a) In every contract or subcontract, covered by section 210(a), it shall be a discriminatory employment practice for any local labor organization 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 because of his race, sex, creed, color, or national origin;

"(2) to limit, segregate, or classify its membership 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 or as an applicant for employment, because of such individual's race, sex, creed, color, or national origin; or

"(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.

"(b) It shall be a discriminatory employment practice for any employer having a contract or subcontract, covered by section 210(a), or for any labor organization or joint labor-management committee of such employer and organization controlling apprenticeship or other training programs to limit, segregate, classify or otherwise discriminate against any individual because of his race, sex, creed, color, or national origin in admission to, or employment in, any program established to provide apprenticeship or other training.

"(c) It shall be a discriminatory employment practice for any such local labor organization to discharge, expel, or otherwise discriminate against any person, because he has opposed any unlawful employment practice or has filed a charge, testified, participated, or assisted in any proceeding under this title.

"(d) For the purposes of this title, the term "local labor organization" means, with respect to the employees of any employer, an organization—

"(1) which is the certified representative of such employees under the provisions of the National Labor Relations Act, as amended, or the Railway Labor Act, as amended; or

"(2) which, although not so certified, is a national or international labor organization or a local labor organization recognized or acting as the representative of such employees.

"Proceedings before the Commission

"SEC. 212. (a) Whenever a written charge has been filed by or on behalf of any person claiming to be aggrieved by reason of a discriminatory employment practice covered by sections 210 or 211 of this title, the Commission shall investigate such charge and if it shall determine after such preliminary investigation that probable cause exists for crediting such written charge, it shall endeavor to eliminate such practices by informal methods of conference, conciliation, and persuation. Nothing said or done during such endeavor may be used as evidence in any subsequent proceedings. If the Commission fails to effect the elimination of such discriminatory employment practices and to obtain voluntary compliance with the provisions of this title, it shall issue and cause to be served upon the contractor, subcontractor, or local labor organization involved, as the case may be (hereinafter called the 'respondent'), a complaint stating the charges in that respect, together with a notice of hearing before the Commission, or a member thereof, or before a designated agent, at a place therein fixed, not less than ten days after the service of such complaint. No complaint shall issue based upon any discriminatory employment practice occurring more than six months prior to the filing of the charge with the Commission and the service of a copy thereof upon the respondent.

"(b) The respondent shall have the right to file a verified answer to such complaint and to appear at such hearing in person or otherwise, with or without counsel, to present evidence and to examine and cross-examine witnesses.

"(c) The Commission or the member or designated agent conducting such hearing shall have the power reasonably and fairly to amend any complaint, and the respondent shall have like power to amend its answer.

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

"(e) At the conclusion of a hearing before a member or designated agent of the Commission, such member or agent shall transfer the entire record thereof to the Commission, together with his recommended decision and copies thereof shall be served upon the parties. The Commission shall afford the parties an opportunity to be heard on such record at a time and place to be specified upon reasonable notice. In its discretion, the Commission upon notice may take further testimony.

"(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 on mutually satisfactory terms.

"SEC. 213. (a) If, upon the preponderance of the evidence, including all the testimony taken, the Commission shall find that the contractor or subcontractor has violated the provision included in the contract or subcontract pursuant to section 210 of this title, the Commission shall state its findings of fact and shall notify the contractor or subtractor involved that it intends to issue an order to the appropriate contracting party, as described in section 210(a), requiring that such party terminate the contract or, where a subcontractor is involved, make appropriate arrangements for the termination of the subcontract involved. Unless within thirty days, or such additional period as the Commission may determine, the Commission is furnished satisfactory assurances that the contractor or subcontractor will cease to violate such provision, and has established and will carry out personnel and employment policies as specified in such provision, the Commission shall issue such order.

"(b) Where the Commission has issued an order under subsection (a) of this section, the Commission shall take appropriate steps to insure that no executive department or agency of the Government shall thereafter enter into a contract with the contractor, until the Commission has determined that the contractor or subcontractor has established and will carry out personnel and employment policies as specified in the provision included in the contract or subcontract pursuant to section 210.

"SEC. 214. If, upon the preponderance of the evidence, including all the testimony taken, the Commission shall find that any local labor organization has engaged in any

discriminatory employment practice pro- [illegible] tion 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 under this paragraph. Unless within thirty days or such additional period as the Commission may determine, the Commission is furnished satisfactory assurances that such local labor organization will cease to engage in such discriminatory employment practice, the Commission shall issue and cause to be served on such local labor organization an order requiring such local labor organization to cease and desist from such discriminatory employment practice and to take such affirmative action as will effectuate the policies of this title. Such order may further require the local labor organization to make reports from time to time showing the extent to which it has complied with the order. Such order shall be effective during all periods thereafter in which employees who are members of such local labor organization are employed on any work being done under a contract or subcontract, covered by section 210(a).

"SEC. 215. If the Commission shall find that any contractor, subcontractor, or local labor organization has not engaged in any discriminatory employment practice, or has ceased to engage in such a practice before the issuance of an order under section 213 or 214, the Commission shall state its findings of fact and shall issue and cause to be served on such parties an order dismissing the complaint.

"SEC. 216. Proceedings held pursuant to sections 212, 213, 214, and 215 shall be conducted in conformity with the Administrative Procedure Act.

"SEC. 217. The Commission may exempt any contract or subcontract, class of contracts or subcontracts, or local labor organization from the operation of this title.

"Enforcement of orders covering local labor organizations

"SEC. 218. (a) The Commission shall have power to petition any United States court of appeals or, if the court of appeals to which application might be made is in vacation, any district court within any circuit or district, respectively, wherein any discriminatory employment practice by a local labor organization occurred, for the enforcement of such order and for appropriate temporary relief or restraining order, and shall certify and file in the court to which petition is made a transcript of the entire record in the proceeding, including the pleadings and testimony upon which such order was entered and the findings and the order of the Commission. 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.

"(b) Upon such filing the court shall cause notice thereof to be served upon the local labor organization and thereupon shall have jurisdiction of the proceeding and of the question determined therein and shall have power to grant such temporary relief or restraining order as it deems just and proper and to make and enter upon the pleadings, testimony, and proceedings set forth in such transcript a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the Commission.

"(c) No objection that has not been urged before the Commmission, its member, or agent shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances.

"(d) The findings of the Commission with respect to questions of fact if supported by a preponderance of the evidence on the record considered as a whole shall be conclusive.

"(e) If either party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Commission, its member, or agent, the court may order such additional evidence to be taken before the Commission, its member, or agent and to be made a part of the transcript.

"(f) The Commission may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and it shall file such modified or new findings, which findings with respect to questions of fact if supported by a preponderance of the evidence on the record considered as a whole shall be conclusive, and its recommendations, if any, for the modification or setting aside of its original order.

"(g) The jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the appropriate United States court of appeals, if application was made to the district court or other United States court as hereinabove provided, and by the Supreme Court of the United States as provided in title 28, United States Code, section 1254.

"Judicial review

"SEC. 219. (a) Any contractor, subcontractor, local labor organization, or other person who is aggrieved by a final order of the Commission under this title may obtain a review of such order in any U.S. court of appeals of the judicial circuit wherein the discriminatory employment practice in question was alleged to have been engaged in or wherein such person resides or transacts business or the Court of Appeals for the District of Columbia, by filing in such court within the 60-day period which begins on the date of the issuance of such order a written petition praying that the order of the Commission be modified or set aside. A copy of such petition shall be forthwith served upon the Commission and thereupon the aggrieved party shall file in the court a transcript of the entire record in the proceeding certified by the Commission, including the pleadings and testimony upon which the order complained of was entered and the findings and order of the Commission. Upon such filing, the court shall proceed in the same manner as in the case of an application by the Commission under section 218, and shall have the same exclusive jurisdiction to grant such temporary relief or restraining order as it deems just and proper, and to make and enter a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the Commission.

"(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, except that questions of fact shall be conclusive if supported by a preponderance of the evidence on the record considered as a whole.

"(c) The commencement of proceedings under this section shall not, unless specifically ordered by the court, operate as a stay of the Commission's order.

"(d) When granting appropriate temporary relief or a restraining order, or making and entering a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part an order of the Commission, as provided in this section, the jurisdiction of courts sitting in equity shall not be limited by the act entitled "An act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes," approved March 23, 1932 (U.S.C., title 29, secs. 101–115).

"(e) Petitions filed under this title shall be heard expeditiously.

"PART C—NONDISCRIMINATION IN GOVERNMENT EMPLOYMENT

"SEC. 220. (a) The Commission shall continually scrutinize and study employment practices of the Government of the United States, and consider and recommend such affirmative steps as should be taken by executive departments and agencies to realize fully the national policy of nondiscrimination within the executive branch of the Government.

"(b) All executive departments and agencies shall continually conduct studies of Government employment practices within their responsibility. The studies shall be in such form as the Commission may prescribe and shall include statistics on current employment patterns, a review of current procedures, and the recommendation of positive measures for the elimination of any discrimination, direct or indirect. Reports and recommendations shall be submitted to the Commission at regular intervals as prescribed by the Commission. The Commission, after considering such reports and recommendations, shall report to the President from time to time and recommend such positive measures as may be necessary to accomplish the objectives of this part.

"SEC. 221. The President is authorized to take such action as may be necessary to conform employment practices within the Federal Government with the policies of this title and the recommendations of the Commission.

"PART D—GENERAL PROVISIONS

"Notices to be posted

"SEC. 222. (a) Every person having a contract or subcontract, covered by section 210 (a), and every local labor organization representing employees of such a contractor or subcontractor, shall post and keep posted in conspicuous places upon its premises where notices to employees, applicants for employment, and members are customarily posted a notice to be prepared or approved by the Commission setting forth excerpts of this title and such other relevant information which the Commission deems appropriate to effectuate the purposes of this title.

"(b) A willful violation of this section by a contractor, subcontractor, or labor organization shall be punishable by a fine of not less than $100 or more than $500 for each separate offense.

"Veterans' preference

"SEC. 223. Nothing contained in this title shall be construed to repeal or modify any Federal, State, or local law creating special rights or preference for veterans.

"Forcibly resisting the Commission or its representatives

"SEC. 224. The provisions of section 111 of title 18, United States Code, shall apply to officers, agents, and employees of the Commission in the performance of their official duties.

"Cooperative arrangements

"SEC. 225. The Commission is authorized to establish and maintain cooperative relationships with agencies of State and local governments, as well as with nongovernmental bodies, to assist in achieving the purposes of this title.

"Separability clause

"SEC. 226. If any provision of this title shall be held invalid, the remainder of this title shall not be affected thereby.

"Repeal

"SEC. 227. Executive Order 10925 (except section 203 thereof) and Executive Order 11114 are repealed. All references in contracts and other documents to such orders and to the Committee established thereby,

shall hereafter be held and considered to refer to this title and to the Commission, respectively. All records and property of or in the custody of the said Committee are hereby transferred to the Commission, which shall wind up the outstanding affairs of the Committee.

"Effective date

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

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

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

The CHAIRMAN. The gentleman from Colorado will state it.

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

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

Mr. CELLER. I object, Mr. Chairman.

The CHAIRMAN. Objection is heard.

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

The CHAIRMAN. The gentleman will state it.

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

The CHAIRMAN. The one the Chair is looking at.

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

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

Mr. CELLER. Mr. Chairman, I object.

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

The Clerk concluded the reading of the amendment.

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

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

Mr. ROOSEVELT. I object.

The CHAIRMAN. Objection is heard.

Mr. ABERNETHY. Mr. Chairman, I have another request. There has been much disturbance 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 read as follows:

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

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

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

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

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

The proponents of this bill ignore the "natural" rights of man which no government has a right to violate. Among these rights is the right of every man to the fruits of his labor and the right of every individual to choose his associates. If these rights are denied 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 any given time.

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

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

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

The founders of this country must have had unusual foresight. To protect individual human rights which are now threatened they created a central government of limited powers. To accomplish this, they 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. So there could be no doubt as to any rights not delegated and not specifically reserved, the Constitution—ninth amendment—provides that "the enumeration in the Constitution of certain rights, shall not be construed to deny or disparage others retained by the people."

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

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

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

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

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

Opponents of the bill say that the legislation gives tremendous powers to the executive branch of our 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 legislation. I frankly do not think you could have amended the bill—because even the Ten Commandments would not have been acceptable under these circumstances.

It is unfortunate that a situation such as this should exist, or that legislation could be passed in this manner. Legislation is either good for the Nation as a whole—or it is bad for the Nation as a whole. Never should legislation be considered 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 add to the strength of our Nation. I further stated:

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

The only error in my prediction was that it has happened within 8 years rather than 20 years.

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

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

In the Southland Booker T. Washington and George Washington Carver by their own accomplishments reached 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 leaders of 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 this 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.

A law which is not acceptable to a majority of the people of this Nation will not endure. I will not be surprised if we find that it is as unworkable as the prohibition law.

I will make one further prediction and that is this: a majority of these people who wish preferential rights will not be satisfied with any legislation that might pass this House.

I have listened very attentively to the debate on the so-called civil rights bill. It gives very broad and dictatorial powers to the President and the Attorney General. If it passes in its present form, the following actions may occur:

All citizens could lose their right of freedom of speech and freedom of the press. All homeowners could lose their right to rent, lease, or sell their homes as free individuals. Realtors and developers of residential property could lose their right to act as free agents.

Banks, savings and loan associations, and other financial institutions could lose their right to make loans and extend credit in accordance with their best judgment.

Employers could lose their right to "hire or discharge any individual" and to determine "his compensation, terms, conditions, or privileges of employment."

All persons under Federal civil service could lose their seniority rights.

Union members could lose their seniority rights within their locals and apprenticeship programs. Labor unions could lose their right to choose their members, to determine the rights accorded to their members, and to determine the relationship of their members to each other.

Farmers could lose their right to choose freely their tenants and employees.

Owners of inns, hotels, motels, restaurants, cafeterias, lunchrooms, fountains, motion picture houses, theaters, concert halls, sports arenas, stadiums, and other places of entertainment could lose their right to carry on their business freely in service of their customers.

These conclusions are not mine alone—they are shared by many persons who have studied this legislation, section by section.

This is no civil rights bill—it is an unwarranted extension of Federal control over the lives and businesses of all Americans.

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

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

Mr. DOWDY. Mr. Chairman, the substitute for title VII has been read. I wish we had sufficient time to discuss it. I shall briefly state what it involves.

I am sorry there was so much noise in the Chamber during the reading of the substitute amendment that the gentlemen who wished to hear it read could not hear it.

The effect of the substitute amendment would be to limit title VII, the FEPC provisions, to Government contracts and subcontracts, and to take off the across-the-waterfront coverage as provided in the pending bill.

I mention, for the benefit of those who joined me in support of the equal-rights-for-women provision, which was incorporated in title VII of the bill, I have incorporated the same in the substitute amendment which has been read, so the equal-rights-for-women provision is in the substitute and will be in it if it is adopted.

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

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

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

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

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

Another amendment would make the seniority system or merit system of hiring an exception to the rule of race, color, creed, and so on, in order that an employer may make a hiring decision or determination based on the merit system or seniority system or based upon the prospective employee's ability either in quantity or quality. Let the employer use those tests as well as the test of race, color, and creed. This amendment is lifted almost bodily from the Equal Pay Act of 1963 which this Congress passed last year.

I have another 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 best be described as a legislative attempt 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 pending bill seeks rather to be arrogant. The first sought to explain and justify; this proposes to bluff its way.

In some respects, the most drastic provisions of the pending civil rights bill are to be found in title VII. This is a new section, not requested by President Kennedy, nor covered in hearings before the House Judiciary Committee. I doubt that 1 person in 10,000 has read title VII or pondered its enormous implications for business and labor alike.

This section opens with a declaration by the Congress of a "national policy to protect the right of the individual to be 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 insure 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 power delegated by 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; or

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

The bill would extend similar provisions both to employment agencies and to labor unions. No employment agency could refer individuals for work by any racial designation. It would be made unlawful for any labor union—

First. To exclude or to expel from its membership, or otherwise to discriminate against, any individual because of his race, color, religion, or national origin.

Second. To limit, segregate, or classify its membership 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 or as an applicant for employment, 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 thereafter, 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 appropriation of $2,500,000. 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 seek to alleviate discrimination by conference and conciliation, to bring civil proceedings in Federal district courts against offending employers or unions, and to obtain injunctions 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 union records, question 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 title VII of this bill. Once these provisions became fully operative, 3 years after enactment, every business or industry in the United States, having as many as 25 employees, would have to 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 to 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, a shipping 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 draw the figure from table 650 of the 1963 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 to be established 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? The janitors? In many fine restaurants in the South, the historic practice is to hire Negro waiters only. Such a practice would become "unlawful" under this bill. The same practice is followed by Congress in the House restaurant.

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? And what becomes of business 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 dealing with specific hours worked 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 unfair labor practices now condemned 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 in itself a meaningless statement. 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 sumptuary law. Surely the history of government should teach us 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 we have just heard read, likewise be voted down.

I yield back the balance of my time.

The CHAIRMAN. The question is on the preferential motion of the gentleman from Texas.

The preferential motion was rejected.

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 amendments, 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 Virginia [Mr. POFF].

Mr. WATSON. Mr. Chairman, I have a unanimous-consent request. We have a number of amendments up there, and we try to get recognition. This is important and they are 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 84, line 8, after the title, strike out the remainder of line 8 and all of line 9 down to and including the word "circumstance" and on page 84, line 10, after "title" strike out the remainder of line 10, all of line 11, and all of the words on line 12 down to and including the word "invalid".

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

The amendment was rejected.

AMENDMENT OFFERED BY MR. CRAMER

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

The Clerk read as follows:

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. CRAMER].

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

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

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

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

So the amendment was rejected.

AMENDMENT OFFERED BY MR. DOWDY

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

The Clerk read as follows:

Amendment offered by Mr. DOWDY: Page 68, line 14, after the "(1)" strike out all of line 14 and insert in lieu thereof, "to hire, or to fail or refuse to hire, or to discharge or to fail or refuse to discharge any"; and in line 15, after the word "otherwise", insert "to favor or"; and page 69, line 1, after the word "agency" insert "to refer for employment, or"; and page 69, line 8, after "(1)" strike out all of line 8 and insert "to accept or to exclude, or to expel 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 on behalf of 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 conspiracy, unlawful collaboration, or use of force or trespass in derogation of the principles sought to be established by the bill.

If it is unlawful to refuse to hire, it is, per se, unlawful to hire solely because of race, color, religion, or national origin. Equal opportunity is a self-leveling, equating result. No relief is afforded an employer against the use of force, violence, or unlawful conduct, 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 conditions 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.

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

It becomes a matter of inescapable conclusion that what constitutes an unlawful employment practice, subject to injunctive restraint, is no more reprehensible than an unlawful practice to obtain employment; the latter must be similarly subject to injunctive restraint. To achieve the foregoing, I propose that:

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

Paradoxically, the impact of the procedures presently contained in the bill, both qualitatively and quantitatively, fall 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 cannot truly be termed protection of civil rights and civil liberties.

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

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 provisions of this title shall not be applicable to any employer whose hiring and employment practices are pursuant to (1) a seniority system; (2) a merit system; (3) a system which predicates its practices upon

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 read as follows:

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

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

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

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

"(m) The phrase 'national origin' when used in this title or elsewhere in this Act shall include 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 Texas [Mr. DOWDY].

The amendment was rejected.

AMENDMENT OFFERED BY MR. DOWDY

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

The Clerk read as follows:

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

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

Mr. DOWDY. Mr. Chairman, section 717, as contained in the pending bill is ridiculous. It provides that should a lawsuit be tried involving some provision of the title which the court finds to be invalid, nevertheless, the provision would continue to be valid as to all other persons. What this amounts to, the court would have to hear suits and declare the provision 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, but 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 read 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 "employee" insert the word "solely". Page 69 at end of line 2, insert the word "solely". Page 69, line 9, after the word "individual" insert 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 read as follows:

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

"(i) Notwithstanding any other provision of this title, no charge of unlawful employment practice claiming discrimination on the basis of sex 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 occured.".

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. GRIFFIN].

The question was taken; and on a division (demanded by Mr. GRIFFIN) there were—ayes 15, noes 96.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. SIKES

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

The Clerk read as follows:

Amendment offered by Mr. SIKES: On page 85, 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. M'CLORY

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

The Clerk read as follows:

Amendment offered by Mr. MCCLORY: On page 78 strike out lines 6 through 18 and insert in lieu thereof the following:

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

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

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

My amendment would continue the States' authority, under their respective laws affecting fair employment, unless and until it is shown and the President has determined that a State, in question, either, first, does not have adequate laws on the subjects covered in the Federal law, or, second, is not adequately exercising its authority.

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

My amendment would grant further protection to the rights and prerogatives of our Illinois citizens and discourage—if not prevent—exercise of Federal authority under title VII of H.R. 7152, unless and until the State of Illinois should fail or neglect to exercise its authority in this area. This same additional protection would redound to the benefit of the other 49 States.

I urge a favorable vote on this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. MCCLORY].

The amendment was rejected.

AMENDMENT OFFERED BY MR. ROGERS OF TEXAS

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

The Clerk read as follows:

Amendment offered by Mr. ROGERS of Texas: On page 64, line 24, after "1954," add a comma and the following: "or (3) individuals engaged in agriculture or in connection with the operation or maintenance of

ditches, canals, reservoirs, or waterways not owned or operated for profit, or operated on a sharecrop basis and which are used exclusively for supplying and storing water for agricultural purposes."

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 it must have been an oversight on 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 many burdens placed upon the largest corporation. Many of these people do not have the time nor the financial means to comply with this act. In fact, they do not have the time to understand and fill out all of the reports desired by the Federal Government and the State governments under other laws. To add to this burden is to subject these private individuals who are law-abiding, taxpaying citizens, wanting to exercise their freedom under the Constitution and make a living for their families, to difficulties, trials, and tribulations never intended under our theory of government.

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

Unless this amendment is adopted and this exemption included, every farmer and rancher who is required to employ more than 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 situation that would mean 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 leave the farms. This would add to the unemployment situation which has been such a tragic problem for so many years.

I have tried to slow 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 repeal the Constitution 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 "$50,000" 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. Singly?

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 amendment.

The Clerk read as follows:

Amendment offered by Mr. WATSON: On page 75, beginning on line 20, strike out the words beginning with "If" and continuing through and including the word "writing" on page 21 and substitute in lieu thereof 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 "title" 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 strongly oppose the entire bill as the most serious invasion of the constitutional rights of our States and our citizens, I feel that section VII will prove to be the most serious section so far as its adverse effect upon our businesses throughout the Nation.

The proponents of this measure have repeatedly rejected every amendment, although most of them have been entirely logical and were most 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 determination on the part of the leadership of both parties to restrict debate, should nevertheless be passed by this House. While these amendments could not possibly eliminate all of the unconstitutional provisions of this section, I believe they will contribute immeasurably to bringing some degree of equity and fairness to the bill.

One of my amendments would strike the provision requiring the district court to give preferential treatment to employment complaints, and I fail to see any validity in giving such priority. Certainly we have not become so calloused, indifferent, or racially crazy that we shall ignore the rights of a widow and her children seeking redress in the courts for the loss of a husband and father. Yet, under the provisions of this

section, the interest of such citizens is completely subverted and subordinated to those who would allege discrimination in employment, and it is reasonable to conclude that there will be a rash of such cases should this bill become law.

Another amendment which I have proposed would prohibit the Equal Employment Opportunities Commission established under this section from unwarranted and unnecessary interference with the employees and normal business operations of our employers. Not only does this section grant these Federal agents of this Commission the right to look into those phases of a man's business operations as are directly related to alleged discriminatory practices, but these agents would be further permitted unlimited powers which would ultimately disrupt, if not destroy, a man's business. Certainly no one could object to such an equitable amendment as this, although I am sure the die is cast and that the vote will be taken with the signal of the thumb from the Judiciary Committee chairman rather than after deliberate individual consideration.

Another amendment proposed at this time is one which would add a safeguard, on page 70, line 21 of the bill, wherein an employer would not be required to consider a chronic troublemaker or professional complaint filer either for employment or promotion. Certainly the businessman should be afforded that degree of protection against the professional complaint filer or casemaker who will inevitably develop as a natural aftermath of the passage of this iniquitous bill. Another amendment which I believe is deserving of everyone's support, although unfortunately, again, the majority has decreed that debate should be cut off, is my amendment providing that a complainant cannot pursue the matter further in the courts unless at least two members of the Equal Employment Opportunities Commission give him such permission in writing. As the bill presently reads, it is only necessary for a complainant to secure the approval of one member of the Commission, and it seems totally unfair to allow the employer to be subjected to continual harassment upon the approval of merely one member of a five-member Commission. Usually, we have majority rule in this country, but apparently the proponents of this measure have decided that the time-honored democratic principles are too old-fashioned for their new-found, liberal ideas.

Mr. Chairman, the final amendment that I offer now is one which should appeal to everyone interested in equal employment opportunities, as purportedly this bill is designed to guarantee to all of our citizens. That amendment of mine is simply adding the words "who is otherwise qualified," to section 704 immediately after the words "national origin" wherever they appear in that section.

This section repeatedly prescribes penalties and provisions which would prohibit discrimination against any individual because of his race, color, religion, or national origin. Yet the authors of this bill have not seen fit to include the simple statement, "who is otherwise qualified." Under the present language of the bill, the sole burden of proof rests with the employer to prove that the applicant was not discriminated against because of color or race or these 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 in 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 their proxies to the chairman 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 have told me individually that my amendments are entirely proper and should be adopted, but at the same time those very same people 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 is lost to the people, 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.

The Clerk read as follows:

Amendment offered by Mr. WAGGONNER: On page 68, line 18, after the word "sex" insert "membership 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, I object.

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

The question was taken; and on a division (demanded by Mr. WAGGONNER) there were—ayes 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 sincere respects to all the participants. They held the debate on a courteous, high level which will, I believe, make it historic.

What adoption of this title means is 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 titles will be more effective if the 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 accrue on 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 some of the schools in my city 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 tranquillity 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 plowed the vineyard so many years before. My chairman, the gentleman from New York [Mr. POWELL], has always been one of them and his unwavering support 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-

man from New Jersey [Mr. RODINO], the gentleman from California [Mr. CORMAN], the gentleman from New York [Mr. LINDSAY], and the gentleman from Maryland [Mr. MATHIAS], among others on the Judiciary Committee, and to the gentleman from Michigan [Mr. O'HARA], the gentleman from Hawaii [Mr. GILL], the gentleman from New York [Mr. GOODELL], the gentleman from Michigan [Mr. GRIFFIN], and the gentleman from Ohio [Mr. TAFT], of my own committee who so properly and patriotically made this an effective bipartisan effort. Politics as practiced these many hours has indeed been statesmanship.

Mr. ROOSEVELT. Mr. Chairman, I ask unanimous consent that the gentleman from Ohio [Mr. VANIK] may extend his remarks at this point in the RECORD.

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

There was no objection.

Mr. VANIK. Mr. Chairman, throughout the extensive debate on this title, I am pleased that we have been able to preserve the integrity of this title without fatal amendments. During the course of the action on this bill, I have endeavored to oppose at all times those 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 the tools of self-help which 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 giant step will have been taken toward the solution of all other problems which result from discrimination.

Mr. ROOSEVELT. Mr. Chairman, I ask unanimous consent that the gentleman from Ohio [Mr. FEIGHAN] 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. FEIGHAN. Mr. Chairman, I wish to make clear why I am opposed to the amendment offered. It is unsound because it seeks to give legal sanction to the philosophy behind the right-to-work law, a concept which has been rejected by all who recognize the rights of labor to organize and bargain collectively.

Under the slogan of "Right to Work" an effort has been made to undo all the hard-won gains of labor over almost a century. This amendment would turn our industrial economy into a jungle where the predator of profits could prey upon disorganized and helpless workers. That must not be allowed to happen.

My vote is against this amendment.

Mr. GRIFFIN. 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 Michigan?

There was no objection.

Mr. GRIFFIN. Mr. Chairman, under the limitation on debate which was earlier imposed, I had no opportunity a few minutes ago to explain the amendment which I offered.

Of course, under the circumstances, I was not surprised when the amendment was rejected. In fact, I offered it more for the purpose of raising a flag—as a means of focusing attention upon some aspects of an action taken by this body yesterday.

It will be recalled that on yesterday the committee adopted the amendment of the gentleman from Virginia [Mr. SMITH] which added the word "sex" to the words "race, color, religion, or national origin" in section 704 and in other sections of title VII.

As laudable as the objective of that amendment may have been, I question whether the decision made on yesterday was a wise one. In the hearings held by the Education and Labor Committee last year, no serious study or consideration was given to the effect of adding "sex" to the scope of the so-called FEPC title.

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 heads of families are out of jobs poses 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 at least give it serious 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.

It should be understood that if my amendment were adopted, it would not prevent or prohibit any married woman from working because her husband also has a job. But the amendment would mean that a married woman or a married man whose spouse is working could not claim discrimination on the basis of sex and use title VII of this bill in order to compel an employer to hire him or her.

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.

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

There was no objection.

Mr. DAWSON. Mr. Chairman, the action we will take on the civil rights bill now before us will test whether this Nation really stands for the principles of freedom and equal opportunity that are engraved in our Constitution and national heritage.

The late President Kennedy hit the nail squarely in his civil rights message to the Nation last June when he said:

> We are confronted primarily with a moral issue. It is as old as the Scriptures and is as clear as the Constitution. The heart of the question is whether all Americans are to be afforded equal rights and equal opportunities, whether we are going to treat our fellow Americans as we want to be treated.

Our Nation has made considerable progress in recent years toward fulfilling its constitutional promises of equal opportunity for all. But this progress has not been enough to overcome the accumulated effects of the long years of racial discrimination. More than a century has passed since the signing of the Emancipation Proclamation. Almost 10 years have passed since the Supreme Court's historic decision holding that "separate but equal" public school facilities are unconstitutional. Yet the discriminations and indignities still borne by millions of Negroes—and other minorities—continue to negate the basic principles of equality, liberty, and justice for all which form the moral fiber of our country's existence.

The overwhelming majority of the people of this Nation realize that prompt enactment of the Civil Rights Act of 1964 is essential. Racial discrimination is harmful not only to the Negroes who directly bear it, but to the entire country.

The present patchwork quilt of public accommodations is most humiliating and demeaning. It is so spotty and inconsistent that a Negro never knows where he may receive the services and accommodations which the general public takes for granted, and where he will be refused.

The discriminatory practices in thousands upon thousands of places of public accommodation across the Nation, which refuse to admit law-abiding citizens solely because they are Negroes, have caused breaches of the peace, community strife, and personal hostility. They have caused loss of business to merchants and businessmen. They have caused great hardships for many people. They have increased juvenile delinquency and multiplied the costs of State and local government. They corrode the foundations of a free and democratic nation.

Although some businessmen in some communities have reversed or modified these discriminatory practices, we can no longer wait for slow and piecemeal changes by individual stores and restaurants.

Anyone who goes to a public place must expect to meet and mingle with all classes of people. He cannot ask, to suit his caprice or prejudice or social views, that others shall be excluded because he does not wish to associate with them. He may draw his social life as

closely as he chooses at home or in other purely private places, but he cannot in a public place carry the privacy of his home with him, or ask that other people step aside when he appears.

It is impossible for most white people to realize fully the profound hurt suffered by a 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 remains 1,888 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 Negro children will continue to suffer the crippling effects of inferior educational standards and the degradation of second-class citizenship. The inevitable result of such inferior education will be 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 unsegregated schools that comply with the Constitution.

The reports of the Civil Rights Commission have dramatically demonstrated the inadequacy of 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, are still subjected to blatant 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 heavy and severe. They cannot be solved solely by voluntary groups and individuals. They cannot be left solely to the cumbersome and divisive procedures of lawsuits. It is the duty of all branches of the Government to deal with these problems. It is the duty of the Congress to set the moral tone and to provide the leadership and the machinery for implementing the national policy. The time has come for direct and positive congressional action on a major problem of our time—racial discrimination.

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

The enactment and implementation of the civil rights bill—H.R. 7152—will immeasurably brighten America's 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 distort all reports of deprivations and violations of individual rights in the United States.

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

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

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

Mr. ROOSEVELT. Mr. Chairman, I ask unanimous consent that the gentleman from New York [Mr. MULTER] 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. MULTER. 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 prohibit 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.

This 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 and after full and complete hearings should be separately reported to the floor for consideration.

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

I agree with the editorials that appeared in our newspapers that this so-called sex amendment was ill considered and in its present form should be stricken from the bill before it becomes law.

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, but at the same time, protected where they need protection.

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

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

There was no objection.

Mr. NIX. Mr. Chairman, another crucial moment has arrived in our deliberations on H.R. 7152, making it necessary to reiterate the cold, hard, inescapable fact that each title of this legislation is of utmost importance. This portion of the proposed bill is essential because it deals with a most vital right—a right which is basic and 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 failing or refusing to hire a qualified job applicant or otherwise discriminating against an employee as to compensation, terms, conditions, and privileges of employment solely because of race, color, religion, or national origin; or the equally pernicious practice of limiting, segregating, or classifying employees so as to deprive them of equality of employment opportunities or employment status because of race,

color, religion, or national origin is wrong and must be made legally wrong. The law in 27 States says so.

Thus, no major employer of American labor nor any labor union whose activities substantially involve interstate or foreign commerce is exempted from the provisions of the bill as regards equal employment opportunity.

Section 707 assures that actions under title 7 are subject to established judicial process of law, in keeping with the American tradition of giving everyone his day in court. The application of the injunctive remedy reinforces both this basic legal concept and the legally corrective character of the means by which the equal employment opportunity policy would be implemented. It is a signal tribute to the authors and supporters of this measure that the idea of punishment for its own sake, the idea of retribution, was never permitted to be incorporated in any of the sections of this legislation.

Because of the compelling importance of this legislation as well as of this title, I will spell out some of the conclusive evidence which will convince even 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.

Therefore, I say this to you: We can no longer indulge in the luxury, or in the fantasy, or in the deceit which characterize the unreasonable discriminations which this title would correct. Because the percentage of white workers who are craftsmen, foremen, and whitecollar employees is four times the rate for Negroes by more than 2 to 1; because Negro service workers and nonfarm laborers exceed white percentagewise 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 be of no consequence. How does it benefit a man to possess any other right 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. ROOSEVELT. Mr. Chairman, I ask unanimous consent that the gentleman from California [Mr. HAWKINS] may extend his remarks at this point in the RECORD.

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

There was no objection.

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

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

In the debate over this bill the representatives of these backward States plus a few others have sought to defend a system of bigotry and racism with moth-eaten ideas already declared unlawful or out of step with the 20th century.

In using crime statistics of the Federal district of Washington, for example, to "prove" that brotherhood and democracy cannot work, civil rights opponents only exposed a sordid record of congressional 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 the general behavior of the Negro people and the fallibility of democracy than does the merciless bombing of Negro people in Alabama by white bigots is indicative of how all southern whites behave.

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

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

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

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.

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

Title VII is concerned with that third task.

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

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

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

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

> Whatever the reasons, it is wrong that Americans who fight alongside other Americans in war should not be able to work alongside the same Americans, wash up alongside them, eat alongside them, win promotions alongside them, or send their children to sit in schools alongside children of other Americans.

Secretary of Labor Wirtz summed it up this way:

> Discrimination against * * * minority groups in employment is not only intrinsically wrong, but it is an appalling waste of

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, apprenticeship programs, employment advertisements, or on-the-job discriminatory limitation, segregation or classification, as unlawful employment practices.

It establishes an Equal Employment Opportunities Commission to make studies, furnish technical assistance, and investigate complaints of 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 continuance of the alleged unlawful practice.

As in the case of civil suits authorized to prevent discrimination in regard to use of public accommodations, 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.

For instance, the 1961–62 Report of Progress of the California FEPC, in commenting on the outstanding record of success achieved, noted:

We have never yet had to invoke the enforcement powers provided by the law.

Mr. BARRY. 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. BARRY. Mr. Chairman, during the past several days we have been discussing title VII of H.R. 7152 which proposes the establishment of an Equal Employment Opportunity Commission—charged with the investigation of complaints involving the existence of discrimination in business establishments, labor unions, and employment agencies.

On numerous occasions reference has been made to the fair employment practices law which has been in effect in New York State since 1945. The New York State Commission for Human Rights, which administers the New York FEPC law chalked up a most impressive record during its first 15 years of operation—as follows:

YEARS 1945–60

Total complaints filed, 6,452 (by employees against employers, employment agencies, and unions).

Total closed, 5,857 (by close of business, January 31, 1959).

Total complaints sustained, 1,245 (only 60 of these ordered for public hearing—remaining 1,185 settled by conciliatory action).

Total complaints not sustained, 2,745 (no discrimination of any kind found. Cases dismissed or withdrawn).

Total complaints lacking jurisdiction, 460 (withdrawn or dismissed for lack of jurisdiction).

Total complaints some discrimination, 1,407 (individual complaint not sustained, but other discrimination found).

It is interesting to note that under the New York State law, employers have the right to file complaints against their employees for resisting compliance with the fair employment practices statute. However, during the first 15-year period of operation there was not a single complaint filed by an employer.

In addition the following experience of the FEPC in New York State may allay some of the fears expressed in the House of Representatives:

First. There is no case of an employer leaving New York State because of the FEPC.

Second. There has never been an employee strike due to the passage of the law.

Third. There have been no race riots due to the passage of the law, although there was much propaganda by its opponents that there would be.

Fourth. There have been no detrimental effects on business activities in New York State due to the FEPC law. The economic growth of New York State compares favorably with that of the Nation.

Fifth. Business organizations such as the Chamber of Commerce and the Commerce and Industry Association have cooperated with the New York State Commission for Human Rights in distributing information to employers concerning the FEPC statute.

It is interesting to note, too, that 26 States in addition to New York have their own fair employment practices laws, and that 115 million of the 179 million people recorded by the 1960 census live in areas with fair employment legislation and functioning FEP commissions. If the remaining 23 States would follow the example set by the majority, we would not be engaged in this struggle today over State versus Federal rights, and so forth, and could return to a more orderly way of handling our affairs. In a way it seems ironic—we have a minority of States opposed to minority rights.

In conclusion may I state for the RECORD that early returns on my 1964 questionnaire show that residents of western Westchester and Putnam Counties, N.Y., whom I have the honor and privilege to represent, overwhelmingly favor equal voting, education, employment and public accommodations rights. I stand with my people in support of the legislation before us—and urge my colleagues to do the same.

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

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

There was no objection.

Mr. GATHINGS. Mr. Chairman, painstaking, deliberate, and careful consideration is required in dealing with far-reaching legislation such as this. Title VII—Equal Employment Opportunity—is a new section that was not requested by the administration. No hearings on it were held. It was lifted from the labor committee bill which had been reported by that group. The bill states that it is the national policy to protect persons to be free from racial or religious discrimination, and it uses the words "privileges and immunities" protected by the Constitution. What is absent is that there are no words delegated to Congress by the Constitution to consider legislation of this type or character. The words that were used in the bill that were just quoted are of little value. They were just thrown in to fill a gap.

Title VII would make it an unlawful employment practice to fail or refuse to hire or discharge a person due to race, color, religion, or national origin. The bill states that it would have an adverse effect if his status was limited, segregated, or classified due to race, color, religion, or national origin. Title VI embraces labor unions and employment agencies in the same way, making it unlawful for a union to exclude or expel, to limit, segregate, or classify a person due to his race, and so forth. It would be effective in 1 year after enactment with companies employing 100 or more persons. The second year those companies that hire 50 or more employees, and permanently thereafter the firm that hires 25 or more people.

The legislation is administered by the Equal Employment Opportunities Commission, composed of five members appointed by the President and with the consent of the Senate at a salary of $20,000 a year, except the Chairman shall receive $20,500.

Upon application or complaint of an aggrieved person the wheels begin to move. They can hold conferences and conciliation efforts. They can bring civil action against the company or employment agency or union. The punishment would be contempt of court, fine, or imprisonment. These are the people, business firms, large and small, and the labor union worker, who pay our salaries, whose tax money is responsible for the operation of all agencies of the National Government in its many phases. Under this legislation, the Commission representatives or agents can enter upon property, can have access to the records of such company, employment agency, or union. All of these groups must keep records on race as the Commission prescribes. The Commission can adopt regulations in conformity with administrative procedure, which would have the effect of law. Now let us see what the scope of this act entails. Beisel Veneer, of Helena, Ark., employs 82 percent colored and 18 percent white. By writing a letter any aggrieved person could call in the Commission's representative and could direct that an equal number of white people with that of colored be hired, in keeping with the percentage of population in the affected area. In Phillips County, Ark., the population is 42.2 percent white and 57.8 percent colored.

What does "equal" mean? Does it mean that there must be in Phillips County, Ark., in every one of the business establishments who are large enough to come under the provisions of the bill, 42.2 percent white employes, and 57.8 percent employees of the colored race of whatever character in such business establishments? Does it mean that 42.2

percent of all the bookkeepers must be white and 57.8 percent colored? Does it apply to shipping clerks, stenographers, diemakers, and all types of personnel 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 duties 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 members of that faith, that certain of 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 Opportunities Commission?

This title is bad legislation. Other titles are most objectionable as well, but title VII should be stricken. It would remake the pattern of business operation in this country. We, as legislators, as Representatives of a sovereign people should not overthrow the usual 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 powers by the all-powerful Central Government.

Mr. Chairman, the Negro in the district that I am privileged to serve is moving forward rapidly. His economic status has advanced at just as rapid a rate. In 1940 the per capita income in the State of Arkansas was $256. In 1962, the last year for which I have been able to obtain 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 asked 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. Hickey, 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:

PHILLIPS COUNTY, ARK.

	Acres owned
Adams, Overters	80
Alexanders, Ben	100
Appleberry, Hattie	140
Arnold, Bessie Davis	106
Beard, Khamalow	160
Bell, Eugene and Fannie	480
Bell, Lula	80
Bentley, John	220
Betts, Otis	80
Billingsley, Alfred	80
Billingsley, Lincoln	195
Bobo, James	80
Booth, Nora	90
Bradley, Roosevelt	160
Bragg, Madison	80
Bragg, Mike B	140
Brown, Hood	80
Buckingham, J. B	160
Buckingham, John	100
Buckingham, W. T	120
Burchette, James, Jr	480
Burrell, A. J	90
Carr, Hezzie	85
Church, John	80
Claiborne, Phillip	80
Collins, Leroy	120
Cornelius, E. C	200
Davidson, Carrie S	120
Davidson, Cedel	80
Davis, Cornelius	150
Davis, S. Q	225
Dolphin, Silas	100
Dotson, Lonnie	235
Eady, James	87
English, John H. Lee	80
English, Steve	80
English, Zella	420
Fears, Eunette	80
Frazier, Ben	184
Gammill, Luther	120
Geeter, Harrison	120
Gibson, Darden	550
Glass, John H	80
Green, John H	85
Hall, Lula	80
Hall, Luther	189
Harper, Charlie	140
Hearn, Charlie	240
Hendrix, Clem	160
Herring, Arule	80
Herring, Richard	120
Hirsch, Ira	200
House, Charlie and Emma	85
House, Fred and Paralee	86
Jarrett, Arthur	130
Jarrett, Ellis	200
Jarrett, Ester J	80
Jarrett, Joseph	220
Jarrett, John	80
Jarrett, W. N	230
Jarrett, Phillip L	340
Jarrett, Willie	80
Johnson, Spencer	220
Jones, Aoni	470
Jones, Fannie M	95
Jordam, Jamie Howard	80
King, Leroy	200
Larry, Eddie	100
Mackey, Fred	298
Mackey, Memry	110
Maxie, Booker T	80
Mayberry, W	80
Medley, Moses	245
Milton, Frank	100
Milton, Wash	80
Mitchell, Viola	80
Moore, Maceo	80
Nesby, Sidney	160
Nesby, Titus	400
Nicholson, Joe, Sr	200
Page, James M	90
Page, Zeb	200
Paschal, Hattie	80
Paschal, E. C	1,200
Paschal, Martin R	80
Paschal, Mercer M	368
Pearrie, Magnolia	180
Proffitt, Mose	165
Pugh, Emma	240
Quarles, Greenfield	120
Redd, Virgil	140
Roach, Henry	120
Ryan, Martin A	90
Sanders, Geophus	80
Scaife, Moses	400
Scaife, Tom	120
Sims, G. C. and Pauline	420
Sims, Harrison	80
Sims, Isom	90
Sims, John and Elena	80
Sims, Macon	120
Sims, Mary L	120
Sims, Pluett, Sr	435
Sims, Wilbur	120
Smiley, Henry	600
Smith, J. D	520
Smith, Norvell	320
Stewart, Ben	240
Stewart, Cornelia	87
Stinson, Clarissy	80
Taylor, Elmo	85
Turner, Hosea and Betty	126
Watkins, Mose	80
White, C. V	80
Whittington, E	160
Whittington, Elijah	86
Williams, Cliff	180
Williams, Richard	120
Wyatt, Cassie	130
Zachary, Cleve	1,160

Professional men: Dr. H. M. Proffitt, dentist, former president of the American Dental Association (colored); Dr. D. J. Conner, physician; Dr. R. Dan Miller, physician; J. H. White, principal of Eliza Miller High School, former president of Arkansas Teacher's Association; Nexton P. Marshall, current president of Arkansas Teacher's Association, former teacher in Helena-West Helena School system, now teaching in North Little Rock.

Liquor store owners: Lonnie Dotson, Henry Smiley, Margaret Slaughter.

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

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

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

SHERIFF AND EX OFFICIO COLLECTOR,
Blytheville, Ark., December 30, 1963.

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

DEAR MR. GATHINGS: 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 but I know a large majority of the colored families in the city of Blytheville own their own homes.

We have a Negro dentist who has been a resident of Blytheville for quite a number of years. His property holdings here are valued by the tax assessor's office in the amount of $647,700. There is a Negro woman, whose husband was a businessman here and who died several years ago, leaving her several tracts of property valued by the tax assessor as being worth $630,500. There is a colored man who owns approximately 400 acres of land in a community where 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 could 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.*

OFFICE OF SHERIFF AND
EX OFFICIO TAX COLLECTOR,
Forrest City, Ark., January 17, 1964.

Hon. E. C. GATHINGS
Congress of the United States,
House of Representatives,
Washington, D.C.

DEAR TOOK: The following are just a few of the many successful colored business and professional citizens of St. Francis County. They are all substantial property owners and some have very large real estate holdings:

U.S. Bond-Farms over 600 acres of land, owns Bondol Laboratories, which manufactures embalming fluid. Also owns a new subdivision of homes in Madison, St. Francis County;

Oliver Banks, successful farmer;

Lacy Kennedy, funeral director, owns own business and buildings in Forrest City and Marianna, Ark.;

Dr. E. C. Clay, very successful dentist. Dr. J. E. Burke, who died a few months ago was very prominent in this section of the country for his work in the field of denistry;

John Clark, county agent, paid by the county taxpayers, does good work, owns property, and a nice home;

W. L. Purifoy, lawyer, with substantial city real estate holdings;

Eugene Boyland, farmer, owns over 200 acres, leases other farms;

Luther Bailey, very large landowner and successful farmer;

Hense Roberts, cotton gin operator;

J. B. King & Son, farmers;

William Harrell, merchant;

William Elkins, funeral home owner and operator;

Charlie Freeman, cafe owner and employee of First National Bank;

Will Leggs, taxicab company owner;

Albert Stewart, taxicab company owner;

Henry Brown, farmer and minister;

Carreather Banks, widow of Dr. S. B. Banks, large property owner and home demonstration agent;

Robert Brown, merchant and landowner;

J. O. Upchurch, plumbing contractor;

Robert McAllister, brick masonry contractor; and

Colbert Turner, building contractor.

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

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

With kindest regards, I am,

Yours very truly,

CARL CAMPBELL,
Sheriff and Collector,
St. Francis County, Ark.

MARIANNA, ARK.,
December 18, 1963.

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

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

1. Lacey Kennedy, son of Winnie Kennedy, successful morticians in this county for approximately 40 years. Annual business probably exceeds $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. Anna Strong, probably the most outstanding school administrator of this area. Now retired and probably the finest influence among children (colored and white) the county has produced. No other person (colored or white) has done as much for good race relations in this county as had Anna M. P. Strong.

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

4. Ocie Broadway, of near Moro, farms and owns approximately 300 acres of cotton, rice, and soybeans. Annual tax bill runs upward of $500 each year.

5. Ocie Hamilton, of Oak Forrest community, while not a large landowner, does have approximately 300 acres in cultivation and pays approximately $200-plus in taxes each year. Ocie is highly respected by both white and Negro.

6. Mathew Ramsey, former owner of small blacksmith shop, who parlayed his savings into city real estate and who probably is the largest individual rentor (city property) in the county. Hardly able to read or write, Mathew pays upward of $800 in real estate taxes each year. Controls or owns over 50 individual houses in the city and also some farmland in the county.

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

8. Elijah Heggs, the county's Negro probation officer, who has been very instrumental in maintaining a high enrollment at all the Negro high schools in the county. A cotton and soybean farmer who owns approximately 160 acres of good land and pays upward of $200 in taxes each year.

9. James Lathrop, of near Brickeys, has what is probably the best land in the county. Owns approximately 350 acres and pays approximately $400 in taxes each year. One of my father's and mine best friends.

10. Spaniard Butler, Moro, Ark., merchant and farmer who owns and farms approximately 300 acres of land. Pays a tax bill upward of $400 each year.

11. Emma Claybrook, widow of John Claybrook, former logger and timber operator who was most successful. Emma has carried on the business in a successful manner. Is highly respected and admired for her everyday commonsense approach to business problems. Is the owner of several expensive pieces of logging equipment.

TOOK, I need not tell you that this is a rural area and that our business and professional people, both colored and white, are in the minority; however, this is only a sample of the successful and intelligent Negro community. I wish there was more time to elaborate on the smaller Negro farmer who has helped develop this county and whose existence has helped 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.

OFFICE OF SHERIFF AND EX OFFICIO
COLLECTOR, CRITTENDEN COUNTY,
Marion, Ark., January 2, 1964.

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

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

Luke Anthony, 101 acres; M. E. Anthony, 161 acres; Thelma Armstead, 242 acres (also numerous improved town property; Bose and Elmo Baker, 295 acres; Luther Bailey, 120 acres; Hiawatha Boyd, 80 acres; Lizzie Boyd, 160 acres; Walter Farley, 400 acres; Frank F. Foster, 240 acres; John Gammon, Jr., 374 acres; A. E. Grant, 283 acres; R. J. Johnson, 576 acres; and Jeffory Morris, 73 acres; and Lawrence Richards.

I know personally Thelma Armstead who is the widow of the late Louis Armstead and he had the respect of many if not all the white people that were acquainted with him. I have known Luther Bailey for quite a number of years and he is also respected by the citizens of Crittenden County. Walter Farley is another that I have known most of my life and he is another of the ones who have respect of the white race. John Gammon, Jr., is another property owner seemingly has made a success in this community. A. E. Grant is in the same category and a cooperative gin owned entirely by the Negro race also operated by them is named for him. Lawrence Richards is not a property owner but rents enough acreage to produce in the neighborhood of 300 bales of cotton and is another substantial citizen. The others on this list are not known by me personally, but have heard nothing against their respectability.

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

Yours truly,

Jimmy,
J. C. MANN,
Sheriff.

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

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

There was no objection.

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

In many ways this kind of discrimination is the most humiliating of all, and constitutes a daily affront to millions of our fellow citizens across the country.

We need a national law to eliminate this daily repudiation of the doctrine of equality. Already, some 30 States, including California, have such laws to "open doors that never should have been closed" and to "end the arbitrary indignity" of racial or religious exclusion from commercial establishments otherwise open to the general public.

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

Ample provision is made in the law to encourage voluntary and local or State remedial action before or even during the time that private action is begun or the Attorney General enters the case.

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

All persons within the jurisdiction of this State are free and equal, and, no matter what their race, color, religion, ancestry, or

national origin, are entitled to the full and equal accommodations, advantages, facilities, privileges, or services in all business establishments of every kind whatsoever.

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 the RECORD.

The 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. This one 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 many of the individuals of the race. A bar to employment regardless of the qualification of the individual whether professional, technical, or menial nullifies the spirit of 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 artisan, knows that employment opportunities are nil. The right to vote, to be served one's needs in public places including accommodations, desegregation of public education, receiving community relations service, and the Federal assisted program lever of forcing conformance mean nothing to a person who has no job and consequently no money. We have only to be reminded in the words of the greatest humanitarian of our time, President Delano Roosevelt, that every man who is qualified and wants to work should have a job in accordance with his talents. The Negro is at best relegated to menial and unskilled employment and even then punctuated by layoffs and rewarded in low wages. All over America this indictment stands. And, further, the Negro is the last hired and the first fired. Promotional practices relegate the Negro to bottom levels.

Financial institutions, advertising agencies, insurance companies, trade associations, management firms, and publication companies employing young prospects are the chief offenders.

Department of Labor statistics prove that there are three times as many heads of families unemployed among the nonwhites in comparison to the whites. Further, nonwhites represent 11 percent of the total working force, yet 25 percent of these workers have been unemployed for the long period of 26 weeks and increasing progressively at this period.

Nonemployment rate

[Percent higher than white]

In 1947	64
In 1952	92
In 1957	105
In 1962	124

It must be remembered that the nonwhites are employed at lower salaries and less desirable jobs. Seventeen percent of nonwhites have white collar jobs compared to 47 percent of the whites. Fourteen percent of nonwhites in total employment are unskilled labor—in urban areas—compared to 4 percent for the white.

Secretary of Labor, Mr. Wirtz, stated that Negroes comprise 90 percent of the nonwhite population and receive the brunt of discrimination. Of all professional engineers—nonwhites—equal one-half of 1 percent—no more than 3 percent—males—employed in each of the 19 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 in any of the 19 professions were doctors—4,500.

Also we must consider that for many skilled jobs there is a dearth of qualified nonwhite applicants due to the patterns of discrimination practiced that discourage 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 are necessary "to remove obstructions 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 1, section 8, clause 3.

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

The title also applies to employment agencies procuring employees for 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 effective date of this act are 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 requisite 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 operation—sections 702(b)(c), 704(e).

The Commission consists of 5 members appointed for staggered 5-year terms appointed by the President with the advice and consent of the Senate created to administer the law. No more than three from the same political party—section 706a. 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 prerogative. The 29 States and Puerto Rico have some legislation designed to effect equal employment opportunity in private employment. Experience 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 earnest persuasion, mediation, and conciliation.

Enforcement: In the case of refusal to comply—the Commission may seek relief in the Federal district court—section 707(b). If Commission does not act the aggrieved party can secure permission from one of the Commissioners to 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 operations are effective the Commission will seek agreements with the State agency and refrain from prosecuting such cases. The Commission is authorized to use the employees 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 subpenas, require keeping of records of employment and factual data descriptive of employees pertinent to determinations of whether unlawful employment practices have been committed—sections 709–710.

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 review 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 Library of Congress memorandum.

Iowa, formerly a State with a hortatory nondiscrimination law, now has a mandatory provision enforcible by criminal sanctions (Laws of Iowa, 1963, ch. 330).

Vermont, a State with no previous nondiscrimination statute, now has a mandatory law, enforcible by fine 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 revised summary, taking into account these changes shows that 25 States and Puerto Rico have mandatory provisions applicable to private employment generally. (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 relating to employment on certain public contracts.

One State, Nevada, has mandatory provisions for employment on public contracts and hortatory 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 read as follows:

Amendment offered by Mr. BERRY: On page 85, after line 23, insert the following new title VIII as follows:

"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 authorize tribal action which will enable Indians to 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 availing themselves 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 one 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. None of 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 embodying the provisions and intents of this Act which shall be circulated to each tribe, whether or not the tribe has voted to accept the privileges of this Act, and whether or not the tribe is operating under a charter heretofore approved by the Secretary.

"SEC. 805. (a) Any Indian tribe which has accepted the provisions of this Act may adopt an appropriate constitution and bylaws, or, in the case of a tribe which already has a recognized constitution and bylaws, may adopt amendments thereto, which shall become effective, in accordance with such rules and requirements as the Secretary of the Interior may prescribe, when ratified by a majority vote of the adult members of the tribe, at a special election authorized and called by the Secretary of the Interior under such rules and regulations as he may prescribe. Any such constitution and bylaws may be revoked, in accordance with such rules and requirements as the Secretary of the Interior may prescribe, by a majority vote of the adult members of the tribe in a referendum (which may be conducted in connection with regular tribal elections or in a special election called for the purpose). Amendments to the constitution and bylaws thereafter proposed may be ratified and approved by the tribe in the same manner as is provided in this section for adoption by the tribe of the original constitution and bylaws.

"(b) Upon the adoption of a constitution and bylaws, as provided in subsection (a), the tribe shall be a body corporate, with such powers as are prescribed in this Act, and to the extent not inconsistent with this Act or any other law, shall have the powers provided by such constitution and bylaws.

"SEC. 806. (a) Each tribe which has accepted the provisions of this Act shall, in addition to any corporate powers which it otherwise may have or may be provided, have authority to purchase, sell, exchange, pledge, mortgage, or hypothecate property of every description, real and personal, in trust or fee status, on such conditions, if any, as to approval of the Secretary of the Interior as the tribe may provide: *Provided*, That if a tribe shall without approval of the Secretary of the Interior mortgage or sell property theretofore held in trust for it by the United States, it shall thereby waive any claim or demand it may otherwise have had against the United States arising out of the sale, exchange, pledge, mortgage, or hypothecation: *And provided further*, That except to the extent that this subsection authorizes the sale, exchange, pledge, mortgage, or hypothecation of property, without Secretarial approval, no provision of this Act shall be regarded as affecting or impairing any claim which the tribe may have against the United States.

"(b) Any existing lawful debts of any tribe which has accepted the provisions of this Act shall continue in force, except as such debts may be satisfied or canceled pursuant to law.

"(c) The individually owned property of members of any tribe shall not be subject to any corporate debts or liabilities of the tribe without the owner's consent.

"(d) The officers of each tribe which has accepted the provisions of this Act shall maintain accurate and complete public accounts of the financial affairs which shall clearly show all credits, debts, pledges, and assignments, and shall furnish an annual balance sheet and report of financial affairs to the Secretary of the Interior. A summary of the balance sheet shall be published in a local paper of general distribution within the area of said community or reservation, within thirty days of compilation.

"(e) Each tribe which has accepted the provisions of this Act shall have the following corporate powers, in addition to any corporate powers which it otherwise may have or may be provided:

"(1) To appropriate and use any tribal moneys (including those held in trust) as an incentive to the location of new private industry on the reservation occupied by the tribe;

"(2) To negotiate and execute contracts with private industry, Federal, State, and local governments;

"(3) To extend to new private industry on the reservation occupied by the tribe a binding waiver of tribal taxes for a period which may not, without extension, exceed fifteen years;

"(4) To borrow money from any commercial organization or from established programs of the Federal Government, and if desired, to place tribal properties, real and personal, in trust or fee status, as collateral;

"(5) To deposit corporate funds, from whatever source derived, in any National or State bank to the extent that such funds are insured by the Federal Deposit Insurance Corporation, or by a surety bond, or other security;

"(6) To pledge or assign (for periods not to exceed ten years) chattels or future tribal income due or to become due;

"(7) To lend funds from the tribal treasury to any new industrial organization locating on the reservation, or for expansion of private industry operating on the reservation, where such location or expansion will further the economic well-being of the members of the tribe;

"(8) To exercise such further incidental powers not inconsistent with law as may be necessary for the conduct of corporate business.

"The Secretary of the Interior may delegate to such tribe, upon request, such authority as may be needed for the purposes of this Act.

"(f) Before any per capita distribution is made by any tribe which has accepted the provisions of this Act to its members, not less than sixty days advance notice must be given to the Secretary of the Interior, who may prohibit such distribution to the extent that he determines, and so notifies the tribe before the expiration of such sixty days, that the sums set aside for per capita payments do not represent income over that necessary to defray corporate obligations to members or other persons; to establish an adequate reserve fund; to construct necessary public works; to cover the costs of public enterprises; to pay the expenses of tribal government; or for other necessary corporate needs. Such notice by the Secretary shall be fully documented to show the tribe why approval was not given.

"(g) Any tribe or Indian community which has accepted the provisions of this Act may sue and be sued in courts of competent jurisdiction, State and Federal, in the United States.

"(h) All officers of any tribe which has accepted the provisions of this Act, who shall have responsibility for handling money, shall be bonded in such amounts as the Secretary of the Interior may from time to time determine.

"(i) In the case of fraud, or overreaching by or through officials of any tribe which has

accepted the provisions of this Act, where such fraud or overreaching is at the expense of individual members or the membership of a tribe at large, the Secretary shall have full rights of investigation and review, including authority to set aside any such action, and including the right to seek assistance of courts of competent jurisdiction to that end.

"SEC. 807. (a) (1) Where any person, firm, corporation, or other business association proposes to establish a new industry on any reservation (hereafter referred to as the 'investor'), he shall qualify for the incentives provided by this section if he enters into a contract with the tribe living on such reservation for the establishment of such industry, and the Secretary of the Interior approves such contract after finding that it will be of significant aid to the tribe. No such contract shall be approved if it is a device whereby operations of an existing industry are transferred from Indian or non-Indian areas; nor shall the investor qualify for such incentives for any period during which less than half of the employees of such industry employed on the reservation are Indians.

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

"(3) Where any tribe is in need of funds to carry out construction or improvements under paragraph (2) of this subsection, such tribe may borrow such funds, under such regulations as the Secretary of the Interior may prescribe, from the revolving funds authorized by the Acts of June 18, 1934 (48 Stat. 984, 986), June 26, 1936 (49 Stat. 1967, 1968), and April 19, 1950 (64 Stat. 44), as amended and supplemented. For the purposes of augmenting such funds to the extent necessary to carry out this paragraph, the Secretary of the Treasury is authorized to advance to such funds from time to time such sums as the Secretary of the Interior may request, but not more than may be specified from time to time in appropriation Acts. The Secretary of the Interior, out of interest paid on loans made out of such funds pursuant to this paragraph, shall pay semiannually to the Secretary of the Treasury interest at the rate or rates determined by the Secretary of the Treasury, taking into consideration the current average rate on outstanding marketable obligations of the United States as of the last day of the month preceding the advance. For the purposes of this paragraph, the Secretary of the Treasury may use the proceeds of the sale of any securities issued under the Second Liberty Bond Act, and the purposes for which securities may be issued under such Act include such purposes.

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

"(c) In the case of any capital investment made by any investor qualified for the incentives provided by this section in any new industry on a reservation, the basis of the property of such investor in such industry shall, for purposes of the Internal Revenue Code of 1954, at the election of the investor, be whichever is the higher, its fair market value at the end of the tenth taxable year after such investor first qualifies for the incentives provided by this section, or its cost. In addition, at the election of the investor, the deduction for depreciation allowed with respect to such property under chapter 1 of such Code may, for the eleventh through the fifteenth taxable year after such investor first qualifies for the incentives provided by this section, be computed at the rate of 20 per centum of the basis of such property.

"(d) Where any member of a tribe who is receiving welfare income at the time he is employed in a new industry on a reservation by an investor who has qualified for the incentives provided by this section remains continuously employed in such industry during any taxable year, the investor shall be allowed a deduction from gross income, for the purposes of the Internal Revenue Code of 1954, in addition to any other deductions 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, for each year in which allowable, shall equal thirty-six times the monthly welfare payment being made to such member of a tribe at a time he was first employed.

"(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 Housing and Home Finance Administrator, acting through the Community Facilities Administration, shall be authorized to make loans to the tribe located on such reservation for the same purposes, and to the same extent, as he is authorized to make such loans under title II of the Housing Amendments of 1955 to any smaller municipality.

"SEC. 808. (a) The Secretary of the Interior shall provide services to Indians under the various programs now in operation, including adult education and vocational training, on a priority basis with the view toward cooperating in the training of employable Indians for positions in industries availing themselves of this Act.

"(b) The Secretary is authorized to lease for rentals, which may range from a fair market rental downward to nominal or no rentals, depending on the attraction of industry, any surplus or excess Federal lands (including improvements) under his jurisdiction.

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

"SEC. 809. (a) Section 201(a) of the National Housing Act is amended by striking out 'or (2)' and inserting in lieu thereof ', (2)', and by inserting immediately after 'was executed' the following: ', or (3) on tribally owned land on any Indian reservation where such leasehold is for not less than twenty-five years, and is subject to an option to renew for an additional period of not less than twenty-five years'.

"(b) Section 207(a)(1) of the National Housing Act is amended by striking out 'or (B)' and inserting in lieu thereof ', (B)', and by inserting immediately after 'was executed' the following: ', or (C) on tribally owned land on any Indian reservation where such lease is for not less than twenty-five years, and is subject to an option to renew for an additional period of not less than twenty-five years'.

"SEC. 810. (a) Section 13 of title 18, United States Code, shall apply to Indians and non-Indians alike within the area set aside for any industry on a reservation established by an investor who has qualified for the incentives provided by section 7 of this Act.

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

"'§ 1164. Bribes affecting Indians

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

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

"'1164. Bribes affecting Indians."

"SEC. 811. (a) Where any tribe has accepted the provisions of this Act, any Indian member of such tribe who thereafter is aggrieved by any final decision of a tribal court and who has exhausted such appellate procedures as are available to him, may appeal such decision to any United States district court for the district in which the reservation on which such tribe is domiciled is located. Such appeals must be taken within one year from the date the decision of the tribal court became final, after exhaustion of administrative and other remedies.

"(b) Jurisdiction is hereby conferred on the United States district courts, without regard to the amount in controversy, to render final decisions on cases appealed to them pursuant to this section. The jurisdiction of the courts under this section shall be exclusive, and decisions rendered by such courts under this section shall be final.

"(c) The decisions of the tribal courts in any case appealed under this section shall be final, if supported by a preponderance of the evidence, unless contrary to law or tribal custom, as applicable. If the United States district court determines that the decision of the tribal court is not supported by a preponderance of the evidence, or is contrary to law or tribal custom, as applicable, the court shall reverse or modify the decision of the tribal court, or remand the case to the tribal court for further action, or make such other disposition of the case as may be just."

Mr. CELLER (interrupting reading of the bill). Mr. Chairman, enough has been read of the amendment 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.

The CHAIRMAN. The Chair reminds the gentleman from New York that the amendment offered by the gentleman from South Dakota has been made in order by the resolution under which this bill is being considered. The gentleman is offering the amendment at this time, and the Chair would be impelled to hold that the amendment is in order.

Mr. CELLER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

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

The CHAIRMAN. The gentleman from South Dakota is offering his amendment as a new title VIII to the bill.

Mr. CELLER. Mr. Chairman, a further parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

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?

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 completely read.

Mr. CELLER. Mr. Chairman, I reserve the point of order until after the amendment is read.

The Clerk continued the reading of the amendment.

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

Mr. ASPINALL. Mr. Chairman, I object.

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

Mr. WILLIAMS. I object, Mr. Chairman.

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

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

There was no objection.

Mr. BERRY. Mr. Chairman, we have had 10 days of consideration, or lack of consideration, if you wish, concerning the segregation of the Negro people. The purpose of this amendment is to eliminate the segregation of the American Indian. Originally the American Government segregated the 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 by our reservation system.

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

Now, listen, my friends. This is within the lifetime of one man. In recent years we have removed the cavalry and the barbed wire 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 or not it will be rented 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 not only holds the title, but they lease the land. In addition to that, Mr. Chairman, they collect the rent. If you happen to be on relief, then, Mr. Chairman, the lease check is turned over to the welfare department to be doled to you on the same basis as other welfare funds. Not even in darkest Russia does an individual have less liberty and less freedom than an allotted Indian on an Indian reservation.

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

Mr. BERRY. I yield to my chairman.

Mr. ASPINALL. Do you consider and would you tell the committee 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 appropriate 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.

Philleo 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 of employables from 40,000 to 45,000 are unemployed. We get very exercised when 4 percent of the Nation's labor force are unemployed. Here 40 percent are unemployed.

The problem is that every or nearly every reservation is very remotely located and is generally 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 10 percent of the Indians on that reservation; the remaining 90 percent 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 Rolla, N. Dak. 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 the United States, less than 3 percent. The difficulty is, though, that since these reservation areas are remotely located, the cost of transportation of raw material to the reservation, and then the cost of transportation of the finished product from the reservation makes it so expensive that it is impossible for these plants to compete unless there is some kind of a direct subsidy, or unless there is some kind of a tax incentive. And that is exactly what this amendment proposes to do, namely, provide that tax incentive to offset the high transportation costs.

Just as a sideline, 17 years ago the Senate subcommittee held hearings in Puerto Rico on the economic conditions down there. They came back with a report to the effect that the situation in Puerto Rico was "unsolvable." Then 16 years ago Puerto Rico's retiring Governor, Rexford Tugwell, chose as the title for his book about the island, "The Stricken Land." Today this "stricken land" has the highest per capita income of any of the Latin-American countries except oil-rich Venezuela. This change has come about because Governor Munoz Marin 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 some of the equipment if necessary.

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 you, Mr. Chairman, that what Operation Bootstrap did for Puerto Rico, "Operation Bootstrap, reservation style" can and will do on the Indian reservations of these United States.

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

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

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

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

Those are the four things it does. And I want to point out, Mr. Chairman, this cannot be used as a windfall to some big corporation, first, because the Secretary of the Interior has the veto power over this contract before it is approved. If it looks like some kind of a windfall he will veto it. Secondly, because each year the company must certify that more than 50 percent of its employees are en-

rolled Indians. This limits the program to small businesses because most reservations are not too large and the 50-percent limitation will keep the industry small.

The 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 loans to the 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 unit?

Mr. BERRY. Yes.

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

Mr. BERRY. It also makes available housing loans.

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

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

I want to say in closing that this bill provides for integration of the Indian reservations because when an industry comes to the reservation the majority of the managers and skilled workers will for a time be non-Indians. They will come to the reservation, 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 Indian Affairs and 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; namely, 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 [Mr. BERRY] and any amendment that he may see fit to offer to such amendment.

To say that I was surprised that H.R. 980 was made in order as an amendment to H.R. 7152, and prohibiting a point of 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 having jurisdiction of 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 of the imagination can it be considered as being germane to the provisions of H.R. 7152. If there were any logical argument for it being considered germane, the provision in the resolution 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 matter of civil rights 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 chairman, has had this legislation before the House of three Congresses. I have cooperated with him in every way, trying to get the legislation in position so that it could be constructively considered by the committee. Yet the Member from South Dakota did not even show the courtesy to his 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 shall give 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 the kind of procedure used by the senior Member from South Dakota.

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

Now let me hasten at this place to add that I understand what prompted the action of my colleagues on the Committee on Rules who represent the areas of the South, and my criticism does not go to them individually because I know 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.

Mr. Chairman, the provisions 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 in fact, in my opinion, no help whatsoever can come of what is proposed at this time. One of the difficulties that the Indians have had to face throughout the years has been the professed friendship which led them to believe that they could expect valuable services but which professions of interest, in the end, proved to be empty and worthless.

As I have stated before, this bill, H.R. 980, or similar legislation, has been introduced in the 86th, 87th, and 88th Congresses. In the 86th Congress reports were requested and 3 days' hearings were held and the subcommittee decided that the legislation was not timely. In the 87th Congress reports were requested from the administrative branch of the Government but nothing further developed. In the 88th Congress the bill was introduced on January 9, 1963, and it was referred to the Committee on Interior and Insular Affairs on the same day. On January 24, 1963, reports were requested 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, all of which are in opposition to the bill embodied in the amendment.

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

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., March 4, 1960.

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

DEAR MR. ASPINALL: Your committee has requested a 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. 8033 and H.R. 8590.

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.

The bill falls into three major parts. The first part deals with tribal constitutions and charters, and the control over the use of tribal property. The second part deals with incentives to encourage the establishment of new industries on Indian reservations. The third part deals with Federal criminal jurisdiction over persons on the area occupied by an industry on a reservation, and appeals to the Federal courts from decisions by a tribal court.

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

1. Exemption of the new industry from Federal income tax for 10 years.

2. Accelerated amortization of capital investment during the 5 years following the 10-year period of tax exemption.

3. Deduction from gross income of 36 times the monthly welfare payment made to an Indian employee immediately preceding his employment if the employee remains employed constantly throughout the tax year. This provision applies during the 5 years following the 10-year period of tax exemption.

4. Leases of surplus or excess Federal land and improvements at nominal or no rental.

5. Loans of tribal and Federal funds for the construction of buildings and facilities.

The tax incentives are designed to apply automatically, without any agreement with the tribe or the Federal Government, to any person who establishes a new industry on an Indian reservation and employs Indians for not less than one-half of its employees. This presents the following problems, among others:

1. Without suggesting in any way that small business should be disqualified from participation in the program, is the program intended to apply to the operator of a trading post, for example, that has only three or four employees? Is it intended to apply to a filling station operator if he employs one or two Indians? Is a distinction to be made between the service industries, traders, manufacturers, processors, etc.? What about the manufacturer of Indian-style jewelry who moves his plant from a nearby town to a reservation without changing substantially the number of Indian employees?

2. No provision is made regarding wage standards. If an Indian is paid a salary that is little more than his relief payment, will the tax incentives to the industry accomplish much in terms of improving the status of the Indian or in terms of relieving the Federal Government of a part of its financial burden?

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

4. Marginal enterprises may be attracted by the tax incentives, with the intention of moving to more favorable sites when the tax incentives are withdrawn.

The first part of the bill, which deals with tribal constitutions and charters and controls over tribal property, presents a number of technical problems. Some of the provisions are ambiguous and incomplete, and some of them will raise practical difficulties. We shall be glad to work with the committee staff in rephrasing this part of the bill if the committee wishes us to do so.

The third part of the bill relates to Federal jurisdiction over the area. Section 9(a) makes Federal criminal law, including the Assimilative Crimes Act, applicable to Indians within the reservation area that is occupied by an industry. Section 10 permits any Indian on any reservation to appeal to a U.S. district court from a final decision of a tribal court. This subject of tribal jurisdiction versus State or Federal jurisdiction over Indians on Indian reservations is a delicate one with many ramifications, and it is not directly related to the rest of the bill. We believe that the preferable procedure would be to treat this subject separately in a different bill where the issues can be explored carefully.

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

Sincerely yours,

ROGER ERNST,
Assistant Secretary of the Interior.

THE SECRETARY OF THE TREASURY,
Washington, March 7, 1960.

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

MY 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 section 7 of the bill which would provide special tax incentives to firms establishing a new industry on a reservation, with Indians constituting at least 50 percent of the employees. These incentives would consist of—

1. Complete exemption from Federal income tax for the first 10 years.

2. Special tax deductions for depreciation in each of the next 5 years amounting to 20 percent of the original cost of the property or its market value at the close of the 10-year period of tax exemption, whichever is higher.

(3) A special deduction for the employment of Indians previously receiving welfare payments which would be granted in addition to all other deductions. This deduction, which would be available in each of the 5 years following the close of a 10-year period of tax exemption, would amount to 36 times the monthly welfare payment made to any member of a tribe at the time he was first employed.

The Treasury Department recognizes the plight of some Indian tribes whose economic well-being has generally remained below that of the non-Indian population. However, we are opposed to the tax features of the proposed legislation. Tax exemptions or special tax concessions tend to create marked differences in tax treatment between those eligible for the special treatment and other taxpayers who continue to pay the full amount of tax on comparable amounts of income. A broad range of proposals are constantly being offered to use the tax system for the achievement or appealing social and welfare objective. Once we start to use the tax system to grant favored treatment for certain welfare programs it is difficult to know where to stop. For these reasons the Treasury Department believes that the tax system should be designed for revenue purposes and not for the achievement of social and welfare objectives.

The special depreciation deduction provided by the bill would allow depreciation deductions on a basis completely unrelated to the normal useful life of the capital assets concerned. It also could result in allowing a firm which has enjoyed complete tax exemption for 10 years to amortize over the next 5 years the full original cost of assets which may already have been used up in the production of income during the tax-exempt period. In addition, the option granted to the taxpayer of basing the special depreciation deduction on the market value of the asset at the specified date would introduce an undesirable precedent for the use of depreciation deductions based on current market value rather than investment costs.

Moreover, the provision allowing a special deduction from gross income equal to 36 times the monthly welfare payment made to any member of a tribe when he was first employed, could result in providing very substantial tax concessions even though the salary paid to the Indian might be little more than his relief payments. In view of present tax rates, such special deductions in addition to the regular deductions granted for wage payments might enable qualifying firms to increase their net income after tax at the expense of the tax revenue merely by making wage payments to Indians regardless of their contribution to the productive process. This is because, under certain conditions, the tax reductions resulting from all the tax deductions that would be allowed for the wage payments made to Indians previously receiving welfare payments would approach or even exceed the amount of such wage payments. Since this special deduction would be granted only for the employment of Indians receiving welfare payments, it is also likely to discourage the employment of Indians not receiving such payments.

The tax provisions of the proposed legislation would establish a far-reaching precedent for the use of special tax treatment to achieve similar objectives, such as employment of the handicapped, the aged, persons in economically depressed areas, or any other groups for whom assistance is desired. The extension of such tax treatment would have serious consequences for our tax systems in terms of both losses of revenue and distortion of the equitable distribution of the tax burden. It may be noted that during the course of recent hearings on income tax revision before the Ways and Means Committee, particular emphasis was placed on proposals to broaden rather than to narrow the tax base. It is our view that to the extent Federal participation in a program as envisioned by the bill is desirable, it should be done on the basis of direct appropriations where the cost is known and the benefits can be directed through specific outlays where they are most needed.

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

In addition, the Department would be opposed to limiting the return on Federal funds loaned directly to private borrowers to an interest rate of 4 percent as would be provided in section 8(c) of the bill. We recommend 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 with maturities comparable to the term the Federal funds are outstanding, plus an amount deemed adequate by the Secretary of the Interior to cover administrative expenses and probable losses to the extent consistent with the purposes of the proposed loan program.

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

Very truly yours,

FRED C. SCRIBNER, JR.,
Acting Secretary of the Treasury.

THE GENERAL COUNSEL
OF THE TREASURY,
Washington, January 31, 1964.

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

DEAR MR. CHAIRMAN: Reference is made to your request for the views of this department on H.R. 980, 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 only provisions of the bill of primary interest to this department are those relating to special tax incentives and loans for the construction of buildings for new industries on Indian reservations.

With respect to special tax incentives, section 7 of the bill would provide such incentives to firms establishing a new industry on a reservation in cases where Indians constituted at least 50 percent of the employees. These incentives would consist of—

1. Complete exemption from Federal income tax for the first 10 years.

2. Special tax deductions for depreciation in each of the next 5 years amounting to 20 percent of the original cost of the property or its market value at the close of the 10-year period of tax exemption, whichever is higher.

3. A special deduction for the employment of Indians previously receiving welfare payments which would be granted in addition to all other deductions. This deduction, which would be available in each of the 5 years following the close of the 10-year period of tax exemption, would amount to 36 times the monthly welfare payment made to any member of a tribe at the time he was first employed.

The department would be opposed to the foregoing tax features of the bill. Tax exemptions and preferences of this type create an economic disparity between those eligible for special tax preferment and other taxpayers who continue to pay the full amount of tax on comparable amounts of income. Such an exemption would grant to the tax-preferred enterprise a substantial economic advantage over other business competitors. The importance of the policy of tax neutrality toward competing business enterprises is evidenced, for example, by the fact that the unrelated business income of charitable organizations is subject to Federal income tax. Nevertheless, the bill would exempt the income of business enterprises organized for the private profit of shareholders and other owners.

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 directly channeled 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 need of the particular Indians or to the amount of the tax subsidy granted to the owners of the business enterprise.

In addition, the proposed tax exemption would establish a precedent for the use of special exemptions of business income to achieve similar objectives, such as employment of the handicapped and the aged, persons in economically depressed areas, or any other group for whom assistance seems desirable. The extension of such tax preferment would have serious consequences for our tax system in terms of both losses of revenue and distortion of the equitable distribution of the tax burden. Consequently, we believe that financial assistance to improve the status of reservation Indians should not be rendered on the basis of a tax subsidy.

With respect to the loan features of the bill, section 7(a)(2) would authorize Indian tribes to construct buildings for new industries on reservations and to sell or lease such buildings. To obtain financing for such construction, section 7(a)(3) of the bill would authorize the tribes to borrow funds from certain existing revolving funds and to augment the revolving funds, the Secretary of the Treasury would be authorized to make advances to such funds in amounts specified in appropriation acts. The Secretary of the Interior would be required to pay interest on the advances at rates based on the current average rate on outstanding marketable obligations of the United States. In addition, section 8(c) would authorize the Secretary of the Interior to lend Federal funds to be used in conjunction with tribal funds for the construction of buildings for new industry.

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

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

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

Sincerely yours,

FRED B. SMITH,
Acting General Counsel.

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., February 3, 1964.

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

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

This Department is strongly against the enactment of the bill in its present form.

We are, of course, extremely interested in promoting industrial development and economic advancement within Indian communities, and we are actively pursuing that goal. This bill, however, in its present form, is not the right way to approach the subject because it raises too many problems and issues that require further study and discussion.

For example, by making far-reaching changes in tribal governmental powers and responsibilities, including the disposition of reservation lands, a number of basic issues are raised on which there are conflicting and strongly held opinions. Moreover, the issues have not been discussed with the Indian people or their representatives.

The special tax incentives, in the form of exemptions and deductions, require careful consideration and evaluation in the light of the general structure of our tax laws.

We shall not enumerate here all of the problems that are raised by the bill, but in our opinion they are sufficiently great to require deferment of action on the bill pending further study.

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,

STEWART L. UDALL,
Secretary of the Interior.

GENERAL COUNSEL OF THE
DEPARTMENT OF COMMERCE,
Washington, D.C. February 3, 1964.

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

DEAR MR. CHAIRMAN: This is in reply to your request for the views of this Department with respect to H.R. 980, a bill to provide a program for an "Operation Bootstrap" for the American Indian in order to improve conditions among Indians on reservations and in other communities, and for other purposes.

As the title implies, this is an omnibus bill for the industrial development and economic advancement of Indian communities, enabling the tribes to exercise broad corporate powers, to enter into contracts, and to waive tribal taxes for the establishment of local industries, and to participate in benefits under the National Housing Act.

It also provides for special concessions under the Internal Revenue Code for income derived from operations and from capital gains in connection with any new industries established on Indian reservations.

While this Department has no objection to, and is inclined to favor, the granting of full municipal powers to Indian tribes, we are not sufficiently acquainted with the problems involved to say that the provisions of the proposed act are the best way to accomplish this purpose.

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

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

We have been advised by the Bureau of the Budget that there would be no objection to the submission of our report from the standpoint of the administration's program.

Sincerely,

LAWRENCE JONES,
Acting General Counsel.

HOUSING AND HOME FINANCE AGENCY,
Washington, D.C., February 5, 1964.

Hon. WAYNE N. 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 above-captioned 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.

This bill would authorize Indian tribes, upon approval of the Secretary of the Interior, to enter into certain contracts for the purpose of establishing new industries in their reservations. In addition to any corporate powers it might already posses, 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 Administrator to make loans to any Indian tribe for assistance in the construction of basic public works. Also, to facilitate FHA mortgage insurance, mortgages would be made eligible for insurance where they cover tribal land held under leases for not less than 25 years and are subject to options to renew for periods of not less than 25 years.

Heretofore, the Congress has not considered it appropriate to permit the FHA to insure mortgages on property held under leases having less than 50 years to run. Even if this term were to be reduced to 25 years for leases on tribal land, it is doubtful that many mortgage contracts would be entered into because of the difficulty in obtaining financing. The duration of the lease upon the property sought to be mortgaged would probably not meet the standards of private investing institutions. The existence of an option for renewal for an additional 25 years would not solve the lender's problem since there is no assurance that the option would be exercised.

The Department of the Interior has interpreted the Indian Leasing Act of 1955 to permit the execution of a 25-year lease extension simultaneously with the execution of a 25-year lease on tribal land. As a result, the FHA has issued regulations making it possible to insure mortgage loans on Indian properties where the leases have a period of 50 years to run from the date of the mortgage. However, the procedure whereby the lease and extension are simultaneously executed tends to be technically difficult and thus to inhibit the free use of FHA-insured financing.

The Housing Agency, therefore, urges as an alternative to the lease provisions in H.R. 980, that the Congress amend the Indian Leasing Act of 1955 to permit leases of up to 99 years where the purpose of such a lease is to obtain an FHA-insured loan. This would facilitate the financing of mortgage loans on Indian properties and enable Indians to benefit from the lower monthly payments and rental changes on FHA-insured mortgages having maturities of more than 25 years.

The provisions of this bill which would authorize the Housing and Home Finance Administrator to make loans to Indian tribes for assistance in the construction of basic public works no longer seem necessary. Public Law 87–808 which made Indian tribes eligible for assistance under the public facilities loan program has apparently accomplished the objective of this provision of H.R. 980.

We also note that H.R. 980 contains no provisions which would require comprehensive planning for the development of Indian reservations. If the type of development anticipated for Indian reservations by H.R. 980 is to be best 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.

With respect to the other provisions of H.R. 980, designed to promote the establishment of private industry on Indian reservations, the Housing Agency would defer to the comments 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. SEMER,
For ROBERT C. WEAVER,
Administrator.

Mr. Chairman, I want to thank my colleagues for the confidence you have had in the work of the Committee on Interior Affairs and in its chairman. Just last Friday night by unanimous consent you permitted to pass a bill which had been thoroughly studied by the subcommittee on Indian affairs chairmaned 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 untimely at this time as are all of the provisions of the original H.R. 980. What the Member has attempted to do is to remove those portions of the bill which apparently he feels do not involve civil rights. It is my considered opinion that no part of the bill in its original form or in its proposed amended form has any direct bearing to the overall subject of civil rights.

My colleague the gentleman from Pennsylvania [Mr. SAYLOR], the ranking minority Member, will explain in as much detail as time will permit the provisions and effect of H.R. 980 as well as the proposed amendment to such bill. I shall refer but briefly as to what is involved.

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 part concerns incentives to encourage the establishment of industries on Indian reservations; and the third portion involves Federal criminal jurisdiction over reservation Indians on the area to be occupied by an industry, appeals to the Federal courts from decisions rendered by tribal courts, and matters relating to briberies or attempted briberies.

I am somewhat at a loss to follow the reasoning behind the amendment proposed to the amendment since some of the language that remains cannot stand by itself. For example, I do not see how sections 1 and 2 can be made operable without sections 3, 4, and 5. Some necessary provisions have been removed. By themselves, sections 1 and 2 are inappropriate. Likewise, I find it difficult to see how section 7(a) can be effective without the funds provided under section 7(a)(3). I cannot see why section 10 (a) and (b), concerning law and order jurisdiction and bribery, are removed from the bill.

So far as I can find, no attempt has been made to answer the questions posed by the 1960 report of the Department of the Interior. 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 other Federal agencies. The same arguments against the legislation, voiced by the Secretary of the Treasury in 1960, are expressed again in the report just received.

Mr. Chairman, this amendment and all amendments related thereto should fail of support by the members of this committee. Let us be honest and fair not only with ourselves but with the procedures which we have adopted in order to see that our actions and decisions are orderly. Let us also be honest and fair with our fellow citizens of the Indian tribes and not mislead them into thinking they are going to receive benefits which I can assure you are not provided in this legislation. The bill has been rereferred by the House to the Committee on Ways and Means so that that committee may study the bill and advise the Committee on Interior and Insular Affairs as to the effect of the legislation on our fiscal affairs and advise us of such committee's position.

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

To date the legislation embodied in this amendment has not been ready for consideration by the gentleman from Florida and his subcommittee. In my opinion, it would be a great disservice to the gentleman from Florida and to all the members of the Committee on Interior and Insular Affairs to give approval of legislation in the manner here proposed.

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 Indians in my district than any other Congressman in this House, or any other State in this Union. I have received the

following telegrams from two of my Indian reservations.

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

Have made a cursory examination of H.R. 980. Feel that bill has much merit. However White Mountain Apaches have great faith in House Interior Committee and recommend that you not vote for bill as attached to civil rights but that bill be reintroduced and referred to Interior Committee for study and to give Indians sufficient time to appear and consult with committee.

LESTER OLIVER,
Chairman,
White Mountain Apache Tribe.

I received this other telegram which is as follows:

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

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

Mr. Chairman, I have also received other telegrams from several of my other Indian reservations. They indicate they were in favor of the Berry amendment as printed in the Federal Register, and yet although I have looked in the Federal Register, Mr. Chairman, I have not been able to find any Berry amendment.

Mr. ASPINALL. Of course, the gentleman is correct. Their attention was called to the Berry amendment since the Committee on Rules made its consideration in order in spite of the fact 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 in telegrams and letters that they are opposed to the legislation because it has not been well thought out. They realize that ill-considered legislation will react against their best interests. They will not only not receive 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 in which he has some interest for 6 years is not taken care of at once. If it is good legislation, and if it can be perfected, we can take care of it with the proper consideration that such matter deserves.

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

Mr. ASPINALL. I yield to the gentleman.

Mr. ALBERT. Mr. Chairman, this bill that has been proposed here as an amendment to the pending bill is applicable to Indians on reservations. The amendment would not apply to Indians who do not live on the reservations but who live on their own individually allotted land. The State of Oklahoma is one of the States with an important Indian population, and as I see the matter, unless it gets additional consideration as suggested by the gentleman from Colorado, which will deal with the entire subject, it would be useless so far as Indians in 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. SAYLOR], the ranking minority member of the 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 will have the committee consideration 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 the Interior and Insular Affairs 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. SENNER].

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

Mr. ASPINALL. This is the first time that any bill has ever been referred from my committee in this particular manner.

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

(By unanimous consent, Mr. ASPINALL was given permission to proceed for 1 additional minute.)

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

Mr. ASPINALL. I yield to the gentleman from South Dakota, a member of my committee.

Mr. BERRY. I thank the chairman for yielding to me.

I appreciate everything the gentleman has said. By the same token, it has not been too easy to get the report, as my chairman knows.

Mr. ASPINALL. This was proposed during the administration of the Republican Party. The first reports came up under the signature of Assistant Secretary Roger Ernst, who was Assistant Secretary at the time the Honorable Fred Seaton was Secretary. The reports were adverse.

Mr. BERRY. Favorable, if amended.

Mr. ASPINALL. They were not amended. My colleague the gentleman from South Dakota has never presented those amendments. They are not in the bill as proposed at the present time.

Mr. BERRY. I did offer these amendments, Mr. Chairman, and they were considered by the subcommittee. During the 87th Congress, six times I wrote to the Commissioner of Indian Affairs begging for a report. You, Mr. Chairman, wrote to him three times. The Commissioner in every instance said he would not report until hearings were set by the committee. Our committee has made a practice of not setting hearings until the report has been made by the department.

The CHAIRMAN. The time of the gentleman from Colorado has again expired.

(By unanimous consent, Mr. ASPINALL was given permission to proceed for 1 additional minute.)

Mr. ASPINALL. Mr. Chairman, I asked for the 1 minute to answer the last statement by the gentleman from South Dakota.

At the National Congress of American Indians convention at Bismarck last September, Commissioner Nash indicated his sympathy for the bill but stated that a favorable report could not be made because of the objections of other Federal agencies.

The same arguments against the legislation voiced by the Secretary of the Treasury in 1960 are expressed again in the report just received. This is the reason why there has not been any further consideration.

Until we have sufficient time to consider the bill, and perhaps until we have time to get rid of some of the other bills which seem to have priority of attention so far as my colleague from South Dakota is concerned, we simply cannot take care of such important legislation.

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

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

Mr. RUMSFELD. I have listened to the gentleman's statement. I believe the history behind the proposal is quite interesting. The gentleman has mentioned a number of times that there are objections to the proposal.

The committee will have to vote shortly. I wonder if the gentleman will use a minute or two to explain some of the objections.

The ASPINALL. The objections come from the four departments, as I have stated. They will be included in the RECORD, so that my friend can read them They are quite germane to the bill itself, I may say.

Mr. CELLER. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

The amendment would incorporate into the pending measure the bill, H.R. 980, to provide for a program of what

is called "Operation Bootstrap" on the alleged grounds that it would help the Indians. This is about as germane to the civil rights bill as an elephant is to a pussy cat. It probably is sought to be added to the civil rights bill to so weigh it down so that the civil rights bill might fall of its own weight.

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 gauché 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 cannot get the bills out of the Rules Committee. I should like to have them tacked onto some other bill, utterly irrelevant, and then have the rule indicate they are relevant.

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 Committe on Interior and Insular Affairs January 9, 1963.

On January 24, 1963, more than 1 year ago, the Subcommittee on Indian Affairs of the Committee on Interior and Insular Affairs requested reports from the Departments of Treasury, Interior, and Commerce, as well as the Housing and Home Finance Agency, on H.R. 980. None of these reports has yet been received by the subcommittee. 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 amounting to a 13-page extremely complex legislative measure concerning which the House has been given absolutely no official committee comment or advance information. In the 86th Congress a hearing was held on H.R. 7701, a predecessor bill, but inspection of this hearing indicates that the Department of the Interior had serious reservations about the bill and the Department of the Treasury opposed the tax provisions. No representative of any Federal agency appeared at the hearing and no further action of any kind on the measure was taken in the 86th Congress.

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 establish 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. We have no idea 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 impact of the measure would, of course, be of vital interest to the Ways and Means Committee of the House, but I understand that until last Saturday 2 weeks ago, that committee had not even been consulted about its terms, particularly the tax terms and exemptions of the bill. On the motion of the distinguished chairman of the Committee on Interior and Insular Affairs, the House discharged that committee from further consideration of H.R. 980 and referred it to the Committee on Ways and Means. Of course, that committee has had insufficient time to study the bill's provisions.

We should wait until that committee has had sufficient opportunity to go into a detailed consideration of the bill and its report is filed. Then we might be able to act.

I repeat, that I have not the vaguest idea whether or not the proposals of H.R. 980 are desirable or undesirable. But it is obvious that the House should not be asked to consider legislation of such far-reaching, specialized consequence without the views of the appropriate Federal agencies, including the Bureau of Indian Affairs, the Housing Commissioner, and the Treasury, nor without an analytical committee report. There is not a word of testimony or analysis concerning the provisions of H.R. 980 or its legal consequences before the House.

Beyond this, there is nothing in the text of H.R. 980 that would remotely serve to advance the stated objectives of the pending bill, H.R. 7152. The amendment should be rejected.

Mr. BATTIN. Mr. Chairman, I rise in favor of the amendment.

Mr. Chairman, I would say to the chairman of the Committee on the Judiciary, the gentleman from New York [Mr. CELLER], who just left the well of the House, that the 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 anyone else? I think not. There are tax loopholes in the amendment, the gentleman from New York says. Did he read the trade expansion bill? If some industry in this country gets hurt because of foreign competition, we do not give them a tax break; we give them a subsidy. What difference does it make whether you talk about the technical language or the general effect of what will happen. Maybe the gentleman has not ventured into the Indian territory. It would be interesting if he did. If you want to talk about discrimination, if you want to talk about lack of opportunity, go there. I cannot help but think of what the Indian said in a talk with Vice President Barkley. He told him to watch our immigration laws. The Indian did not, he said, and look what happened to him. Now some of us are worried about what we are going to do to try to help him out of the situation he presently finds himself.

The bill itself is rather simple. We gave the Indians back part of their land. We are now giving them the right to mortgage it and do what is necessary to attract industry. We are offering an opportunity for someone to come in, build an industry, give employment, let the Indian raise himself by his own bootstraps, rather than having to come back here year after year and accept some sort of a dole from the Federal Government.

If you want to prove socialism does not work, go to an Indian reservation. We provide schools, teachers, doctors, supervisors, advisers, welfare and they have everything except what they really want and that is an opportunity to work—an opportunity to make a living.

I think the amendment of the gentleman from South Dakota should carry and should carry very handsomely.

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 38 percent and at the same time do we not provide that any investment made down there is 90 percent guaranteed by the taxpayers of this country against expropriation, against damages by strike and insurrection, and against nonconvertibility of money? We give them a 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 they 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. Mr. Chairman, will the gentleman yield?

Mr. BATTIN. I yield.

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 have would certainly 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 loss of 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, they 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 of cost, I 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 amendment.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that all debate on this amendment and the amendments thereto close in 40 minutes.

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

Mr. REIFEL. Mr. Chairman, I object.

Mr. CELLER. Mr. Chairman, I move that all debate on this amendment and all amendments thereto close in 45 minutes.

The CHAIRMAN. The 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. SAYLOR] for 5 minutes.

Mr. SAYLOR. 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 and to have an open rule where only germane amendments could have been adopted. Thereby he could correct the ills about which he talked. However, the gentleman did not say anything about it at the time, and was perfectly happy 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, 88th 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 in Indian communities which, under existing circumstances, cannot provide a livelihood for their populations. In order to attract industrial development which, it is believed, would produce gainful employment, it would be necessary to offer some type of Federal subsidy.

This bill falls into three major parts: the first deals with tribal constitutions and charters and the control over the use of tribal property; the second part concerns incentives to encourage the establishment of industries on Indian reservations; and the third portion involves Federal criminal jurisdiction over reservation Indians on the area to be occupied by an industry, appeals to the Federal courts from decisions rendered by tribal courts, and matters relating to briberies or attempted briberies.

As introduced, H.R. 980 would encourage the utilization of human and natural resources of reservations in several ways.

First. Tribes would be authorized to create corporations which would build plants to be sold or leased to industrial firms on a long-term basis, subject to the approval of the Secretary of the Interior. Funds for the construction of these plants might come from tribal funds, Federal loans, or commercial loans to the tribal corporation.

Second. Industrial firms buying or leasing these plants, which would be exempt from Federal, State, and local taxes for 10 years.

Third. The firm receiving the right to amortize property eligible for depreciation on a 5-year schedule.

Fourth. The firms receiving a deduction for 5 years from any Federal tax in 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.

Further, 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 reservations and section 10 which would make section 13 of title 18, United States Code, "Laws of States Adopted for Areas Within Federal Jurisdiction" and chapter 53 of title 18, United States Code, "Offer to Officer or Other Person" applicable to Indians.

When the gentleman from South Dakota [Mr. BERRY] makes his deletions from 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 remaining language cannot stand by itself. For example, I do not see how sections 1 and 2 can be made operable without sections 3, 4, and 5. To me, some necessary provisions have been removed. By themselves, sections 1 and 2 leave a great deal to be desired. Likewise, I find it difficult to see how section 7(a) can be effective without having the funds which would have been made available under section 7(a)(3).

Section 9, referring to National Housing, remains in the bill and presumably rightly so. Why section 10 (a) and (b), concerning law and order jurisdiction and bribery are removed is something I cannot understand. To me, they appear to be genuine civil rights issues.

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, as introduced. At the National Congress of American Indians Convention in Bismarck last September, Commissioner Nash indicated his sympathy for this bill but stated a favorable report could not be made because of the objections of the Bureau of the Budget.

The same arguments against the legislation were voiced by the Secretary of the Treasury in 1960 as are expressed today. Perhaps if H.R. 980, as introduced, could have been more carefully studied and restyled with more time and care, it could have been a reasonable amendment to the civil rights bill. As it now stands, I find that the residue contains nongermane material and is lacking items which appear to me, at least, as being within the scope of civil rights legislation.

The CHAIRMAN. The Chair recognizes the gentleman from South Dakota [Mr. REIFEL].

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

The Clerk read as follows:

> Amendment offered by Mr. REIFEL to the amendment offered by Mr. BERRY: strike all of sections 803, 804 and 805; and in subsection 3 of section 807, following the words "amended and supplemented," strike all of the remainder of that paragraph to and including the word "purposes."
>
> Strike all of sections 810 and 811.
>
> Add a new section 810 to read as follows: "Nothing in this Act shall take precedence over or abrogate any treaty entered into by a tribe with the United States."

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

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

Mr. ASPINALL. This will bring the amendment in line with what the senior Member from South Dakota proposed when he spoke on the bill originally?

Mr. REIFEL. Yes, except to add certain language in the last paragraph, reading:

> Nothing in this act shall take precedence over or abrogate any treaty entered into by a tribe with the United States.

I think in a rights bill one of the things we ought to do, if there are any rights left to the Indians, is to do this, and the House should not have any objection.

Mr. Chairman, I support the Berry amendment to the civil rights bill to provide new equality of opportunity for the original American.

The Federal Government, 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 nearly $271 million. That is over $100 million higher than the cost of Indian programs in 1960. Total cost of Bureau of Indian Affairs program services during the past 5 years alone is more than $1.1 billion.

Indian reservations are the most economically depressed areas in the entire Nation. Virtually every one of them has been designated a depressed area and is receiving additional Federal assistance through such programs as the Area Redevelopment Administration and accelerated public works.

In addition, the taxpayer provides further Indian support through Public Law 874 to assist with educational costs.

All these programs have been of assistance to the Indian American. Yet when one visits these reservations he sees conditions of squalor and poverty that are nothing short of shocking. Somehow we are missing the mark in really helping these people get on their feet and become dignified, self-supporting citizens.

The distinguished chairman of the House Committee on Interior and Insular Affairs [Mr. ASPINALL] conducted a study of 99 of the 130 Indian reservations last year in an effort to learn the true nature of the Indian labor force.

Out of a total Indian reservation population of 380,000 covered by that study, the committee found approximately 150,000 individuals in the working age group of ages 18–54. Of these, approximately 30,000 were classified as unemployable for one reason or another, leaving a potentially employable labor force of 120,000.

The unemployment rate among these 120,000 Indian Americans was 49 percent. Think of that—49 percent unemployed. Compare it with the admittedly high unemployment rate among American Negroes and one can see why it is fitting and proper to include Indian assistance measures in the civil rights bill.

Many of the 59,000 Indians who were classified as employed in that survey work for only portions of the year, existing the remainder of the year on welfare payments.

If conditions are so bad, opportunity so lacking, why do not more Indians leave the reservations? Many try every year. Some succeed in finding jobs and opportunity in the white man's world. Most do not. They return to the reservations, crushed and beaten, embittered by their experience, relating it to others.

Although the life expectancy of the average Indian American is only 42 years, as compared with 62 years for the non-Indian population, the rate of births over deaths is higher than that for the general population.

The Indian reservation population is expanding at the rate of 2¼ percent annually as compared with 1⅓ percent for the non-Indian population. In other words, the outmigration of laborers and their families is not keeping pace with the Indian population increase each year. As a result the number of unemployed on the reservations climbs higher each year. The situation will get worse unless there is a clear change in the direction of our assistance—inauguration of a permanent program to provide 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 economy has passed by the Indian. He 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. The Indian American needs more actual working experience on the reservation to prepare him adequately for meaningful integration into our society.

Such integral parts 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 ever 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 open a panacea of demands from other disadvantaged groups is not a valid one. The Indian is in a class by himself, lacking even the Negroes' opportunity for gainful employment.

The high incentive of a 10-year tax writeoff is the minimum required to interest industries in locating in the remote areas we have benevolently given to the Indian American after taking away from him that which was his.

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.

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 an insufficient 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 $11 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 and accelerated public works handouts to selected communities across the Nation with two-thirds of the Nation's counties paying the bill to help the other one-third?

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

The Treasury Department fears preferential loan treatment may be given to those 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. This is a mission much in the tradition of electrifying rural America. Here 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 at last to do something worthwhile in extending opportunity to disadvantaged 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?

My distinguished colleague, the Honorable E. Y. BERRY, has been an ardent and courageous champion of Indian causes down through the years. I com-

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 would 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. DON H. CLAUSEN. 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.

The fact that the gentleman from South Dakota [Mr. REIFEL] has seen firsthand the great deprivation of opportunity on the part of the American Indian certainly should 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.

Where 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 the obligation to this group of people is also 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 genuine concern of the gentlemen from South Dakota who have 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 by Indians 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 Indians.

Now the question is, Is the proposal which is offered here in the amendment offered by the gentleman from South Dakota [Mr. BERRY] and as amended by the gentleman from South Dakota [Mr. REIFEL] a constructive step at this time and is it properly something that we should adopt in connection with the bill pending before us?

I do not believe it needs very much of a student of the parliamentary situation nor very much study of the proposal now before us to conclude that this is not the time and this is not the place to adopt the proposal that has been advanced.

For my own part, I am deeply sympathetic to the need for incentives for the location of 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 in my own State share such needs, 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 2½ times as many Indians as 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 proposed amendment, its benefits and the things it seeks to do, which may be entirely worthwhile, are concentrated almost entirely on the reservations. The job and credit opportunities and the housing benefits they have been talking about and the factory location benefits that they are talking about are all located on reservations.

Thousands of Indians who live off reservations and who live on their own allotted land and who live on fee title land have no benefits under such a program and no hope of any benefits. How would they be benefited? They would have to go back to the reservation. That is what this proposal offers 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 the gentleman says it is going to promote. On the contrary, it is going 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].

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. I wish to observe, as did my colleague, the gentleman from Montana, in response to the distinguished chairman of the Committee on Interior and Insular Affairs, the gentleman from Colorado [Mr. ASPINALL], who opposes the Berry amendment at least in part because it has not been given consideration by his committee, that if such a test is to be applied to legislation brought before the House, then, as the gentleman from Montana [Mr. BATTIN], well pointed out, this whole bill has no business being here, because the Judiciary Committee held no hearings on the bill presently before us, the so-called civil rights bill, H R. 7152.

Mr. ASPINALL. Mr. Chairman, will the gentleman from Minnesota yield to me?

Mr. LANGEN. I thank the gentleman from Iowa for yielding me his time and for the contribution he has made.

I am happy to yield to the gentleman from Colorado, very briefly.

Mr. ASPINALL. My only comment to my friend, the gentleman from Iowa, is that two wrongs do not make a right. My colleague, the gentleman from Iowa, cannot find one instance, during his time in the Congress, in which the committee of which I am the chairman has ever refused to consider a bill.

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

Mr. LANGEN. I yield.

Mr. GROSS. That is what some of us have been saying about this so-called civil rights bill for the past several days—that two wrongs do not make it right to continue to discriminate against American Indians.

Mr. LANGEN. Mr. Chairman and Members of the Committee, it comes as no great surprise to me that we again find the American Indian being deserted and being left out of consideration by this House. In fact, the American Indian has pretty consistently received this kind of treatment over the years. This is exactly what has happened to him ever since the beginning of this Nation.

It has been pointed out to the House before that every single contract we ever made with the Indian has been broken. All the promises and all the claims and everything else have been disregarded and he has not been recognized with the degree of equity and respect which should have been paid to any American citizen.

Yes, for the past 10 days we have heard debate in this House concerning civil rights, educational opportunities, employment opportunities and all the other things which we have been endeavoring to establish in some kind of equity, and I hope, for all the citizens of this Nation.

Now, much to my surprise, what do I hear? It has been said that it is not in order to consider this proposal, because it is not relevant. One of the speakers a few moments ago referred to the fact that it does not relate to race or to religion or to national origin.

I ask, in all sincerity, whether or not the Indians are a race? Are they not a part of our citizenry? Are they not at least entitled to consideration of an amendment, much the same as those which have been presented for the past 10 days?

It is of interest to note that despite all of the broken contracts and despite the fact that Indians having waited for years and years for claims to be paid—yes, claims that later have been approved, after the beneficiary in many cases is dead and gone.

Talk about segregation. Yes, we have segregated the American Indians to the point of designating an area in which they must live and in most cases the poorest area in that particular section of the country.

We have said to them, "You either live here or you are not entitled to any further benefits or claims that may be accruing to you." Yet, at this point, we find a reluctance on the part of this House even to consider them. I ask you in all sincerity if these points of segregation, if these hardships and the desolate life they have lived over all these years has not been brought about by this Government's either failure to act or not to act.

Now, then, are we as a legislative body after having spent all of this time discussing the degree to which we are about to establish equity, going to desert the Indian; are we now going to find ourselves practicing segregation, practicing inequity right in this very same body that has for all this time been attempting to convince the people of this country that we have the interest of all of our citizens in mind? I wish many of you had had the occasion to visit an Indian reservation such as I have done a good many times. If you had gone through and noted the tarpaper shacks, yes, and the conditions under which they live, without job opportunity in any way, shape, form, or manner I think you would feel differently about this amendment. I heard a long dissertation on this floor yesterday concerning the women of this Nation, both white and colored. I noted the reference to the degree which the colored woman had been subjected to inequities in employment and so on. I ask you what about the Indian woman? Did anyone ever think of her? Has anyone even taken time to explore the degree to which they have suffered hardships, and have not had either educational, employment, or any other opportunity available to them?

Mr. ANDREWS of North Dakota. Mr. Chairman, will the gentleman yield?

Mr. LANGEN. I shall be delighted to yield to my colleague the gentleman from North Dakota [Mr. ANDREWS].

Mr. ANDREWS of North Dakota. Mr. Chairman, I certainly do not want to speak on whether or not this is a proper parliamentary time to be discussing the needs of Indian Americans, but I would like to point out that even more important is the fact that we must in this Congress realize that the Indian, the original American, is rapidly becoming the forgotten American. Perhaps it is because he has too few votes, but he has been fenced off on his reservation and forgotten for all too long. Those of us who have traveled the Indian reservations and seen the Indian people walking 6 miles to get water for their children and have seen Indians who do have jobs and the way they can take care of their families and the pride they take in their homes, recognize that we must have and should have rapid action on a way to provide job opportunities for the Indians on the reservations in America. I certainly feel Congress must act and act soon on this very important problem of implementing job opportunities for the American Indians. Indians are proud people, and should be, and those who can find employment do an outstanding job of meeting the needs of their families. This is the help they would prefer—help so they may help themselves and their people.

I am glad to associate myself with the remarks of my distinguished colleague, the gentleman from Minnesota [Mr. LANGEN].

Mr. LANGEN. Mr. Chairman, I thank my colleague for his most convincing remarks. Let me make just one more point. The amendment we have before us is very simple. All it does is to provide an incentive for industry to locate near a reservation so that the jobs might be provided; yes, and it proposes to do so by a tax exemption. Now all at once there is objection to a tax exemption. Around these Halls I have been hearing for the past several months of the good that can come to this country by virtue of reducing taxes and giving industry some chance to make a better contribution to our economy. All at once even this is bad if an Indian is going to share a little in that kind of an endeavor. But I notice there is a real hurried effort to get the tax reduction conference report enacted for the benefit of everyone else. I would like to say that at least we ought to provide the same effort in behalf of the Indians. Here is an endeavor that does not provide for any further Government restriction. It does not let Government reach out any further in its control and regulation of our populace. No. Rather, it does the reverse. It gives an opportunity for private industry, if you will, to come to the rescue of a situation that has been deplorable throughout this Nation for all of these many years. I can heartily recommend to you the adoption of this amendment.

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

The Chair recognizes the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Chairman, it is a rather remarkable procedure we have here today. I would like to start by asking the author of this bill how much this is going to cost.

Mr. BERRY. I would say considerably less than the program that we have today.

Mr. DINGELL. Will the gentleman tell us whether there has been any cost estimate made with regard to this bill?

Mr. BERRY. There has been, but it has not been completed. However, it is relatively small.

Mr. DINGELL. Since the gentleman is the author of this bill or amendment, he would not mind 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 dollars.

Mr. BERRY. One-quarter of a billion dollars is what we are spending now. This program is estimated to cost about $1 million. But it will take some 40,000 people off the relief rolls which will greatly reduce the actual cost.

Mr. DINGELL. I am entitled to an answer. Can the gentleman tell me where he got this estimate of $1 million?

Mr. BERRY. From the Treasury Department.

Mr. DINGELL. How much is the so-called back-door spending under this program?

Mr. BERRY. There is no back-door spending.

Mr. DINGELL. That was taken out because the gentleman found out that would kill the bill, is that correct?

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

Mr. DINGELL. I yield to the gentleman from Colorado.

Mr. ASPINALL. Mr. Chairman, I have a report from the Treasury Department under date of January 31, 1964, and there is no such figure as $1 million as the cost of this program. There is no such figure in any of 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 any committee. 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 HHFA. 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 plight of the American Indian. But I notice a number of things in this bill. Certain tax incentives are given to individuals who will locate in Indian areas. There is nothing which says that these tax incentives are going to go to the Indians or will be under Indian control, or that they 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 distinction.

Mr. Chairman, there is a tax incentive provision which deals with the Internal Revenue Code, which may cost the country not $1 million, 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 of the committee indicates 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 let us 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. SHORT] for 5 minutes.

Mr. LAIRD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LAIRD. Mr. Chairman, would it be possible to have the vote on the Reifel amendment at this time?

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

Mr. LAIRD. Mr. Chairman, a further parliamentary inquiry.

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 question 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 a 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 122.

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 "Bureau of Indian Affairs" 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. SHORT].

Mr. SHORT. Mr. Chairman, I rise in support of the amendment offered by the gentleman from South Dakota, even though the amendment to the amendment offered by the gentleman from South Dakota [Mr. REIFEL], which would have improved the original proposal, was defeated.

I have joined my colleague in offering this same piece of legislation in every one of the Congresses since I have been down here, and this is nearly 6 years. It seems to me this would have been ample time to have considered the proposal of 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 am glad 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, this little segregated place that is reserved for him, and he applies for public welfare, which is in a sense a national program supported at least partially by funds from the U.S. Treasury. He is told to go back to the reservation from whence he came, because there is the place he is supposed to be taken care of, there is the place where there are programs to provide for his welfare, there is the place where he must go if he is to receive the benefits to which everybody else is entitled as a citizen of the United States regardless of where he is or where he is from.

All this bill does is to provide a means of helping and encouraging the establishment on or near Indian reservations, of industrial establishments that would provide the Indian with an opportunity to have a job so he could help himself.

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

Mr. SHORT. I yield to the gentleman from Colorado.

Mr. ASPINALL. I share my colleague's concern. My colleague as far as I can remember has never spoken to the chairman of this committee about the welfare of the Indians, in relation to the proposed amendment. Does the gentleman recall any time when he has ever spoken to me about this bill or about the Indian interest in its provisions?

Mr. SHORT. I would say to the gentleman from Colorado with all sincerity that I have introduced this bill in three sessions of Congress, and I have asked the gentleman appropriately for departmental reports, which the gentleman has received. I think I have indicated my interest in this bill. What would the gentleman have me do that I have not done?

Mr. ASPINALL. I would have you press a little further as you are doing at the present time, in trying to get committee support. I pressed it as far as I could for my colleague so far as departmental reports are concerned.

Mr. SHORT. But the gentleman apparently made the determination that there was not much point in pressing the bill before the committee because we had an adverse departmental report; is that not true?

Mr. ASPINALL. That is right, but we have not had any reports until within the last 2 weeks. You see that is what has been wrong. I am not upholding the procedure of the House which seems to require that a committee should not proceed until it gets reports from the departments concerned, but nevertheless that is the accepted procedure in the House of Representatives. That is why we have waited for so long as I can remember. 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 and must have opportunities in areas other than agriculture on our Indian reservations in North Dakota. The development of the Missouri River has resulted in over 500,000 acres of land in North Dakota being flooded by the Garrison and Oahe Dams. Most of this land was a part of the Fort Berthold and Standing Rock Reservations. This was a tragic loss to our North Dakota Indians of productive grazing and farmland. Because there is not adequate opportunity in agriculture for our Indians, we need the industry that could be established under the provisions of this bill.

The CHAIRMAN. The Chair recognizes the gentleman from South Dakota [Mr. BERRY].

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

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. Chairman, the amendment I have before the committee at the present time provides that this bill and the benefits in this bill shall be applicable to two Indian tribes that have been terminated from Federal supervision. One of these terminated tribes happens to be in my Congressional District, the Menomonee Indian Tribe. Under legislation passed by the Wisconsin State legislature, this tribe is now set up in a separate county. It is the only county I know of that has been segregated by State law as to certain property rights.

My amendment merely does away with the discrimination which would exist if the Berry amendment were adopted. In the Berry bill presented under the rule, this group of Indians would be excluded. The Menomonee Indians are making an all-out effort to establish themselves as a new county in Wisconsin. This task is most difficult and the problems of these fine people are far from solved. We hear much talk about making war on poverty all over the world but we seem to overlook some problems right here at home. The tax advantages and housing aid of this bill should be made 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 that is the case I 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 reservation 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 this legislation.

I hope the House will accept this amendment.

Mr. BERRY. Mr. Chairman, I just want to point out some of the efforts I have made to get reports on this bill 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 asking the Commissioner for a report.

In October 1962, at a big meeting on the Pine Ridge 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, and 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 go to the reservations is to provide some kind of subsidy program or tax-exemption program. This proposal would provide for tax exemption.

We have done exactly 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 a 27-percent 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 similar concession to provide 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. This is not the time and not the place to attach a bill of this kind. There have been no hearings before the Committee on Interior and Insular Affairs. The chairman of that great committee, than whom there is no more fair man in the Congress, has spoken against it. The gentleman from Pennsylvania, the ranking minority member of the committee, has spoken against it.

The Indians will be as fully protected as all other Americans in their job rights and voting privileges and use of public accommodations and every other civil right by the regular provisions in the titles of the pending bill. There is no need or necessity for this amendment.

The proposal which it is sought to add to this measure has not been adequately considered and would not do the job. It is full of pitfalls and gimmicks. One was just pointed out. It would not apply to Indian tribes which have been terminated. It would not apply to Indians off the reservations.

This proposal has not been fairly and adequately considered. I know the gentleman from Colorado will see that this kind of legislation is adequately considered. He has done more for American Indians than any other person.

I am advised that many Indian tribes and groups have stated that the Berry amendment, in its present form, is not approved by them. 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 great 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 Wisconsin [Mr. LAIRD] to 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 95, 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 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.

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 and 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, in any congressional district of the United States, or any part of any congressional district of the United States.

My amendment would direct the Department of Commerce to promptly gather such information as is set out in title VIII and it would authorize that it be done all over the United States and not just in certain areas.

In effect, Mr. Chairman, my amendment would strike that part of the language of this bill so as to make it possible to have this survey promptly, but it shall be made by the Secretary of the Department of Commerce or by the Department of Commerce. However, it would not be made at the direction of the Civil Rights Commission. Further, it shall be made in all areas of the United States alike.

Mr. Chairman, if we pass title VIII as it is presently written, it would be highly discriminatory. But, of course, discrimination may be what some people want so long as the discrimination is in their favor. However, I am certainly opposed to that kind of discrimination in this instance. It seems to me to be unfair and unwise indeed to confer any such power as this upon a subagency of the Government, to enable it and authorize it to require a Cabinet officer, an officer of Cabinet rank, serving in the Cabinet of the President of the United States, to follow its direction.

Mr. Chairman, it is my opinion that any legislation which we pass should be important legislation and be of a meritorious nature, contrary to some legislation which we have heretofore passed. I do not believe there is any record of any such legislation as this.

Mr. Chairman, I truly hope that my amendment will be adopted, thereby leaving out the objectionable language to which I previously referred. It would truly be more preferable, as has been suggested by the gentleman from North Carolina, who will offer an additional amendment later on, to strike out the entire section and have nothing remaining in the bill pertaining to this survey.

Mr. Chairman, let us continue with our regular decennial census in 1970. The amendment which I have offered would authorize the Secretary of Commerce to promptly conduct a survey along the lines contained in this bill, and he shall do it promptly. It will enable him to obtain the same information which is sought to be obtained in title XVIII. My amendment also would require that it be done again in the regular decennial census to be held in 1970.

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

Mr. TUCK. I shall be delighted to yield to the gentleman from Mississippi.

Mr. WILLIAMS. Mr. Chairman, I want to congratulate the distinguished former Governor of the great State of Virginia for offering this amendment. It is difficult for me to understand why such a survey should not be made for the entire United States rather than selected geographic areas. It seems to me that the purpose of the language contained in the committee bill is to provide for collecting information on certain areas—and we know what those areas are—they are the States of the South. This title is aimed at our people; let us not be deceived.

Mr. TUCK. The gentleman is exactly correct, except that they may go into any areas of the United States, and particularly into any congressional district. They may decide to go down and make an investigation to find out where the unregistered voters are located, get those

voters registered, and bring them to the polls and vote any man in or out of Congress in accordance with what they want to do.

Mr. Chairman, I certainly think that would represent a bad case of legislating. I would hope that my distinguished chairman, the gentleman 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. KEOGH] for the very able and skillful manner in which he has presided over the deliberations of this body and for the fair and impartial manner in which he has presided during this historic Monday debate.

Mr. CELLER. Mr. Chairman, I am constrained to rise in opposition to the amendment offered by the gentleman from Virginia [Mr. TUCK].

I wish with all my heart I could agree with the amendment offered by the distinguished gentleman from Virginia. We 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 areas to include the entire Nation. I think that would be idle and it would be far better to limit the so-called investigations to certain areas. The resulting information with reference to the 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 and the resulting statistics should be secured with respect to race, color, and national origin. In this way it will be possible to focus on the areas and groups as to which there is reason to believe 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. Similarly, national origin has operated as a factor in voting discrimination with regard only to certain groups, not of all groups, throughout the Nation. Thus, there is no reason to incur the added costs 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 all 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 investigation of voting 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 has been practiced. For that reason, I 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 Virginia, but I think if we 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, however, many instances, and I can cite just by way of illustration and not by way of limitation one which appears on page 1434 of the hearings. The Attorney General referred there to the fact that 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 sources. 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 VIII would put the Congress in the position of following the recommendation in the 1961 Civil Rights Report, which at page 141 of the first volume recommends that the Congress direct the Bureau of the Census to initiate promptly a nationwide compilation of registration and voting statistics. It would 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.

Mr. ROBERTS of Texas. Is my distinguished friend from Maryland afraid to lay out before this body all the information? Let us get all the information so we can pass on it and look at it everywhere across the country. Is the gentleman afraid to let them get it all and allow it to show?

Mr. MATHIAS. I would be glad to have the entire Nation surveyed when and if there is a need. I have in mind comments made during the last week by our distinguished colleague from Iowa, who refers to the cost. We do have a cost estimate for this title of the bill of about $1 million annually to do what might be expected to be done under the present provisions of the bill. But if you go into a nationwide survey including places where nobody is being deprived of the right to vote or is being discriminated against, then you are going into a tremendously increased expense, and for no public good.

Mr. ROBERTS of Texas. If you have that information available 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 great deal of money. Let the Secretary of Commerce bring it all out. I am amazed the distinguished chairman of the Committee on the Judiciary did 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 shown that a need exists, the Civil Rights 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.

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

Mr. Chairman, this is the first opportunity I have had to speak on this very important legislation. I have been moved in the last few minutes more than I have been because this is a subject I have been prepared on.

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 author. 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.

My personal view is that the bill is unwarranted, unnecessary, and will not accomplish what its advocates really want. It gives the Justice Department authority it has never had before and should not have now to proceed against State officials and private individuals, to force them to give what amounts to preferential treatment to Negroes.

In the name of justice and fairplay, it gives extremely broad authority to the

Attorney General to bring court actions to enforce rights recited in the bill. The entire expense of such litigation from the standpoint of the complainants is borne by the Federal Government, while 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 hardly fairplay 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 righters is personal, social acceptance of Negroes by whites as equals. This cannot be brought about by legislation or court decree, by Executive order or Federal bayonets. It will occur only when persons of good will of both races voluntarily determine in their own hearts that it should be so. I oppose and will vote against the bill; not because I oppose equal rights for all, but because I oppose the concept of using Federal force to ram down the throats of our citizens social customs with which they disagree.

I am amazed that we hear admitted so openly that the purpose of the provision which the gentleman from Virginia seeks to amend is focused at certain areas in these United States. It is admitted that once there is an allegation of wrongdoing in voting in a given area the Civil Rights Commission may call on the Secretary of Commerce and say, "Go and take a survey"—not count all the people—but take a sampling and a survey. Then we will spread that information across the land of America.

The amendment that the gentleman from Virginia proposes is not exactly what some of my colleagues would have. Some would have us strike out all of this head counting. Perhaps that would be better. But I point out, the gentleman's amendment is reasonable. He is saying, make the survey properly—make it nationwide. Perhaps these voting statistics will show where discrimination is being practiced. If it is being practiced in the district of my good friend, the gentleman from Virginia, I am sure he would like to know it just as I would if practiced in mine.

I do not want to focus the gun at any of my colleagues and say that the Civil Rights Commission will trigger the head count and the survey in a particular congressional district. Mr. Chairman, all that we are asking for at this point, since we have not gutted the bill, is that we get a little bit of order and fairness in title VIII, with regard to voting statistics.

In all sincerity and in all seriousness, I say that voting statistics can be helpful. I will support them, but for them to be helpful, they must be reliable and they must be nationwide and not limited to any geographical area.

I am interested in what the voting situation is with regard to Puerto Ricans in New York as well as I am with regard to Negroes in the South or Asiatics in California. We will not get this if the gun is pointed at certain areas. The survey should be nationwide.

I think the gentleman from Virginia has been very fair and very openminded and has afforded us an opportunity to put some equity into this bill and into this title. For the first time, we hear something about the cost of the so-called civil rights bill. Yes, a nationwide survery will cost more money, but if it is necessary, we ought to spend that money. The Census Subcommittee has held hearings over a period of several years with regard to a mid-decade census, in which we would count all heads and in which we would know, mind you, sex and the national origin of people. A mid-decade census is an expensive proposition, but it would be uniform. If we wanted to add voter statistics in a 1965 mid-decade census, the Congress could do it. If we are going to adopt this bill, this section should at least be amended as recommended by the amendment offered by my good friend, the gentleman from Virginia. I am just at a loss, after you proponents have won all of the other points, that you cannot see here that the gun is going to be pointed at individual Members of the Congress, and at some congressional districts, to say nothing of being pointed at certain States. This just is not fair or equitable.

The Congress in no other instance would do this. I believe I can speak, as one member of the committee, to say that if the House Post Office and Civil Service Committee, which has jurisdiction over a national census, were handling this provision, it would not give serious thought to taking a shotgun approach for any census, because that would not be fair or effective.

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

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

Mr. Chairman, I ask 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. But I have followed the discussion closely and as the hour approaches when we will vote on final passage I can no longer remain silent.

I am sure that we are all agreed that there is and should be no such thing in America as second-class citizenship. We are likewise agreed that public functions of both the States and the Federal Government must be open to all citizens regardless of race, color, or religion. It is surprising, dismaying, and even shocking that there should be any need to legislate such things; any need to enact laws that require human beings to so conduct themselves toward other human beings that such a minimum of mutual respect and decent treatment should have to be assured by law.

Yet in all this controversy certain essential fundamentals of government shine clearly if we will but think carefully. And now is the time for us to think carefully even if some parts of the Nation appear to let their emotions run away with them on this subject. We are the representatives of the people—of all of the people, colored, white, sectarian, and nonsectarian—and it is for us to do the best we can to secure and preserve to the American people their rights and privileges under the most wonderful instrument for representative government yet devised in this world, the American Constitution.

A substantial proportion of the Members of this House are lawyers, sworn to uphold the Constitution as lawyers, and sworn again 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 that we all recognize exist, and we know we must do something about, not merely as Congressmen but as citizens of a truly free country. And it is worthy of mention that several of our membership are colored and that at least two of these 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 follow the path that the end justifies 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 certain that in our zeal to accomplish a lessening of social injustice that we do not ignore the wisdom of our Constitution or for that matter the plain and simple truth that even the Federal Government of 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 this type in things Federal or upon activities in the several States that are truly State action, and not more. It means finally that there is no power in this Congress to legislate as is here proposed in regard to private lives, private business, and individual activity within and among the several States having nothing to do with interstate commerce and not constituting State action.

And it is the 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 disbeliever.

Mr. Chairman, let us face squarely what each of us knows deep down inside. In several important respects this legislation is an unconstitutional extension of Federal power over the private rights of individual American citizens to live their private lives or conduct their private business as they please—short of criminal offense—and over the powers and rights reserved to the States and to the peoples thereof, to regulate the pattern of living within State borders, each unto each as the legislatures of each determine.

It is way past time here when some pretty plain English was spoken—on the record and not just in the cloakrooms—so that we may get hold of ourselves and not go off the deep end with this legislation. It is common knowledge that if a secret ballot could be taken on this bill in its present form it would not get 50 votes. This legislation is a baldfaced attempt by a majority of the States to impose on a small minority of other States a way of living private lives that the minority of States at least to this date have not seen fit to require within their borders. The making of such a statement is not to condone nor support the way of life that has prevailed within the borders of this minority, but the Constitution is as clear as a bell that except as State action may be involved there is just no constitutional power whatsoever in the Federal Government to do this in non-Federal matters. There are still many private rights in America that under our Constitution are beyond the power of government to regulate, and one of these is the right to pick and choose one's associates, one's friends and one's customers in private business. It is of little avail to urge that the elimination in this proposed legislation of retail stores solves the invasion in the same legislation of these private rights of all Americans. It does not, for the simple reason that the fatal defect of the so-called public accommodations restrictions is that while these accommodations may be open to the public they are privately owned and privately run. If they are not subsidized by taxpayers' money or by Government in any way, nor engaged in interstate commerce, there is simply no power under the Constitution to regulate them by the Federal Government in the sweeping manner proposed in this bill. The definition of interstate commerce in the bill is a snare and a delusion.

With all due respect to the chairman of the Judiciary Committee and to the ranking minority member, I am constrained to say to my colleagues here that in my opinion this legislation is fatally unconsitutional in several important respects. For what it is worth I give this opinion as a graduate of the Harvard Law School, Attorney General of one of the States for nearly a decade, and twice chairman of the American Bar Association's Standing Committee on Jurisprudence and Law Reform for the country. I give it not to make trouble, not to stir controversy further, but only to voice my deep conviction that passage of unconstitutional legislation in the face of political pressure, contrary to oath to support the Constitution, on the basis that the end justifies the means, is a perversion of our function as responsible legislators. I cannot in good conscience be a party to passage of legislation that no matter its good intentions makes a mockery of the U.S. Constitution. I cannot do it and I will not do it although there are more experienced political mentors who say it will be returned to constitutional limits by Senate action no matter what is done here in the House.

Suppose it is not. Suppose the Senate were just to steamroller this package right straight through to a President publicly committed to sign it into law. A vote here for this bill is a vote against the proper interests and reserved rights of the American people, not a vote for them. Make no mistake about one thing. This is that we are dealing with an iceberg here. Nine-tenths of public opinion on this legislation has never been shown on the surface. When people realize what an invasion of their private rights is here involved—and they will come to realize it as time goes by should this ever become law—we can rest assured that as surely as there will be an 89th Congress, a vote in favor of this bill will come back to haunt those who did so.

This is not to say that all of this legislation is undesirable. Not at all. But its sponsors have insisted on wrapping the entire package up in one piece, so it is now to be before us on a take-it-or-leave-it basis—all 10 titles. It is not the kind of package we ought to put together, yet a majority of this House has refused to permit consideration of the packages separately. Thus, to have voting protection in Federal elections and a 4-year extension of the Civil Rights Commission, both desirable objectives, we must also have a so-called public accommodations title, and an equal employment opportunity title, both of which titles, by the way, are as misleading as their names are self-serving.

Where is the unconstitutionality in this bill? In title II, called "Public Accommodations," and title VII, called "Equal Employment Opportunity," to say nothing of other provisions of an act that is so long and so cumbersome that very few individuals in the entire country have ever even read it all the way through. They like the sound of it, because it is called "civil rights," but if they read it carefully and consider its consequences if ever put in operation they will not like all of it, not a bit.

The fatal defect of the public accommodations section is that the bill attempts by definition to declare that inns, motels, hotels, or lodging houses, or restaurants, or other facilities selling food, or motion-picture houses, theaters, arenas, and the like are interstate commerce upon a formula that has never been held to constitute interstate commerce by any court, and that defies commonsense and good judgment as to what constitutes interstate commerce even to laymen. It should be clearly understood in this connection that what is here sought to be regulated is private business. These are not federally run establishments nor even State-owned or operated. They are privately owned—maybe even by you or me or our next-door neighbor, be he or she black or white.

My friends, if they are privately owned and operated and if they are not in interstate commerce, there is no power anywhere in the U.S. 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 the 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 among 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 forced out of business by public opinion. But not by some assistant Attorney General from far-off Washington on the basis of a complaint that there has been discrimination when in fact what occurred was that we just decided we did not want the complainant as a paying customer. This is our right as American citizens and taxpayers. We have never subscribed even by the Founding Fathers to a Constitution that ever gave to the Federal Government the power to say by decree that if we want to engage in business for a profit we must so manage the business as not to be discriminating in our choice of customers. Heaven forbid such doctrine or yet another rock in the foundation of free enterprise will have been shattered by representatives of a government that itself grew to giant stature and strength in a competitive world through that very same free enterprise.

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 would 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 gentleman from Michigan [Mr. MEADER] offered an amendment to limit the scope of the title to such institutions adjacent to the interstate highway system but this was peremptorily 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—if a State law prescribes a policy of segregation its adherence within a State is undoubtedly the same—but if the private establishments within a State determine in the exercise of their private discretion that they wish to confine or classify their customers and this policy is neither aided, 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 to be found any authority whatsoever to allow the Congress by Federal law to control private employment practices in the several States to the extent of declaring whom a private employer may hire and fire short of juvenile laws and conditions of work? There is none, even as to employers who manufacture goods that find their way into interstate commerce.

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, not merely "affecting" 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 justifiies 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 can legislate itself into private business by drafting definitions of human rights for the express purpose of modifying the Constitution without a legitimate process of constitutional amendment, virtually anything can be next.

I repeat that I believe this legislation is patently unconstitutional.

Mr. Chairman, to 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 an iceberg. When the full 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 we 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 land or do we not? Are we to abdicate our responsibilities as Congressmen to satisfy a minority pressure that urges that out of sympathy and a record of social injustice because regulation by Congress of those 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 gentleman yield?

Mr. WHITENER. I yield to the gentleman.

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 the civil rights 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 public. This plea is 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 every man without regard to his race, religion, or locality, but the terms of this bill (H.R. 7152) are ridiculous, unreasonable, and absolutely detrimental 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 today. Every man is entitled to the right to vote, the right to make his own 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 citizen, anyone who pays taxes and bears arms in defense of his 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 would 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 bureaucrat that the students 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 which takes from the American people 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 Attorney General to require any citizen in 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 desires 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 operated, 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 accommodate 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, Indian, Oriental, 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 debate on 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 right of a jury trial. It is our responsibility as Members of this Congress to extend to all citizens every possibility to succeed according to American tradition; a real American expects the price of achievement to be character, ability, and aggression.

There is no need for this legislation. This bill would find its appropriate place in Russia's Soviet system of government.

May I warn you that American citizens will not hold this Congress guiltless for forcing this kind of legislation upon them.

Mr. WHITENER. Mr. Chairman, for the past 7 years I have on numerous occasions had the great flattery of being introduced when I was about to speak to organizations as a member of the "powerful" Judiciary Committee of the House of Representatives. I always appreciated that, but never as I have appreciated it since we have come to debate this bill. I find for the first time that this powerful committee of which I am a member not only has the jurisdiction as set forth in the rules of the House but has now moved into the area of the Ways and Means Committee, the Post Office and Civil Service Committee, the Education and Labor Committee, and whatever

other committees anybody downtown suggested we ought to take over.

Here we are today with a title, title VIII, where the Judiciary Committee has taken over the office of the Secretary of Commerce.

In other words, the Civil Rights Commission shall have 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 86 of the bill, they will see that the Secretary of Commerce is given certain congressional directions to make surveys of voting statistics and registration statistics. However, that is not all the bill says. It does not stop there. It says that he can only make those studies which the Civil Rights Commission wants him to make. What sort of operation is that?

Mr. Chairman, some of my friends on the other side of the aisle are worried for the first time about the cost of this bill. We had some discussion earlier about a provision which really would involve 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.

However, Mr. Chairman, when the rights of the people to know are involved, then they become worried about the money.

Mr. Chairman, as far as my State of North Carolina is concerned, we do not have any worry about voting statistical studies.

Mr. Chairman, if we are going to have meaningful statistics, we should adopt the amendment which has been offered by the gentleman from Virginia [Mr. TUCK]. We should have the statistics for every State in the Nation. The lawyers understand why this provision is contained in the bill. We have in the existing civil rights law the nebulous language of "pattern" and "practice." Some bright fellow down in the Department of Justice—and I do not blame the chairman of the committee for drawing this bill; he is too good a lawyer to have done it—someone down there suggested that they could use the Census Bureau to obtain evidence to be used in court cases.

Mr. Chairman, this constitutes another new departure. When in the history of the country have we used the Census Bureau to develop evidence to be used in cases brought against citizens of this country? This is a new departure. This should not be tolerated.

Mr. Chairman, those of us who believe in constitutional government and who believe in the proper operation of the Department of Commerce do not think this procedure should be followed.

We have just heard from a very distinguished gentleman, a lawyer of great note and one of the outstanding members of the American Bar Association, a man who served with distinction as attorney general of his State for many years and one who comes from a section of the country different in its racial complexion 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 gird the loins of some of those who are weary in well doing and cause them to take a stand today, or if we vote on this bill tomorrow, for the Constitution of the United States and for this form of government which has meant so much to every soul in the country, whether white, colored, or of whatever religious faith.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that all debate on this title and all amendments thereto to title VIII conclude in 15 minutes.

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

Mr. WILLIAMS. Mr. Chairman, reserving the right to object, does the gentleman from New York know how many more amendments are pending at the Speaker's desk?

Mr. CELLER. If the gentleman will yield, I do not known how many there are pending.

The CHAIRMAN. The Chair will state that there are no amendments pending to title VIII at the Clerk's desk.

Mr. WILLIAMS. Mr. Chairman, I understand that there are several amendments yet to be offered.

Mr. CELLER. There may be.

Mr. WILLIAMS. Mr. Chairman, I object.

Mr. CELLER. Mr. Chairman, I withdraw my unanimous-consent request.

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

Mr. Chairman, like my colleague from New Hampshire, I have sat here for some days listening to the debate on this civil rights bill, and I am impelled to offer a few grains here to the civil rights grist mill.

I would like to put it this way. As many of you know, I represent a district in the Deep South, in central Florida, but you can also recognize from my talk that I do not come from there. As a matter of fact, I come from a State which neighbors that of my colleague from New Hampshire, and we went to some of the same schools together. I subscribe to what he said 100 percent about putting the thing in proper perspective, getting it out of the realm of emotion of integration and segregation, of color and all of the rest of the business that has been tangled up here for 10 days or more, and putting it in the perspective that I myself believe and the way I would like to have put it if he had not already said it. It is a matter of the constitutionality of the act, and it is a question of placing too much power in the hands of the Federal Government.

Actually, in the district I represent, while it is in the Deep South, and has many southern Democrats who think along the same lines as the opponents of the bill from the Southern States. It also has people from all over the United States that reside in the State of Florida. They come from the North, and East, they come from the Middlewest, they come from the Far West. They represent a kind of a melting pot of America.

It does not matter which way I vote, I am going to make some friends and lose some friends, but the reasons I am going to vote against this bill are the very reasons that were put forth by my colleague from New Hampshire.

Instead of offering a civil rights bill which might get this problem along on its proper course and on the proper track, the sponsors of this legislation have here presented a bill that, in my opinion, will place powers in the hands of the Federal Government to an extent that the lawmakers in Congress have never placed before. That is the reason I oppose it.

As a matter of fact, if this title VII in the bill goes through in its present form as drafted, and the other body does 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 into hiring people, and in some 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 so at the time. These were cases 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 problem 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 predict.

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. 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 Louisiana?

There was no objection.

Mr. LONG of Louisiana. Mr. Chairman, title VIII of this bill contains a mandate for the Secretary of Commerce to compile registration and voting statistics, presumably to ferret out areas where discrimination exists in voting, during the next census.

Not only does this obviously 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 Commission.

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 factfinding 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 investigatory powers, the full force of the Census Bureau and the 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 Rights Commission has said in the past have a low ratio of Negro voters compared to the size of the Negro population.

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 this kind of power in the hands of any Government agency—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.

Prejudice is defined by Webster's as a "judgment made before all the facts are known." Title VIII, by giving the Civil Rights Commission authority to authorize a census of this type for only certain areas has implied that there are areas in which the frailties of human nature exist in more abundance than in certain other areas.

As an elected Representative of a region whose "frailties" 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. SCHWENGEL. Mr. Chairman, I object.

Mr. CELLER. Mr. Chairman, I move that all debate on title VIII and all amendments thereto conclude at 5:30.

The motion was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from Maryland [Mr. MORTON].

(By unanimous consent, Mr. MATHIAS and Mr. DON H. CLAUSEN yielded their time to Mr. MORTON.)

Mr. MORTON. Mr. Chairman, this has been a long and arduous struggle. The two sides of this issue have been worked and reworked. Coming from a border 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 same field—this bill has by far and away presented me with my most difficult decisions during my first term of office.

There is no middleground in the bay of decision. The hour is short upon us in saying yes or no to this strange and awesome law. Strange because of our sins of omission in this free land which make it necessary to consider a proposition which could be dealt with by every local agency of government, every school board, every town council and every State legislature in the land. Awesome because it twists and turns every precept with which most of us have grown up—a man's right to manage his affairs in his own interest and within the framework of local custom and law.

To me, the proposition of discrimination in places where people seek service or accommodation is unnatural and unwarranted, and I accept the objectives of this bill in this respect.

To me, the proposition of Federal control in the area of hiring and firing and the requirement of industry and labor to defend the roster of their people, their religion, their color, and their origin, extracts the freedom from our enterprise and will, in time, sap the strength of our economy.

All things in this business of legislating must be averaged and evaluated. Even with title VII in the bill—though I will vote for every amendment to get it out—I will vote for the bill.

But while we have been wrestling with this serious business of bringing forth laws under which American men and women can live and prosper, there has been an event in my district which in conscience I cannot leave ignored. It was a speech by one of our colleagues, the chairman of the House Committee on Education and Labor. This speech was delivered in Cambridge, Md., last Tuesday.

If the mission of the speaker was to achieve a new level of distrust, a new division of purpose, in short, a more difficult situation out of which that community must work itself—may I congratulate the gentleman from New York because for sure he hit the jackpot.

Among other things, he said, and I quote:

> 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 this statement, but I 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 Common 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 share 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 my representation 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 said:

> 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 aline 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.

STATEMENT OF DON H. CLAUSEN, MEMBER OF CONGRESS, ON THE CIVIL RIGHTS BILL

First of all, I would reflect back to my youth in Humboldt County, Calif., when I had a Negro teacher. This man made a profound impression on me. He taught me respect and fair play. His contribution at that stage of my life provided the foundation for whatever successes 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 civil rights 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 these 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 provides that the Congress may adopt legislation to implement this equal protection. Therein lies the key to States rights.

I think that the 14th amendment spells out the crux of this entire debate; that rights and responsibilities go together in the United States. The Constitution gives certain rights to our citizens, and it gives the several States the responsibility to see that these rights are honored. Because the States have failed or refused to meet their responsibility, Congress has become dutybound to implement equal protection.

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 morals. Further, I do not think 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 responsibilities have not been 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 resent the scattergun 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 in committee, as is the intent of our committee system, the members of the Judiciary Committee could have had the opportunity to improve the language instead of railroading the measure through committee in 1 day.

Some of the major redeeming features of this bill, in my opinion, are the so-called antipreemptive sections. These may well 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 the responsibilities of citizenship by voting for their representatives and having representatives that are responsible to them. This is one of the needs right now in the District of Columbia.

The District is one of the clearest examples of this in our Nation. If the people of the District do not have the right to vote for their local government representatives, who can hold them responsible? What chain of command can we use to point to these people and ask: "Why haven't you cleaned up your city and reduced the overwhelming crime rate?" There is no vote, 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. Home rule and 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 guidelines, it by no means 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 provide satisfactory results to the advocates' desires. Rather, I should like to suggest that we look beyond the horizon of our continental limits—seeking opportunity for progress. The developing nations of the free world are 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. HUDDLESTON] for a minute and one-half.

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

The CHAIRMAN. 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.

But my 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: "and 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 Rights, 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, and have had their votes properly counted.

And so on. Now, this right of suffrage is a two-pronged proposition. In the first place, it is essential as a guarantee of our constitutional liberties that every qualified citizen be allowed to vote.

The second is that he have his vote, once cast, properly counted.

Those two rights go hand in hand and unless both rights exist, then there is no constitutional right of suffrage.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa [Mr. SCHWENGEL] for 1½ minutes.

Mr. SCHWENGEL. 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 on civil rights are well known. They are documented and are part of the public record.

My attitude on this question comes from and has been influenced by my reflection on history and my evaluation of 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 and opportunity when we gradually 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 attend to the general welfare which our forefathers called for in the adoption of the Constitution which this March 4 will celebrate its 175th birthday.

This assurance, if you could be convinced of it as I am, is reason enough to pass the legislation before us.

But, there are other reasons, and compelling ones, that bring me to the well of the House today to support this legislation.

One is an Iowa tradition and heritage of which I am proud and about which I should like to speak very briefly.

On March 19, 1866, a distinguished Member of Congress said:

> Peace, prosperity, national harmony, progress, civilization, Christianity, all admonish us that our only safety lies in universal freedom.

The Congressman had stated a great and everlasting truth that should never be forgotten by this, the greatest legislative body in all the world; a body that has more power and opportunity to do good than any other comparable legislative body in all the rest of history.

The same man also said:

> This, our experience with the principles involved has taught us, is a truism from which indifference will not enable us to escape nor dissemination release us.

And, the Congressman went on to explain in detail how the preamble to the Constitution sets forth the objectives which the people had in view in ordaining the Constitution—

> When we give it our attention—

He said of the preamble—

> we find it a very plainspoken guide, void of guile or dissimulation. It discloses to us, first, that the Constitution is the work of the people; and this at once develops the thoroughly republico-democratic character of the Government established. It was a grand creation of the people for their own security. All of the powers embraced in the Constitution were placed there for the sole purpose of putting these objects above interference 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 all-important amendments, in the 38th, 39th, and 40th Congresses he was joined by every Iowa Congressman.

I have a special interest in those men. First, because they were from Iowa, but, also, because the three great Senators who served during the period of the passage of these laws—Senators Grimes, Harlan, and Kirkwood—were from the present First Congressional District.

In addition, Hiram Price, who also actively helped in the passage of this far-reaching legislation, then represented the Second Congressional District which included my hometown of Davenport.

It should be pointed out that it was not easy then, just as it may not be easy for some of my colleagues from Iowa today, to support such legislation.

The people in Iowa's First Congressional District at the beginning of the Civil War had some grave doubts about the objectives of the war, including the slavery question. But they, as I do today, saw the moral question involved. They based their decision upon what they knew was morally right even though it may have been, in the minds of some of them then, politically wrong.

This, and experiences I have had in politics and government, have led me to believe and assert many times that nothing in the long run is politically right if it is morally wrong.

I am asking permission to have the voting record of those Iowa Congressmen and Senators on the resolutions which became the 13th, 14th, and 15th amendments inserted here for you to see and reflect upon. I am sure you will agree that their "yes" votes, made almost 100 years ago, look much better by every test than the negative votes that were cast by others.

I. *Iowa congressional delegation for 38th, 39th, and 40th Congresses*

A. 38TH CONG.

(Mar. 4, 1863, to Mar. 3, 1865)

SENATE

Name	Party	Committees	Vote on S. 16 (13th amendment)
1. James Harlan	Republican	Agriculture; Public Lands (chairman); Indian Affairs; Pacific Railroad	Yea.
2. James W. Grimes	Republican	Naval Affairs; District of Columbia (chairman); Public Buildings and Grounds	Yea.

HOUSE

1. James F. Wilson	Republican	Judiciary (chairman)	Yea.
2. Hiram Price	Republican	Revolutionary Claims (chairman)	Yea.
3. William B. Allison	Republican	Public Lands	Yea.
4. J. B. Grinnell	Republican	Post Office and Post Roads	Yea.
5. John A. Kassom	Republican	Ways and Means	Yea.
6. A. W. Hubbard	Republican	Foreign Affairs	Yea.

B. 39TH CONG.

(Mar. 4, 1865, to Mar. 3, 1867)

SENATE

Name	Party	Committees	Vote on H. Res. 127 (14th amendment)
1. James W. Grimes	Republican	Naval Affairs (chairman); Patents and the Patent Office; Public Buildings and Grounds; Joint Committee on Reconstruction.	Yea.
2. Samuel J. Kirkwood	Republican	Post Office and Post Roads; Public Lands; Pensions; Select Committee on Ventilation	Yea.

HOUSE

1. James S. Wilson	Republican	Judiciary (chairman); Revisal and Unfinished Business	Yea.
2. Hiram Price	Republican	Pacific Railroad (chairman); Revolutionary Pensions	Yea.
3. William B. Allison	Republican	Ways and Means; Expenditures in Interior Department	Yea.
4. Josiah B. Grinnell	Republican	Agriculture; Freedman's Affairs	Yea.
5. John A. Kassom	Republican	Appropriations; Coinage, Weights, and Measures (chairman)	Yea.
6. A. W. Hubbard	Republican	Public Expenditures; Indian Affairs	Yea.

I. *Iowa congressional delegation for 38th, 39th, and 40th Congresses*—Continued

C. 40TH CONG.

(Mar. 4. 1867, to Mar. 3, 1869)

SENATE

Name	Party	Committees	Vote on S. Res. 8 (15th amendment)
1. James W. Grimes	Republican	Appropriations; Naval Affairs; Public Buildings and Grounds	First vote on measure. (Listed as absent). (Conference report) listed as absent.
2. James Harland	Republican	Foreign Relations; Post Office and Post Roads; District of Columbia; Pacific Railroad; Joint Committee To Examine the Accounts for Furnishing the Executive Mansion.	Yea; conference report, yea.

HOUSE

1. James F. Wilson	Union; Republican	Judiciary, chairman; Revisal and Unfinished Business	Yea; conference report, yea.
2. Hiram Price	Republican	Pacific Railroad; Revolutionary Pensions and the War of 1812	Yea; conference report, yea.
3. William B. Allison	Republican	Ways and Means	Yea; conference report, yea.
4. William Loughridge	Republican	Private Land Claims; Agriculture; Education in District of Columbia.	Yea; conference report, nay.
5. Grenville M. Dodge	Republican	Military Affairs; Roads and Canals	Yea; conference report, yea.
6. A. W. Hubbard	Republican	Public Expenditures; Indian Affairs	Listed as not voting; conference report, listed as not voting.

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.

Little 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 state paper, reads:

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquillity, 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 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 sent into 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 much do.

"In order to form a more perfect union." Our forefathers saw in their handiwork an attempt to unify several States so as to further extend freedom and opportunity among them.

I do not believe they saw their work as the ultimate, but they took the first steps on the right road. Though it was risky and fraught with difficulties, they took it. We should emulate them. Their work has made the direction clearer and the going easier for us.

Robert Frost spoke of this most appropriately. His poem, "The Black Cottage," is mainly about the Declaration of Independence—the document that fired American hearts during the Revolution and inspired the Constitution. The poem reads:

That's a hard mystery of Jefferson's.
What did he mean? Of course the easy way
So to decide it simply isn't true.
It may not be. I heard a fellow say so.
But never mind, the Welshman got it planted
Where it will trouble us a thousand years.
Each age will have to reconsider it.

This is as applicable to the Constitution as it is to the Declaration of Independence.

The Constitution was meant to be a living document. The founders, thankfully, provided for its growth, for change, and for the gradual extension of the basic freedoms. It must be reevaluated in the light of new opportunities to extend freedom and to make equal opportunity more certain.

Next, we come to the almost sacred words, to "establish justice."

Certainly this legislation will enhance the struggle to fulfill this also unrealized goal of our forefathers.

Justice rests upon equality, upon the principle that every citizen has an equal voice in the determination of his representatives at all levels of government, the principle that every man is equal before the law.

If justice rests upon equality, then equality rests upon freedom. One of the best orations on the importance of freedom I have heard was given by that

learned historian, Bruce Catton, May 25, 1963, in Boston. He said:

We are no longer concerned with the institution of chattel slavery. That is gone from our country forever. But we are concerned with the cruel heritage that comes down from it * * * second-class citizenship. It is our responsibility * * * it is in our own immediate self-interest * * * to see that that also is abolished from our land for all time to come.

This garment of freedom that we wear so proudly is a seamless robe. Cut it anywhere and you ruin all of it. If there can be a second-class citizenship anywhere in America * * * if the notion that one group of people is somehow superior to another group 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 then 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 since the Civil War has the domestic tranquillity of this Nation been threatened to such a massive extent as it is today.

This is not to say that another civil war is imminent. It is not.

But, there is unrest today, unrest because we do have second-class citizens, unrest because there is not equality of opportunity. Therefore there is no tranquillity.

The peace and tranquillity we want and need will never be completely secure until men everywhere and especially in America have learned to conquer poverty without sacrificing liberty to security.

Tranquillity will be uncertain as long as great sections of humanity live with discrimination and exploitations, racial or economic, which make them militantly conscious of loyalty to the advancement of their own race class, or religion, rather than loyalty to the whole human family.

We, and our descendants, will have to work intelligently and hard to deal with this challenge or we will let freedom deteriorate and die.

They say, let them become qualified. I say let them have the opportunity to be qualified.

It is hypocrisy on one hand to say that if a person is qualified you will hire him and let him vote if on the other hand you deny him the opportunity to gain those qualifications.

Fellow Members, by passing this legislation we will lessen the possibility of violence. We will open doors of orderly change where our citizens, if discriminated against, can seek relief in the courts of this land rather than in a picket line, a sit-in, or other kinds of hazardous demonstrations.

Now, many might say civil rights has nothing to do with providing for a common defense. But, I say we can be no stronger abroad than we are at home.

In providing for our defense today we need more than H-bombs, carriers, missiles, planes, or guns.

It is essential to our defense today that we stand out among nations in promoting the freedoms and 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 a few; more jobs, a better living and better schooling for those who have been subject to discrimination, and preventing frustrations that otherwise could end in violence or 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—

rests upon * * * equality, democracy, and the elevation of the masses. There can be no true development of those qualities which make a nation great and prosperous unless its energies are so diffused as to reach all classes, all interests, all sources of power and embrace them all in its grand march of progress.

Lastly, the Constitution was ordained and established to "secure the blessings of liberty to ourselves and our posterity."

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

Here, almost 175 years later, these words are not yet entirely fulfilled.

So, I say, let us not thrust aside the responsibility that is ours. Let us delay no more. But, rather, let us proceed by joining hands, man with man, brother with brother, to break down the bonds and bars that withhold from this Nation the fullest measure of the blessings of liberty not only for ourselves but for our preamble.

I would like to conclude by quoting from two men who were intimately associated with this same movement 100 years ago, James Falconer Wilson and Abraham Lincoln.

Wilson, closing debate on the 14th amendment as chairman of the Judiciary Committee of the House, March 1, 1866, said in reference to that amendment:

I assert that we possess the power to do those things which governments are organized to do; that we may protect a citizen of the United States against a violation of his rights by the law of a single State; that by our laws and our courts we may intervene to maintain the proud character of American citizenship; that this power permeates our whole system, is a part of it, without which the States can run riot over every fundamental right belonging to a citizen of the United States; that the right to exercise this power depends upon no express delegation, but runs with the rights it is designed to protect; that we possess the same latitude in respect to the selections of means through which to exercise this power that belongs to us when a power rests upon express delegation; and the decisions that support the latter maintain the former.

I believe those comments are equally applicable to the bill we are considering here.

Now, I close with Lincoln's finest statement in his second inaugural address where he issued a prayer, a plan, and a program that speaks to us today.

With malice toward none, with charity for all; with firmness in right as God gives us to see the right, let us strive to finish the work we are in.

Mr. Chairman, if the title of statemanship can be given to historians, then I am sure Bruce Catton, author, historian, and publisher, is one—he writes accurately and eloquently—on the history of the Civil War.

From his deep understanding of the basic American philosophy learned from history he has reached clear conclusions on human rights and privileges. Last May 25, he spoke on this question during the annual assembly of the National Civil War Centennial Commission at Boston.

The program logically called for reflecting the great influence and leadership of Robert Gould Shaw while he lead a Negro company in battle during the Civil War.

Because his keen observations are pertinent to the subject and issue. I am including his fine dissertations at this point in the RECORD where my colleagues can have the benefit of Bruce Catton's wise counsel:

ROBERT GOULD SHAW

(Boston, May 25, 1963)

The most obvious fact about Col. Robert Gould Shaw and the 54th Massachusetts Infantry is that they were defeated. Colonel Shaw and many of his men died on the flame-swept ramparts of Battery Wagner; their assault failed; by all ordinary standards, they were beaten hopelessly.

And yet of course they were not really beaten. They won something—something priceless and permanent.

And the point that makes this ceremony of commemoration worth our while is that what they won they won for us, here today. What they won still lives, and we are a part of it.

They won, not merely an end to human slavery, but a broader concept of human freedom.

Under everything else they were fighting for the notion that freedom means the full equality of all of the races of man. They were not simply trying to free the colored man from bondage; they were fighting for his acceptance—for the recognition of the rights and dignity of all men everywhere. That is what is so significant to us today.

If our observance of their centennial this morning is to have any meaning at all, we ourselves have got to recognize our own continuing responsibility. Colonel Shaw and

the men of the 54th Massachusetts were not just fighting to destroy the institution of Negro slavery. They were fighting for us—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 family.

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

"We—even we here—hold the power and bear the responsibility. In giving freedom to the slave we assure freedom to the free—honorable alike in what we give and what we preserve. We shall nobly save or meanly lose the last best hope of the earth."

We are no longer concerned with the institution of chattel slavery. That is gone from our country forever. But we are concerned with the cruel heritage that comes down from it—second-class citizenship. It is our responsibility—it is in our own immediate self-interest—to see that that also is abolished from our land for all time to come.

This garment of freedom that we wear so proudly is a seamless robe. Cut it anywhere and you ruin all of it. If there can be a second-class citizenship anywhere in America—if the notion that one group of people is somehow superior to another group 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.

It is interesting to see how Robert Gould Shaw went about his task.

Colonel Shaw was an aristocrat, a man who had everything to lose and nothing to gain, a man of family and position and wealth. He went among the people who had nothing at all; the men just freed from bondage, who were not yet even accepted as people with rights that had to be respected. He identified his own humanity with theirs. The point of his whole struggle was to help these colored men to prove, once and for all, that they were entitled to take their place as equals in the great family of man.

On that night when the 54th regiment made its doomed assault on Battery Wagner, Colonel Shaw passed along the ranks of his men just before the charge was made. He had one final word for them. He said: "Now—I want you to prove that you are men." Men—not chattels, bits of property, held on the level of the ox and the mule, but immortal sons of the living God. Under his leadership, responding to the aspiration that was in their own hearts, they did prove it. Because they did, all of us today are better people.

In the Book of Ecclesiastes it is written that the spirit of man goeth upward, but that the spirit of the beast goeth downward into the earth.

We in our generation have seen the spirit of the beast going abroad in the land, in our own country and all over the globe. By this time we know something about how it proceeds. It makes its dreadful advance in three stages.

The first stage is very simple, homely and familiar.

It begins with people like you and me: begins in our own hearts and minds.

We say: No, I do not want to live on that particular street—if I do I may have to live next door to people who are somehow inferior to me. My children may have to go to school with their children. I may have to sit beside those people in restaurants or in theatres, I may have to rub elbows with them in the same stores, visit parks which they also visit, travel on buses or trains in the next seat to them. I will not do it.

That is the first stage.

The next stage brings people to the point where they turn police dogs on schoolchildren, or send State troopers out to blackjack inoffending citizens who are sitting on their own front steps.

The third stage leads us straight up to the men in black uniforms and shiny boots who stand guard at the gates of Buchenwald and Auschwitz.

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 the beast goes.

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 some human being's right to a full, free, happy life is diminished because of the color of his skin or the way he pronounces his name. We do not need to go a thousand miles from Boston Common to see prejudice, discrimination and cruelty in operation. If we are to live up to the noble example of the soldiers whose memory we honor this morning, we can begin right at home, in our own city and our own State.

At least we can reach into our own hearts and wrench out everything that may stand between us and complete acceptance of the eternal brotherhood of man. At least we can stand up and be counted on all of this. At the very least, when we see discrimination practiced in our own backyards we can raise our voices and assert: This, in my own city and my own State, I will not have. That much all of us can do. That much all of us must do.

We know by now where the spirit of the beast goes. We know by looking at it. But the spirit of man, let us always remember, goeth upward.

Robert Gould Shaw and the men of the 54th Massachusetts followed it. It led them upward—up the steep ramparts of Battery Wagner, to death and an everlasting transfiguration.

If our ceremony today has any meaning at all, we must make up our minds to follow the spirit they followed—upward.

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina [Mr. BONNER] for 1½ minutes.

Mr. BONNER. Mr. Chairman, I never expected to live to see the day when this would happen in this great legislative body, recognized to be one of the greatest in the world. To me, the disregard of our Constitution—I have listened on the floor of the House, I thought the debate—which has been on a high plane I have taken an oath to support the Constitution of the United States in November 1940—I have sat here for a week and a day and listened to amendments offered to the bill to uphold the Constitution of the United States and seen those amendments voted down. The Constitution in my opinion disregarded.

It is difficult for me to understand.

I do not question the sincerity of any Member of the House. I was born and reared in a country which lived under constitutional government, a government based on the Constitution of the United States, which has lasted so well throughout the years, and made possible for all men to prosper and their children to have opportunity of education.

It is difficult for me to find a way to do other than not to vote for the bill.

Mr. Chairman, in my 23 years in the House of Representatives, I have endeavored to represent all of the citizens of my district, without regard to race, color, religion, or national origin, and without discrimination as to the rights and proper interests of one group as opposed to another. I have followed the same principles in carrying out my duties in the Congress, in its committees, and on the floor of the House in regard to the broader interests of the United States as a whole in its national and international affairs.

I do not believe in class legislation. I have never voted for class legislation. This new civil rights bill is class legislation. I cannot vote for it.

This bill, under the guise of putting an end to racial discrimination, would firmly plant the seeds of Federal dictatorship in the fields where relations between private citizens have heretofore flourished without interference. The freedoms, which under our Constitution have made our country great, would become the subject of political control.

Our private enterprise system would be distorted beyond recognition, if, and when, the Federal Government is given powers by which it might—regulate who shall or shall not be given a job—direct the making of promotions to suit the wishes of the administration in power—assume the right to use the granting or withholding of licenses as a method of opposing alleged racial discriminations—interfere with matters such as wage or salary scales for particular job classifications.

Mr. Chairman, never did I expect to witness the disregard of the Constitution of the United States—the refusal of an amendment to reaffirm the anti-slavery amendment—the right of trial by jury and other securities provided to freemen in the Constitution.

Under the pretext of trying to eliminate discrimination in certain limited areas, greater and more far-reaching discrimination would be molded into permanent law.

The sections of the bill dealing with public accommodations would immediately create chaotic conditions, particularly in small businesses throughout the country. In eastern North Carolina, for example, there is a very fine restaurant owned and operated by a Negro. He chooses to serve white clientele, and to require certain standards of dress and comportment. In other cases establishments choose to serve only Negro patrons. Now they have the freedom of choosing to do as they are doing. If they choose, they may adopt other standards. I say that no Government, through legislative fiat, knows, or should have the right, to tell these businessmen what their decisions should be in the conduct of their business.

I am not a lawyer, but it is beyond my conception that the power of Congress to regulate interstate commerce should ex-

tend to the regulation of personal behavior or the right to select customers or personal associates. Yet, if the public accommodations provisions of the bill are held valid by the Supreme Court, there is no end to the powers that could be exerted on the ground that it affects interstate commerce.

I regret that the Judiciary Committee of the House has seen fit to present to the House such an extreme proposal with implications and precedent-setting provisions extending far beyond our concepts of liberty and justice for all.

This is a normal issue, and it should be worked out through negotiation and education of people of good will and dedicated understanding.

The CHAIRMAN. The gentleman from Iowa [Mr. GROSS] is recognized for 1½ minutes.

AMENDMENT OFFERED BY MR. GROSS

Mr. GROSS. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. GROSS to the amendment offered by Mr. TUCK: On page 86, line 13, strike out "1960" and insert "1948".

The CHAIRMAN. The gentleman from Iowa is recognized for 1½ minutes.

Mr. GROSS. Mr. Chairman, when the gentleman from New York [Mr. CELLER], the chairman of the Committee on the Judiciary, spoke on title VIII, he repeatedly used the word "discrimination" and referred to the fact that this title was necessary because of discrimination, yet strangely enough we do not find the word "discrimination" in title VIII. I do not know why he seeks to limit discrimination to Negroes and Negro voting.

If we accept the chairman's statement that this provision is necessary because of discrimination, then let us apply it to those who have been discriminated against—to those who lost their votes in Texas, for instance, in the senatorial election of 1948. Let us apply it to those who cast honest votes in Texas in the senatorial election in 1948, who should have had their votes counted, instead of 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 ballot.

Mr. Chairman, I also call attention to the 1960 election in Chicago where there were sweeping charges of fraudulent voting. There again it is alleged that the votes of qualified electors were not honestly counted. Those people were discriminated against. They lost their votes because of the fraudulent ballots that were cast.

What is being done about this discrimination and fraud? Does it not seem strange that the Judiciary Committee and the Justice Department is unable to show any real interest in this brand of discrimination and protection of the rights of voters?

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

The Chair recognizes the gentleman from Florida [Mr. FUQUA].

Mr. BENNETT of Florida. Mr. Chairman, I ask unanimous consent that the gentleman from Florida [Mr. FUQUA] may proceed for an additional minute and a half.)

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

There was no objection.

The CHAIRMAN. The gentleman from Florida [Mr. FUQUA] is recognized for 3 minutes.

Mr. FUQUA. Mr. Chairman, I have an amendment pending at the desk which I will take the time briefly to explain. On page 86, in title VIII, line 6, strike out "Commission on Civil Rights" and insert in lieu thereof "Congress." Then on lines 7 and 8, strike out "Commission on Civil Rights" and insert "Congress."

We have here, as has been pointed out, a Presidential Commission ordering a Cabinet member as to when and where he should conduct these surveys or these voting statistics. My amendment says that the Congress shall do this. We can still have this done, but it is a matter of who does the authorizing.

We have in Congress, and we have had for many years, appropriate committees both in the House and in the Senate to provide for investigations in case of questions regarding elections or election frauds or the method or manner in which Members of the House are elected. The Constitution and the Rules of the House provide that the House be the sole judge as to who shall sit as Members of this House. I say to the Members of this House let us protect this right that we have, because in just about every other section of this bill we are relegating this right to some bureaucracy from time to time. I plead with the Members that we can still have this, if this is what you are sincerely after, that is, the voting statistics to see whether discrimination has been going on in various congressional districts. It can be done through appropriate action of the Congress by resolution. It can be carried out by the Congress. When the time comes for my amendment to be considered, I plead with you on bended knee to support my amendment, because I think this is a very bad title, and my amendment will certainly improve it somewhat. I plead with you that we do not relegate our authority to the Civil Rights Commission, who have to answer to no one, but, rather, that we relegate it to people who have been elected by the people of this country from all parts of the country and let them decide if there has really been discrimination; and if there has been wrong going on in some district, then these voting statistics and so forth can be carried on by the Secretary of Commerce and the Bureau of the Census. I plead with you to support my amendment when the time comes and we are voting on the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. BENNETT of Florida. 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 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 extremely tolerant of people who want to see our country fail or who want no part of helping it. Much of this tolerance is based upon misconstruction of our doctrine of religious freedom. Yet we are told that this bill before us is a moral matter demanded by our religious ideals. It seems to me there is a paradox here.

In a country which tolerates all sorts of peculiar behavior based upon religious convictions, is it not possible that those same concepts of religious toleration should allow people to teach their children to love all people of all races but discourage close associations that may lead to intermarriage with members of other races?

I want no part of establishing such bizarre contrasts. Surely there are better ways of accomplishing assistance to our Negro citizens, several of which measures I have already discussed in this debate.

I sincerely feel that a vote against this bill, is a vote for freedom, and that the bill as drafted has 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. The Chair recognizes the gentleman from South Carolina [Mr. RIVERS] for 1½ minutes.

Mr. RIVERS of South Carolina. Thank you, Mr. Chairman.

Mr. Chairman, those who are just before departing to extoll 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 1964 in the city of New York. When you talk to all your folks back home and they ask you about what you did in public accommodations, what are

you going to say when they reach in their back pocket and pull this out:

Let not him who is houseless pull down the house of others but let him work diligently and build one for himself, thus by example assuring that his own shall be safe from violence when built.

Lincoln said this in reply to the Committee of Working Men's Association of New York, March 21, 1864—source: Legislative Reference Service, Congressional Library.

He said this to a committee of a workingmen's association in New York City 100 years ago.

Mr. SCHWENGEL. Mr. Chairman, I challenge that statement because as I understood the gentleman I believe that some of his references are from a spurious statement. He never made that statement in New York. I would like to have the opportunity to debate that.

Mr. RIVERS of South Carolina. Mr. Chairman, I did not yield to the Latter Day Saint ABRAHAM SCHWENGEL of Iowa.

Mr. Chairman, my veracity is about as unimpeachable as are some other people's, if you catch the point. But old "Abe" said this. Now, run home and prove me a liar, if you catch the point.

The CHAIRMAN. The Chair recognizes the gentleman from Hawaii [Mr. MATSUNAGA].

Mr. MATSUNAGA. Mr. Chairman, the proponents of the civil rights bill tell us that a hundred years is a long time—much too long. And this I did believe, until very recently when an editor of Reader's Digest made a startling revelation. He said he had spoken to a man who had shaken the hand that had shaken the hand of George Washington. This dramatically brought to my mind a realization that ours is indeed a very young Nation, although it is chronologically more than 180 years old. A hundred years, therefore, may not be as long a time as we may initially be led to believe. There are those among us here whose grandfathers owned slaves and whose fathers knew Negroes only as slaves, for even after the great Civil War, many of the freed slaves remained to serve their masters by their own free choice and for their own economic security.

It is understandable, therefore, that those among us whose ancestors owned slaves would today oppose the passage of the civil rights bill. We who support the pending legislation understand this, and we want our good friends from the South to know that we do understand this. We realize what an emotional and tumultous problem is here involved.

But we want our southern friends to understand that by constitutional amendment our supreme law of the land freed the Negro from servitude 100 years ago, and what we are attempting to do here is merely to give meaning to that greatest of human documents.

While we admittedly cannot legislate over the hearts and minds of men, as Father Hesburgh 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.

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 have 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 clean; and if this be any consolation at all, let me say that the whole world loves a gallant man and admires a clean fighter. And I might add that you all have won my love and admiration, but not my vote. Why not? Because you are trying to cling to the past and perpetuate a condition which is not right.

America is a land where people from every nation in the world have come to find personal freedom and opportunity. American society can be true to itself, therefore, only as rights are accorded to every person because he is a person. Rights will be fully recognized only when every individual is recognized as the person that he is.

And discrimination based on race, color, religion, and national origin directly contradicts such an idea of rights. It tends to destroy the integrity of the American way of life.

I therefore ask those who oppose 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 portion of the adult population that voted in 1960 in the Presidential election. The national figure was 63.8 percent. In other words, 63.8 percent of all adults voted in that election. The six highest States have these figures: Idaho, 80.7 percent; Utah, 80.1 percent; New Hampshire, 79.4 percent; North Dakota, 78.5 percent; South Dakota, 78.3 percent; West Virginia, 77.3 percent.

Mr. Chairman, the six lowest States have these percentages: Arkansas, 41.1; Virginia, 33.4; Alabama 31.1; South Carolina, 30.5; Georgia, 30.4; Mississippi, 25.5.

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

The Chair recognizes the gentleman from Georgia [Mr. WELTNER] for 1½ minutes.

Mr. WELTNER. Mr. Chairman, the end of discrimination on the basis of race is a worthy aim and few Americans will quarrel with the ideal of equality of opportunity. Certainly, as an individual, I must agree that racial discrimination is contrary to the great principles of the Republic. As an individual, I agree that racial prejudice is a moral wrong.

But, as a legislator, I am loath to impose by nationwide legislation that moral judgment upon others in areas clearly within the sphere of individual action. As a legislator, I am reluctant to sanction wholesale delegation of congressional responsibility empowering every agency of Government to eliminate or curtail congressional programs by rule or decree.

Accordingly, I will vote against this bill. In so doing, I am not unmindful of past injustices, or of difficulties ahead. I shall lend every effort to foster that climate of mutual regard and cooperation between the races—without which no law, no matter how stringent or far-reaching—can avail.

The CHAIRMAN. The Chair recognizes the gentleman from Montana [Mr. OLSEN] for 1½ minutes.

Mr. OLSEN of Montana. Mr. Chairman, I rise to speak on an amendment which I have at the desk but which of course will be voted upon at a later time than the pending amendment.

Mr. Chairman, I would ask for the attention of the chairman of the Committee on the Judiciary, the gentleman from New York [Mr. CELLER], since I have submitted my amendment to the gentleman and to the minority side. I wish to point out the fact that the last phrase in title VIII is to the effect that the information may be obtained from the Bureau of the Census and at such other times as the Congress may prescribe.

Mr. Chairman, if the Congress should prescribe a mid-decade census we will have to climb this mountain again in order to get the information as to this matter, as there is contained in title VIII no provision for general information concerning registration and voting statistics in a mid-decade census.

Mr. Chairman, in the committee on which I have the honor to serve, the Subcommittee of the Census and Government Statistics, of which I am chairman, we plan to hold hearings on this subject.

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

The Chair recognizes the gentleman from North Carolina [Mr. KORNEGAY].

Mr. KORNEGAY. Mr. Chairman, I ask unanimous consent to yield my 1½

minutes to the gentleman from Montana [Mr. OLSEN].

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

There was no objection.

Mr. OLSEN of Montana. Mr. Chairman, I believe it is only fair to point out to the Committee that if we are going to gather any information on registration and voting statistics that we should do it generally 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 1791, that that is all that is necessary.

In 1791 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 I have offered I have endeavored to remove the unconstitutional and totalitarian provisions of this bill. I have been joined by many other good Democrats and a few Republicans. Our votes have been cast in this manner because we believe in preserving the rights of all the people regardless of race, color, or creed.

I have strongly contested these points but have won only a few small victories. I do not have the time to point out to you all of the unconstitutional and totalitarian provisions embodied in the bill and have been unable to do so in the 9 days we have debated. There are just too many provisions. Certain portions of it are so clearly unconstitutional that if the bill is enacted the basic and fundamental powers of the States and of the local governments to regulate business and to govern the relationships of individuals to each other will have been preempted.

Some of you have stated privately that you are against the bill, yet that you will stand on the floor of this House and vote in favor of passing this bill because you hope to gain a vote by such a vote. This is in derogation of your oath to support the Constitution. As for me, I refuse to barter the liberties provided to all of the people in the Constitution and sell their freedom for the hope of a vote.

I think too much of my oath as a Member of Congress and I value my self-respect too highly to commit such an act of perfidy. This so-called civil rights bill will be a campaign issue in all of your districts including my own—yet I have made my decision and have faced the matter squarely as any sincere representative of the people should do. Already, this bill is a campaign issue in my own district, where a liberal opponent has embraced this bill as dear to his heart. Nevertheless, I have felt impelled to be unequivocal in my stand. I am not a fence straddler and it is not my nature to be such and I do not believe that the people of the Seventh Texas Congressional District elected me to betray them, as this bill, if enacted, would do.

Discrimination of every form is demonstrated in the bill but its authors were extremely careful to refrain from defining "discrimination" at any place in the proposal. I believe this was wilfully done in order to make it easier for its executioners to carry out whatever end they may seek by regulation rather than being bound by the provisions of law. In all the history of Congress, no committee has ever, ever brought forth a piece of legislation that would hand such dictatorial powers to the executive branch and particularly to the Attorney General. If this bill is enacted as written, I predict that within a few years, its strongest proponents of today will be coming before Congress begging to stop the discrimination brought on by this act against all of the people of this country of all races, creeds, and colors.

I have always supported equal rights under the law for all people; I have always been for the protection of the rights of every race, regardless of the color of skin, or the religion. The amendments that I offered on the floor of the House during the debate on the bill were to guarantee such equal rights. But let me tell you, if this piece of legislation goes through the Congress, and becomes law, we have practiced discrimination against our own—our brothers, sisters, mothers, fathers, aunts, and uncles, but most serious of all, against our own children, because we are throwing them back into the reactionary feudal days of the past, with persecution, liquidation, and centralized power—and this is true, regardless of race, religion, or color of the skin.

I do not think that the Democratic leader who lies beneath the eternal flame atop a hill in Arlington Cemetery would have cast his vote for the passing of this bill. It does not pay tribute to the ideals of nondiscriminatory living. In fact, this proposal is 11 bills rolled up into one, at least half of which enact discrimination into the law of the land.

I would like to hear any one of the supporters of this bill give his definition of "liberty." That small, but meaningful word, "liberty"—the most precious word placed between the covers of a dictionary. I think that some of the supporters and even the authors of the bill would decline the opportunity to present such definition, because it just might tell us where they all really stand.

Someone stood on the floor of the House a few days ago, and said that at a recent breakfast attended by President Johnson and Evangelist Billy Graham, the idea was discussed that if there were a secret ballot on the bill, that it would not get 15 votes in favor of its passage—and I think that is true.

I have been elected to Congress six times in the past and I say to you if I have ever practiced discrimination against any person, group, or body, I do not think I would be here today on the floor of this House as a Member of Congress. If there be anyone who thinks differently, he is calling the people of the Seventh 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 vicious proposal. Instead, we should look at ourselves, and forget party, left, right, middle, or anything else, and think of future generations. We must be honest with ourselves; when liberty is chained, it dies. If all the Members of the U.S. Congress would be honest with themselves and with posterity—if they really care for the future of our great Nation, the walls of dictatorship that have been drawn in this legislation would be dropped, and these 11 bills, wrapped under one cover and called civil rights would be relegated to the infamous Hades from whence it came, and America could yet be called the land of the free and the home of the brave.

The plea is made that this legislation is necessary—that this retreat to medieval times is good—yet it has been well said that necessity is the plea for every infringement of human liberty. It is the argument of tyrants and the creed of slaves.

My colleagues, from the depths of my heart and with all sincerity, I urge you, for the sake of all we hold dear, for the sake of human liberty, for the sake of posterity, to oppose this bill as it is here before us. By doing so, you can insure for yourselves the blessing of future generations. If this bill is enacted you will have entombed liberty and earned 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 a merciful God; place us not in the hands of man."

Mr. STRATTON. Mr. Chairman, I ask unanimous consent to revise and extend my remarks at this point in the RECORD.

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

There was no objection.

Mr. STRATTON. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Virginia [Mr. TUCK]. Actually, I have been very much interested in this whole matter of voting statistics, particularly insofar as they may relate to the abridgment or the impairment of the right to vote on the part of any of our citizens for reason of race or color.

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. 6801. 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 those citizens over 21 years of age whose right to vote had been abridged in any

way for any other reason than for participation in rebellion or other crime; and it would further require that the Bureau would then certify to the Congress a new apportionment of seats in the House of Representatives based on these specific figures, and in conformance with the 2d section of the 14th amendment.

Mr. Chairman, personally I would very much like to see my bill H.R. 6801, added to this bill in place of the present title VIII. However, as I pointed out in my testimony last year before the Committee on the Judiciary in its public hearings on this bill, I am willing to refrain from pressing my own legislation in an effort to get a broader measure of agreement on an overall civil rights bill which we can pass here quickly in the House and which we can reasonably expect to pass also in the other body.

Title VIII as it now stands is at least a step in the direction I have proposed that we go, that is, toward the full enforcement of the 2nd section of the 14th amendment. It does not, however, require an immediate new census nor does it give the Bureau of the Census the authority, as I personally believe it should be given, to determine not only the extent of the abridgment of voting ing rights in this country but also the extent to which the representation of various States must be correspondingly reduced by reason of this voting abridgment.

If title VIII were to go this far then the survey of the Bureau of the Census should, of course, be conducted nationwide. But since the title as written does not go nearly as far as my bill would go, Mr. Chairman, then I think it does make sense that the somewhat more limited survey of the Department of Commerce should be pinpointed toward those specific areas where the very ample record of the Civil Rights Commission has demonstrated that the right to vote is indeed substantially abridged by reason of color and race.

For this reason I oppose the amendment of the gentleman from Virginia, and I urge the retention of title VIII as already included in the committee's bill.

Mr. Chairman, may I also add at this time another comment or two of my own on this overall bill. Until now, Mr. Chairman, I have refrained from taking part in this extended debate on this very important legislation simply because I have been anxious to see this committee move as swiftly as possible to pass this great new civil rights bill so that it can move promptly over to the other body and with the least possible delay, be enacted into law.

Mr. Chairman, when President Kennedy first submitted his civil rights proposals to Congress a year ago, I supported them wholeheartedly and enthusiastically. When the bills embodying the President's suggestion were referred to the Committee on the Judiciary and hearings were begun, I was privileged to testify before the committee in wholehearted support of the legislation. In fact I told the committee then that I felt we had already been debating the subject of civil rights for a hundred years; I said I felt the time had now come for action, and I urged the committee to move with all dispatch.

When, several months later, the Committee on the Judiciary had reported out its legislation and that legislation was languishing in the Rules Committee I was among the first Members of the House to sign the discharge petition to force the civil rights bill to the House floor.

So I am glad, Mr. Chairman, that at long last this very important legislation is now before us, and since my position has already been so clearly stated in favor of this legislation, I have not wished to detain the Committee further or to delay the action of this House by any lengthy restatement of my own position, or to press my own versions of civil rights legislation.

Let me just say, Mr. Chairman, that I am sure there are many ways in which this bill could be strengthened and improved. But the real battle here, and especially in the other body, has been and in the next months will continue to be, a battle to keep this important legislative milestone from being watered down from the very fine bipartisan version agreed to within the Committee on the Judiciary.

I am glad to see that we have moved so far in this Committee without having impaired the original legislation in any very serious way. I am proud to have stood strongly against all these efforts to water down the bill.

Thus, Mr. Chairman, we have here now a very significant piece of legislation of which we can all be proud. It will vastly improve the opportunity of Negroes to vote. It will remove the barriers of segregation that have existed for years in public facilities in some States, which of course precipitated the demonstrations last year in Birmingham and elsewhere which in turn directly sparked the introduction of this new omnibus civil rights bill. It will greatly improve our progress toward carrying out the Supreme Court's historic 1954 decision on desegregation of public schools. It will bring a prompt and long-needed end to the insupportable business of using Federal tax funds to underwrite segregated operations in all fields—a so-called Powell amendment to apply to all Federal programs. And it will finally create a Federal Fair Employment Practices Commission to insure that in the future Negroes shall not be denied jobs because of their race or color.

So this is a historic bill. Of course it will not accomplish everything. Of course it will not end all those un-American discriminatory practices which have grown up here in our country over some two centuries. But this is still a big giant step forward, Mr. Chairman, in the direction of putting into action the long-standing promises of the Declaration of Independence that "all men are indeed created equal."

So I am happy to be able to support the bill and I urge its adoption by a very substantial majority at the proper time in this debate.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. CORMAN].

Mr. CORMAN. Mr. Chairman, I urge the Committee to reject this amendment and support title VIII. It will provide information which is badly needed by the Congress. We ought to get this information only in those places we need it, and the Civil Rights Commission is obviously the proper agency to determine where they are.

Every State has an advisory committee which will act as a guide to the Commission. The Commission will be adequately advised in all 50 States.

I would like to say to the gentleman from New Hampshire that he and I differ diametrically on the constitutionality of this law; however, the final arbiter of that issue is the U.S. Supreme Court. I realize the gentleman from New Hampshire [Mr. WYMAN] is trying to change that system, but I do not think he will succeed in his effort. The final determination of constitutionality will be made by the nine Justices of the U.S. Supreme Court.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. GROSS] to the amendment offered by the gentleman from Virginia [Mr. TUCK].

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

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

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Virginia [Mr. TUCK].

The Clerk reread the Tuck amendment.

The CHAIRMAN. The Clerk will report the amendment to the amendment offered by the gentleman from Iowa [Mr. GROSS].

The Clerk reread the Gross amendment to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. GROSS], to the amendment offered by the gentleman from Virginia.

The amendment to the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. TUCK].

The question was taken; and on a division (demanded by Mr. TUCK) there were—ayes 83, noes 137.

So the amendment was rejected.

The CHAIRMAN. Are there any further amendments to title VIII?

AMENDMENT OFFERED BY MR. FUQUA

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

The Clerk read as follows:

Amendment offered by Mr. FUQUA: On page 86, line 6, strike out "Commission on Civil Rights" and insert "Congress"; and in lines 7 and 8 strike out "Commission on Civil Rights" and insert "Congress".

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

The amendment was rejected.

AMENDMENT OFFERED BY MR. HUDDLESTON

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

The Clerk read as follows:

Amendment offered by Mr. HUDDLESTON: On page 86, line 10, after the word "voted" at the end of line 10 add the following: "and have had their votes properly counted".

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

The amendment was rejected.

AMENDMENT OFFERED BY MR. OLSEN OF MONTANA

Mr. OLSEN of Montana. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. OLSEN of Montana: Page 86, immediately following the period in line 16, insert the following:

"The authority contained in this section to conduct surveys and compilations shall be in effect until the effective date of legislation enacted after the date of enactment of this act providing for mid-decade censuses of population and providing for the inclusion, in each mid-decade and decennial census of population conducted by the Secretary of Commerce, of the registration and voting statistics and other information required by this section."

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

The amendment was rejected.

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

The Clerk read as follows:

TITLE IX—PROCEDURE AFTER REMOVAL IN CIVIL RIGHTS CASES

SEC. 901. Title 28 of the United States Code, section 1447(d), is amended to read as follows:

"An order remanding a case to the State court from which it was removed is not reviewable on appeal or otherwise, except that an order remanding a case to the State court from which it was removed pursuant to section 1443 of this title shall be reviewable by appeal or otherwise."

AMENDMENT OFFERED BY MR. TUCK

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

The Clerk read as follows:

Amendment offered by Mr. TUCK: On page 86, line 17, strike out all the language on line 17 through line 25.

Mr. TUCK. Mr. Chairman, the present section in the Code which title IX seeks to amend reads as follows:

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

Title IX would amend that section so as to add to the statute which I have just read these words:

except that an order remanding a case to the State court from which it was removed pursuant to section 1443 of this title shall be reviewable by appeal or otherwise.

The effect of my amendment is to leave section 1447(d) of 28, United States Code, just as it is at present and just as it had been for almost 80 years.

It keeps all litigants, if the amendment is adopted that I have offered, on an equal footing and that is the way they ought to be.

Title IX which I have just read will give to the civil rights litigant, and that type of litigant alone, the right to appeal from an order of the U.S. district court remanding his case back to the State court.

The legal problems involved in this are quite simple and not complicated at all.

This is an attempt to bypass the U.S. district judges and to bypass the State courts.

This title is an insult, gentlemen, to every U.S. district judge in America. It undertakes to reflect discredit not only upon these U.S. judges but also upon the honored judiciary of every State in the American Union.

This vicious package of legislation involves court procedure and thus has attracted less attention than any other part of the bill, but it is nevertheless as outrageous as many of these other parts of the bill.

The obvious purpose of this is simply to bypass and impede the processes of justice in our State courts.

There are now, as all lawyers know, three types of cases which may be removed from the State court to the Federal court:

First, is cases which involve the interpretation of laws and treaties of the United States and the Constitution of the United States.

The second type of cases are those which involve a diversity of citizenship.

The third type of case is under section 1442 of title 28 which permits certain Federal officers who are being prosecuted in State courts to remove their cases. It is this section which they seek to amend by discriminating against all other types of litigants in favor of this particular type of litigant.

Since 1887 we have had a statute to which I have just referred, and which in effect provides that an order by a U.S. district judge remanding a case to the State court is not reviewable on appeal or otherwise.

Federal courts for many years in all of the litigation on this subject, have interpreted this statute to mean just exactly what it says.

Now the removal of a case, as all lawyers know, from the State court to the Federal court is a simple process. All a litigant has to do is simply file a petition and the pertinent papers and the case is automatically removed.

The effect of such a procedure, as we know, is to deprive the State court of all powers of process and to deprive the court of all power to enter any orders while that case is pending in the U.S. court. To allow this repeal from removal orders of U.S. district judges destroys the delicate balance of power which has historically existed and been maintained between the State and Federal courts.

In such a situation, when you undertake to amend a statute as you are now doing, it leaves the States and the local law-enforcement authorities of the States absolutely without any police power. It leaves them with nothing but anarchy.

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

(By unanimous consent (at the request of Mr. ABBITT) Mr. TUCK was given permission to proceed for 5 additional minutes.)

Mr. TUCK. Mr. Chairman, I thank my friend and colleague from Virginia, our Democratic leader in our State. I am glad to know that what I am saying is pleasing to him, because what he thinks of me may have some effect upon my tenure in this honorable body.

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

Mr. TUCK. I am delighted to yield to the gentleman from Virginia.

Mr. ABBITT. I commend the gentleman for the fine statement he is making. I commend his statement to our colleagues. I hope and trust sincerely that the amendment will be approved.

Mr. TUCK. I thank my friend, the gentleman from Virginia.

I have quite a lengthy legal argument I could make in behalf of the amendment I have offered, but I regret to say that because of the temper existing in the House of Representatives at this time I fear it would do no good purpose.

If I were able to indulge in the most powerful eloquence—and I am inclined to be emotional on this subject—if the Members of this House are as deaf and blind to logic and legal discussions as they are to the meritoriousness of legislation, I feel sure my arguments would be in vain.

Mr. Chairman, I feel that we are somewhat in the position described to me one day by my old friend, the Honorable J. Melville Broughton. Mr. Broughton served as Governor of the great State of North Carolina at a time comparable to when I served in a similar capacity in Virginia. We were good friends. We visited with each other often. He related a story to me which I believe pretty well illustrates the situation in which we find ourselves here today.

He said that a colored minister of erstwhile good repute in the western part of North Carolina had become enmeshed in the talons of the law and was required to serve a term of 1 year and 1 day in the central prison at Raleigh. Governor Broughton said that the welfare officer assigned to that institution thought it would be a good idea and that it would help to rehabilitate the prisoner for him to preach the sermon on the next Sunday morning, and thought it might be helpful to the inmates to receive a message from one of their own number. But the prisoner refused to do so. He said it would be sacrilegious for him to speak in a prisoner's garb, but that if authorities would provide clerical regalia he would undertake to accommodate them. They did. The warden came over and sat down to listen to the sermon.

As soon as the warden took his seat the minister got up and looked him straight in the eye and he said, "Brothers, this morning I am going to preach on the Book of Daniel.

In fact, I am going to take my text from Daniel himself. The first point I want to make is that Daniel was in the lions' den with the lions. The second point I want to make is that Daniel was not afraid of the lions. And the third

and last point I want to make is "them darned lions weren't afraid of Daniel, either."

So that is sort of the situation we are in. I thought yesterday you were 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 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 fate would be meted 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 great English bard so vividly described, you have demanded and secured the last pound of flesh and, unfortuately, 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, HOWARD SMITH, the gentleman from Louisiana EDWIN WILLIS, and others.

And now, my friends, in conclusion let me say that I hope you will give us just this one amendment and save for us and the American people our temples of justice, that peace where all men may at last go in the comforting knowledge that there is equality before the law where we can ask for redress of grievance and surcease from sorrow.

After I had completed my term in Richmond and returned to my home in Halifax, a former distinguished U.S. Senator from the State of New Jersey paid me a visit and left with me a little poem which I hope I have committed to memory and which I will leave with you, providing you will not believe me to be making an effort to become overly dramatic. It is entitled "The Man in the Glass," and goes like this:

When you get what you want in your struggle for self,
And the world makes you king for a day,
Just go to a mirror and look at yourself
And see what that man has to say.

For it isn't your father or mother or wife
Whose judgment upon you you must pass,
But the fellow whose verdict counts most in life
Is the man who stares back from the glass.

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, difficult test
If the man in the glass is your friend.

You may fool the whole world down the pathway of years
And get pats on the back as you pass,
But your final reward will be heartaches and tears
If you cheated the man in the glass.

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

Mr. 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 House to see why title IX is in the bill at all in terms of its history. For that we need to go back to 1866—98 years ago—when the Congress first wrote a removal statute for civil rights in anticipation of the time when citizens in various times and places and various situations would seek removal from State courts to be able to get justice. Section 1443 today is the successor of that 1866 law. We are not amending section 1443. We are amending section 1447, which would allow appeal on a remand; that is, a return to the State court of a case removed to the Federal court. It is true that the law presently does not allow appeal. It did for awhile. In the 1800's, from 1875 to 1887, all cases which were removed from the State courts could have a decision of remand appealed. Apparently in 1887 this was changed, although some people even argue today that the civil rights laws were an exception and the ability to appeal the remand was never meant to have been eliminated by section 1447. Nevertheless, on the surface of it, 1447 allows no appeal from remand at this point. Furthermore, 1443 has been so narrowly construed by the courts that it virtually only applies to one set of circumstances; that is, where a State law or a State constitution on the face of it denies equal rights to the defendant. The result is, as the Attorney General said when he came before our committee, that while a special statute has long permitted such removal, the nonavailability of an order of remand has made the provision almost useless.

We are not asking for an extraordinary remedy in this case, Mr. Chairman, but we are only asking that the law, frozen as it has been for almost 60 years so that the civil rights provisions of removal are almost useless, be reviewed, the power of appeal from the district court orders of removal be granted, and also, incidentally, that the court of appeals be authorized to reinterpret these laws. It would seem that under reinterpretation of section 1443 cases involving State criminal prosecution brought to intimidate the petitioner, cases involving such community hostility that a fair trial in the State or local courts is unlikely or impossible, and other such cases as set forth certain conditions which would seem likely or certain to preclude a fair trial, might now well be construed to be within the scope of said section. If so, once again we will breathe life into the Civil Rights Acts of 1866 and give meaning to the purpose intended. This will not destroy any balance of power, delicate as 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 tactics on anybody's part.

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 move 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 offering this amendment and 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 enough fairminded men to rally to his support and adopt the amendment. In any event, that is the purpose I take my feet and I hope I will be able to add in some small measure to what the gentleman has already so ably presented.

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

Mr. POFF. I am delighted to yield to my distinguished colleague.

Mr. TUCK. Mr. Chairman, I appreciate very much these plaudits coming from my very distinguished young colleague from Virginia. We have been friends a long time; our districts adjoin. 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 reciprocate 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 ourselves upon the legal history involved. Originally all Federal questions were decided by State courts. The litigants were left to the protection of their rights under normal appellate procedure. Then 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 1885 the Congress saw fit to change what had been practiced and wrote a statute which prescribed that appeals from remand orders would be in order. The country lived with that new statute for only 2 years. The Congress in 1887 restored the former practice and provided that an appeal from a remand order would in nowise be in order.

Now this bill would again change the 1887 act. But it is important I think to understand that it would change it with respect to only one class of cases. As written the bill would authorize an appeal from a remand order in civil rights cases only. With respect to all other cases the remand order issued by the district judge would be final and there would be no right of appeal. If any proponent of the legislation can justify the reason for particular treatment of one class of cases to the exclusion of all other classes of cases, I might be disposed to accept that.

Mr. Chairman, so far I have heard no attempt in the Committee on Rules, in the Committee on the Judiciary, or on the floor of the House to justify this special unique treatment of one class of cases; namely, civil rights cases.

Mr. Chairman, why was the 1887 statute written denying appeal of remand orders? Principally because such an appeal involves extraordinary delay. Why is a delay of crucial significance with respect to a remand order? Because when the case is originally removed from the State court to a Federal court the State court loses all jurisdiction over the litigation. It no longer has any power to maintain the status quo. No process can issue. During the course of the delay in civil cases the subpenas of the witnesses may expire and new witnesses whose identity can be learned only when the trial is in progress may leave the jurisdiction of the State court. If accessories before or after the fact come to light during the course of a criminal prosecution they could depart the jurisdiction of the State court and not be amenable to its process.

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

Mr. POFF. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

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

There was no objection.

Mr. POFF. In conclusion, Mr. Chairman, I say that the gentleman's amendment will do no violence to the substantive rights of any litigant. This is true because under the law as it exists today a litigant who is aggrieved by the remand order has the full right to protect his constitutional rights under the Federal appellate procedure from the State court.

Therefore, Mr. Chairman, I earnestly trust that the amendment offered by the gentleman from Virginia [Mr. TUCK] will be adopted.

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

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

Mr. Chairman, this attempt to bypass U.S. district judges and State courts as provided in title IX is the sleeper in this package of legislation. It is a direct slap at the U.S. district judges. It would cause chaos in the administration of justice in the State courts. It is designed to paralyze the processes of all State courts in the field of civil rights. It would destroy the delicate balance which has been maintained throughout the years between the jurisdiction and powers of the parallel systems of Federal and State courts.

Title 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 1443 of this title 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 prosecutions, commenced in a State court may be removed by the defendant to the district court of the United States for the district and division embracing the place wherein it is pending:
>
> (1) Against any person who is denied or cannot enforce in the courts of such State a right under any law providing for the equal civil rights of citizens of the United States, or of all persons within the jurisdiction thereof;
>
> (2) For any act under color of authority derived from any law providing for equal rights, or for refusing to do any act on the ground that it would be inconsistent with such law (June 25, 1948, c. 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, counsel for CORE. It would effectively prevent for a long period of time any trial, Federal or State.

Originally the litigation of Federal questions was left to the State courts in cases filed in such courts, with recourse to the U.S. Supreme Court through appellate procedures. Then, as the process of removal and remand developed by trial and error, the present procedure was devised. Since 1887 it has proved to be the only feasible procedure and has been the law that the decision of the U.S. district judge on the motion to remand has the effect of revesting in the State court the power to proceed with the case, without suspending or destroying the power of that court during an extended period of delay necessarily arising from an appeal to the Court of Appeals of the United States from the order remanding the case.

The devastating effect of this proposed amendment upon State courts is apparent when it is realized that under the present statutes removal is accomplished by a simple act of the party, without the necessity of any order by either a State or Federal judge. One of the litigants, by a simple filing of the petition and appurtenant papers, automatically removes the case to the Federal court. Thereafter no process of any kind can issue from the State court, no depositions can be taken, hearings scheduled or in process must be suspended. The State court is powerless to maintain the status quo. Upon the return date of subpenas theretofore issued, witnesses need not appear, and there is no way to fix new return dates. Witnesses who are sought for cross-examination in the cause may not be served with State subpenas and they may not be reached by Federal process because there has been no determination by the Federal court of its jurisdiction. Restraining orders cannot be issued in the State court, although the Federal court has the power to do so in aid of its jurisdiction, pending a determination thereof.

The legal relief available is an immediate application to the Federal court for a remand, on the basis that the removal was improper and that the Federal court lacks jurisdiction. This is a matter presented to the Federal judge for determination by him as a part of procedure within the Federal judicial system. It is not within the control of the State courts.

Under the present statute, the litigant wishing the protection of the Federal courts already has two bites at the apple. The motion to remand is decided by a Federal judge. If the Federal judge determines that the Federal court does not have jurisdiction and that the State court should be permitted to proceed, the litigant still has the right to obtain a determination of Federal questions in due course of appellate review by the Supreme Court of the United States.

There is absolutely no justification for the proposed amendment. It flies in the face of the experience which resulted in the passage of the act of March 3, 1887, chapter 373, section 6, 24 Statutes at Large 552. This provided that an order remanding a case to the State court shall be "immediately carried into execution" and "no appeal or writ or error" from the order should be allowed. Thereafter, the present wording was embodied in section 1447 of title 28 so that subparagraph (d) now reads:

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

The practical effect of the amendment would be to place in the hands of a litigant in civil rights cases the power to destroy the efficacy of State proceedings, without any judge of any court having found that the State court was without jurisdiction and in the face of a finding by a U.S. district court that the State court was vested with jurisdiction and the Federal court had no right to proceed in the cause. In a case where the State courts had enjoined the commission of unlawful acts, all process and all proceedings of the State court would be nullified for many months. By the time that the matter was reached on the appellate docket of the Court of Appeals of

the particular circuit involved, the acts enjoined by the State court would have long since been carried to consummation in direct violation of orders of that court. The issues would have become moot.

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 obviate the delay which would result over reviewing orders of removal" *Ex parte Bopst*, 4 Cir. 1938, 95 F. 2d 828, 829.

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

Mr. Chief Justice Fuller said in *Missouri Pacific R. Co.* v. *Fitzgerald*, 40 L. ed. 536, 543 (1896):

> 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 an uncalled-for hardship to subject the party who, not having sought the jurisdiction of the circuit court, succeeded on the merits in the State court, to the risk of the reversal of his judgment, not because of error supervening on the trial, but because a disputed question of diverse citizenship had been erroneously decided by the circuit 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 709, 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 causes pending in the State courts, those courts are perfectly competent to decide them, and it is their duty to do so.
>
> As this court, speaking through Mr. Justice Harlan, in *Robb* v. *Connolly*, 111 U.S. 624, 637 (28:542, 546), said: "Upon the State courts, equally with the courts of the Union, rests the obligation to guard, enforce, and protect every right granted or secured by the Constitution of the United States and the laws made in pursuance thereof, whenever those rights are involved in any suit or proceeding before them; for the judges of the State courts are required to take an oath to support that Constitution, and they are bound by it, and the laws of the United States made in pursuance thereof, and all treaties made under their authority, as 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 in which the question could be decided 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 whence it had been removed could not be reexamined on writ of error or appeal, because not a final judgment or decree in the sense of the controlling statute. But in occasional instances such an order was reexamined in effect on petition for mandamus, and this on the theory that 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, 1875, chapter 137, 18 Statutes at Large 472, dealing with the jurisdiction of the circuit (now district) courts, Congress provided, in section 5, that if a circuit court should be satisfied at any time during the pendency of a suit brought therein, or removed thereto from a State court, that "such suit does not really or substantially involve a dispute or controversy properly within" its "jurisdiction," the court should proceed no further therein, but should "dismiss the suit or remand it to the court from which it was removed, as justice may require." Thus far this section did little more than to make mandatory a practice theretofore largely followed, but sometimes neglected, in the circuit courts. But the section also contained a concluding paragraph, wholly new, providing that the 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, chapter 373, section 6, 24 Statutes at Large 552, which also provided that an order remanding a cause to a State court should be "immediately carried into execution" and "no appeal or writ of error" from the order should be allowed.
>
> The question soon arose whether the provisions just noticed in the act of March 3, 1887, should be taken broadly as excluding remanding orders from all appellate review, regardless of how invoked, or only as forbidding their review on writ of error or appeal. The question was considered and answered by this Court in several cases, the uniform ruling being that the provisions should be construed and applied broadly as prohibiting appellate reexamination of such an order, where made by a circuit (now district) court, regardless of the mode in which the reexamination is sought. A leading case on the subject is *Re Pennsylvania Co.* 137 U.S. 451, 34 L. Ed. 738, 11 S. Ct. 141, which dealt with a petition for mandamus requiring the judges of a circuit court to reinstate, try, and adjudicate a suit which they, in the circuit court, had remanded to the State court whence it had been removed. After referring to the earlier statutes and practice and coming to the act of March 3, 1887, this Court said (p. 454):
>
> "In terms, it only abolishes appeals and writs of error, it is true, and does not mention writs of mandamus; and it is 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 judgment of 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 the writ of error and appeal would have had little effect in putting an end to the question of removal, if the writ of mandamus could still have been sued out in this court. It is true that the general supervisory power of this court over inferior jurisdictions is of great moment in a public point of view, and should not, upon light grounds, be deemed to be taken away in any case. Still, although the writ of mandamus is not mentioned in the section, yet the use of the words "such remand 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. 982, 988 (1949), 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 merits of a removed cause by prolonged litigation of questions of jurisdiction of the district court to which the cause is removed. This was accomplished by denying any form of review or an order for remand, and before final judgment of an order denying remand. In the former case, Congress has directed that upon the remand 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 State courts, is as pertinent to those removed by the United States as by any other suitor.

It is readily apparent that title IX would allow civil chaos without giving State 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 remand is entered, such defendant could appeal that order. Trial could be put off almost indefinitely, especially considering the congested dockets of the Federal courts of appeal.

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 preliminary injunction was fixed for August 28, 1963.

Under Louisiana law an ex parte temporary restraining order cannot continue for more than 10 days, at which time the plaintiff must proceed with his application for a preliminary injunction under the penalty of automatic dissolution of the restraining order. For good cause shown, and with the reasons therefor entered of record, the temporary restrain-

ing order may be extended for additional periods of not to exceed 10 days each, but only if the court has jurisdiction to act.

A few minutes before trial on August 28, and without notice or warning, a removal petition was filed by defendants. At this time, several witnesses were under subpena for cross-examination, and officers were seeking an additional 20 or more imported agents of the defendant for service of similar summons. The removal effectively halted the State court action.

The U.S. district court extended the temporary restraining order to maintain the status quo and in aid of its jurisdiction and a hearing on the motion to remand was fixed for September 6, at which time the matter was taken under advisement. On September 13, the court remanded the case, and the State court again extended the temporary restraining order.

During the interval, most of the witnesses sought for subpena were removed from the State and those under subpena took the position that, the return date having passed, they were under no obligation to return to court.

Service of an order reassigning the hearing on the preliminary injunction was delayed when CORE agents on whom process could be served dodged service, although other agents immune from process remained active. When finally served, defendants sought and received a continuance until October 14. Efforts to serve additional agents of CORE with subpenas for cross-examination were only partially successful, as these individuals "hid out" to avoid service.

On October 12, approximately 42 arrests were made for violation of several statutes in connection with picketing. Of those arrested, 21 were also cited for contempt along with the Congress of Racial Equality and 5 individuals who were not under arrest.

On October 14, during the trial of the application for a preliminary injunction, counsel for the defendant notified the court that the fifth circuit had issued a stay order pending its determination of its jurisdiction to hear an appeal from the order of the U.S. district court remanding the case to the State court. U.S. marshals served the stay order approximately 4 hours later, at which time the case was adjourned.

On October 15, while application was being made to the judge who issued the stay order, the Attorney General was testifying in Washington to the effect that there was no authority for such an appeal and advocating enactment of the amendment to 28 United States Code Annotated 1447(d). Although the circuit judge had issued the stay in New Orleans, he refused to consider dissolving it except upon formal hearing.

After lengthy argument in Atlanta, the fifth circuit took the matter under advisement, called for briefs, and refused to take any action but a minor modification of the sweeping stay which still emasculated the State court in the proceedings.

It should be noted that as soon as the fifth circuit stay was issued, agents of CORE who had hidden to avoid service for several weeks emerged from hiding and operated openly and publicly. It should be further noted that the Clinton case is actually in trial, i.e., this is not a case of staying execution of an order, but suspends proceedings of a State court in the middle of a trial, with all of the consequent obstruction of the process of the court, the inability to subpena witnesses because of the impossibility of fixing a return date, and, most important, the inability of the State court to extend its temporary restraining order after its expiration on October 24, without the danger of being in contempt of the fifth circuit.

All of this was done under the present statute. If amended, it would permit this to be accomplished by the litigant in the face of an adverse holding of the Federal district court.

Attorney General Kennedy testified before the House Judiciary Committee on October 15, 1963, as follows:

> [The amendment] allows an appeal to be taken from Federal court orders remanding civil rights cases to the State courts from which they have been removed. While a special statute has long permitted such removal, the nonappealability of an order of remand has made the provision almost useless.

It is readily apparent that removal is "useless" where the Federal court has no jurisdiction. Attorney General Kennedy's inference that Federal district judges have been less than honest in testing their own jurisdiction seems to be either a terrible indictment of them, or the result of his lack of understanding of the purpose of removal. Too, he may not understand that the end does not justify the means. In this case, the end itself is of highly debatable wisdom. Justice is delayed and artificial obstructions are thrown in the path of the orderly disposal of cases so that the demonstrators' purposes may be completed in the meantime. The desired result is accomplished by what will probably be held to be illegal acts, but such a judgment will be too late.

It is very important that it be understood that an appeal from a remand is not necessary to protect Federal rights. A Federal judge does the remanding. The State courts can and will enforce the Constitution; if not, the Supreme Court of the United States can correct the mistake. Allowing appeal from remand, especially in a highly inflammable atmosphere, leaves a hiatus, a vacuum, in which law and order may well falter.

I urge a favorable vote on the amendment by the gentleman from Virginia [Mr. TUCK].

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

Mr. Chairman, I shall not take the full 5 minutes.

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

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

Mr. CELLER. Mr. Chairman, I ask unanimous consent that all debate on title IX and all amendments thereto conclude in 15 minutes.

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

Mr. SCHWENGEL. 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. EDWARDS.)

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

Mr. KASTENMEIER. Mr. Chairman, we have heard again that this is a reflection 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 three-judge court provision.

Mr. Chairman, what we have done is probably the most modest thing possible in this field. The subcommittee had before it a slightly more ambitious section dealing with this problem, and would have amended 1443 and 1447, but the committee took the most conservative approach and provided merely for an appeal of the remand decision. I would very much like to say, in answer to 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 from other cases.

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?

The 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 problem which, in voting cases, has been especially difficult. Those trial lawyers who have been litigants in this area trying to put an end to the prevention of voting on the ground of race have found this problem a roadblock, an insuperable one.

The 15th amendment to the Constitution says:

> The Congress shall have the power to enforce this article by appropriate legislation.

The 15th amendment to the Constitution was special legislation in itself designed to cure special problems. That is the reason, I submit, that the amendment should be voted down.

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

(By unanimous consent, Mr. WILLIAMS yielded his time to Mr. RIVERS of South Carolina.)

The CHAIRMAN. The Chair recognizes 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 I misquoted the gentleman.

Mr. SCHWENGEL. Mr. Chairman, if I understood the gentleman I thought some reference to a set of "cannot" statements often accredited 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 put 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 not been discovered.

The text of the 10 points most frequently used is as follows:

"1. You cannot bring about prosperity by discouraging thrift.

"2. You cannot strengthen the weak by weakening the strong.

"3. You cannot help small men up by tearing big men down.

"4. You cannot help the poor by destroying the rich.

"5. You cannot lift the wage earner up by pulling the wage payer down.

"6. You cannot keep out of trouble by spending more than your income.

"7. You cannot further the brotherhood of man by inciting class hatred.

"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 that have come to our notice are in publications of the Reverend William John Henry Boetcker (b. 1873). One of these booklets entitled "Inside Maxims, Gold Nuggets taken from the Boetcker Lectures" (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) reproduces maxim 25 (i.e. points 2 and 4) on page 56, and the same page contains lines which greatly resemble point 3.

Also, the "10 dont's" enumerated in an undated, printed handbill captioned "The New Decalog," which Mr. Boetcker has distributed widely, contains points 2 to 5 and 10, and a slightly different version which, under the title "The Industrial Decalog," was included in the American Charter Compass, by Mr. Boetcker (Erie, Pa., Inside Feature Service, 1945) 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" on the outside back cover of Investor America for February 1940, with no attribution of authorship. This periodical, a monthly publication of the American Federation of Investors, Inc., of which Mr. Hugh Stewart Magill was president, bore on the front cover a photograph of the Lincoln Memorial in Washington. Subsequently, the maxims which had gained considerable popularity both in the business and social 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.

"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 10 points. Of the four printings which we have seen (one bearing the caption "Lincoln on Private Property") one attributes their source to Land O'Lakes News, another to "Inspiration of Wm. J. H. Boetcker"; the third and fourth bear no attribution of source whatever, and none bears any attribution to authorship. However, as these printings carried on the face of the leaflet excerpts from Lincoln's writings, it appears that by printing the 10 points dos-a-dos to authentic Lincolnisms, without specifically relieving him of the distinction, the committee has earned the honor of having first associated Mr. Lincoln with the maxims.

The Royle Forum, published quarterly by John Royle & 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 Galen Drake's program of November 30, 1948.

More recently the 10 points, slightly transposed, with the omission of a word or two, have been attributed directly to Lincoln in various media, and there seems to be no way of overtaking the rapid pace with which the mistaken identity has been 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 world. That some should be rich, shows that 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, but let him work diligently and build one for himself. Thus by example, assuring that his own shall be safe from violence when built.

Mr. Chairman, a wrong to American history, a wrong to the sense and weight 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, 1964, in the Washington 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, are the Citizens' Councils of America, 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 publish in their own columns the views of those with whom they disagree.

What is wrong with this unfortunate use of honest quotations from Lincoln is the misuse and apparently 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 in his capacity for growth. Thus in a second quote from Lincoln dated 1862, 4 years later, and used in the advertisement, there is already the evidence of Lincoln's greater reserve, and more restrained attitude toward the problem as he had defined it before. The more he delved into the problem this advertisement seeks to exploit in the interests of injustice, the more convinced he became of the position that led to the Emancipation Proclamation.

What matters in this ugly, unhistorical, unscholarly, misuse of the facts of history, is that the whole weight and 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 to take the 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 whole seem unworthy of public approbation.

Further, the advertisement does not make any reference to other quotes by Lincoln, both before 1858 and after 1862, which more fully and more accurately reflect Lincoln's thinking and position on the subject.

A copy of the Washington Post advertisement follows:

[From the Washington Post, Feb. 10, 1964]

LINCOLN'S HOPES FOR THE NEGRO

What I would most desire would be the separation of the white and black races. (Spoken at Springfield, Ill., July 17, 1858, "Abraham Lincoln Complete Works," edited by Nicolay and Hay, published by the Century Co., 1894, vol. I, p. 273.)

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, nor to intermarry with white people; 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 they cannot so live, while they do remain together, there must be the position of superior and inferior, and I, as much as any other man, am in favor of having the superior position assigned to the white race. (Spoken in sixth joint debate with Senator Douglas at

Quincy, Ill., Oct. 13, 1858, "Abraham Lincoln Complete Works," edited by Nicolay and Hay, the Century Co., 1894, pp. 369, 370, 457, and 458; also at Charleston, Ill., Sept. 18, 1858, in fourth debate with Douglas.)

Why * * * should the people of your race be colonized, and where? Why should they leave this country? This is, perhaps, the first question for proper consideration. You and we are different races. We have between us a broader difference than exists between almost any other two races. Whether it is right or wrong I need not discuss, but this physical difference is a great disadvantage to us both, as I think your race suffer very greatly, many of them by living among us, while ours suffer from your presence. In a word, we suffer on each side. If this be admitted, it affords a reason at least why we should be separated.

It is better for both, therefore, to be separated. (Spoken to a committee of colored men at the White House, July 14, 1862. The New York Daily Tribune, Aug. 15, 1862, p. 1; New York Semi-Weekly Times, Aug. 15, 1862, p. 5.)

Mr. Chairman, a good and sufficient answer to the advertisement is found in the following editorial:

[From the Washington (D.C.) Post, Feb. 10, 1964]

QUOTING LINCOLN

Several things should be said about the advertisement by the Citizens' Councils of America appearing elsewhere in this newspaper today. The advertisement dishonors the memory of Abraham Lincoln and does injustice to Negro Americans. We publish it, nevertheless, out of deference to the right of those with whom we disagree to present their views to the public.

The statements attributed to Lincoln were made by him. They are presented here divorced from the context and the circumstances in which they were uttered. Considered by themselves, they make Lincoln sound like a racist, a rank segregationist. He was neither. Sedulous selection, it is well known, can make the Scriptures seem the work of Satan.

Lincoln lived in a time when Negroes were bought and sold and traded and transported and used as chattels. Their development was so frustrated, their lives so degraded that only the most visionary could think in terms of the complete equality which the 14th amendment later guaranteed to them. Lincoln was not a visionary. He was a politician, engaged in political debate with adversaries who sought to keep the Negro in a state of slavery. His concern was with what was politically practicable and possible at that time.

In Lincoln's debates with Stephen A. Douglas, from which some of the statements quoted in the advertisement are drawn, Douglas defended the Supreme Court's Dred Scott decision; Lincoln attacked it. In one of those debates, Lincoln said to his opponent: "I adhere to the Declaration of Independence. If Judge Douglas and his friends are not willing to stand by it, let him come up and amend it. Let them make it read that all men are created equal except Negroes." That seems to us an apt challenge to fling into the face of the Citizens' Councils of America.

It does a disservice to the memory of Abraham Lincoln to treat him as a god, or even as a demigod. He was a human being with human frailties, capable of error, yet capable, too, of majestic strength and compassion. As he matured in political experience and wisdom, he came to understand that the Nation could not endure with one race in subjugation to another. And so, in 1863 he wrote the Emancipation Proclamation. And in 1864 he wrote that "the restoration of the rebel States to the Union must rest upon the principle of civil and political equality of both races." And in 1865, in the second Inaugural Address, he sought "to bind up the Nation's wounds."

One hundred years later the Citizens' Councils are striving to reopen those wounds and to restore a system which has been the Nation's curse. The Great Emancipator was never their ally and will not serve them now. History has passed them by. A new birth of freedom is dawning.

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 first statewide assembly of the New York Civil War Centennial Commission, Albany, N.Y., April 17, 1961.)

A most formidable task for a people who would learn to live with their own history is that of proving worthy of its greatness, overcoming its sordidness, and knowing the difference between the two. The capacity to make this distinction, in large measure, depends on the extent to which history and tradition have provided values and criteria by which to make the proper judgments. In the course of this country's history we early enjoyed an abundance of such experiences. We learned in the 17th and 18th centuries that independence was preferable to tyranny, and we moved steadily in that direction. We learned that tolerance was a sign of greater strength and wisdom than bigotry, and we engraved on our national conscience a promise that we would learn tolerance. History taught us that human freedom was more becoming to a civilized community than the barbarism of slavery; and in increasing numbers we became committed to that view.

In the brief history of our country we have had the great variety of experiences that have provided a context for the crystallization of our values. We have seen triumph and defeat, joy and sadness, pleasure and pain, greatness and meanness. In the crucible of conflict and controversy we have hammered out a conception of a way of life that, at once, excites our imagination and challenges our ingenuity. It is a way of life that places the highest premium on the freedom of the individual, the equality of all, and justice on the basis of an objective evaluation of the person and his cause. If the conception remains unrealized, it is no less real and no less worthy; and in the crucible of conflict and controversy we have also developed some capacity to judge what aspects of what experiences contribute toward the realization of the goals we seek.

One of the greatest tests we have ever faced regarding our capacity to live with our history and to profit from its lessons is now before us. As we approach the centennial of our greatest national tragedy we do so with humility and, indeed, with some trepidation. We can make of this occasion a banal and blasphemous travesty or we can make of it an inspiring moment of rededication. We can regard it as an unpleasantness to be forgotten or we can seize upon it as an opportunity to learn to live with our past. We can turn our face from it as a child would hide from a picture of horror or we can look it squarely in the face hoping to prove worthy of its moments of greatness and attempting to overcome its moments of baseness and infamy. It is indeed an exciting and challenging test from which we cannot escape any more than we can escape truth or history or the tides or the seasons.

We would not want to be guilty of refusing to live with our past merely because an incredibly display of poor taste and even sacrilege has already attempted to caricature and blaspheme this great moment in our national history. The ludicrous, mocking speeches, the hideous and barbarous celebrations, and the wild, irresponsible attacks on those who saved this Union in its darkest hour impel us to remember and to proclaim to the entire world that the struggle to preserve this Union and the fight to achieve liberty for all persons was, after all, this Nation's finest hour. It would be a mark of enormous ingratitude as well as a mark of great insensitivity if we who believe that the Civil War was a triumph for civilized man did not say so. It would be an indication that we were trying to escape history or were refusing to live with it if we did not see in this great struggle important lessons for the present and significant suggestions for the future.

The lessons of the war have the greatest significance for this country as it seeks to realize the more perfect union of which the Founding Fathers dreamed. Their lessons have the profoundest importance for this country as it undertakes to build on the dream of freedom and equality for all its people that was expressed so eloquently on so many occasions by our wartime President, Abraham Lincoln. For surely the war taught us that the preservation of the Union was of supreme importance; and the intervening century has certainly validated this lesson. Surely the war taught us that human freedom is the highest goal of civilized society; and the intervening century has indicated that there is much yet to be learned in this regard. Indeed, the war taught us that magnanimity, tolerance, forbearance were the hallmarks of unity and brotherhood; and the intervening century suggests to us that in a dozen different ways these hallmarks are flouted.

It was the man who led this country through the dark hours of bloody, civil war who, at the end of the war, set the tone of peace and reconciliation that could well guide us in our remembrance of the war and its goals. Abraham Lincoln was not interested in crushing the adversary so that he could stride over the battle ruins in vulgar vanity. He realized that there could be no lasting victory unless the talents and resources that produced it were used with equal diligence in making and keeping the peace. His visit to the fallen Confederate capital in the closing days of the war was not a tour of triumph but a sobering experience filled with challenge. To a group of Negroes in Richmond, he said, "I am but God's humble instrument, but you may rest assured that as long as I shall live no one shall put a shackle to your limbs, and you shall have all the rights which God has given to every other free citizen of this Republic." In days he was brutally shot but he still lives in the hearts and minds of all who have liberty.

Earlier he had said that efforts to deny the Negro his rights and his freedom were also "calculated to break down the very idea of free government, even for white men, and to undermine the very foundations of free society." The war merely confirmed his views. He knew that there could be no just and lasting peace where legally enforced inequality prevailed. He knew that there could be no equivocation about simple, decent humane treatment of human beings.

In his remarks to the Negroes at Richmond, Lincoln spoke to our generation as well as to his own. To his own generation he urged that the people should move with steadfastness and determination toward securing and protecting the rights of all the citizens of the Republic. It involves, as he said, more than binding up the Nation's wounds and caring for those who fought in the war and for their dependents. It also involved doing "all which may achieve and cherish a just and lasting peace among ourselves and with all nations." To our generation he calls for a continuing of the effort to create a just and lasting peace. While the intervening century has seen some steps in the direction of a just peace, there is still an

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

We in this generation can complete the task of creating a more perfect Union and securing the rights of all persons if we seize this opportunity that is now ours. We can use the observance of the Civil War centennial to rededicate ourselves to the task and, in the spirit of those who gave so much in the way of sacrifice and their very lives during the war, push ahead to the goal of perfecting our democracy. We cannot do this by growing beards and simulating the appearance of mid-19th century militant swains. We cannot do this by appropriating millions of dollars to put on sham battles and going through ludicrous ceremonies that make a mockery of that tragic period and of this solemn moment of remembrance. We cannot do this by attacking President Lincoln, whose name some of us are unworthy to utter, and by seeking to create more than a breath of scandal around the name of everyone who fought to save this Union. We cannot do this by invoking the archaic and anachronistic arguments of the secessionists in order to defy and nullify the Supreme Court decisions today.

We can best observe the centennial of the Civil War by redoubling our efforts to 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 observe it in this State by appropriate measures and activities that will indicate our understanding of the deep significance and the great implications of the war and its outcome. We shall do no violence to the memory of any man or woman on either side of the war. We shall subscribe to the view that our responsibility is as great for us today as it was for those who a century ago gave their all for a cause in which they believed. We shall through our own rededication accept the challenge of Lincoln to finish the task that he began. We shall make a part of our observances, indeed, a part of our lives the words he uttered in 1856, when he said:

"The human heart is with us; God is with us. We shall again be able not to declare that 'all States as States are equal,' nor yet that 'all citizens as citizens are equal,' but to renew the broader, better declaration, including both these and much more, that 'all men are created equal.' "

If we observe the centennial of the Civil War in this spirit, we shall not have escaped history, but we shall have learned to live with it. We shall, in a small measure have proved worthy of the great legacy that has been handed down to us by those who served their nation and their consciences during the Civil War.

A Victory More Certain

(Address delivered by Dr. John Hope Franklin, professor and chairman, Department of History, Brooklyn College, at the annual meeting sponsored by the Lincoln Group of Washington, D.C., Feb. 11, 1961)

One hundred years ago today, on the eve of his 52d birthday, the President-elect had no time for celebrations. The victory at the polls in November had hardly been exhilarating, merely sobering. In its wake lay a Nation almost prostrate, broken into a dozen fragments. With every passing day the situation deteriorated. By mid-February the fragments had collected themselves into a new and frightening arrangement, calling itself the Confederate States of America. Not even the most ardent supporter of the victorious party could be certain that the results would be clearly salutary. Everywhere there were lingering doubts; and some of these doubts were entertained by the man 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 to Washington. And although he was tempted to take a backward glance at his beloved Springfield, there was scarcely time for that either. Beyond the journey lay grave responsibilities and arduous duties. He knew that for the next 4 years he would be absorbed with the gigantic task of reuniting the disrupted Nation and searching for a permanent solution to the problems that divided it. It would take one with less wisdom than Abraham 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 now sought was the preservation of the first principle of popular government, the rights of the people, against which the insurrection was making war. What he sought was a victory over the evils that were subverting free institutions and making a mockery of the great heritage for which patriots had fought and died almost a century earlier. What he sought was the revitalization of the democratic principle so that for years to come it could withstand the assaults of those who would rebel against it. This is what he meant when he told 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 the more firm and earnest, let us proceed in the great task which events have devolved upon us."

His conduct of the affairs of his office 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 the Treasury under wraps because he was convinced that political ambitions were distracting the Secretary from the faithful execution of the duties of his office. If the Rebels could resort to unconstitutional means to destroy the Union, he said, surely he could use similar means to save the Union. He was, indeed, a man obsessed. He was obsessed with the task of welding a nation together and leading it back to its own high purpose. "No personal significance, or insignificance," he said, "can spare one or another of us. The fiery trial through which we pass, will light us down, in honor or dishonor, to the latest generation." He hoped and prayed that the fiery trial would reveal his efforts to be filled with honor.

Nor was he interested in crushing the adversary in order to stride over the battle ruins in vulgar vanity. That held out no satisfaction for him. He realized that no victory was certain or lasting unless the talents and resources that produced it were used with equal diligence in making and keeping the peace. His visit to the fallen Confederate capital was not a tour of triumph but a sobering experience filled with challenge. When Negroes fell to their knees before him to bless him and thank him, he was embarrassed and filled with humility. "This is not right. You must kneel to God only, and thank Him for the liberty you will hereafter enjoy. I am but God's humble instrument; but you may rest assured that as long as I live no one shall put a shackle to your limbs, and you shall have all the rights which God has given to every free citizen of this Republic." Then, later on the same day, "I have but little time to spare. I want to see the capitol, and must return at once to Washington to secure to you that liberty which you seem to prize so highly."

This, then, was the challenge of Richmond: To move with steadfastness toward securing and protecting the rights of all the citizens of the Republic. He had so little time. His remaining days were devoted largely to the formidable task of making the surrender at Appomattox a victory more certain. This was a task that involved more than binding up the Nation's wounds, and caring for those who fought in the war and for their dependents. It involved, as Lincoln said, doing "all which 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 that claimed that Negroes were not included in the Declaration, he said, "is also calculated to break down the very idea of free government, even for white men, and to undermine the very foundations of free society." The war merely confirmed his views. He knew that there could be no just and lasting peace where legally enforced inequality prevailed. He knew that there could be no equivocation about simple, decent, humane treatment of human beings. 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 also constitute a shield for the effective growth of democratic institutions. He knew all too well that wisdom was not always the handmaiden of literacy and that loyalty to the Union and devotion to the cause of freedom often cast a bright light on the proper path for the unlettered and inexperienced to follow.

One wonders what Lincoln might have accomplished had he lived for even a few years after the war's end. Those last days were filled with searching for the means by which to establish an effective peace. Up to the very end he continued the search. Even in his last public utterance he spoke of plans to make some announcements on the matter shortly. What these plans were we shall never know. We only know that the Nation immediately felt the impact of his sudden departure. There was no peace. The victory had turned to ashes, and there began the long, dark night of groping for some sanity in the relationship of men with each other.

Lincoln spoke to our generation as well as his own; and since he was unable to complete the task of making victory more certain, it is well that he did. The century that has intervened has been an extremely difficult one for those who subscribed to the doctrine of equality set forth in the Declaration of Independence and heartily endorsed by Lincoln. It has been a veritable nightmare for those who hoped that for the first time in the Nation's history the principle of equality would also be theirs to enjoy. The first generation of freedmen were hardly surprised that the former Confederates, deeply entrenched in power in 1865 and 1866, would withhold from them the simple, elementary recognition of equality. Or, in subsequent years, that they would become victims of the violence—burnings, hangings, and untold indignities—committed in the name of civilization and, as they were wont to put it, in the name of the superiority of the white race. They hoped that, in time, these things, too, would pass, that the principles underlying free institutions espoused by the great wartime

President would prevail. But not in their time.

The fruits of victory are slow to materialize, and the implications of victory are even slower to crystallize. In the span of history, a generation is not a very long time even in the relatively brief history of this country. Time, the great healer of wounds and the great solvent of differences, would surely rectify the difficulties experienced by the first postwar generation. Surely, a century would be adequate time to provide the basis for the just and lasting peace for which Lincoln worked and died. Surely, a century would be sufficient time for this country to reestablish a connection between its own first principles espoused during its birth pangs and the amplification of these principles that emerged from the crucible of civil war. But was it? Listen to the replies made in the decade of the 1960's:

A Negro physician is run out of his Mississippi home because he attempted to vote. He has his own doubts about the meaning of Appomattox. A Negro professor of history is a doctor of philosophy from the University of Chicago and is highly respected in his profession. He may well have his doubts about the meaning of freedom when a Governor demands and secures his dismissal from a State college on flimsy, unsupported charges of affiliation with subversive organizations. A South Carolina Negro is chased at the point of a shotgun from a gasoline station by a white proprietor who shouts that desegregation is a Communist plot and that he wants no Negro in his place of business. The Negro wonders if the crime of having a black skin indicates that all was lost in 1865 and for all time to come. A white Methodist minister escorts his 6-year-old daughter to a desegregated school and is spat upon by hissing, hysterical white mothers. This man of God recalls with difficulty the words of Lincoln about a just and lasting peace. A white nursing supervisor in Florida is caught having lunch with her Negro colleague and is dismissed for the "crime." She can only conclude that the century since Appomattox has not made the victory over hatred and bigotry and racism a great deal more certain.

But Grant's self-effacing triumph at Appomattox and Lincoln's humble visit to Richmond have not been entirely forgotten. Today they are remembered by States who proudly fly the Stars and Bars on their streets and from their capitols, who openly shout defiance of Supreme Court decisions in one breath and decry the subversion of the desegregationists in the next. They are remembered in the millions of dollars appropriated to commemorate the "lost cause" by States whose schools are deficient and whose energies and resources are diverted from the urgent needs of their citizens. They are remembered by the extravagant expenditures planned in the next 4 years to put on sham battles between the blue and the gray with some of the more enthusiastic participants secretly entertaining the hope that somehow this time the results will be different. But these seem hardly the ways to remember our great national tragedy. These seem hardly the ways to remember the sacrifices of all who fought for a cause so essential to the very survival of the Nation * * *. These seem hardly worthy of one who sought a victory more certain than Appomattox.

A century has passed, and yet many of the problems remain. Three generations have seen these problems, and yet many of them seem unchanged. If they remain unchanged, it is not because material progress has not been made. We delight in pointing to this as evidence of what we call improvement in the condition of all our American citizens. For example, we point to the remarkable progress that Negroes have made since emancipation and forget that emancipation released the white man as well as the Negro 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 measure the progress that the white man has made, or has not made, in learning to live with freemen who happen not to be white. Only as Negroes learn to live as completely freemen and only as whites learn to live with Negroes who are free and, consequently, their equals, will we 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 to relieve it. There was a moment of failure as the Nation fell apart and as war came, with all its untold suffering and stark 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 made might. But his steady hand was stilled, and he sent hurtling down through the century not only a great legacy but a grave responsibility. It is a legacy of steadfastness to a principle and dedication to a cause. It is an inspiring legacy and one that is easy to accept, even when one feels unworthy.

The responsibility that is ours—yours and mine—is that which charges us to take his legacy and, through our own dedication, use it to make the victory over inequality and injustice more certain. It is a frightening responsibility. But if we are to be worthy of standing in this place and sharing in the legacy he gave to us, we must finish the task that he began. We must take a part of our lives and the central feature of our purpose the words he uttered in 1856, when he said: "The human heart is with us; God is with us. We shall again be able not to declare that 'all States as States are equal,' nor yet that 'all citizens as citizens are equal,' but to renew the broader, better 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 pleasure 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 155th anniversary of Lincoln's birth, because of the tenor of the times.

I personally feel that its message should have circulation beyond the walls of Ford's Theater and the some 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 many Members of 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 catalog of human biography since before Plutarch there is no one—but no one—who even remotely approaches the tragedy, the turmoil, the complexity of problems, that confronted this strange man 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 lessons in ethics the human race has ever known.

They didn't command armies.

They were not pressured by newspapers and politicians, by generals and by pulpit crackpots, by malicious cartoonists, and by sometimes brilliant, sometimes ugly, and often inept criticism from the official establishment, in this case Congress itself.

They had no combat front in the literal military and political sense.

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

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

This man was a Commander in Chief in a savage 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 compassion. He was a prophet who dealt with armies and with treason as no Commander in Chief before him in the whole gamut of history for the 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 galaxy of the great, matched the tone and the spirit of his words, and was consistent with a nature that belonged more in the area of Biblical decency than in the area of slaughter and bloodshed on a continental level.

How could this be?

Kentucky, to Indiana, to Illinois, to the White House. Less than 1 year of formal schooling and this on a most inadequate and elementary level. For intellectual companions, in the way of books, he had the basic best, but that was hardly enough for the 19th century of man's rise to the classics, after 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 faint smattering of other things. Also he had the Constitution of the United States which must have invested his heart and his mind greatly, and he had access to the eloquence of the Founding Fathers. Of course, there was Nancy Hanks and the profound gifts that a mature woman of humble wisdom and immense affection and understanding can impart to a growing boy, sensitive and unique.

What I must say in the most reverent spirit is that there was being fashioned on this soil—as if by the finger of God—the noblest individual personality in the whole story of human civilization since antiquity.

That's one.

Second, it is my thesis today, that this strange and unbelievable—yet so real—personality, is indeed the founder of a modern-day American religion that is already having

a powerful impact on the whole family of nations on this planet. Thus, I am saying that in my judgment Abraham Lincoln is the greatest human being God has ever bequeathed to man. And I am saying, that as a consequence of that fact, and the stage upon which destiny thrust him, he is indeed the founder of a new aspect of religion that is unencumbered by a theology. This religion is so amenable to the generality of mankind that all peoples everywhere can repair to it without prejudice to their inherited or habitual theological religion, to their respective denominations, to whatever is their hitherto religious faith, their cult, their system, their God.

It is not a religion to which one has to be converted in the traditional sense.

Yet it is a religion in the most real and the purest sense of the word.

And like any religion from Abraham to Moses, to Jesus, to Mohammed, to the Latter-day Saints, to Mary Baker Eddy, the religion of which Abraham Lincoln is the great prophet was not born with him, and is by no means his total creation. The ideas, the principles, the concepts were there floating in the milieu of mankind, and demanding desperately what he, Lincoln, desperately gave them: a restatement with a calm and an impact, a sweetness, a humor and an appeal, a sense of history and a sense of God, that renders them universal and eternal. The scholars tell us that everything that Jesus said had of course been said before, much of it, for instance, by Philo the Greek, in the library at Alexandria. Much of it deriving from the Old Testament. And more expounded by those around Jesus from John the Baptist to the Essenes. But he, Jesus, gave them a restatement, a kind of literary codification, that is the wonder of Western civilization and the foundation upon which our very lives are now built.

Abraham Lincoln, for what I call his religion, had source materials, as the religious leaders before him had their source materials, and he molded these into an understandable set of principles that I believe is now electrifying mankind, as mankind would not heve been electrified without them. These source materials are the title-deeds of American freedom: the Declaration of Independence, the Constitution of the United States, the Bill of Rights.

And he had in him the free spirit of the times, the released liberties of the frontier, and the deep and abiding revulsion in the midst of this atmosphere of decency, that came from his dirccl observance of injustice and inhumanity.

He was not a crusader.

He was not a zealot.

He was not a firebrand.

He was a conciliator.

Certainly the wisest and the kindest, the firmest and the strongest conciliator since man first discovered God.

Thus he projected upon the world stage a moral force that is the real essence of his greatness—a moral force.

It is this moral force that I call religion.

The Western World, pragmatic and skeptical, after 2,000 years, had lost its kinship to the mythology of religion. The Western World, and indeed, the whole world, was questing, was enhungered, prayed for some sign from Almighty God that the human condition was not just subject to simply wild and undisciplined forces over which there was no control either from God or from man.

I am not suggesting that man had lost his faith in the religion of his fathers.

I am suggesting that man was reaching out for a reaffirmation. Man wanted a renewal, I say, of Christianity, a reaffirmation of the eternal truths. Man wanted another sign from on high. Man wanted something within the concept of his own understanding. Man wanted, so to put it, a visitation, a stronger hold upon, and a firmer grasp of the great ethics of Judaeo-Christianity, now almost 2,000, indeed 3,500 years old and handed down from afar.

And there in the middle of the 19th century it came.

It came in the person of this tall, gaunt, brooding, and hopelessly tortured figure.

There he stood, Abraham Lincoln.

I never see his portrait, his statue, contemplate his words, read his decisions, but that I feel myself somehow in the midst of some divine prayer, overcome with a feeling of pure and unadulterated religious feeling.

This is no statesman per se, and yet statesman is absolutely what he was.

This is no warrior per se, and yet warrior is absolutely what he was.

This is no preacher of the word and yet isn't this precisely what he did?

Then what, indeed, is he?

For me he is the visitation that mankind has been yearning for and it came in the form and the meaning and the aspect, and even the costume, that the people in his day and people for another 3,500 years would be able to understand, and believe in, and comprehend and act upon.

The pages of history are pregnant with the portraits of what the historians and the biographers call the world's great men.

The greatest of these in terms of the wordage and the space they occupy, and the adulation they engender only chill the heart of men and freeze the blood. They are indeed the master cutthroats and the unmitigated criminals of all times. They have been artificially shaped into greatness by stoop-shouldered, thick-lensed, sedentary and dyspeptic, often well-meaning, but gushing biographers who never held a bayonet in their hands and couldn't possibly know what a battlefield looked like, really looked like at the time of carnage or shortly after. They read a statistic about a battle the way a bookkeeper for a corporation reads a statistic about General Motors.

They write a line: "The Turks in 1921 drove 80,000 Greeks—men, women and children—into the Mediterranean Sea."

Then they go on to something else. As if so frightful an utterance were a line from the budget. Bookkeepers who make figures about the work that other people do have no conception of the inherent truths they are tabulating.

Don't they know what it means to drive 80,000 men, women, and children into the sea at the point of bayonets, the helpless unarmed father trying with his bare hands to protect his family. The screaming mother. The terrified children. Then the onslaught of great armies bayonetting, crushing skulls, drowning their victims. In the end this enormous canvass of the ruthless slaughter of the innocents is treated with what the historians call "objectivity." For me this is easily the most pusillanimous word in the English language.

Objective about what? About murder? About massacre? About limitless hate?

Of course when I speak of this school of biographers and historians I do not mean those we shall always honor and respect, even if we disagree with them. I certainly do not mean writers and thinkers of the great stature, for example, of Carl Sandburg, Allen Nevins, the Beards, Douglas Southall Freeman, Van Doren, Parkman, and Henry Commager are the honest and diligent and truthful guides to history and biography and the truth of mankind's past. I do not mean Lord Charnwood. This country is immensely indebted to the diligence and the skill of Samuel Eliot Morison and long before him to Bancroft. Albert Bushnell Hart was a great American historian. Men in the Library of Congress like David C. Mearns and C. Percy Powell and Lloyd A. Dunlap have so fenced Abraham Lincoln within a wall of research and rugged and honest accuracy and integrity that their work is like a literary barbed wire to keep out the fakes and the phonies who make profit out of biographical distortion and fabrication.

When I was a boy, and avid for history, I read with wonderment and worship how that unmitigated gangster of antiquity—Alexander the Great—broke down and wept because he had no more world's to conquer.

There was nothing further for him to muscle in on.

Now wasn't that a shame?

Of course Alexander had immense ability and persuasive charm—they say.

But how about justice? morality? decency? And I mean decency. Not the showmanship of a conqueror who, in a great display, takes his dagger, so to speak, from the jugular of his victim and makes a great and glamorous show of letting him live in subjection.

I like to think what even more magnificent heights Lincoln might have risen to in the world history had he been given the opportunities that came so abundantly to this monster of frightfulness.

If Lincoln had owed as much to his father as Alexander owed to Philip of Macedon would he have openly or privately insulted him—mimicked his father's drunkenness before an assemblage of the most distinguished generals and personalities of the court?

Can you imagine what it means to have Aristotle—that peripatetic philosopher, probably the greatest intellectual of all time—as your personal tutor? And living with you right there in the palace? Why that's Harvard and Princeton and Yale, all rolled into one, and multiplied 10 times.

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 Corsican bandit: A liar. A cheat. A kidnaper. An arrogant, supercilious, potbellied swindler with the moral sense of a subway pickpocket.

This brilliant assassin murdered the Duke of Enghien after he kidnaped him.

Under him the whole of France was turned into one massive funeral parlor.

He bathed Europe in blood for 20 years.

He paraded through slaughter to a throne.

He depleted France and Europe of its manhood.

He passed out kingdoms to members of his family and his hoodlums as if they were postmasterships.

He was good at assignations—although I doubt that, too—but demonstrably lousy at marriage, except for profit.

I believe Leo Tolstoy and H. G. Wells about Napoleon.

I do not believe 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 unutterably corrupt: Talleyrand, Fouché.

Why do I tell you this?

I tell you this because until Lincoln came along this ghastly gallery of rogues and despots constituted the image and glamor of greatness for hundreds of millions 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?

What were the peoples 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 shock, pile up.

The more you read about Abraham Lincoln, as Carl Sandburg tells us, the more he grows on you.

Mankind was crying to high heaven: Must it be this way?

Revolution stalked the Continent.

There seemed to be so much potential for human grandeur in Bismarck. But it was Bismarck who gave Germany the tradition of "blood and iron." This was the "Iron Chancellor" who deliberately falsified the telegram at Ems helping to bring on the war of 1870. Above all there was the classically inhuman remarks of Bismark to Field Marshal von Moltke, as Von Moltke was about to invade France in command of the Prussian troops: "Leave them nothing but their eyes to weep with."

That line, for its exquisitely poetic expression of pure ruthlessness, might have been invented for one of the characters in Shakespeare.

I think it a distortion of the worst kind to even begin to equate or compare Bismark with Hitler. Bismarck was certainly a statesman in the 19th century concept.

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 who could murder in the millions and Il Duce the castor oil genius of Italy.

Are these the image of greatness that lifts the heart of a people?

For the cloud of international melancholia, frustration, and defeat, that swept the masses of Europe 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 probably prevented an epidemic of insanity that might have made Europe one enormous asylum for the insane, with consequences more devastating than the black plague.

Indeed, there were periods when Europe, certainly portions of it, seemed actually stricken with violent mass mental disturbance. This religious antidote to hysteria and sickness of the mind is a contribution, I believe, to the formal religions, for which there must be an incalculable debt of gratitude.

It may even have saved civilization.

The church provided positive sanctuary for "the tired, the poor, the huddled masses yearning to breathe free," as Emma Lazarus described them in another context.

Then came the emigration explosion when these "huddled masses" by the millions poured into the promised land for whom Lincoln presented, as a symbol, what I insist on calling the new religion—the religion of implementation. The religion of implementation is the religion that took the profound meanings of the Christian ethic and put them into de facto and de jure application. The dignity of the individual came to be written into the fundamental law of the land.

There was an end to the lettre de cachet.

There was an end to the ominous knock on the door in the middle of the night.

There was an end to ex post facto law.

There was an end to bills of attainder.

This citizen has a vote, no more and no less than any other citizen from the President down. The basic law of the land, the governmental holy of holies, the Constitution of the United States, spelled out the eternal and the workday, everyday decencies, under which all of us, as free men, live and prosper and have our personal and our political self-respect:

Trial by jury.

No cruel and unusual punishments.

Habeas corpus.

Freedom of speech.

Freedom of worship.

Freedom of assembly.

There is then this language of the Constitution as language. It gives us in the simplest and the most compelling rhetoric, compactly, the noblest reaches of the human spirit, the language of decision, of promise, of action, of fulfillment.

Of government by consent of the governed.

Here now in this very hour in which we live it is working for us, living truth governing our lives: "a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity."

This is the most absolute kind of prayer to Almighty God fashioned into practice.

It is the very essence of religion in action.

This is God!

And out of this sublime manifesto, this freedom, this equal justice, came the release of enormous energies and skills, education, science, culture, invention, industry, labor, the use of boundless resources—even the founding of new religious sects—that catapulted 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 appealing.

For the whole world he stated the American position:

"Conceived in liberty," "dedicated to the proposition that all men are created equal." "As I would not be a slave so I would not be a master." "I hold that while man exists it is his duty to improve not only his own condition, but to assist in ameliorating mankind * * *. I am for those means which will give the greatest good to the greatest number." "If the people remain right, your public men can never betray you." The dogmas of the quiet past are inadequate to the stormy present." "Let us have faith that right makes might, and in that faith let us to the end dare to do our duty as we understand it." "When an election is past, it is altogether fitting a free people, * * * that until the next election they should be one people." "If there is anything which it is the duty of the whole people to never entrust to any hands but their own, that thing is the preservation and perpetuity of their own liberties and institutions." "We are not enemies, but friends. We must not be enemies." "God selects his own instruments, and sometimes they are queer ones; for instance, he chose me to steer the ship through a great crisis."

Is this philosophy, reaffirming the philosophy of the Founding Fathers, not the nurturing ground, the seed soil from which sprang the great utterances of Franklin Delano Roosevelt and Winston Churchill? That thunderous indictment, that unobjective indignation, that challenge of guilt: "I see one-third of a nation ill housed, ill clad, ill nourished." "The forgotten man at the bottom of the economic pyramid."

The four freedoms.

The Atlantic Charter.

Is all this not an echo of Lincoln?

And in the hour of crisis the lightning bolt from the House of Commons:

"Never in the course of human conflict have so many owed so much to so few." Here we have the unexaggerated simplification in a single sentence of the intrepid heroism of the spitfires and the victory—for all the free world—of the Battle of Britain.

"We will fight from the landing fields, we will fight from the streets, we will fight from the dominions beyond the seas if need be—but we will never surrender."

There speaks easily one of the 10 greatest Englishmen who ever lived.

This is John Bull incarnate.

Yet not even these giants of history, the history of the rise of man from despotism, and of man's concern for man in place of man's inhumanity to man, can ever hope to capture and hold the imagination of the whole human race as Lincoln holds it. Lincoln is the supreme prophet because his language is really for the ages, for all time, and for all men everywhere and his life so humanly and so movingly exemplifies it.

There just is no flaw in him.

Churchill was so much more the man-of-the-hour, the indispensable genius of his own time. He did issue the order: "Treat them like a conquered province." And he did think himself back into the 18th and 19th century with: "I did not become the King's first minister in order to stand by at the liquidation of his Empire." I don't think he would be regarded an object of adulation either in India or in Ireland.

Yet no individual so far in the 20th century made as monumental a contribution to freedom as Winston Churchill.

Lincoln had the unanswerable logic of Aristotle. He was an artist on the sublime level of Michelangelo, his genius being for expression in words as that of the renaissance titan was for expression in stone and on canvas, arriving at the simple through the complex. The profoundly spiritual motivation of his character invests the very quintessence of his thinking. For me only Holy Writ matches the beauty and the brooding style 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 who trespass against us, but deliver us from evil." The cadence, if not the meaning, of such phrases as:

"The last full measure of devotion" and; "Shall not have died in vain" and; "Thus far so nobly advanced" and; "These honored dead" are for me, reminiscent of what is certainly the most beautiful utterance in the many languages of the human race—the Lord's Prayer:

"Hallowed be Thy name, Thy kingdom come, Thy will be done. Give us this day our daily bread."

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, could have been, among all 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 only the outstanding figures in Holy Writ; the company of Solomon and his songs, of David and his psalms.

They were also heads of states and also poets and warriors.

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 techniques of politics and statesmanship 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 guided in his treatment of one of the great World War II generals 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 eventually defied his Commander in Chief, and

was interested to learn how President Lincoln dealt with an insubordinate general."

In much of what he did as Chairman of the Truman Committee in the Senate to investigate the national defense program he took guidance in what had happened to Lincoln in his dealing with the Congress under the same circumstances. Truman knew history and thus avoided the mistakes of his predecessors. Santayana tells us in effect, that those who are ignorant of history are doomed to repeat it. Truman, with Lincoln's help, avoided that pitfall.

Eisenhower uses Lincoln as a kind of text in some of his chapter headings for: "Mandate For Change."

But the Lincoln impact is worldwide. It is Tolstoy who beat me to it in comparing Lincoln to Christ. He put it this way:

"Lincoln was a Christ in miniature, a saint of humanity, whose name will live thousands of years in the legends of future generations. We are still too near to his greatness, and so can hardly appreciate his divine power; but after a few centuries more our posterity will find him considerably bigger than we do. His genius is still too strong and too powerful for the common understanding, just as the sun is too hot when its light beams directly on us." This ends the Tolstoy quote.

In this country we have an entire volume, written by my late Boston colleague: F. Lauriston Bullard, of the Boston Herald, titled, "Lincoln in Marble and Bronze." This talks about nothing but the monuments and sculptures of Lincoln in the United States. But we have statues of Lincoln, too, in London, in Manchester, in Edinburgh. There are plaster busts of him all over the earth. You will find his portrait in the Prince of Wales Museum in Bombay. You will find a cast of his hand on the desk of India's Nehru. There is a Lincoln Fellowship in Hamilton, Ontario. Lincoln, as we know, mightily influenced Sun Yat Sen. There is a society in his name in Tokyo.

Even the Soviet Union—the present rulers—deify him, in their strange way.

Lincoln had the devoted admiration of Dicey and Goldwin Smith and Earl Russell and Queen Victoria. He had the admiration of the laborers of Manchester and London. He inspired Garibaldi in Italy and Victor Hugo in France. William Makepeace Thackeray wrote a book about Lincoln that was published in Athens in a Greek translation in 1865. As far back as 1863 the Emancipation Proclamation appeared in Nestorian Syriac at a place called Oroomiah, Persia. I have several pages of data on the commemoration of the Lincoln centennial all over the world.

I wonder if you think me too far out if I say that it is more than possible that Lincoln's greatest contribution to our country and to mankind is still in the future. For the whole world he is the antithetical image of the bold and bloody conquerors of the past. Four centuries after Christ the cross of Jesus supplanted the scepter of the Caesars in Rome. Four centuries from today, or 2 or 6 or 10, the image of Lincoln will supplant the image of Karl Marx and Stalin and Lenin and the rest of that extraordinary galaxy who thrust upon our world the greatest of all frauds since the dawn of government. And I predict the present Communist domination over one-fourth of the earth's surface and one-third of the world's population will be Lincolnized.

The image of America in Africa and Asia and the four-fifths of the world that is nonwhite will be symbolized by Abraham Lincoln, and not by police dogs in Birmingham in our day or the Alien and Sedition Acts of the 1790's. It will be the image of Lincoln. It will not be the image of the know-nothing movement, the anti-Masonic outburst, the anti-Catholicism, the Ku Klux Klan, or the Red scare of 1919, which the world will recognize as the true genius of the American people. The Lincoln impact is deep and massive and goes to the heart of a thousand peoples because it has the genuineness of the noblest quality in man.

Lincoln is the greatest personality in biography and his bequest to mankind is the modern religion that includes all people within a global canopy of justice and dignity under law.

The CHAIRMAN. The Chair recognizes the gentleman from South Carolina [Mr. RIVERS].

Mr. RIVERS of South Carolina. Mr. Chairman, I did not intend to get into any argument when I last spoke. I was hopeful that was my farewell address on this subject, but this is not the time to speak about farewell addresses. This is the time to speak about farewell to the civil rights of Americans, farewell to freedom, farewell to free enterprise.

This is no contest between my knowledge of history and that of the distinguished gentleman from Iowa. Indeed, if I said anything intemperately to reflect on the gentleman positively, I apologize. I checked with the Library of Congress, where we go to get the authority, and we pay them, and they sent this back to me. "Let not him who is houseless pull down the house of another, but let him work diligently and build one for himself, thus by example assuring that his own shall be safe from violence when built." If I am wrong the Library is wrong. If Abraham Lincoln did not say this, Abraham RIVERS said it.

The CHAIRMAN. The Chair recognizes the gentleman from South Carolina [Mr. WATSON] for 1½ minutes.

(By unanimous consent, the time allotted to Mr. ASHMORE was granted to Mr. WATSON.)

The CHAIRMAN. The gentleman from South Carolina is recognized.

Mr. WATSON. Mr. Chairman, the gentleman from New York said we have a special problem and that is why it is necessary to resort to these extraordinary judicial procedures. May I ask the bleeding hearts, those who are interested in special humanitarian rights for all people——

Mr. ROONEY of New York. Mr. Chairman, I make a point of order. I should like to inquire whom the gentleman refers to as bleeding hearts?

Mr. WATSON. I am sure the gentleman is well able to determine himself as to who fits into that category. If the shoe fits, then wear it.

Mr. ROONEY of New York. Mr. Chairman, I demand that the gentleman's words be taken down.

Mr. WATSON. As I started to say, many are concerned about these alleged special problems and seek special consideration and extraordinary——

Mr. ROONEY of New York. Mr. Chairman, I submit that no Member has the right to refer to another Member or Members as bleeding hearts.

The CHAIRMAN. The gentleman from New York will suspend until he has stated his purpose in rising.

Mr. ROONEY of New York. Mr. Chairman, my purpose in rising was to demand that the gentleman's words be taken down.

The CHAIRMAN. Does the gentleman insist that that be done?

Mr. ROONEY of New York. I do, Mr. Chairman.

The CHAIRMAN. The Clerk will report 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 although I feel that no Member has the right to characterize another Member or Members as the gentleman from South Carolina has done, I withdraw my demand 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 underscore the fact that I stand here as a bleeding heart—a bleeding heart for all the people, not just the few. I have not referred to anyone specifically as a bleeding heart, but if anyone is offended, I say if the shoe fits, then wear it.

But we have heard a lot of people around here pleading for special rights and for special considerations for certain people. I stand before you as a bleeding heart. I wish to say a word in behalf of the majority and in behalf of the widow and her children who have lost a husband and father. They would like to have their case tried in court. Yet in this legislation you are going to provide for extraordinary judicial proceedings, not to accelerate her case, but extraordinary measures which would expedite the bringing in of cases in behalf of this 10 percent of the population. What would you do for your widow or the wife who has 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 recovery? Do you want your case to 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 who would be out here alleging 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 our efforts to effect amendments to this bill, I still hope that some of my colleagues who have been constantly voting against every amendment will feel compelled to cast a final vote against the passage of this measure.

Naturally, it is appealing for someone to 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, the white as well as the black, the native born as well as the foreign born—yes, we are supporting the constitutional rights of all of our citizens by opposing the enactment of this inequitable and unconstitutional measure.

Mr. Chairman, were we to carry the contention of the proponents of this measure to its logical conclusion, no doubt, they would contend that 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 and minds while some were not so blessed. Our legislative as well as personal responsibility is not to believe that we can make the unequal equal, the black white, the lame walk or the mentally impaired sane, but our mission in life as well as in this Chamber is to lessen the burdensome lot of these unfortunate citizens. This will be done only so long as we keep the healthy strong so that they may strengthen the weak.

One of the greatest champions of the rights of our colored citizens was that noble President, Abraham Lincoln, who said: "You cannot strengthen the weak by weakening the strong."

It has been said that an ounce of performance is worth a pound of promises. To that I subscribe. In that statement we find an indictment of this bill for it is nothing but many pages of idle promises. It will not give one bona fide job to a single member of the minority group; the only jobs it will create will be those on the commissions established therein and the additional Federal marshals and judges necessary to enforce it.

One hundred years ago our Confederate forefathers were fighting a similar battle for individual rights. So strong was their belief in the cause which they represented that they were willing to lift arms against fellow citizens. Although our zeal in the cause of constitutional government is just as strong today as was theirs, we now appeal to you with reason and logic. Just as they, we ask nothing but what is just and right for the employer as well as the employee, for the proprietor as well as the patron—yes, for the 90 percent as well as the 10 percent. No section nor people should ask more, nor be willing to accept less.

We offer no defense but the Constitution and God forbid that we should ever forsake its defense regardless of the opposition. In asking you to oppose this bill we are not asking for any sacrifice on your part, for you, as we, have been sworn to uphold the Constitution and it will be a dereliction of your solemn duty not to do so. Pressure, regardless of how intense, should never be justification for violating your constitutional obligation.

Mr. Chairman, this bill has been provoked by lawlessness and no doubt, will be passed under strong pressure, and will ultimately reap its harvest of hate. The passage of this measure will hail the beginning of an era of business harassment and employee unrest. It will formally announce the advent of minority rule in America. It will be an admission that this Congress has succumbed to political pressure, that legislation is the result of mob rule rather than manly reasoning.

The majority in this House have not heard the words of those of us, primarily from the South, who oppose this bill, but future generations who follow after you will never stop asking why you did not hear and heed our warnings. Your numerical superiority does not prove the rightness of your position. Your votes in favor of this infamous bill will not prove the cause for which we fought wrong. No, the strength of your voting power does not prove the weakness of our position.

Mr. Chairman, the victory of the majority on this bill will be a hollow honor, based upon fear of pressure rather than faith in our people. I predict that the 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 the gentleman from California [Mr. LEGGETT] for 1½ minutes.

Mr. LEGGETT. Mr. Chairman, we are locked in what historically will be referred to as a violent debate over the enactment of what amounts to the first civil rights bill in American history exclusive of the 13th, 14th, and 15th amendments to the Constitution.

I believe our record should show that supporting the integrity of this bill on probably at least six score amendments on nonrecorded voice, standing, and teller votes are substantial numbers of Republicans and substantial numbers of Democrats. Among the Democrats there a number of courageous Members who must fight for their votes in the Southern States. You gentlemen have the admiration of those of us from the North, and the entire Nation.

I might state, however, that the South surely has no cartel on narrowmindedness on the civil rights issue. While allegations have been made during this debate that the proponents of this legislation are forced to do so, for most of us, nothing could be further from the truth.

Were I to vote according to my mailbag I would vote against this legislation as would many other Members. This does not mean that the people are against this bill—it means that the conservative societies are most articulate. No Representative from California is oblivious to the fact that he loses many votes for expressing himself on the liberal side of this great national cause.

So why then do we take this position if we are not forced to do so? For the late President Kennedy and for many of us, this is a moral issue. While one has said that the only moral issue here is property rights, many recognize the moral issue to include freedom of speech, press, and religion and the further right implicit in our Constitution of all Americans to participate in electing government leaders, and the right to an equal share of the facilities, accommodations, and schools protected and encouraged by State action.

I anticipate this legislation will be enacted, and what will this mean? I believe it will mean that bipartisans from all over the country have substantially and emphatically expressed the overwhelming majority view that at no place in these United States will we tolerate a multiple-class citizenship. It means that the will of the people has been expressed in support of the 1954 decision of the Supreme Court of the United States "that separate but equal facilities do not satisfy basic constitutional guarantees."

It means that all of us must go forth from the Congress and support legislation validly enacted by the Congress. Many have derogated from the Supreme Court decision over the past 11 years, 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 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 in the West with all Federal action—farm 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 amortized over all of the States. Gentlemen, use this power wisely.

While allegations have been made that the Federal Government under this bill might overrun 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. Tne Chair recognizes the gentleman from Michigan [Mr. MEADER] for 1½ minutes.

Mr. MEADER. Mr. Chairman, I take this time to point out to the committee that title IX was not in the original administration bill. That was added by the subcommittee. So far as I can recall, in the three volumes of testimony very little was said about this provision and very little consideration was given to this change in Federal criminal procedure in the subcommittee and none at all by the full Judiciary Committee.

I was concerned—and I so expressed myself in my additional views—that we might be taking action without knowing all its ramifications by granting an appeal from a remand of a Federal court in a civil rights case but not in any other case. It is possible that dilatory tactics, by repeated appeals, might frustrate the execution of State law.

Also, we might be establishing a bad precedent to be extended to other types of cases. I believe the matter could very well stand further study.

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 in this Nation. The gentleman, Mr. Wyman, has on at least two occasions been chairman of the American Bar Association's top standing committee on constitutional law, the standing committee on jurisprudence and law reform. I wish to add, not only do I strongly feel it is unconstitutional but also, in my sincere opinion, it is the most discriminatory piece of legislation ever written in the Congress of the United States. It will discriminate not only against the small businessmen but also against the workingman and the member of a small union who perhaps will lose his seniority rights, for which he has worked so hard.

Let me be specific. Title II relating to public accommodations and title VII relating to an FEPC, are blatantly discriminatory 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 moneys gives our Government power to keep funds from the school milk lunch program or from needy families receiving welfare relief because of actions of people over whom these innocent people have no control. We have witnessed 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 inconsistencies in the legislation, we can only wonder at its real purpose.

I have heard some of my colleagues on this side of the aisle say that they are going to hold their noses and vote for this bill. If this is so, perhaps it would be well for those who are going out to expound on the greatness of Abraham Lincoln this week to remember well something Mr. Lincoln said. He said, and I quote:

> If I were to try to read much less answer all the attacks made on me, this shop might as well be closed for any other business.
>
> I do the very best I know how, the very best I can, and I mean to keep doing so until the end.
>
> If the end brings me out all right, what is said against me won't amount to anything. If the end brings me out wrong, 10 angels swearing I was right would make no difference.

Mr. Chairman, I believe that the workingman and the small businessman will make their feelings known to us about this bill and the inequities involved, soon.

I personally am more concerned 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 constitutionality and take such action without having sufficient courage to face the problem and change the Constitution through the proper approach of amendment offered to and approved by the people of the United States.

The CHAIRMAN. The Chair recognizes the gentleman from Alabama [Mr. SELDEN] for 1½ minutes.

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 lessen the dangers of this far-reaching measure, the amendments that have been adopted have failed to accomplish this purpose. As a matter of fact, most of the 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 package. Yet, 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 legislation to be seriously 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 aspects affect only one State or 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, ultimately be affected.

The overriding issue involved in consideration of H.R. 7152, as I see it, is whether the rights of individual Americans—regardless of race, creed, color, or national origin—can be secured or advanced by the creation of additional Government agencies and the extension of Federal power. My opposition to this proposed legislation is based on what 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—it is its enemy.

Mr. Chairman, I support the amendment of the distinguished gentleman from Virginia [Mr. TUCK] as it will improve at least to a small degree the pending measure. At the same time, Mr. Chairman, I point out to my colleagues that on some future day H.R. 7152 can and may be used to throttle the civil rights of all Americans, and 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. KORNEGAY] for 1½ minutes.

(By unanimous consent, Mr. KORNEGAY yielded his time to Mr. SELDEN.)

The CHAIRMAN. The Chair recognizes the gentleman from Arizona [Mr. SENNER] for 1½ minutes.

(By unanimous consent, Mr. SENNER yielded his time to Mr. EDWARDS.)

The CHAIRMAN. The Chair recognizes the gentleman from Connecticut [Mr. ST. ONGE] for 1½ minutes.

Mr. ST. ONGE. Mr. Chairman, as we continue this great debate on civil rights, I cannot help but feel that this is a most significant and historical period in the annals of our Nation. It is a matter which our people have discussed for many years and one of vital interest to the entire country. I am convinced that the problem of civil rights is not only the overriding issue of this session of Congress, but perhaps the most significant issue of our time.

Civil rights is also one of the most difficult problems this Nation has ever confronted in its history. We cannot close our eyes and believe that the problem does not exist. We cannot ignore it and wish it would somehow disappear. We must meet it—and I think what we are doing here today is making a sincere effort to deal with this problem and to find a solution.

We must recognize that times change. We must also recognize that new challenges have arisen which demand a new approach. This great Nation of ours has been characterized throughout its history by its ability to adjust to changes and to meet the challenges of the times. I am confident that we still possess that ability.

Right now we are faced with a tremendous challenge in the field of civil

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. In the South, as well as in other parts of the country, we have recently seen strong evidence of the impatience of the Negro people who are the victims of discrimination and racism. This impatience is expressed in the form of marches, demonstrations, sit-ins, protests, appeals. Fortunately, they have been of a nonviolent 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 such developments. 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 loss of life and 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 in their efforts to keep the demonstrations from becoming destructive and violent. This is a responsibility which they must assume.

At the same time, 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 showing understanding, by avoiding provocation, and by cooperating in the effort to assure civil rights for all Americans.

Let me make one point clear, however. We must recognize the right of Negroes for equal opportunities for obtaining a job, an education, proper housing, and so forth. Denying this right to them is indefensible. But granting a man a job merely because he is a Negro is also indefensible. Merit and ability should be the determining factors, and not the color of a man's skin, or his religious beliefs, or his national origin. All that we ask—and I am sure all that the Negroes themselves ask—is that they be given an equal opportunity, that the same yardstick that is applied to whites in employment, housing, education, public accommodations, and the like, should also be applied to them. That is a fair and just request.

At all levels of government, Federal, State, county, and municipal, 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 will weaken the fabric of our Nation at a crucial time in human events when we need our full strength to cope with other domestic and international problems.

As I reflect over the struggle for civil rights, the thought comes to mind: Why this intolerance in this great country of ours toward the member of a minority group, toward the person who belongs to a different race or faith? Did we not all contribute of our brain and brawn to make the United States what it is today? Do we not all seek the security of our country, the welfare of our Nation? The children born in our country today know neither prejudice nor hatred of their playmates in their formative years. They are given by Almighty God inalienable rights of freedom and equality, which neither man nor law can take away from them or deny to them.

A nation that lives up to these rights and provides all of its citizens with the opportunity to enjoy them is a happy and prosperous nation. A civilization or society that assumes the responsibility that what is granted to one will be granted to all should have no fear that it cannot survive the onslaught of communism. It cannot be vanquished because its people have something to live by and to fight for.

It stands to reason that, in this crucial era for all of humanity, this is certainly a time for all men of good will to unite, to set aside their petty bickering, to rise above partisan and geographical lines, and to go forward together in their efforts to achieve security and peace. Unfortunately, the civil rights issue serves to divide us, to weaken us, to arouse sectional strife, and to detract our attention from the real problems and dangers facing our country today. This is exactly what Khrushchev and his comrades in Moscow want—division in our ranks, chaos in our land, and our attention diverted to other matters, while they go about gobbling up nation after nation until we are ready to fall prey to their schemes. We fail to treat a deadly cancer, but worry over a cut on our finger.

This is a time that calls for balanced minds and clear vision to understand the human values behind the struggle for civil rights. It is time we realize that second-class citizenship for any segment of our population is no longer feasible or desirable. We have outlived those concepts. The world will no longer tolerate them. The times have changed and the challenges are here. If there are any among us who doubt it, I urge you to look at developments in Asia and Africa where many new and independent nations have recently arisen, and also at Latin America. Just as colonialism is a thing of the past, so discrimination and second-class citizenship status are things of the past. The sooner we realize this, the better for us. The longer we cling to outmoded concepts, the more we stand to lose at home and abroad.

It was one of our great labor leaders, Samuel Gompers, the founder and first president of the American Federation of Labor, who said:

> America is not merely a name. It is not merely a land. It is not merely a country, nor is it merely a continent. America is a symbol; it is an ideal; the hopes of the world can be expressed in the ideal—America.

That has been true all through our history. That is the image in which mankind has always regarded our Nation—the symbol, the ideal, the hope of humanity. The story of America over the past two centuries is the story of a growing and expanding nation where new opportunities have been opened up to more and more of its citizens, so that they can participate as equal partners in a free society—free also from discrimination. Instead of freedom from discrimination, some sections of our citizenry are suffering from an infection of discrimination which is sapping our strength, holding back our economic growth, and destroying our national unity and the moral fiber of our Nation.

Consider, for example, what discrimination in housing is doing to our cities, the decay it is causing both in human lives and in property. In a book by Howard Moody, called "The City: Metropolis or New Jerusalem?"—published about a year ago—we read as follows:

> A city is dying when it has an eye for real estate value, but has lost its heart for personal values; when it has an understanding of traffic flow, but little concern about the flow of human beings; when we have increasing competence in building, but less and less time for housing and ethical codes: when human values are absent at the heart of the city's decisionmaking, planning, and the execution of its plans. * * * Then the city dies and all that is left, humanly, is decay.

Unfortunately, this is the situation in many of our cities today, large and small, where Negroes and others are subject to discrimination in housing and to other indignities.

I am opposed to such practices. I am opposed to treating Americans as second-class citizens by denying them basic rights enjoyed by all others. We must not recognize any caste system in the United States, or the supremacy of one race over another. Such practices can never be justified in the light of our moral and democratic principles, because there is no moral justification for racial or religious discrimination.

This country is comprised of people from all corners of the earth, all races, religions, and nationality groups. All of

them have made important contributions toward the growth of our country and the shaping of its destiny. To abuse our civil rights, to continue discriminatory practices against our fellow citizens, is most injurious to our way of life and to everything that this Nation has stood for and fought for in the last two centuries. It is intolerable at all times, it is morally wrong under any circumstances.

Somewhere recently I came across these lines by an American poet:

Give us wide walls to build our temple of liberty, O God.
The North shall be built of love, to stand against the winds of fate;
The South of tolerance, that we may, in building, outreach hate;
The East our faith, that rises clear and new each day;
The West our hope, that even dies a glorious way.
The threshold 'neath our feet will be humility:
The roof—the very sky itself—infinity.
God, give us wide walls to build this great temple of American liberty.

Mr. Chairman, for the sake of our great Nation and its future, we must build with love and tolerance: with faith in our country that it will remain the ideal and the hope of mankind; and with the firm belief in human brotherhood, freedom, and true understanding among the nations of the world. We cannot be wrong if we are on the side of God and man.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. LINDSAY] for 1½ minutes.

Mr. LINDSAY. Mr. Chairman, I am in opposition to this amendment. The Federal courts have long been the great buffer in the whole area we are discussing in this civil rights bill, especially in those matters involving the right to vote. We have heretofore in this legislation created special machinery for the expedition of cases of this kind which testimony taken by the Committee on the Judiciary and by the Civil Rights Commission have demonstrated to have been inordinately delayed. We did so in the three-judge court provision. We established a special proceeding there which I think will work for the protection of all parties involved. Here again if there is any error being committed by either party to a case, it will be decided by the court of appeals, a Federal court of appeals. That is all we seek to have accomplished by this title IX in the bill. I urgently request that Members vote down the amendment to strike out title IX.

I yield back the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. CORMAN] for 1½ minutes.

Mr. CORMAN. Mr. Chairman, I urge the defeat of this amendment, which would strike out an extremely important provision in H.R. 7152. In the most harsh cases of denial of constitutional rights one is frustrated at the district court level if there is no right of appeal. If the State prevails, the State has a right to appeal, but the plaintiff does not. I urge the Committee to support us on title IX because it will get at those case which are most tragic and where justice is in truth denied unless we can get the case to the appellate court.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. GILBERT] for 1½ minutes.

Mr. GILBERT. Mr. Chairman, I rise in opposition to the amendment of the distinguished gentleman from New York.

The CHAIRMAN. The Chair recognizes the gentleman from Virginia [Mr. POFF].

Mr. POFF. Mr. Chairman, I find all too often when I rise I am required to answer both the gentlemen on the other side of the aisle and the gentlemen on my own side of the aisle. The gentleman from Wisconsin [Mr. KASTENMEIER] called to my attention something which I confess I did not know. Indeed, there is another class of cases in which appeal from a remand order is available. That has to do with cases involving Indian lands. However, what the gentleman did not make plain was that only the United States has the power to appeal such a remand order in that class of cases.

If I may respond to the gentleman from New York, I want to emphasize that the class of cases referred to in section 1443 is not confined to voting cases. Section 1443 describes all types of civil rights cases and that category is rather large. But why we should single out that class of cases and the Indian cases to offer a right of appeal from a remand order and deny the right of appeal in all other cases involving Federal questions which have been removed from the State courts to the Federal courts, no one yet has satisfactorily explained.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. EDWARDS] to close debate on title IX and all amendments thereto.

(By unanimous consent, the time allotted to Mr. ROOSEVELT was granted to Mr. EDWARDS.)

Mr. EDWARDS. Mr. Chairman, I rise in opposition to the amendment offered by the distinguished gentleman from Virginia [Mr. TUCK].

First of all it is established law and has been for nearly 100 years that the defendant in a civil rights case can have his case removed from a State court to a Federal court. This right to remove a civil rights case to a Federal court is contained in 28 United States Code 1443. And particularly any of the following civil actions or criminal prosecutions which are commenced in the State court may be removed by the defendant:

First. Against any person who is denied or cannot enforce in the courts of such State a right under any law providing for the equal civil rights of citizens of the United States, or of all persons within the jurisdiction thereof.

Second. For any act under color of authority derived from any law providing for equal rights, or for refusing to do any act on the ground that it would be inconsistent with such law.

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 State court. He cannot appeal to the circuit court of appeals for a reconsideration of the order sending his case back to the State court.

So, Mr. Chairman, title IX seeks to cure 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; that is all. All other civil rights statutes are subject to appellate review. That is what higher courts are for.

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—ayes 76, noes 118.

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 (hereinafter 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, as amended. The Director is further authorized to procure services as authorized by section 15 of the Act of August 2, 1946 (60 Stat. 810; 5 U.S.C. 55 (a)), but at rates for individuals not in excess of $75 per diem.

"(b) Section 106 of the Federal Executive Pay Act of 1956, as amended (5 U.S.C. 2205), is further amended by adding the following clause thereto: 'Director, Community Relations Service.'

"SEC. 1002. It shall be the function of the Service to provide assistance to communities and persons therein in resolving disputes, disagreement, or difficulties relating to discriminatory practices based on race, color, or national origin which impair the rights of persons in such communities under the Constitution or laws of the United States or

which affect or may affect interstate commerce. The Service may offer its services in cases of such disputes, disagreements or difficulties whenever, in its judgment, peaceful relations among the citizens of the community involved are threatened thereby, and it may offer its services either upon its own motion or upon the request of an appropriate State or local official or other interested person.

"SEC. 1003. (a) The Service shall, whenever possible, in performing its functions under this title, seek and utilize the cooperation of the appropriate State or local agencies.

"(b) The Service shall hold confidential any information acquired in the regular performance of its duties upon the understanding that it would be so held. No officer or employee of the Service shall engage in the performance of investigative or prosecuting functions of any department or agency in any litigation arising out of a dispute in which he acted on behalf of the Service.

"SEC. 1004. Subject to the provisions of section 1003(b), the Director shall, on or before January 31 of each year, submit to the Congress a report of the activities of the Service during the preceding fiscal year."

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

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

There was no objection.

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

Mr. ASHMORE. I yield to the distinguished gentleman from New York, the chairman of the committee.

Mr. CELLER. Mr. Chairman, the amendment is technical in nature and is acceptable to me.

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

Mr. ASHMORE. I am delighted to yield to my friend the distinguished gentleman from Ohio.

Mr. McCULLOCH. Mr. Chairman, the amendment is acceptable on this side. This amendment had been acceptable before in the committee.

Mr. ASHMORE. I thank the gentleman.

Mr. Chairman, I understood that one Member wanted to speak on this matter, but I do not see him on the floor at this time.

Mr. Chairman, since the amendment has been accepted by both sides, I shall not use the full time allotted to me.

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

Mr. Chairman, the genius of the American system of Government—the quality that distinguishes it from other and less successful governments is the intricate system of checks and balances, and the distribution of powers provided by our Constitution. This system has served us well since it was instituted 175 years ago. It has brought us from a third rate power to the position we enjoy today as the strongest and most powerful nation in the history of the world. But more important than that, our Nation, operating under the Constitution, has long been the world's citadel of freedom, protected against the dangers of oligarchic tendencies through the diffusion and distribution of governmental powers written into our Constitution.

Mr. Chairman, during the past several years, since the end of World War II, our venerable Constitution has been under assault from many quarters, beginning with a series of damaging political decisions handed down by the very courts whose duty it is to preserve the meaning and the letter of that document. It has suffered from Executive orders that seek to legislate by decree, and in the absence of approval by the Congress. Even the Congress cannot be 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 Government and the States. There was a time when the States were supreme in their exercise of power, and the Federal Establishment was contained within narrow limits of jurisdiction. In recent years, that trend has been reversed, and now the Federal Government is well 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 Federal republic of States and toward a completely autocratic centralized government.

Yes, Mr. Chairman, in our day and time we are witnessing a transition in the form of our Government, and I, along with millions of fellow Americans, am deeply concerned.

Yes, Mr. Chairman, times and conditions change, which demand that our Government be sufficiently flexible in its operation as to meet the needs of the day. I might add, however, that certain principles are as timeless in their application as the 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, the monstrous bill before us now does violence to the Constitution, with its diffusion of powers and its system of checks and balances. The bill tampers with long recognized and constitutionally guaranteed civil rights of our people. It has already been shown by those who have preceded me in this debate to be an encroachment on the right of the States to determine the qualifications of their electors; it compromises the right of our people to "be secure in their persons, papers, and effects" from unreasonable searches, and it obviates the constitutional requirement that "no warrants shall issue except upon probable cause." The bill, Mr. Chairman, severely restricts the application of the first amendment guaranteeing freedom of speech and press; it abridges the right to trial by jury, and through enforcement of title II, it gives a stamp of approval to involuntary servitude. Mr. Chairman, it has been pointed out previously in debate that title VI is nothing more nor less than a bill of attainder, specifically outlawed by our Constitution; title VI violates, also, article IV, section 2, 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 many usurpations of the States rightful powers, there might be a valid suggestion that it is violative of article IV, section 4, which says:

The United States shall guarantee to every State in the 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 10th 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 bill. Indeed, the Federal Government, in its original and historic concept, 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, for indeed, 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 prohibiting the exercise of some power by Government. There are none which seek to regulate conduct as between citizens, but rather, all provide protection to the citizen against the abuse of power by 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 governmental 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.

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 now is almost conclusive proof 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 caution in those entrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and

thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominate in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasion of the others, has been evinced by experiments ancient and modern; some of them in our country and under our own eyes. To preserve them must be as necessary as to institute 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. But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed.

Mr. 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 shepherds, are riding herd over their sheep.

On the other side, peering from their perch are the political parasites of our day. They are here to check off Members 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 carpet for having voted their honest 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 childrens' 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 the members of the Negro race, they could make a 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 same proportion holds true in Illinois. They are unconcerned that every sixth Negro child in Iowa and Michigan is illegitimate. One out of every five Negroes entering public schools in Pennsylvania and Minnesota is illegitimate but such sordid conditions are overlooked by the NAACP, CORE, SCLC, and other such motley 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?

If their time and talents were utilized to upgrade morality and respect of law among their own, they would discover a perceptible change in the attitude of white people, and their 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 politicial power. Let me give an example.

The Washington Star on January 29, 1964, 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 G. 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 of eligible Negro voters—guarantees 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 elected a Negro city councilman. 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 racism we can expect all over America when electors are led to the polls like sheep. These professional agitators do not expect Negro electors to cast an intelligent vote. They expect them to cast a ballot determined solely on 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 the disproportionately high crime rate which exists among their own race.

In New York, the home of the chairman of the Judiciary Committee, I find that liberally integrated State sends nine times as many Negroes to prison as it does whites. Now that State has on the books all the antidiscrimination laws ever thought up. Why, it is even prejudice within itself to call a New Yorker prejudiced. So sometime I would like for my enlightened friends from New York to explain to me why the Negro crime rate 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 assuring Members outside the South that the bill will have no effect on the people in their States.

Those tactics point up the hypocrisy of this measure. Members are reassured that only the South will be affected. You know the old argument "those Southerners don't know how to run their own affairs. We must do it for them. We had a lot of experience following the Civil War. Our efforts to help the poor slaves met with such success that we are having to do it all over again after 100 years."

This type of tripe proves my contention that those furthest removed from the race problem are the first to propose a solution.

An oppressive majority may succeed in passing 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 sorry that some people will have to suffer in the meantime.

The South has overcome many obstacles—political, social, and economic. Agitators may think they are in the saddle now, but a rude awakening awaits them. When they beome political albatrosses—and surely they will—those who now embrace them will despise them.

Time cures many things. We in the South have the patience to wait until public opinion manifests support for our position. It will not be long. When that hour comes, our representative form of government will have passed one more crucial test.

Mr. Chairman, this bill is literally crawling with vermin, snakes, and worms of every sort and kind. It should be recommitted in the interest of sound legislative procedures. But more than that, Mr. Chairman, the bill should be defeated in the interest of future generations of Americans who have the same right to enjoy the freedoms that we inherited from our fathers before us.

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

Mr. Chairman, for several days during the debate on this bill several Members, including myself, have wondered if the amendment to add the Community Relations Service would be in order and at what point in the bill. Now it has been offered by a member of the Judiciary Committee, the gentleman from South Carolina [Mr. ASHMORE]. In the past few days we have been hearing suggestions that there would be objections to this amendment by some on the grounds it would create another executive bureau. I shall answer these objections in a minute.

First, Mr. Chairman, I want to commend the gentleman from South Carolina [Mr. ASHMORE], for his efforts in the preparation of this new title XI.

Next, it is most encouraging to note that the gentleman from New York [Mr. CELLER] and the gentleman from Ohio [Mr. MCCULLOCH] have indicated they

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 sent to Congress his first message 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 I thought this Community Counseling 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 bureau. I submit the argument is not logical because it is not large enough to be called a bureau, but is a service which would pay its way many, many times over in reduced costs of otherwise necessary litigation. I have heard that some committee members preferred this section be added later by Executive order. Well, such an argument admits the value of the service, but is sort of a lazy way out or the old "Let George do it" attitude. In this case it would be "Let Lyndon do it." The truth of the matter is we are placing a tremendous burden of administration on the President by this new bill. In placing this burden on the President, we should give him the tools that will enable him to do a good job, and a fair job. This Community Relations Service is one such tool that he may use to avoid invoking the more severe penalties of the bill.

Examples of the value and benefits of such a community service have appeared throughout the country in the year 1963 where local or State racial commissions have acted to prevent race riots. There are many actual 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 opponents can keep a bitter controversy in the talking stage there is a possibility that the controversy will not move into the fighting stage. This is based upon the principle that talking allows people to let off steam, which any psychologist will tell you always lessens personal tensions. Opponents in the arenas of racial strife should have a chance to present their side of the controversy in a conference among leaders of the community. Even though they may not win their point at the conference table great violence might be averted.

In every racially troubled community, there are undoubtedly many leading citizens of both races who would under ordinary circumstances agree to confer with each other. But the severe pressures of the moment often make it difficult, if not impossible, for these persons to approach each other for fear of losing face, much less sit down to talk with each other. Tensions get so high that these leaders cannot admit publicly or openly that there is any basis for amicable settlement. I think this stage of affairs would be avoided if only 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 bring together people of leadership from both races. In most parts of our country there is no such organization or commission, not even a local or State biracial commission. But even if there exists such a local group, it would need the help of dispassionate men who are not members of the community and not involved in or a part of the tensions of the moment.

No one need fear that this process of mediation can block or slow down the vindication of constitutional rights. Many times grievances do not involve constitutional rights. Of course there are some problems that will have to be resolved in the courts. But even those which are susceptible to judicial resolution can very frequently be handled much more quickly and economically by agreement.

This amendment specifically provides that the new Service would seek and utilize the cooperation of State and local agencies, if any. It further provides, when peaceful relations in a community are threatened, the Service may offer its help in the dispute, either on its own motion or upon the request of some State or local official or other interested person. The Service must hold confidential any information acquired in the routine performance of its duties. This means the Service would conduct its work without publicity in its efforts to seek the cooperation of State and local officials and all individuals involved.

The impact of H.R. 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. In the administration 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, forbearance, and restraint, yet with firmness when required, that will accomplish the easing of racial tensions to the satisfaction of all who want fairness and moderation rather than coercion and fanaticism. All of us are hopeful that the administration of this bill, when it becomes law, can be handled with avoidance of extremes. Persuasion and voluntary procedures are always better than force expressed in terms of marshals and troops. Conference, mediation, conciliation, arbitration, and persuasion is the better way to proceed rather than through raw, unfeeling, legal force. Only in this way can the hopes of everyone be satisfied and the fears of everyone eased.

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

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 will have to be offered when that title is reached.

The Clerk read as follows:

TITLE X—MISCELLANEOUS

SEC. 1001. Nothing in this Act shall be construed to deny, impair, or otherwise affect any right or authority of the Attorney General or of the United States or any agency or officer thereof under existing law to institute or intervene in any action or proceeding.

SEC. 1002. There are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

SEC. 1003. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of the Act and the application of the provision to other persons or circumstances shall not be affected thereby.

The CHAIRMAN. Does the gentleman from New York desire to offer an amendment to correct the title and section number?

Mr. CELLER. Mr. Chairman, I offer an amendment that title X on page 87, line 1, be changed to title XI.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

AMENDMENT OFFERED BY MR. CELLER

Page 87, line 1, strike out "Title X" and insert "Title XI".

Page 87, line 2, strike out "Section 1001" and insert "1002".

Page 87, line 7, strike out "Section 1002" and insert "1003".

Page 87, line 10, strike out "Section 1003" and insert "1004".

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

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

The Clerk read as follows:

Amendment offered by Mr. MEADER: On page 87, after line 6, insert the following:

"SEC. 1001. Nothing contained in any title 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 any State laws on the same subject matter, nor shall any provision of this Act be construed as invalidating a provision of State law which would be valid in the absence of such Act, except to the extent that there is a direct and positive conflict between such provisions so that the two cannot be reconciled or consistently stand together."

And renumber sections 1002 and 1003 as 1003 and 1004 respectively.

Mr. MEADER. Mr. Chairman, I ask unanimous consent that the numbers in my amendment be changed to conform to the amendment just adopted.

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

There was no objection.

Mr. MEADER. Mr. Chairman, this is probably one of the most important amendments to this bill. The phraseology of this amendment is nearly identical with H.R. 3, which has passed this House. It is the so-called nonpreemption provision.

The gentleman from Virginia [Mr. SMITH] has been introducing this legislation for years. I know twice the Committee on the Judiciary has reported it and both times the House has adopted it.

This legislation was made necessary by the doctrine of the Nelson decision in which the Supreme Court of the United States struck down a statute of the State of Pennsylvania passed in the late nineteens or early twenties prohibiting subversive activities. The Court based its decision on the ground that when the Congress passed the Smith Act of 1940 it 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 hometown, the council of 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 had 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 proposed or something 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 education and those that 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 itself 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 indicating an intent on the part of Congress to occupy the field in which this section operates to the exclusion of a law of any State, territory, Commonwealth, or possession of the United States, and no law of any State, territory, Commonwealth, or possession of the United States, which would be valid in the absence of the section shall be declared invalid, and no local authorities shall be deprived of any jurisdiction over any offense over which they would have jurisdiction in the absence of this section.

In other words, unless we adopt this language, the States of California, Michigan, or any State that has acted in this field in the past or may 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. 7152, and the application of the preemption doctrine of the Nelson case. It is to preserve local civil rights laws that this amendment is offered.

How does it come about that this preemption doctrine would stifle these laws? We have, for instance, in Ann Arbor a case right now in the municipal court charging a barber with refusal to give service to a Negro. Because of the sweep of this Federal statute, if it had been in effect today, the defendant's attorneys would have come in and moved to dismiss the case on the ground that that ordinance was no longer valid since the Federal Government had preempted the field. I do not think anyone on this floor wants to run the risk of nullifying State and local laws which are designed to prevent discrimination and segregation.

I would think that this amendment ought to be acceptable to the majority of the committee as well as the committee members on my side. After all, where should these laws be enforced? If the people are protecting civil rights on a local basis, do you want to put them out of business and multiply the people you will have to hire to enforce Federal law in every nook and corner in the country? You know this law is very sweeping as far as the public accommodation section is concerned and 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 treatment of all people.

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

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

There was no objection.

Mr. ANDERSON. Mr. Chairman, I rise in enthusiastic 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 26 States that already have FEPC laws on their State statute books. The problem of eliminating discrimination with respect to employment is one of tremendous scope. 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 force 100 times that size and 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 wilfully discriminate on the basis of race, color, religion, or national origin.

I am not persuaded by the soothing language of the present section 708(b) that says the Federal Commission shall "seek written agreements with the State or local agency." I am reliably informed that no significant cessions of Federal authority have ever occurred in the labor-management field by the NLRB to State labor relations boards. Federal administrators out to make a record and build up a name for themselves are too busy seeing to the proper application of Parkinson's law to give much consideration to ceding their jurisdiction to State and local agencies.

The distinguished gentleman from Ohio [Mr. MCCULLOCH] said a few days ago:

I believe in the effective separation of powers and in a workable Federal system, 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 shoulder its rightful responsibilities to guarantee to all citizens within its borders the rights, privileges, and immunities of citizenship that are set forth in our Constitution. I am not asserting a purely negative concept of States rights. By this amendment we are pleading for States rights in those jurisdictions where they are not content 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 agreed with much that the gentleman of South Carolina [Mr. DORN], 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, Michigan, and Ohio to name just a few States should be more aware of local problems and conditions and be better prepared to provide solutions than more distant Federal commissioners.

Businessmen have a right to complain when they find themselves confronted with State commissions, Federal commissions, and a Presidential committee like the one on equal employment 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.

If the argument is made that some States may seek to conform to the letter

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 think the answer is obvious.

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 there is effective power in that particular State in the State agency to eliminate and prohibit discrimination in employment. If the court determines that there is a lack of effective State authority to accomplish this, then this section, as amended, would not constitute a bar to a Federal prosecution.

Mr. Chairman, I believe this is a necessary amendment—necessary to retain the effective services of existing State fair employment practices commissions. I believe it is also an important amendment if we really want to take steps to preserve the vitality of our Federal system by preventing the unnecessary centralization of Federal power in Washington.

The House of Representatives is concluding debate on what is undoubtedly the most significant piece of legislation which it will consider this year. I am going to vote for the civil rights bill as a matter of Christian conscience. The president of the American Jewish Congress, Rabbi Prinz, once said that when he was the Jewish rabbi in Berlin under Hitler, that he learned many things. He went 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 they neighbor as thyself, then we can ill afford to be silent on one of the great issues of our time.

The Solicitor General of the United States put it this way when he said:

> The present conflict over civil rights is a conflict between the ideals of liberty and equality expressed in the Declaration of Independence on the one hand, and on the other hand, a way of life rooted in the customs of many of our people.

It is not without sympathy that I observe the fact that passage of this legislation will spell the end of the last vestiges of a society where the American Negro has been raised in a paternalistic, and in many instances, even a kindly light, by the white segment of our society. However, the record in this case contains irrefutable evidence that amid the paternalism and the kindliness are also to be found glaring and even shocking examples of discrimination and ill treatment which has been born and bred out of hatred and bigotry.

As a Member of Congress, I cannot ignore facts like these. Ten years after the decision of the Supreme Court in Brown against Board of Education, 98.9 percent of all Negro children of school age living in the 11 Southern States of the old Confederacy are still attending segregated schools. With respect to voting rights the evidence shows that there are more than 250 counties in which less than 15 percent of the Negro population has been registered and permitted to vote.

Among the most poignant testimony received by the Judiciary Committee when it was considering this legislation was that which related to discrimination practiced in many areas of the country with respect to the use by interstate travelers of public accomodations facilities. Again the unrefuted evidence in the record shows that if a man has been born with a dark skin, he may find it necessary to travel literally hundreds of miles between certain cities, particularly in the southeastern part of the United States, before he can find a suitable place to obtain rest and lodging.

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 many American citizens who, solely because of race, are being denied the privileges and immunities otherwise afforded citizens of the United States. If that be true, surely those of us who seek to follow Him as Christians cannot countenance in silence the indignities that inevitably result from racial discrimination.

I am personally satisfied after literally months of study and research that this legislation has a proper constitutional basis. However, in the end, that will certainly not be the most important consideration, for a reconciliation between 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 hearts of each of us to contribute by 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 Emancipator: "With malice 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, most of us 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.

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 new section 1102 and renumber the following section:
>
> "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 Maryland.

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.

AMENDMENT OFFERED BY MR. WINSTEAD

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

The Clerk read as follows:

> Amendment offered by Mr. WINSTEAD: On page 87, line 8, after the word "appropriated" insert the following: "from and after January 1, 1966."

Mr. WINSTEAD. Mr. Chairman, I believe it is evident, after 10 days of debate and discussion here, that each Member of the House knows there is not a single Member of Congress who understands what the bill will do or how far-reaching it really will be. We also know that this is brought about largely on a political basis. I should like to have the funds delayed until we get all our campaigns over this fall, so that if there is any merit to this legislation we can approach it on a commonsense basis. My amendment would delay appropriated funds until January 1, 1966.

A Negro northerner came into my office before Christmas requesting that I sign a discharge petition for civil rights. He asked me if I had signed the petition, and I told him, "No," but I also told him, "I am glad you northern Negroes have at last caught up with professional white politicians, who have tried to put all the blame for your ills on the white people of the South."

I believe it is about time that we found some other subject to "politic" about, and let the Negro rest awhile.

Who ever heard of such legislation as we have here? I say to you that a great number of liberal church people have flooded Congressmen with letters urging passage of the civil rights bill—probably more than the Negroes themselves—yet they are thinking only in terms of what they believe the Congress should do to right some wrongs which they consider have been placed upon the Negro race. In my opinion few of them have any idea what this bill contains. If so, they would oppose it.

I prophesy that most of us—at least, many of us—think the Senate will tone the bill down. I believe that if the House Members thought that the Senate would accept this bill as written, it would be defeated on the floor of the House before this day is over.

I say to you, many things will happen if this goes into effect.

Some of you have made believe that the ills of the northern Negro were brought about because of the way he was treated in the Southern States. When the Supreme Court made its infamous school decision in 1954, many northern people thought it would only affect Southern States. But they now know that their States are also affected by it.

I say to the chairman of the Committee on the Judiciary, the gentleman from New York [Mr. 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, why on earth are you having 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 him.

I happen to have had the privilege before coming here to work with the Negroes of my section, and I think I have rendered a service to that group of people.

My friends, the professional politicians who exclaim so loud about discrimination, will select a few Negroes and give them top or Cabinet positions but will have little or no concern for the welfare of the masses.

In my opinion, the Negroes are generally more interested in earning a living wage, being able to go to places of entertainment, and have sufficient food, than they are in sitting by the side of you or me or any white person.

Apparently, you are still anxious to use the South as a scapegoat, especially those who voted against the amendment that was offered by the gentleman from Virginia [Mr. TUCK] to broaden a part of this bill to make it apply to all parts of the country. But you did not have the nerve to do it.

So, my friends, I just say this in conclusion, if you must pass this bill and if you will postpone funds for the bill, in keeping with my amendment, until the political uproar is over this summer, this bill will be less damaging to the Negro and to the country. I hope you will adopt my amendment and vote to defeat the bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi [Mr. WINSTEAD].

The amendment was rejected.

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 all of lines 10 through 13 on page 87 and insert in lieu thereof section 1103, if any provision of this act is held invalid the remainder of the act shall not be affected thereby.

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 are still of the same mind as they were then.

Now, my friends, the chairman of the Committee on the Judiciary has indicated they do not agree to that.

Let us analyze this amendment and see why it is important.

Some of our friends who contend for this legislation, very generally say that the Supreme Court decisions with reference to this overall problem are "the law of the land." As I understand it, this bill is held out to us to be the law of the land if it is passed by the Congress. But yet the proponents of the legislation are not willing for that to be true, because they say if any provision of this act or the application thereof to any person or circumstance is held invalid, the remainder of the act and the application of the provision to other persons or circumstances shall not be affected thereby.

So when my good friend, the chairman of the Committee on the Judiciary, refuses to accept this amendment, he is saying in effect that if the Supreme Court of the United States should hold any part of this law to be unconstitutional as to some individual, that that would not mean it was unconstitutional as to another individual. By his position he says that if the Supreme Court holds that it is invalid as to a certain circumstance, it would not apply to any other circumstance. So I suppose that if a decision by the Court, if the will of the Congress as expressed in this language is carried forward, would hold a portion or all of the act unconstitutional, that would not stop the Department of Justice or any of these agencies from proceeding against some other individual.

Now, I did not go to Harvard Law School, but I did go to one that I think is just as good, Duke University. One of the things we were told there in law school was that there was a doctrine of stare decisis, and certainly it ill behooves legislators to say by their action on this provision that we do not believe that that doctrine should be perpetuated.

I would point out further history in a legislative way. This same language was set forth in the Landrum-Griffin bill as it came to us, and when the amendment was offered both the handlers of the bill on the Democratic side and on the Republican side readily accepted the amendment because they thought it was proper. I say to you that there should not be a special separability clause for this type of legislation from that which is generally used in other legislation, and I ask that the amendment be approved.

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

The amendment was rejected.

AMENDMENT OFFERED BY MR. SMITH OF VIRGINIA

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

The Clerk read as follows:

Amendment offered by Mr. SMITH of Virginia:

1. On page 87, beginning after line 6, insert the following new section:

"SEC. 1002. Nothing in this Act shall be construed to require an individual to render labor or service without his consent; nor shall any court issue any process to compel the performance by an individual of such labor or service, without his consent.

2. Renumber Sec. 1002 and 1003 to read "Sec. 1003" and "Sec. 1004".

Mr. SMITH of Virginia. Mr. Chairman, I offered this amendment Monday to title II on public accommodations. I thought it would be adopted, but it was not.

Now I offer it again to the entire bill. It is an amendment to carry out the mandate of the Constitution that Congress shall have power to enforce the 13th amendment. The 13th amendment reads, in case some of you do not recall it:

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States.

Now, that was 4 or 5 days ago. Since that time we have had ample time to reflect upon our sins. Since that time the distinguished gentleman from New Hampshire [Mr. WYMAN] has made a very eloquent and able speech, this afternoon, on the Constitution of the United States. I think maybe in the little time we have had to reflect since I offered this before, some of you people who were rather inclined to laugh at my amendment might have come around to the mourners' bench, you might have reflected upon your sin of Monday and be ready to redeem yourselves and pass this amendment which ought to be passed because it is within the Constitution of the United States, the 13th amendment, which was adopted following the Civil War.

You know, it is an anomalous situation: 100 years ago your ancestors came down into the Southland, abolished slavery, destroyed our country, devastated our homes, and all of this in the name of doing away with slavery. Does it not seem anomalous that 100 years later here we few remaining tattered, unreconstructed rebels must stand up and

fight for the 13th amendment which you placed in the Constitution to keep in effect the antislavery rule.

The situation is now reversed. The very people who have always stood for that policy 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 13th amendment which you placed on the books 100 years ago.

Now, come on; let us adopt one decent amendment; let us adopt one little decent amendment that is in conformity with the Constitution of the United States which you folks from the North put in the Constitution 100 years ago.

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

Mr. Chairman, the die is cast. This could well be called the Appomattox of constitutional liberties for all Americans. History will surely record this date.

One hundred years ago in an hour of "triumph of arms," there occurred the most tragic era in American history. Prostrate and devastated—even more than its worst enemies could desire—for the avowed purpose of preserving the 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, limiting the President's authority over the Army, and depriving the Supreme Court of its jurisdiction over these laws.

Many of you Republicans, who shortly 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 praising Thomas Jefferson, 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 this terrible legislation 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 to hire—yes, the action being taken here today attempts forever to settle the question of citizens' rights. Unless this legislation is overruled by the Supreme Court, you are here today destroying—making null and void—article X of the Constitution which states:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved 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 a 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.

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 the law of the land; 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 of appropriating funds for training institutes for the purpose of dealing effectively with desegregation.

Title V concerns the Commission on Civil Rights which I have strenuously objected to and will continue to do so at every opportunity.

Title VI, providing for nondiscrimination in federally assisted programs, is aimed directly at the South. This will greatly endanger the Government's programs in housing, education, and welfare because it is very doubtful that Congress will appropriate funds as it has in the past.

Title VII, known as the equal employment opportunity section, is the same old FEPC that has been kicked around for the last 10 years. It is clearly one of the most dangerous parts of this bill 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 no broad and harsh criteria can be set out.

Incidentally, what has become of the God-given right to run one's own business and employ whomsoever 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 the Civil Rights Commission already set up this section sets up another expensive Commission to harass and plague the people.

All in all, this legislation is unnecessary, for we now have State and Federal laws which cover any wrongs that might occur—whether they be in the field of education, religion, employment, or otherwise. This legislation is ill-advised, vindictive and punitive. We now have a Nation under God where every citizen can live without fear of violence and where people of all races can enjoy freedom.

A great American whose birthday we soon celebrate said: "A nation cannot survive half slave and half free." Yet, under the martyred President's words, you make not one half but all men slaves. Yes; I repeat, slaves—slaves to an autocratic, all-powerful Government. This bill is a take-over by an all-powerful Government of the social, civil, and business life of the Nation.

This bill cannot be perfected; however, in an effort to save as many of the peoples' liberties as possible, over 100 amendments have been proposed, most of them voted down. Be that as it may, the adopted amendments have been helpful, and it is earnestly hoped that, if the bill cannot be defeated, that before final passage of it into law, many of the objectionable features will be deleted or amended.

I feel that during this debate a sincere effort has been made by the opponents to make a record which will be helpful to those who wish to study the legislative history of this legislation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. SMITH].

The question was taken; and the Chairman being in doubt, the Committee divided, and there were ayes 81, noes 106.

Mr. SMITH of Virginia. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. SMITH of Virginia and Mr. RODINO.

The Committee again divided, and the tellers reported that there were—ayes 98, noes 163.

So the amendment was rejected.

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

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

There was no objection.

Mr. JENSEN. Mr. Chairman, after listening 10 long days to the pro and con debate on the so-called civil rights bill, I have come to the firm conclusion that if this bill H.R. 7152 is made the law of our land, the very people it seeks to benefit will soon learn it has done 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.

Let us think ahead 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 greatest of all our American rights and privileges, the right to choose our associates in business, be they employees or employers.

When that right to choose is denied our people, be they white or colored and the Federal Government dictations takes precedent over the civil rights laws of the States then many States rights as provided by our U.S. Constitution become mere scraps of paper and a forerunner to the abolition of all State rights. To that I refuse to be a party.

I yield to no man in my desire that every American of qualified voting age have the right to vote in every local, State, and national election and in accordance with our U.S. Constitution.

Also Mr. Chairman, to deny any American youth an equal opportunity for an education with others, because of the color of his or her skin, does not square with my ideas of our American way of life. Relative to the public 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 help me God.

In conclusion, let me say, Mr. Chairman, that, along with all the blessings and benefits of American citizenship it follows that to be worthy of those blessings and benefits, every American irrespective of race, color, or creed must accept and practice day in and day out the full responsibility of American citizenship.

AMENDMENT OFFERED BY MR. ABERNETHY

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

The Clerk read as follows:

Amendment offered by Mr. ABERNETHY: On page 87 add two new sections, appropriately numbered, as follows:

"SEC. —. 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 marshals, investigators, and jailors as he deems necessary.

"SEC. —. In addition to all other appropriations herein authorized, there is hereby authorized to be appropriated such sums as the Attorney General deems advisable, but not to exceed $100,000,000, for the erection of appropriate jails, prisons, and compounds for the incarceration of persons found guilty of any of the provisions of this Act: *Provided further*, That the Attorney General is authorized to carry out the provisions of erecting the aforesaid jail house projects, prisons, and compounds without regard to the provisions of Title VI providing for the withholding of Federal funds in areas where discrimination is practiced."

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

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

Mr. GRANT. I am sure the gentleman from Mississippi has made a study of this. Does he feel reasonably sure that 500 will be a sufficient number of judges?

Mr. ABERNETHY. Well, in order to carry out the objectives of this bill they are going to need a lot of new courts down in our part of the country, as well as some elsewhere. If 500 is not enough we can always come back for more. At least, this would make a good start.

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

Mr. ABERNETHY. Is the gentleman going to support my amendment?

Mr. SIKES. Yes. Does the gentleman's amendment include present company?

Mr. ABERNETHY. Present company? I do not know that I understand the gentleman but presume he wishes to know if we would be eligible to serve as a judge. I see no reason why Members should not be. I know some judges on the Supreme bench who have had much less experience. I am just trying to set up something in the bill for us. Up to now there is nothing in the bill for us but trouble, and more trouble.

You know there is going to be a lot of litigation between here and Texas. I do not know whether Texas will be excepted or not. It depends on the attitude down on Pennsylvania Avenue where Texas has a lot of influence.

This amendment provides for 500 new Federal judges and an appropriate number of district attorneys, marshals, and jailors. Also, we are going to need a lot of jailhouses. There is enough power in this bill to put thousands of people in jail for long periods of time. The sponsors of the bill have overlooked the need. Their entire time has been expended in trying to find ways of putting more white people, especially southern whites, in jail. They have given no thought at all to providing appropriate facilities to care for us, once we are sentenced.

Now, under title VI of the bill the Federal Government cannot spend Federal money down there because the bill specifically provides that Federal funds be withheld from that part of the country where discrimination is practiced. So I have provided in this amendment, that these jailhouse projects can be constructed with Federal money notwithstanding the limitations imposed in title VI. Therefore, this will make it perfectly legal to spend Federal money on jails in the South.

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

Mr. ABERNETHY. I yield to the gentleman from Iowa.

Mr. GROSS. Would the gentleman be willing to share a part of all of these jails with Chicago and New York City?

Mr. ABERNETHY. No, we would not want to integrate our jails with prisoners from Chicago, New York and so on. After all it is not the intention of the sponsors of this bill to send anyone from Chicago, or New York or other up county city to jail. The bill is directed at the South, at least, that is the primary direction.

These jails are for southern white folks only. These are the people who the sponsors of the bill are after. Of course, it might surprise and kick back on them, but I know they expect to have a favorable Attorney General, favorable administrators and so on.

All we of the South could possibly get out of this bill would be a few jobs for some of our people as judges, district attorneys, jailers, and the like, as well as some employment in constructing jailhouses. So, I hope you will go along with us on this amendment. Up to now you have voted down every constructive amendment. 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.

Mr. ANDREWS of Alabama. I want to congratulate the gentleman on his amendment. I think that the nearer a man's home you can have the jailhouse, the better off his family will be.

Mr. ABERNETHY. And also to have a friendly jailer.

Mr. ANDREWS of Alabama. I like friendly jailers better than I do unfriendly jailers.

Mr. ABERNETHY. I thank the gentleman. He has made a very fine point.

Up to now every sensible amendment has been beaten down. The House has marched head on to pass this bill without change, and to make it just as cruel as they possibly could. The Members have bowed to the pressure of the Negro minority, as well as some religious minority or minorities, the identities of which have never been mentioned, although they have been called upon to put them in the RECORD.

You have had your day. The object has been to reelect yourselves to this body and to win the elections for your party in November. A few of you are going to stand up for sound constitutional government and vote against the bill, but outside of my section there will be only

a few of you. I have known many of you a long time. I regard many of you as my personal friends. I hate to say this but I feel I must—I would not pay the price to go to Heaven that many of you are paying to stay in Congress by voting for this monstrous and vicious measure. This leads to totalitarianism.

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

The question was taken; and on a division (demanded by Mr. ABERNETHY), there were—ayes 20, noes 130.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. ROGERS OF TEXAS

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

The Clerk read as follows:

Amendment offered by Mr. ROGERS of Texas: Page 87, after line 13, add a new title numbered title XI to read as follows:

"Evidence received in 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 or rule 26 of the Federal Rules of Criminal Procedure as the case may be."

Mr. ROGERS of Texas. Mr. Chairman, it is not my purpose in offering this amendment to prolong 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 on the part of the leading legal talent of the world are good enough for the Federal courts, I think certainly they are good enough to apply to the hearings and to the examiners on these matters that are coming before the Government under these proceedings.

If there is objection to the adoption of this amendment, then those people who are espousing this are not interested in proceeding along the road of basic law in this country under the Constitution. They are not only trying to circumvent basic law, but they are trying to circumvent the procedures by which it is supposed to be applied.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. ROGERS].

The amendment was rejected.

AMENDMENT OFFERED BY MR. SIKES

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

The Clerk read as follows:

Amendment offered by Mr. SIKES: On page 87, line 7, strike out lines 7 through 9.

Mr. SIKES. Mr. Chairman, this is not a frivolous amendment. The language which I propose to strike on page 87 reads as follows:

There are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

I recognize the fact that this is a procedure which sometimes is followed—but it is not necessarily followed, and this language would constitute a blank check for whatever amount, in this broad bill, any administration might deem necessary to carry out its provisions.

A billion dollars? $5 billion? $10 billion? Nobody knows. As this bill is written, the amount would be authorized in advance. No further authorization would be required, regardless of the amount to be expended.

It is a wide-open bill. No one has ventured to predict what really is covered in this bill or what may ultimately be the cost of its operation.

My amendment would require the many agencies to be created or those covered in the bill to come back to the Congress for authorization in order that we would have a measure of control on the money they would spend.

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 which 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 incited and encouraged this. The world has been told a revolution is in progress in America.

To offset it, to provide the panacea and to reward those who brought on our problems, this bill is proposed. We can call it the great leveler, because it would level enterprise and restrain ability and harass and handicap 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 the design been written in Moscow. America's phony revolution helps their cause, not ours. It is interesting to note that there are riots and revolutions in many places—Zanzibar, Kenya, 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 legislation will destroy the free 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—a revolution at the 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 debacle.

Mr. JONES of Missouri. Mr. Chairman, will the gentleman yield for a question?

Mr. SIKES. I yield.

Mr. JONES of Missouri. The gentleman understands, of course, as shown on page 84 of the bill, we have already authorized $10 million for one title. That also would indicate it is not necessary to give a blank check on the entire bill.

Mr. SIKES. The gentleman is correct.

The 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 word.

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 before they were voted upon.

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 today if we permit any of the proponents or opponents to extend remarks in the RECORD to show speeches on amendments that were never debated.

It could be very difficult, when the time comes, and Members come down to the well of the House, either in the Committee of the Whole or in the House itself, to ask permission to extend their remarks at specific places in the RECORD. The reason I am 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 go into the well 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 SMITH 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 when it gets over there." I say when you depend on some other body to take care of the thing that is going to be troubling your conscience, you might be disappointed.

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

Mr. JONES 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 further for his announced intention of voting against the bill. I want to ask the gentleman, do you know of any way possible by which we could have a secret vote on this bill?

Mr. JONES of Missouri. I know of no way. Of course I know of none.

Mr. ANDREWS of Albama. I believe, if we could have a secret ballot, we could whip this by 3 to 1.

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

Mr. JONES of Missouri. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. I think there is a way to have a secret ballot, if the gentleman will permit me to say so, and at the proper time, by unanimous consent, we can suspend the rules of the House and conduct a secret ballot.

Mr. JONES of Missouri. The gentleman is more of an optimist than I thought he was.

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.

AMENDMENT OFFERED BY MR. WAGGONNER

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

The Clerk read as follows:

Amendment offered by Mr. WAGGONNER: On page 87, following line 13 insert the following new section:

"SEC. 1105. Notwithstanding anything in any title in this Act to the contrary, this Act shall not become effective until the same has been approved by a majority vote in a national referendum."

Mr. McCULLOCH. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. McCULLOCH. Is there not undisposed of a motion before the House that was made by the chairman of the Judiciary Committee?

Mr. CELLER. Mr. Chairman, I did make a motion that all debate on the bill and all amendments thereto conclude in 5 minutes of the time that I made the motion.

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 this program or these various programs for the first year. I am not allowed to discuss my amendment. I have been completely throttled. I thank the gentleman from Louisiana 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, so much has been said about a secret ballot on this measure, it is my own honest opinion that if one were had, we would get at least 50 votes from south of the Mason-Dixon line. For fear that my words would be taken down, I shall not name any names.

Mr. WAGGONNER. The gentleman may feel free to name any names he chooses.

Mr. Chairman, I had not anticipated I would have the final 5 minutes in consideration of this legislation, but I am more than pleased that I do. We have come now to the end of a long, long trail in the consideration of this bill, the likes of which I doubt we will ever see again. Those of us who have been privileged to serve here in this House in these last few days, and in this Congress, have been a part of history. It is a part of history that I predict some of you are going to live to see the day you will regret. Why? You are going to regret it for many reasons and some political too because some of you are going to find that the people you represent do not like it and they are not going to send you back here because you voted for this legislation. And I do not believe I will not be one of those.

Mr. Chairman, this is a sad day. Not sad to have been a part of history, but sad because of the now uncertain future. Some of you have young children, minor children, at home. Some of you, a little older, have grandchildren. How in God's name could you do this to them? Without calling any names, I will say some of you who vote for this bill, whether you like it or not, have sold your birthright and the freedom of future generations for a mess of political votes. That is exactly what you have done. I have not been here long by comparison with some but I have been around Congress long enough to have had man after man tell me, " I wish I had the guts to vote against this legislation; it is no good."

I wish you did, too, and only for the sake of this country and its welfare.

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

Mr. WAGGONNER. I yield to the gentleman.

Mr. CORMAN. The gentleman will confirm for the RECORD that I am not one of those?

Mr. WAGGONNER. I am happy to confirm that the gentleman is not.

But, again I say to you my friends, you have been a part of history that you are going to regret. No one ever did to the people of this country what this Congress is doing now. God forbid it ever happening again.

Mr. Chairman, I doubt that the Senate is going to do much about what we are doing here as much as I hope they will.

The amendment which I have offered is designed to simply add another section to this bill which will provide that this legislation will not become law until a public referendum has been conducted. Or is freedom of choice to be denied from this day on?

Mr. Chairman, I believe all of us here as Members of the House are interested in what our constituents believe, and I tell you that some of you will get the shock of your lives if we submit this question to the people and let them vote their desires. The American people oppose this bill. The Negro population of this country constitutes only 10.1 percent of the total population, and this is an effort to appease them, while 89.9 percent of the population of the country is composed of white people and are ignored by your actions. It is that simple and that tragic. Someday you will realize you cannot legislate equality.

Mr. Chairman, if the people of this country knew what was contained in this legislation they would have no part of it. Sadly they do not over a great part of

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 do it in wheat referendum and 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 what they really want? 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 perhaps with what we contemplate the extent to be—that the Members of the House have generally conducted themselves in a very exemplary manner. I want to compliment the gentleman from New York [Mr. CELLER] and the other gentleman from New York [Mr. KEOGH] for the splendid and fair job in which this debate was carried on.

While the chairman of our full Committee on the Judiciary and I may not agree on many items contained in this legislation, as a member of the committee, in the minority—and by the way I have been in the minority so much this week I feel I should vote for the bill—I want to commend the gentleman as well as those on the other side across the aisle for the consideration which they have given to us in allocating time in the general debate.

Mr. WAGGONNER. I think the gentleman has made a good point and has made it well.

Mr. Chairman, with a humble and sincere heart in closing this debate, I would like to say we had two vacancies in this House of Representatives when this debate began. There were only 433 of us present. There are still 433. I held no personal ill will toward any of you then. I hold none now. You as Members of the House and Americans are entitled to your belief as much as I am entitled to mine. None of us are infallible. I pray my fears are without foundation and for the future of my country I do pray.

Mr. Chairman, I appreciate the fact that we have had a good, sincere debate. I do not feel that any of us have been too seriously stifled. The rules have not been ignored. This is America and this is the American way. I am proud to be 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 87, 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 protect constitutional rights in education, to establish a community relation service, 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, preventing discrimination in public accommodations, and the protection of constitutional rights in education.

However, Mr. Chairman, I want to digress for just a moment and say how much I have enjoyed the debate on this legislation so far. I believe that the leadership of both sides of the debate should be congratulated on the high plane that this debate has taken. However, two things that have disturbed me during the debate have been the occasional charge or insinuation that this bill is before us today because it is part of the Communist pattern for the takeover of America, and secondly, that supporters of this legislation are politically motivated. I am sure that you will agree with me that probably one of the greatest authorities on communism we have today in America is J. Edgar Hoover, the Director of the Federal Bureau of Investigation. Mr. Hoover stated on December 4, 1963, in a speech here in Washington, D.C., that "it would be absurd to suggest that the aspirations of Negroes for equality are Communist inspired. This is demonstrably not true." Mr. Hoover then went on to warn responsible Negro leaders to make it clear to all who follow them that their interest is solely in racial equality and that legitimate civil rights organizations must remain constantly alert to attempts by the Communists to influence their actions and take over their programs and corrupt their ranks. I believe that the leadership in this House who are working for the passage of this legislation are as loyal and dedicated a group of Americans as could be found anywhere in our Nation. It rankles me to have anyone charge that this is a bill the Communists want or that this leadership is playing into the hands of the Communists. By the same token, I believe that some of the greatest Members of this Congress have risen in opposition to this bill because of the courage of their convictions. It would rankle me just as much to hear supporters of the bill infer that the Communists want the defeat of this bill to enable them to continue to exploit tension, prejudice, and continued discrimination to their advantage. I have a testimony that all the Members of this body 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 resented 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 haven't already done so, I would 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 this report. I want to congratulate the capable gentleman from Ohio [Mr. MCCULLOCH] and his Republican colleagues who signed this report for producing one of the finest legislative reports that I have read in my two terms in the House. On the first page, the report states that no legislation of greater significance to our Nation has come before this Congress in our lifetime than the civil rights bill which is before us now. It points out that almost a century has elapsed since the 14th amendment to the Constitution was adopted but Congress has still not enacted legislation fully implementing this amendment, and that this is the purpose of the bill before us now. On the final page in the concluding section of this report it is stated:

> The United States is a nation of many peoples. The interests of some 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. And in order for our Nation to maintain its role as a world leader the hopes and aspirations of minorities must always be safeguarded. The enactment of H.R. 7152, while by no means a panacea, will be a significant beginning.

Then skipping to the final paragraph of the conclusion:

> Representative government itself is on trial at this critical juncture in the life of our Nation. With the tragedy of our President's death, we have witnessed a clear example where hatred and intolerance triumphed over compassion and reason. Through the action we take on this important bill, we in the Congress can do much better to conquer the forces of hatred and intolerance which have been unleashed 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 this minority report did so because of political expediency. I believe

that they signed this report because of the courage of their convictions, and the same motive applies to the supporters of this legislation on my own side of the aisle.

Now, Mr. Chairman, it has been known for a long time that in certain areas of the South that an anti-civil-rights stand was a number one prerequisite for being elected to office, and the stronger the anti-civil-rights stand the better the chance of election. In fact, I have heard it stated that in some southern elections the man who could scream "nigger" the loudest stood the best chance of success. I suppose that there are some who thereby conclude that the opposition to this bill is politically motivated and again I want to say that I ascribe much higher motives to the opponents of this legislation than political motivation. I believe that they, too, are sincere in their convictions and they are opposing the legislation based on what they conclude is in the best interests of their particular congressional districts and the United States of America.

Now, having made my points that I object to charges or insinuations that either the supporters or the opponents of this legislation are inspired by 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 stronger civil rights law than 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 is recognized as and declared to be a civil right. This right shall include, but not be limited to:

"(1) The right to obtain and hold employment without discrimination.

"(2) The right to the full enjoyment of any of the accommodations, facilities or privileges of any place of public resort, accommodation, assemblage or amusement.

"SEC. 2. Terms used in this chapter shall have the following definition:

"(a) 'Every person' shall be construed to include any owner, lessee, proprietor, manager, agent or employee whether one or more natural persons, partnerships, associations, organizations, corporations, cooperatives, legal representatives, trustees, receivers, of this State and its political subdivisions, boards and commissions, engaged in or exercising control over the operation of any place of public resort, accommodation, assemblage or amusement.

"(b) 'Deny' is hereby defined to include any act which directly or indirectly, or by subterfuge, by a person or his agent or employee, results or is intended or calculated to result in whole or in part in any discrimination, distinction, restriction, or unequal treatment or the requiring of any person to pay a larger sum than the uniform rates charged other persons, or the refusing or withholding from any person the admission, patronage, custom, presence, frequenting, dwelling, staying, or lodging in 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 the right to purchase any service, commodity or article of personal property offered or sold on, or by, any establishment to the public, and the admission of any person to accommodations, advantages, facilities or privileges of any place of public resort, accommodation, assemblage or amusement, without acts directly or indirectly causing persons of any particular race, creed or color, to be treated as not welcome, accepted, desired or solicited.

"(d) 'National origin' includes 'ancestry.'

"(e) 'Any place of public resort, accommodation, assemblage or amusement' is hereby defined to include, but not to be limited to any public place, licensed or unlicensed, kept for gain, hire or reward, or where charges are made for admission, service, occupancy or use of any property or facilities, whether conducted for the entertainment, housing or lodging of transient guests, or for the benefit, use or accommodation of those seeking health, recreation or rest, or for the sale of 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 and the garaging of vehicles, or where food or beverages of any kind are sold for consumption on the premises, or where public amusement, entertainment, sports or recreation of any kind is offered with or without charge, or where medical service or care is made available or where the public gathers, congregates, or assembles for amusement, recreation or public purposes, or public halls, public elevators and public washrooms of buildings and structures occupied by two or more tenants, or by the owner and one or more tenants, or any public library or any educational institution wholly or partially supported by public funds, or schools of special instruction, or nursery schools, or day care centers or children's camps; nothing herein contained shall be construed to include, or apply to, any institute, bona fide club, or place of accommodation, which is by its nature distinctly private provided that where public use is permitted that use shall be covered by this section nor shall anything herein contained apply to any educational facility operated or maintained by a bona fide religious or sectarian institution and the right of a natural parent in loco parentis to direct the education and upbringing of a child under his control is hereby affirmed.

"SEC. 3. Every person who denies to any other person because of race, creed, color, or national origin the right to work: (a) by refusing to hire, (b) by discharging, (c) by barring from employment, or (d) by discriminating against such person in compensation or in other terms or conditions of employment; and every person who denies to any other person because of race, creed, color or national origin, the full enjoyment of any of the 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 was approved by me on March 14, 1961. It became effective 60 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.

With kind personal regards and best wishes, I am,

Sincerly yours,

ROBERT E. SMYLIE,
Governor.

However, Mr. Chairman, I support this legislation because just as 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, and to take an interest in the direction of our Goverment, I also firmly believe that it is the constitutional right of every American citizen to vote in free elections, to obtain an education in the public school district in which 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, young Americans are transported unnecessarily great distances to attend schools where attendance is determined solely on the basis of color rather than the district of residence. As young colored students grow to adulthood, they pay taxes the same as other citizens, they are drafted into military service to defend this Nation the same as white citizens, but when they return home they find that they cannot attend the State-supported university of their choice. The fact that this university is partially financed with their tax money and is located in a nation that they have fought to defend makes no difference. They simply do not have the right color of skin. This also results sometimes on their being denied the right to vote. However, even if they migrate to another section of the country where they can attend a university of their choice and enjoy their constitutional right to vote, should the time come when they must 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 in the defense of our country, 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 vitality and strength of our great Nation.

Mr. CONTE. Mr. Chairman, I would like to take this opportunity to congratulate the distinguished chairman of 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 its necessity and great importance.

The same could also be said of the ranking member of the minority the

gentleman from Ohio [Mr. McCULLOCH], who, at all times, has held the high principle of cooperation as his guide in his attempts to fuse a working coalition united in behalf of H.R. 7152. The success of his endeavors have been remarkably shown here on day after day throughout this historic debate.

And, Mr. Chairman, special praise is also due the distinguished gentleman from New York [Mr. LINDSAY] whose perfect civil rights record in the past was a brilliant background training period leading to his distinction on this legislation not only as a member of the committee but as an active floor participant throughout this debate.

I am inserting into the daily RECORD today, Mr. Chairman, an article which appeared in the New York Times of Saturday which said of the gentleman from New York [Mr. LINDSAY]:

> For the last week, the Manhattan lawyer has been on the House floor or in the adjoining cloakrooms almost continuously from noon till early evening presenting the Judiciary Committee case, debating hostile amendments, and working out details with both Republicans and Democrats.

His activities here, Mr. Chairman, are such that they deserve the commendation of the entire House. We are indeed fortunate to have the services of this dedicated, wise, and progressive public servant.

It has been a great pleasure for me, Mr. Chairman, to add my voice to those across the land who cry out for equality during this surging tide for justice which will, as Eric Sevareid has said, dwarf the social pageants of this era.

The passage of this bill today, Mr. Chairman, will mark another forward step in the movement for justice which has it roots in the Judeo-Christian tradition, and in the essential philosophical tenets of our greatest religious and secular thinkers.

It is a movement that can never be ultimately completed until every vestige of prejudice is wiped from the land; until all men follow the dictates of the enduring belief that of all virtues, charity is greatest, and that love of brother is basic to every man who has been given the miracle of life.

So let us not underestimate the profound nature of the meaning of this historic legislation, which more than anything we have done so far in the halls of this Congress, has implicit within itself the heritage of freedom and liberty ingrained in the very marrow of its bones.

Nor let us delude ourselves that the battle of justice and equality will have ended with the completion of our duties in these Chambers. But we can have pride, Mr. Chairman, in aiding this cause which is stronger than men, and in the noble tradition of the common law of the ages.

Mr. HERLONG. Mr. Chairman, I have listened attentively to all of the debate on this bill and to the discussion of the various amendments that have been proposed. I have been greatly disappointed that logic and reason have been displaced by emotion in the committee action on most of the amendments to this bill.

The membership of the House is to be commended for the very high plane on which the debate has been conducted.

I particularly want to pay tribute at this time to my colleague, the 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 who would like to 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, not necessarily because 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 bad bill but that 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 do not suppose there is anything 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 obvious that from 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 the only answer to 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 unreasonableness, will drive away 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 pay tribute to her. She is 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 very area that needs a civil rights bill the most—the South.
>
> A major objection I have to it is the fact that the civil rights elements are 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 everybody.
>
> A little medicine, taken in the proper dosages and at proper intervals, is a good and healthful aid to cure. But the whole bottle poured down unwilling throats defeats its own purpose; in fact, it is deadly poisonous.

It is too bad, yes, 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 observation 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 action on one of the most important and historic bills in our time.

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.

Much of 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. KEOGH], 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 *n*th degree.

I know that I speak for every man and woman here when I say that the dignity which this House has reclaimed during 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. 7152 shall leave the House of Representatives as a constructive and effective measure, designed to protect the right of every American citizen to be free from racial and religious discrimination, or leave as a crippled measure that pays no more than lip service to civil rights, or never leave at all, I want to announce my voting intentions. Thereby, I hope to reaffirm my stand in favor of this bill, because I am convinced it is a constitutionally and morally justified obligation of the Federal Government to guarantee the full enjoyment of the rights of citizenship to every man, woman, and child without regard to color or creed.

VOTING INTENTIONS

I shall vote for the civil rights bill in its present form; that is, substantially the same bill which was reported by the Judiciary Committee and which has progressed to this point unchanged except for the addition of clarifying amendments, all of which I supported.

Further, should there be offered a motion to recommit this bill which would have the effect of preventing any vote on its final passage, 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 divisions which exist between our Members on this issue, the tenor of debate could not have been more responsible nor worthy of this legislative institution.

I only wish more of our fellow citizens could have sat in the galleries for these past 9 days. Those who did, witnessed men of good will disagreeing with sincerity and respect, not with sophistry and reproach. Minds have not been closed by partisanship, they have been open to reasonable constitutional questions, which transcend personal and political differences.

Without doubt, the Members of the House on both sides of this issue and on both sides of the aisle—and we recognize the two divisions are not identical—have been the target of much outside criticism. Where this criticism has been legitimate, it is quite properly in keeping with democratic demeanor. Unfortunately, we are all aware that a few overwrought factions both for and against the bill have been at work, yet that work of misrepresentation and distortion ultimately claims its own condemnation.

America should know that her people's Representatives have sought honestly and honorably for a fair finding.

BACKGROUND

One of my first orders of official business as a Congressman was to examine the need for civil rights legislation. During January and February of 1963, I conferred frequently with many Members of the House who shared my concern.

Our initial effort was to appraise existing law. We wanted to find out how it was working, where it could be strengthened, and what problems were the proper subject of Federal action.

This study revealed that countless politically motivated promises had raised the hopes of millions of Negro Americans and then dashed them by failure to act. For more than 2 years, the executive branch of Government had spoken loftily of civil rights ideals. Yet, there was no apparent willingness to transform promise into performance. In fact, there was evidence of reluctance and hesitation—almost the misguided and fanciful belief that if left alone, the trouble would go away.

Mounting examples of conflict, of course, proved the problem of racial inequity would not subside without public attention. The advancing storm of protests convinced many of us in Congress that it was time to act decisively and directly.

FIRST BILL

On February 20, 1963, I introduced the first of two civil rights bills which I have offered thus far. During this same period, nearly 50 other Congressmen submitted similar civil rights bills. All of these proposals, while not completely identical 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 measure. Its principal provisions sought to—

Make the Civil Rights Commission permanent and give it additional power to investigate vote frauds. On October 7, 1963, I voted for a resolution extending the life of this Commission by 1 year. The resolution was adopted 265 to 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 literacy qualification for voting in a Federal election.

JUDICIARY COMMITTEE HEARINGS

On May 9 of last year, the second of 20 days, between May 8 and August 20, devoted to public hearings on civil rights legislative proposals, I put before the House Judiciary Committee a statement in behalf of my bill, H.R. 4034, and others similar in their legislative intent. Quoted below are excerpts from that testimony.

Against the grim backdrop of current racial strife in our country today, we in Congress are attempting to enact into law measures that will lend additional guarantees to our constitutional heritage. In recent times, we have witnessed many examples 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 civil rights laws similar to those in New York State there would be little need for Federal legislation in this field. In fact, New York leads the Nation in assuring citizens 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 guaranteed by the Constitution. In these, the term "second-class citizen" is a sad reality.

These conditions of deprivation of basic human dignity violate every ethical principle known to our society. The very mention of their existence should be repugnant to those who love what their country stands for and the structure which supports it.

I earnestly solicit the serious consideration of this subcommittee to the civil rights legislation which is before it, both in my bill and the bills of many of my colleagues. Despite the many obstacles—real and imagined—this legislation faces, few bills, if enacted, could more effectively serve the national purpose.

SECOND BILL

As increasing tensions erupted in violence in countless American communities, I felt the need for Congress to provide additional legal "tools" necessary to assure all citizens equal protection of the laws.

Our Constitution contains explicit protection against the action of any State to deny a citizen such equal protection. As a nation founded on law, we hold that no government may say to any citizen that no matter how hard you work or study, no matter how much you raise yourself as an individual, you never will be accorded the lawful rights accorded to other citizens of the community. Any such denial of constitutional rights offends freedom both legally and morally.

Because of my conviction that the greatest issue facing America is the problem of race relations and the giving to each American an equal opportunity, I introduced a second civil rights bill. It is H.R. 6740, known as the Equal Rights Act of 1963.

On the occasion of its introduction, June 4, 1963, the more than 30 of us in the House sponsoring similar bills, received permission to explain the provisions of our proposals at the conclusion of the regular legislative business scheduled that day.

Toward the end of a session that lasted until 10 p.m. I addressed the House. Excerpts from my speech which include an explanation of the bill's contents follow:

Today democracy in America is anemic, and until this Congress, until the people of America, assure each and every citizen an equal right to share in all the benefits and all the privileges of this great country, this democracy will not be a healthy democracy. So it seems to me that as this legislation is presented, we here in the Congress should pick up this challenge and do our best to make certain that our democracy is not going to continue to be an anemic democracy, and that all Americans and 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 act in behalf of Negro citizens currently

being deprived of their constitutional guarantees. Events as current as those reported 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, amusements, food or services to the public.

My bill also contains the so-called title III provision which was passed by the House 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.

PRECEPT

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 real 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.

Ten percent of the American people do not deserve special consideration by the other 90 percent. Undue distinction, whether accorded a majority or minority group, can be just as discriminatory as undemocratic debasement.

However, by all that is legally right, as guaranteed by the U.S. Constitution, this 10-percent group—which includes the Negro citizens of America—cannot, should not, and must not be made to suffer even the least denial of what is rightfully their democratic heritage.

Equal protection of the laws is inherently the right of every American man, woman and child. It is prima facie the "unalienable" and just claim of 190 million people, without regard to skin color, religion, or national background.

Let us always remember that the guarantees of the Constitution are the birthright of every American or concomitant right of every naturalized citizen. No citizen should have to organize or compromise in order to enjoy his democratic freedoms. They are his because he is.

It is not, nor should it be, for Congress or any other branch of any government to dictate the terms of national morality. Democracy depends on freedom of social choice as one of its cornerstones. The correction of social injustice must find its inspiration in the heart of man.

But, when social choice is not allowed free and open exercise by individuals, when a State power assumes jurisdiction over morality, and its arbitrary actions impinge on the rights of American citizens, then our legal conscience cries out for rectitude.

What then is civil rights in the congressional context? It is a summons to enact the legislation which will assure that in this Nation which is governed by laws, not men, justice be blind to color and race.

I will answer that summons by supporting the civil rights bill and will do my utmost to assure its passage.

Mr. HORAN. Mr. Chairman, I would like to say that I am in support of this legislation although I realize that its enforcement greatly enlarges the power of the Federal Government. In the final analysis no one can deny the right of every American to vote, to an education, and for a job.

Mr. PHILBIN. Mr. Chairman, the fair, impartial, and very able and tactful manner in which our distinguished, esteemed friend and colleague, the courtly gentleman from New York, has presided over the Committee during this epochal debate is truly inspiring and in the most glorious traditions of the House. I extend to the gentleman my profound gratitude and expressions of admiration and approval for his notable performance.

I am also very proud to extend to the distinguished and very able gentleman from New York, Chairman CELLER, and his fine committee heartiest commendation for their outstanding work on the bill.

To all the Members of the House, I rejoice in extending my congratulations and deep appreciation for the very high level which they have maintained during this long, difficult, and emotionally supercharged debate.

In the issues presented here, controversial and teeming with deep, soul-stirring feelings stemming from deep-rooted traditional beliefs, as well as equally profound convictions for the greater fulfillment of basic civil rights, it is the greatest of tributes to the Members of the House, that this debate has been conducted without one single instance of departure from the canons of proper procedure, good manners, due courtesy, and consideration for the point of view, the rights, and the interests of adversaries in the debate.

This is a very great, impressive credit to our renowned deliberative body—the most illustrious in the whole world. It also shows the progress toward legal reconciliation we are making in the civil rights controversy.

Now for a moment I would like to touch upon the merits of this bill. To be sure, the bill has been discussed, debated, and studied with extraordinary, penetrating, and thorough analysis and with rare ability, sincerity, and conviction by both sides. I will not repeat what the committee members have so ably said of the technical provisions of the bill. I will confine my remarks to some general observations of the significance and effect of this measure.

To me, in a very fundamental sense, stripped of all surplusage and verbiage, there is really but one great issue involved in this bill. It is a transcendant issue. It is a historic issue. And it is truly a paramount issue. In substance, it is simply this: Whether all people in this country are to be treated as equals under the Constitution and the law, or whether some people, one group, if you will, are to be denied elementary, basic, natural, and legal rights that all others enjoy.

For example, shall some people be denied the right to vote because of their color, or their race?

Shall they be denied the right to an education on the same terms as every other American?

Shall they be denied the right to get lodging, food, entertainment, and recreation on the same basis as every other American?

Shall they be barred from and discriminated against in public accommodations and public facilities and access to employment and to the stream of American life, because of the color of their skin?

Shall they be given equal treatment and equal opportunity, due process and equal protection under the law, and in the concourse of ordinary human relationships, regardless of the color of their skin?

In this enlightened day such questions, doubts, and barriers should be academic, since long ago they were legally and ideologically settled by the plain language of the U.S. Constitution and by the mandates of this Government and the solemn judgments of the American people.

These foundation rights we seek for our brothers today are not legal rights alone, however clear and authentic may be their juristic validity. These rights are preeminently moral. They spring from the Creator. They are the natural, God-given possession of every human being enrolled in the great brotherhood of man. They are also the inseparable, indefeasible bequest of free government that may be suppressed for a while, but can never be destroyed, since they are an integral part of man's proud heritage as a creature made in the image of his Maker, endowed with an immortal soul and invested with the blessed right to life, liberty, and happiness. Such are the spiritual and political attributes of the American heritage.

All too long these natural rights and these universal truths have been denied or perverted. The hour of deliverance from thoughtless discrimination and injustice for our brothers is late, to be sure, but it is now here. Just, equal treatment, and opportunity for all Americans, irrespective of color, creed, or class, can no longer be delayed, and will no longer be denied.

The Nation and the free world will hail and praise this memorable, historic event. It marks a higher level in the struggle of man to banish inequality—a brighter chapter in the advancement, progress and freedom of America. It confirms our national laws and ideals. It lifts our horizons toward the stars. It purifies and revivifies the lifestream of the Nation.

As we enact this bill—and we will—let all of us bear it very deeply in mind that rights, privileges and immunities, so vital to free government are only one side of the constitutional coin. We must never overlook the fact that the other equally important side of the coin is

that there are correlative duties, obligations and responsibilities incumbent upon all Americans.

It is not enough to accept and enjoy the great blessings of our freedom. We must all, individually and collectively, with our hearts and our energies and sacrifices, when necessary, and with unflinching determination, assume and perform our fair part, according to our ability and strength in protecting this great land, in 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 unequaled country, to preserve law and order in our midst, to settle our problems and controversies as free men loving and respecting each other, under the rule of law, and save our government and economic system alike from destruction by the lawless and the predatory who would fasten upon us the shackles of tyranny, and from the insidious influences and afflictions of Godless materialistic philosophies, softness, debilitating 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 men and women. Let there be 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.

It is our 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 wholeheartedly support this bill, and 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 of the type we are enacting today can be wiped off the books because they will not be necessary.

There is, however, at the present time, a strong and compelling 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 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-fulfillment.

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 debate on 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 Congress of the United States has as its basic guideline the Constitution, and as its basic responsibility, the maintenance of that Constitution including the rights, freedoms, and privileges guaranteed by that document.

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 this 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 move closer to our goal.

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 the basic restriction of nondiscrimination 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 a consensus of opinion behind a 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 basing 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.

Of equal importance and equal 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 a nondiscriminatory manner.

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 possible discriminatory use of Federal funds in programs administered by State and local officials. Rather than the broad discretionary authority open to agencies under the original administration proposal, the present wording circumscribes the discretion and avoids any possible abuses. At the same time, the recognition of the need to use the cutoff of funds only as a last resort when other methods of voluntary or involuntary compliance have failed is the greatest protection possible for the State and local bodies involved. This provision is intended to stop discriminatory use of taxpayer funds, not to stop the use of taxpayer funds altogether.

There should be no false hopes, no false promises rising from this legislation. It is not perfect, but its imperfections arise more from the nature of an age-old problem of prejudice and ignorance than from any lack of insight or time spent drawing up the language. It will not solve all the problems disturbing our society but it can create a framework in which reasonable men and women can better themselves and their country.

I would add only one more thought. Those individuals who have been taking pleasure in castigating the Congress for its alleged inability to cope with the problems of today and its alleged lack of informed discussion on the floor should spend a little time reading the debates of this past week. It should be a source of pride to every American to read the CONGRESSIONAL RECORD during this period of time, and see the manner in which a highly emotional issue has been handled. Both proponents and opponents of the measure have conducted themselves without malice and with the full command of logic, facts and inspired discussion that are the hallmarks of the democratic process. I consider it a privilege to be able to participate in some small way in illustrating to the world at large that democratic government and free men can treat a very vital problem in a

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. The law itself 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 equality, but that alone 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—that we can move in an orderly and deliberate fashion to solve our racial problems, as indeed they should move on theirs.

I am very pleased that the two areas—titles 6 and 7—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. 405, and forcefully promoted these concepts in the House, titles 6 and 7 would probably not have come through in as 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; may it 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 which has been placed upon 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 moral 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 not only enjoying 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 cannot 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, his right to peaceful assembly, his right to vote, and his right of equal opportunity.

As a legislator with grave and far-reaching responsibilities I cannot ignore the need for fair and just laws designed to protect the rights of another.

Despite these strong feelings and the definite "aye" which I shall cast on this bill, I am compelled to say that the passage of this bill is merely a short chapter in the book of accomplishments on civil rights. It is a chapter which must be written but the final victory will come only when men can erase from their hearts prejudice against and distrust for 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 issue. There are at least four sections of this bill that are clearly in contravention of the Constitution. Many of the sponsors know that is true, but they say: "Oh, we will just let the Supreme Court decide that." Others are 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 people to become the law of 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. He served with great distinction in the Congress, as Governor of Tennessee, as President of the Republic of Texas, and as a U.S. Senator. On one occasion when a resolution was being debated at a Texas meeting, when the issue clearly infringed upon established law, the great Houston arose to say that while he favored the resolution it was not in conformance with the law then in force. 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 name of Sam Houston 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. That is not an issue or a problem in the area I represent. The racial issue as such is relatively unimportant here. The matter of dealing with racial problems is overshadowed by 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 have heretofore been dormant or restrained. This is not the answer to the problem that has been talked about.

Mr. Chairman, the enactment of this bill will not create any new jobs. It will not encourage employers to employ more Negroes. On the contrary, despite the compulsion attempted, it is more likely to discourage those who have jobs to fill to hire members of this minority group. "A man convinced against his will is of the same opinion still." And therein lies the real problem with which these people are faced. This bill will not solve or alleviate that problem. It will aggravate it and make it more difficult than ever for Negroes to obtain gainful 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 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 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 tranquillity among our people and the protection of those precious individual rights of our citizens have never been and never will 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 deliberation 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 fact is that the House 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, resisting every attack and supporting every vital element in the civil rights proposal. 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 as relief for the distinguished Chairman of the Committee, the gentleman from New York [Mr. KEOGH], 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 exclusively 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 a desire to render the act invalid and unconstitutional. If the amendment were adopted to eliminate transcription of oral literacy tests, it would eliminate the very record by which the denial of voting rights could be legally protested.

The amendment limiting the public accommodations title to those inns, hotels, and motels which predominantly provide lodging to interstate travelers would have established two types of accommodations—interstate or open to all travelers, and intrastate or segregated. If this had become law, the unwelcome traveler could easily be advised that the quota of interstate accommodations had been filled. This amendment would have legalized the discrimination which the high purposes of this law seeks to destroy. The other amendments to this section sought to undermine the goals of this legislation to prevent discrimination on the part of anyone in the business of offering accommodations or services to the general public.

The amendments to continue discrimination in federally assisted programs were rejected because they sought to perpetuate Federal spending on segregated projects. There certainly can be no justification for the Federal support of segregation in any form. These amendments were wisely discarded.

The section on equal employment opportunities faced the most crucial test. Efforts were made to cripple the bill by diluting its effect and reducing the scope of its authority. These amendments were substantially overcome.

The result of this trying effort is legislation—legislation Mr. Chairman, which will preserve basic human rights for all to engage fully in the elective process. 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 national achievement. We have indeed moved closer toward liberty under the law.

This bill will not provide instant brotherhood, a room at every inn for every weary traveler, or a job for each according to his skill or strength, but it will multiply the chance. Our work is neither totally done nor perfectly done, but it is well begun.

Mr. LIBONATI. Mr. Chairman, H.R. 7152 incorporates into the law of our land provisions of a drastic nature that call for direct and summary law enforcement in the field of civil rights. The appeal for fairplay in the questions affecting the Negroes' rights in being denied the right to vote, to service in public accommodations, to the protection under constitutional rights in education; the discrimination suffered in federally assisted programs and at all levels of employment, have long since failed to bring about the needed and desired change. Prayers alone did not serve the purpose although many religious groups have taken the lead in sponsoring reforms toward that end in recent years.

Certainly, the several provisions in this bill will deter the corporations, agencies, and individuals who are the chief obstructionists from their longtime illegal and widespread practices of discrimination.

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 activities.

The Commission can enforce its findings through the Federal district courts. Although the bill in its entirety is not an answer to the problems that beset the Negro race, its ultimate purpose can be realized—namely, to create a better atmosphere for the Negro in the enjoyment of his rights and privileges as an American citizen, and protect him from the proselytizing vultures of society that scorn them as members of our free society.

The community relations service, if properly administered, can alleviate the many problems and help in their solution.

No matter how humble one's social caste as in all other races facing poverty conditions, encouragement through public acceptance will fortify one to meet any social or cultural situation that one may experience. The importance of the Negro's relation to the community life is the difference between being ostracized or becoming an integral part of its civic and spiritual life.

No one should deny Negro participation in the affairs of the community. He is an integral part of the community and can render fine contributions to its operation for the good of the community.

A strong bill shows a determined and lasting effect on these specific purposes. And in this instance it is of the greatest importance to all of our society. This effort to purge a great series of wrongs against our fellow Americans must not fail. It will give impetus to our economy and raise human beings to their rightful level and standards of American life.

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 that 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 would have been accomplished if our martyred President Abraham Lincoln had lived.

Mr. CORMAN. Mr. Chairman, this is an excellent bill and will remedy many of the injustices long suffered by our Negro citizens.

The credit for this great accomplishment must go to Chairman EMANUEL CELLER and the ranking minority Member, Mr. WILLIAM MCCULLOCH. Throughout the consideration of this bill by the Judiciary Committee and by the House, it has been their joint efforts that have produced our success. Their 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 these two men and to the legislative process. During the 9 days the bill has been debated by the House, their brilliant leadership has defeated every attempt to weaken 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. I am deeply convinced that the purpose of this legislation is correct, and that we must reach a consensus of opinion which will advance the cause of civil rights in the United States.

This has been an historic debate. It culminates long months of discussion and weeks, months, years, and decades of the progress of our great Nation. We are, in these days, discussing and working for the more perfect union which is the aim 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, for the intense work which has been done on this bill in its formative stages by the members of the Committee on the Judiciary. The deep research which has been done, on every part of this measure, is evident. It is true that we deal, in great part, with an issue that has aroused strong emotions among many people, and that they view the bill itself with differing opinions. 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, stimulate their reasonable exercise and widen the choice and effectiveness of opportunities for individual choice.

There has been discussion throughout this debate of the difficulties in securing 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 would deny himself the opportunity for friendship with many great and wonderful people. We all know of the insidious

problems of the so-called gentleman's agreements, and the way in which unspoken boycotts can be maintained.

But I truly believe we are moving toward a better society, one in which each man's abilities will be judged by his actions. It is important that we strip away the artificial barriers which have been erected against such a possibility. Our churches and our people have done much to lead the way, 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 put property rights ahead of human rights, to give a man the opportunity to carry the venom of personal bias and prejudice into an area where public service demands a high level of effort to improve our society.

The Nation deserves no less. We are entering a civilization in which the highest skills will be demanded of us. We cannot deny to a portion of our people the opportunity to help us attain our goals, deny them for fallacious reasons of race, religion, or color. This harms us, more than it harms them. I have supported this program and have worked to see enacted into law practical measures which will help bind this Nation together as one people, striving to achieve fulfillment of our abilities. I believe we are now taking positive steps forward to that end.

Mr. KORNEGAY. Mr. Chairman, for the past 9 days, patiently and attentively I have listened to the debate on this bill—without question one of the most important pieces of legislation ever to come before this House.

In my considered opinion, it is not a true civil rights bill. Rather it is a monumental unconstitutional effort to extend and exercise control and regulation over the private businesses and private lives of all the people of our country.

This legislation is punitive in its nature. It would be destructive of initiative and incentive to the point that it would seriously jeopardize our free enterprise system—and the first to suffer would be the very minority groups which this bill is designed to aid and protect.

The authority which this bill would bestow upon Federal agents in enforcement procedures is unprecedented in democratic societies and alien to our way of government and life.

I firmly believe that every person is entitled to equality and freedom under the law. But I have great fear that the numerous and far-reaching provisions of this bill would destroy more freedom than it would insure.

I am convinced that the real and lasting solution to the racial problem lies not in laws and regulations but in the hearts and minds of men of good will working together in an atmosphere of good feeling.

Mr. Chairman, I came here to support and defend the Constitution and not to distort and destroy it. My oath as a Member of Congress, and my conscience, compel me to vote against this bill.

Mr. PEPPER. Mr. Chairman, we have the right to hope, indeed, some of us feel disposed to pray, that the passage of this legislation will add noble new arches and commanding spires to the magnificent edifice of a free America designed by Thomas Jefferson and the Founding Fathers and slowly, tediously, often painfully, but ever-persistently, perfected through nearly two centuries, by the sacrifices, the struggles, and the dreams of the American people.

Mr. GIAIMO. Mr. Chairman, no single piece of legislation in the past decade or more of our history approaches the importance and significance of this bill which this House has been debating for the past several days. Indeed, few other single pieces of legislation will ever be proposed which will have the impact of H.R. 7152.

Since debate began on the bill, we have heard many hours of discussion, and the legislative history of the civil rights bill will clearly indicate that we have attached the importance to this bill that it so justly deserves.

I think it is important to remember that this bill is designed to give the force of law to the principles for which this country has stood for centuries—equality and liberty. It is, in a way, a shame that we must legislate on this question. Equality should be axiomatic in the United States. Nonetheless, since this is a grave social and economic problem within and without our boundaries, we have the responsibility, indeed the obligation, to rectify the injustices which have plagued minority groups in America.

It is obvious that our prestige abroad has suffered as a result of our dilatory tactics in the field of civil rights. True, we are not the only nation with a discrimination problem, but as the leader of the free world and symbol of equality, this refusal to insure equal rights has seriously impaired our position.

I believe that our prestige at home has suffered also. Who can be proud of race riots and violent demonstrations of bigotry? Who can be proud of discrimination in hiring and in education? Who can be proud of unjustified blocks to voting? Our self-respect should dwindle with each indication of bigotry and racism.

Passage of this bill will not only further the cause of equality, but it will vindicate our Nation's claim to worldwide respect as the home of liberty.

A nation is more than a piece of paper which proclaims its identity and principles. Because it is composed of human beings, it is prey to human frailties. It is only as perfect as its weaknesses—only as strong as its determination to eliminate these weaknesses. The United States has always risen to outside challenges to its security and must now rise to the inward challenge to assure freedom to all of its people, regardless of race, color, or national origin.

Our colleagues on the Judiciary Committee have presented to us a bill which I feel is a good one. Its opponents have raised many arguments, especially centering around the public accommodations and fair employment practices section. I should like to reflect on these sections for a moment.

In July 1963, the Meriden Record, a prominent newspaper in my district, printed an editorial on the public accommodations section of this bill. I believe that this editorial is worthy of attention. It states succinctly the theory behind public accommodations legislation. The editor writes:

> Opponents of President Kennedy's proposed new civil rights legislation criticize the provisions having to do with barring discrimination in stores, restaurants, hotels, and the like on the grounds that they infringe the rights of private property. For the Federal Government to dictate that there be no discrimination by owners and managers of businesses which serve the public as to the race of those they serve is an unwarranted invasion of the freedom of an individual to use his property as he pleases, the argument runs.
>
> This is true. But this particular invasion, when and if it occurs on a Federal level, will be neither the first nor the most burdensome. It's been a long time since we've been able to do exactly as we pleased with our property, any of us. Its use has long been restricted for the purposes of making it conform with the general health, safety, and economic prosperity of the community, and all signs are for more restrictions rather than less.
>
> Even private property which is reserved for strictly private use has got to conform with building codes, fire laws, and zoning ordinances. A man can't put his house where he likes on his lot, and he can't put a two-family house on property he owns in a one-family zone.
>
> When you move into the field of property which is used for business serving the public, the restrictions are manifold and often expensive.
>
> A man can't wash his restaurant dishes the way he pleases. He's got to provide designated fire exits. He must obtain licenses for food and liquor, and abide by the provisions under which they are issued, in the interests of protecting the public.
>
> Connecticut is with two-thirds of the rest of the country, some 30 States and many cities besides the District of Columbia, which include among these regulations for the conduct of places doing business with the public a law which forbids discrimination on account of race or color. It can't be claimed that the law has done away with such discrimination, but at least it makes it more difficult, and defines the intent of the principle with which most of us agree. It's another infringement on the free use of private property, but it is generally recognized as neither burdensome nor unfair. Moreover, the infringement of property rights is justifiable because it is necessary to advance the cause, at least equally important, of civil rights.

Mr. Chairman, this is a thoughtful and excellent analysis of the question and I commend its contents and philosophy.

Discrimination is a subtle and devastating problem. It has faced all of our people, in varying forms, since the beginning of this country. From the Puritan abhorrence of the Catholic in the 1700's, from the Chinese Exclusion Acts of the 1800's, from the "no Irish need apply" signs of the late 1800's and early 1900's, from the refusal to hire the Italians in the early 1900's, from the problems faced by all immigrant groups down to those frustrating our Negro communities, Americans have faced and dealt with the problem of discrimination. Undoubtedly, the problems faced by the Negro are of greater magnitude and will

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 judge each man, woman, and child on his or 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 less obvious 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. KEOGH, 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 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 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. SMITH] having to do with adding the word "sex" to the bill, and also the amendment offered by the gentleman from Ohio [Mr. ASHBROOK] dealing with the subject of atheism.

The SPEAKER. The Clerk will report the first amendment on which a separate vote has been 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.

Mr. GROSS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

The amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment on which a separate vote is demanded.

The Clerk read as follows:

On page 70, line 10, after the word "enterprise" insert a new section:

"(f) Notwithstanding any other provision of this title, it shall not be an unlawful employment practice for an employer to refuse to hire and employ any person because of said person's atheistic practices and beliefs."

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the Committee substitute as amended.

The Committee substitute as amended was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. CRAMER. Mr. Speaker, I offer a motion to recommit the bill.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. CRAMER. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. CRAMER of Florida moves to recommit the bill, H.R. 7152, to the Committee on the Judiciary.

Mr. CELLER. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

Mr. WILLIAMS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 290, nays 130, not voting 11, as follows:

[Roll No. 32]

YEAS—290

Abele	Bray	Corman
Adair	Bromwell	Cunningham
Addabbo	Brooks	Curtin
Albert	Broomfield	Curtis
Anderson	Brotzman	Daddario
Andrews, N. Dak.	Brown, Calif.	Dague
	Brown, Ohio	Daniels
Arends	Bruce	Dawson
Ashley	Buckley	Delaney
Aspinall	Burke	Dent
Auchincloss	Burkhalter	Denton
Avery	Burton	Derounian
Ayres	Byrne, Pa.	Derwinski
Baldwin	Byrnes, Wis.	Devine
Barrett	Cahill	Diggs
Barry	Cameron	Dingell
Bass	Cannon	Dole
Bates	Carey	Donohue
Becker	Cederberg	Dulski
Bell	Celler	Duncan
Bennett, Mich.	Chamberlain	Dwyer
Betts	Chenoweth	Edmondson
Blatnik	Clancy	Edwards
Boland	Clark	Ellsworth
Bolling	Clausen, Don H.	Fallon
Bolton, Frances P.		Farbstein
	Cleveland	Feighan
Bolton, Oliver P.	Cohelan	Findley
	Collier	Finnegan
Bow	Conte	Fino
Brademas	Corbett	Flood
Fogarty	McDade	Rogers, Colo.
Ford	McDowell	Rooney, N.Y.
Fraser	McFall	Rooney, Pa.
Frelinghuysen	McIntire	Roosevelt
Friedel	McLoskey	Rosenthal
Fulton, Pa.	Macdonald	Rostenkowski
Fulton, Tenn.	MacGregor	Roudebush
Gallagher	Madden	Roush
Garmatz	Mailliard	Roybal
Giaimo	Martin, Mass.	Rumsfeld
Gilbert	Martin, Nebr.	Ryan, Mich.
Gill	Mathias	Ryan, N.Y.
Glenn	Matsunaga	St. George
Gonzalez	May	St Germain
Goodell	Michel	St. Onge
Goodling	Miller, Calif.	Saylor
Grabowski	Miller, N.Y.	Schadeberg
Gray	Milliken	Schenck
Green, Oreg.	Minish	Schneebeli
Griffin	Minshall	Schweiker
Griffiths	Monagan	Schwengel
Grover	Montoya	Secrest
Gubser	Moore	Senner
Hagen, Calif.	Moorhead	Sheppard
Halleck	Morgan	Shriver
Halpern	Morris	Sibal
Hanna	Morse	Sickles
Hansen	Morton	Sisk
Harding	Mosher	Skubitz
Harsha	Moss	Slack
Harvey, Ind.	Multer	Smith, Iowa
Harvey, Mich.	Murphy, Ill.	Springer
Hawkins	Murphy, N.Y.	Staebler
Hays	Nedzi	Stafford
Healey	Nelsen	Staggers
Hechler	Nix	Steed
Hoeven	Norblad	Stinson
Holifield	O'Brien, N.Y.	Stratton
Holland	O'Hara, Ill.	Sullivan
Horton	O'Hara, Mich.	Taft
Hosmer	Olsen, Mont.	Talcott
Ichord	Olson, Minn.	Teague, Calif.
Joelson	O'Neill	Thomas
Johnson, Calif.	Osmers	Thompson, N.J.
Johnson, Pa.	Ostertag	Thomson, Wis.
Johnson, Wis.	Patten	Toll
Karsten	Pepper	Tollefson
Karth	Perkins	Tupper
Kastenmeier	Philbin	Udall
Keith	Pickle	Ullman
Kelly	Pike	Van Deerlin
Keogh	Pillion	Vanik
King, Calif.	Pirnie	Wallhauser
King, N.Y.	Powell	Weaver
Kirwan	Price	Westland
Kluczynski	Pucinski	Whalley
Kunkel	Quie	Wharton
Kyl	Randall	White
Laird	Reid, Ill.	Widnall
Langen	Reid, N.Y.	Wilson, Bob
Latta	Reifel	Wilson, Charles H.
Leggett	Reuss	
Libonati	Rhodes, Pa.	Wilson, Ind.
Lindsay	Rich	Wydler
Lloyd	Riehlman	Younger
Long, Md.	Rivers, Alaska	Zablocki
McClory	Robison	
McCulloch	Rodino	

NAYS—130

Abbitt	Foreman	Lennon
Abernethy	Forrester	Lesinski
Alger	Fountain	Lipscomb
Andrews, Ala.	Fuqua	Long, La.
Ashbrook	Gary	McMillan
Ashmore	Gathings	Mahon
Baring	Gibbons	Marsh
Battin	Grant	Martin, Calif.
Beckworth	Gross	Matthews
Beermann	Gurney	Meader
Belcher	Hagan, Ga.	Mills
Bennett, Fla.	Haley	Morrison
Berry	Hall	Murray
Boggs	Hardy	Natcher
Bonner	Harris	Passman
Brock	Harrison	Patman
Broyhill, N.C.	Hébert	Pilcher
Broyhill, Va.	Hemphill	Poage
Burleson	Henderson	Poff
Casey	Herlong	Pool
Chelf	Huddleston	Purcell
Clawson, Del	Hull	Quillen
Colmer	Hutchinson	Rains
Cooley	Jarman	Rhodes, Ariz.
Cramer	Jennings	Rivers, S.C.
Davis, Ga.	Jensen	Roberts, Ala.
Dorn	Johansen	Roberts, Tex.
Dowdy	Jonas	Rogers, Fla.
Downing	Jones, Ala.	Rogers, Tex.
Elliott	Jones, Mo.	Scott
Everett	Kilburn	Selden
Evins	Kilgore	Short
Fascell	Knox	Sikes
Fisher	Kornegay	Smith, Calif.
Flynt	Landrum	Smith, Va.

Snyder	Utt	Wickersham
Stephens	Van Pelt	Williams
Stubblefield	Vinson	Willis
Taylor	Waggonner	Winstead
Teague, Tex.	Watson	Wright
Thompson, La.	Watts	Wyman
Trimble	Weltner	Young
Tuck	Whitener	
Tuten	Whitten	

NOT VOTING—11

Davis, Tenn.	Lankford	Shipley
Hoffman	O'Brien, Ill.	Siler
Horan	O'Konski	Thompson, Tex.
Kee	Pelly	

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Shipley with Mr. Hoffman.
Mrs. Kee with Mr. Horan.

Until further notice:

Mr. O'Brien of Illinois for, with Mr. Siler against.

Mr. Pelly for, with Mr. Davis of Tennessee against.

The result of the vote was announced as above recorded.

The title was amended so as to read:

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

A motion to reconsider was laid on the table.

Mr. CELLER. Mr. Speaker, I want to express my gratitude for this, shall I say ovation; I deeply appreciate the kindness and courtesy of all the ladies and gentlemen who participated in this cause. It did warm the cockles of my heart. I want to state that the result would not have been the way it was were it not for the wholehearted support and most earnest and dedicated cooperation of my distinguished colleague and counterpart on the Judiciary Committee, the gentleman from Ohio [Mr. McCULLOCH].

Mr. McCULLOCH. Mr. Speaker and Members of the House, seldom, if ever, has anyone had the help and cooperation of able, devoted and sincere people as we have had during the debate and passage of this legislation.

Mr. Speaker, it has been indeed a pleasure for me to work with the chairman of the Committee on the Judiciary many long, difficult, trying days, and nights too, if you please. However, the result has more than justified all those difficult times.

Mr. Speaker, I am really deeply appreciative of this help and assistance from everyone of my colleagues, both the majority and the minority. Mr. Speaker, I am sure that in the 16-odd years that I have been a Member of the House no committee has ever had a more able, more effective, more devoted staff than has the Committee on the Judiciary. Mr. Speaker, I want to thank them, too.

Mr. CELLER. Mr. Speaker, also I must express my admiration for those in the minority, and state that they have been most dignified and most statesmanlike 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 should like to, not only for myself, but I am sure for the chairman, if he has not already done so, say a word for the fair, able, and judicious manner in which the Chairman of the Committee of the Whole presided over these deliberations for so many days. No one has done a better job.

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.

IMPRESSED 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 gentility and dignity with which they comported themselves during the long, strenuous debate. Their conduct was a credit to the Congress of the United States. The image and stature of the House of Representatives was enhanced by them in defeat.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Ratchford, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and a joint resolution of the House of the following titles:

On January 31, 1964:

H.J. Res. 779. Joint resolution to amend the joint resolution of January 28, 1948, relating to membership and participation by 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. 1959. An act to authorize the transportation of privately owned motor vehicles of Government employees assigned to duty in Alaska, and for other purposes.

H.R. 3368. An act to authorize the Administrator of General Services to convey by quitclaim deed a parcel of land to the Lexington Park Volunteer Fire Department, Inc., and

H.R. 4801. An act to amend subsection 506 (d) of the Federal Property and Administrative Services Act of 1949, as amended, regarding certification of facts based upon transferred records.

On February 7, 1964:

H.R. 5377. An act to amend the Civil Service Retirement Act in order to correct an inequity in the application of such act to 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.

Federal 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 participation 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 rejected for medical reasons—most of them come from poor homes.

Clearly, too many Americans still are cut off by low incomes from adequate health services. Too many older people are still deprived of hope and dignity by prolonged and costly illness. The linkage between ill health and poverty in America is still all too plain.

In its 1st session, the 88th Congress made some important advances on the health front: It acted to increase our supply of physicians and dentists; it began a nationwide attack on mental illness and mental retardation; and it strengthened our efforts against air pollution.

But our remaining agenda is long, and it will be unfinished until each American enjoys the full benefits of modern medical knowledge.

Part of this agenda concerns a direct attack on that particular companion of poor health—poverty. Above all, we must see to it that all of our children, whatever the economic condition of their parents, can start life with sound minds and bodies.

My message to the Congress on poverty will set forth measures designed to advance us toward this goal.

In today's message, 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 about $37 a day. In contrast, the average social security benefit is just $77 a month for retired workers and $67 a month for widows.

Existing "solutions" to these problems are (1) private health insurance plans and (2) welfare medical assistance. No one of them is adequate, nor are they in combination: Private insurance, when available, usually costs more than the average retired couple can afford. Welfare medical assistance for the aged is not available in many States—and where it is available, it includes a needs test to which older citizens, with a lifetime of honorable, productive work behind them, should not be subjected. This situation is not new. For more than a decade we have failed to meet the problem.

There is a sound and workable solution. Hospital insurance based on social security payments is clearly the best method of meeting the need. It is a logical extension of the principle—established in 1935 and confirmed time after time by the Congress—that provision should be made for later years during the course of a lifetime of employment. Therefore:

I recommend a hospital insurance program for the aged aimed at two basic goals: First, it should protect against the heaviest costs of a serious illness—the costs of hospital and skilled nursing home care, home health services, and outpatient hospital diagnostic services.

Second, it should provide a base that related private programs can supplement.

To achieve these goals:

1. These benefits should be available to everyone who reaches 65.

2. Benefit payments 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 life to protect himself in old age in a dignified manner against the devastating costs of prolonged hospitalization.

Hospitalization, however, is not the end of older people's medical needs. Many aged individuals will have medical 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 were made possible in the last 16 years by the Hill-Burton program of Federal aid.

But there is more still to be done: Too often a sick patient must wait until a hospital bed becomes available; too many hospitals are old and poorly equipped; new kinds of facilities are needed to care for the aged and the chronically ill.

I recommend that the Hill-Burton program—scheduled to end on June 30, 1964—be extended for an additional 5 years including the amendments outlined below.

1. PLANNING

Hospital care costs too much to permit duplication, inefficiency, or extravagance in building and locating hospitals. Individual hospitals and other health facilities should be located where they are most needed. Together, these facilities in a community should provide the services needed by its citizens. This means planning. Therefore:

(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 chronic disease hospitals and nursing homes be combined into a single category of long-term care facilities. The annual appropriation for the combined categories should be increased from $40 to $70 million.

4. MORTGAGE INSURANCE

Raising funds to build health facilities is a problem for almost every community: Federal aid is not always obtainable. States must set priorities for hospital projects which are to receive Federal aid; many worthwhile projects necessarily fail to win approval. Nonprofit agencies often have great difficulty raising local funds to match Federal grants. Loans available from private lenders often call for large annual payments and short payoff periods. This can either threaten a hospital's financial soundness 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 operated for profit be transferred from the Federal Housing Administration to the Public Health Service.

These changes will help us build more hospitals and other medical facilities. And they will bring together in the Public Health Service an adequate and interlocking program of Federal aid to profitmaking—as well as nonprofit—nursing homes, hospitals, and other facilities.

ENCOURAGEMENT OF GROUP PRACTICE

To meet the needs of their communities, groups of physicians—general practitioners and specialists—more and more are pooling their skills and using the same buildings, equipment, and personnel to care for their patients. This is a sound and practical approach to medical service. It provides better medical care, yet it yields economies which can be passed on to the consumer. It makes better use of scarce professional personnel. It offers benefits to physicians, patients, and the community.

The specialized facilities and equipment needed for group practice are often not available, especially in smaller communities. Therefore:

I recommend legislation to authorize a 5-year program of Federal mortgage insurance and loans to help build and equip group practice medical and dental facilities.

Priority should be given to facilities in smaller communities, and to those sponsored by nonprofit or cooperative organizations.

III. HEALTH MANPOWER

Medical science has grown vastly more complex in recent years—and its potential for human good has grown accordingly. But to convert its potential into actual good requires an ever-growing supply of ever-better trained medical manpower. The quantity and quality of education for the health disciplines has been unable to keep pace. Shortages of medical manpower are acute.

By enacting the Health Professions Educational Assistance Act of 1963, the Congress took a major step to close this gap in medical manpower, especially as it relates to physicians and dentists.

But the task is far from finished.

A STRONGER NURSING PROFESSION

The rapid development of medical science places heavy demands on the time and skill of the physician. Nurses must perform many functions that once were done only by doctors.

A panel of expert advisers to the Public Health Service has recommended that the number of professional nurses be increased from the current total of 550,000 to 680,000 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 desiring 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, the health professions, 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 training programs:

(1) The program of public health traineeships;

(2) The complementary program of project grants to schools of public health, nursing, and engineering—designed to help strengthen graduate or specialized public health training.

The need for these programs is greater today than ever before.

I recommend that the public health traineeship program and the project grant program for graduate training in public health be expanded and extended until 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.

It was, as President Kennedy said, "the most significant effort 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 enable us to get started.

My 1965 budget includes a total of $467 million for the National Institute of Mental Health and for mental retardation activities. I urge the Congress to approve the full amount requested.

V. HEALTH PROTECTION

Technological progress is not always an unmixed blessing.

To be sure, we have a wealth of new products, unimagined a few generations ago, that make life easier and more rewarding.

But these benefits sometimes carry a price in the shape of new hazards to our health: The air we breath is being fouled 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 foreign substances. The pesticides indispensable to our farmers sometimes introduce chemicals whose long-range effects upon man are dimly understood.

We must develop effective safeguards to protect our people from 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 environmental 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 the Interior, is reviewing and revising procedures to make certain that the benefits and hazards of pesticides to human health, domestic animals, and wildlife are considered fully before their registration and sale are approved.

Finally, the Federal Government's own use and application of pesticides are being reviewed to assure that all safeguards are applied.

FOODS, DRUGS, AND COSMETICS

The 1962 amendments to the Federal Food, Drug, and Cosmetic Act will enhance the safety, the effectiveness, the reliability of drugs and cosmetics.

To give this act the vigorous enforcement it contemplates, I am requesting increased appropriations to the Food and Drug Administration, largely for scientific and regulatory personnel.

In addition, I renew the recommendations contained in my consumer message for new legislation to extend and clarify the food, drugs, and cosmetic laws.

VI. RESEARCH AND SPECIAL HEALTH NEEDS

Over the past decade, our Nation has developed an unparalleled program of medical research. This investment has already paid rich dividends, and more dividends are within reach.

The budget that I have proposed for fiscal 1965 assures the rate of growth needed to meet current opportunities and to provide a sound base for future progress.

In addition, the Office of Science and Technology has assembled a group of eminent citizens to study thoroughly the medical research and training programs of the National Institutes of Health.

This study should point to new ways to improve our medical research.

COMMISSION ON HEART DISEASE, CANCER, AND STROKES

Cancer, heart disease, and strokes stubbornly remain the leading causes of death in the United States. They now afflict 15 million Americans—two-thirds of all Americans now living will ultimately suffer or die from one of them.

These diseases are not confined to older people. Approximately half of the cases of cancer are found among persons under 65. Cancer causes more deaths among children under age 15 than any other disease. More than half the persons suffering from heart disease are in their most productive years. Fully a third of all persons with recent strokes or with paralysis due to strokes are under 65.

The Public Health Service is now spending well over a quarter of a billion dollars annually finding ways to combat these diseases. Other organizations, both public and private, also are investing considerable amounts in these efforts.

The flow of new discoveries, new drugs, and new techniques is impressive and hopeful.

Much remains to be learned. But the American people are not receiving the full benefits of what medical research has already accomplished. In part, this is because of shortages of professional health workers and medical facilities. It is also partly due to the public's lack of awareness of recent developments and techniques of prevention and treatment.

I am establishing a Commission on Heart Disease, Cancer, and Strokes to recommend steps to reduce the incidence of these diseases through new knowledge and more complete utilization of the medical knowledge we already have.

The Commission will be made up of persons prominent in medicine and public affairs. I expect it to complete its study by the end of this year and submit recommendations for action.

NARCOTICS AND DRUG ABUSE

Abuse of drugs and traffic in narcotics are a tragic menace to public health.

To deal promptly and intelligently with this situation we must take effective measures for education, regulation, law enforcement, and rehabilitation.

We must strengthen the cooperative efforts of Federal, State, and local authorities and public services.

The recent report of the Presidential Advisory Commission on Narcotics and Drug Abuse has rendered signal contributions. It places the problem in its proper perspective. It proposes policies and actions which deserve full consideration.

The appropriate Federal departments and agencies will review this report, and I shall at a later time send my recommendations to the Congress.

VOCATIONAL REHABILITATION

Disability—always a cruel burden—has partly succumbed to medical progress. Our Federal-State program of vocational rehabilitation has been demonstrating this fact for more than 40 years. Rehabilitation can help restore productivity and independence to millions of Americans who have been victims of serious illness and injury. Over 110,000 disabled men and women were returned to activity and jobs last year alone.

If more fully developed and supported by the States and the Federal Government, this program can be a powerful tool in combating poverty and unemployment among the millions of our citizens who face vocational handicaps which they cannot surmount without specialized help.

I have already recommended appropriation of increased Federal funds for vocational rehabilitation.

I now recommend enactment of legislation to facilitate the restoration of greater numbers of our mentally retarded and severely disabled to gainful employment, by permitting them up to 18 months of rehabilitative services prior to the determination of their vocational feasibility.

I also recommend enactment of a new program for the construction and initial staffing of workshops and rehabilitation facilities, program expansion grants, and increased State fiscal and administrative flexibility.

INTERNATIONAL HEALTH

Scientists from many countries have contributed to the enrichment of our national medical research effort. We in turn support medical research in other nations.

International collaboration in medical research, including support of research through the World Health Organization, is an efficient means of expanding knowledge and a powerful means of strengthening contacts among nations. It links not only scientists but nations and peoples in efforts to achieve a common aspiration of mankind—the reduction of suffering and the lengthening of the prime of life.

The United States participates in an ambitious international effort to eradicate malaria—a disease which strikes untold millions throughout the world.

Both of my predecessors committed the United States to this campaign, now going forward under the leadership of

the World Health Organization. The Congress has endorsed this objective and has supported it financially.

We will continue to encourage WHO in its work to eradicate malaria throughout the world.

We will continue to commit substantial resources to aid friendly nations through bilateral programs of malaria eradication.

The United States will also initiate in 1964 a program to eradicate the mosquito carrying yellow fever. My 1965 budget provides expanded funds for the second year of this program.

CONCLUSION

The measures recommended in this message comprise a vigorous and many-sided attack on our most serious health problems.

These problems will not be fully solved in 1964 or for a long time to come.

They will not be solved by the Federal Government alone, nor even by government at all levels. They are deeply rooted in American life. They must be solved by society as a whole. I ask the help of all Americans in this vital work.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *February 10, 1964.*

INTERNATIONAL ATOMIC ENERGY AGENCY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 226)

The SPEAKER laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, referred to the Committee on Atomic Energy and ordered to be printed:

To the Congress of the United States:

I transmit herewith, pursuant to the 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 WHITE HOUSE, *February 10, 1964.*

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 request of the gentleman from Iowa?

There was no objection.

Mr. JENSEN. Mr. Speaker, I shall now read the statement of the Republican budget task force, which was released by me for today's morning newspapers.

THE ECONOMY MYTH AND THE GOP TASK FORCE

We, the Republican members of the Appropriations Committee of the House, think it is time to expose the widely circulated myth that the Johnson administration is practicing economy in the expenditure of the taxpayers' money. The Members of Congress, who must appropriate the money, 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, according to 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 Mr. Kennedy's assassination (Gordon: $97.8 billion; Johnson budget: $98.4 billion).

2. President Johnson's budget for the next fiscal year calls for an increase of $6 billion over what Congress appropriated 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 $6.3 billion below the amount requested by Mr. Kennedy. This reduction effort was initiated a year ago by a Republican budget-cutting task force under the able leadership of Congressman FRANK BOW of Ohio, but the reduction was possible because of the dedicated assistance of all Members of Congress who believe in fiscal 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 Bow 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. Merriam, of Chicago, former Deputy Director of the Budget, both of whom served under President Eisenhower—and both have 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 President Johnson has requested. 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, Congressman CANNON, of Missouri, for his leadership in the economy battle last year and to express our confidence that he will again cooperate with us for economy this session.

Further, we commend our chairman, Mr. 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 20; floor, Tuesday, March 24.

Legislative Subcommittee, report, Friday, April 3; floor, Tuesday, April 7.

Labor-Health, Education, and Welfare Subcommittee, report, Friday, April 10; floor, Tuesday, April 14.

Defense Subcommittee, report, Friday, April 24; floor, Tuesday, April 28.

State-Justice-Commerce-Judiciary, Subcommittee, report, Friday, May 1; floor, Tuesday, May 5.

Agriculture Subcommittee, report, Friday, May 8; floor, Tuesday, May 12.

Independent Offices Subcommittee, report, Friday, May 15; floor, Tuesday, May 19.

Military Construction Subcommittee, 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; floor, Tuesday, June 9.

We pledge our full cooperation in thus expediting the business of the House and in order to meet this timetable we respectfully urge all legislative committees to report their respective authorization requests to the floor before the date as above scheduled for House consideration of each appropriation bill.

COMMERCIAL COMMUNICATIONS SATELLITE SYSTEM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. 225)

The SPEAKER laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, referred to the Committee on Interstate and Foreign Commerce and ordered to be printed:

To the Congress of the United States:

Section 201(a) of the Communications Satellite Act of 1962 directs the President of the United States to "aid in the planning and development and foster the execution of a national program for the establishment and operation as expeditiously as possible of a commercial communications satellite system."

The year 1963 has been a period of major accomplishment toward the objectives established by the Congress in the Communications Satellite Act. The Communications Satellite Corporation has been organized, established, has employed a competent staff, and is implementing plans for a commercial communications satellite system. All agencies of Government concerned have contributed wholeheartedly to the furtherance of the objectives of the act.

As required by section 404(a) of that act I herewith transmit to the Congress a report on the activities and accomplishments under the national program.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *February 10, 1964.*

LEGISLATIVE PROGRAM FOR THE REMAINDER OF THIS WEEK

Mr. ARENDS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

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

There was no objection.

Mr. ARENDS. Mr. Speaker, I take this time to ask the majority leader if he can inform us as to the legislative program for the balance of this week and next week, if possible.

Mr. ALBERT. In response to the inquiry of the distinguished Republican Whip, may I say that we have finished the legislative business for this week. The next legislative business will be on Monday next. We expect to be able to announce the complete program on Thursday of this week. We will have business on Monday of next week, which will include not only the Consent Calendar but a savings and loan bill from the Committee on Banking and Currency, and there will be business for the balance of that week.

Mr. ARENDS. I thank the gentleman from Oklahoma.

ADJOURNMENT OVER

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet 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 Flemming announces his intention to induct foreign nationals as members of the Canal Zone Police.

The press releases of President Chiari and photographs taken at the time of the attacks on Americans on American territory and published in the metropolitan newspapers show unmistakably that the leaders of the Panamanian mob were well-known Communists from Cuba.

I ask you, Mr. Speaker, what protection could be expected from Panamanian police against Panamanian mobs which sweep across the border and murder American citizens and American soldiers on American soil?

This information is taken from the daily newspaper, the Star & Herald, received from the Canal Zone Central Labor Union and Metal Trades Council, AFL–CIO, Balboa Heights, C.Z., and I append corroborating telegrams:

CRISTOBAL, C.Z.,
February 6, 1964.

HOUSE OF REPRESENTATIVES,
Washington, D.C.:

Protest plan to recruit Panamanians for Canal Zone police force endangers security, invites Communist infiltration. Suggest investigation of plan originator for subversion or incompetence. Letter follows.

PRESIDENT, COCO SOLO CIVIC COUNCIL,
Coco Solo, C.Z.

CRISTOBAL, C.Z.,
February 7, 1964.

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.

CRISTOBAL, C.Z.,
February 7, 1964.

U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C.:

Protest integration of non-U.S. citizens into Canal Zone police force.

GATUN CIVIC COUNCIL.

CRISTOBAL, C.Z.,
February 7, 1964.

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. It 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.

BALBOA, C.Z.,
February 7, 1964.

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 under present requirements. Must have immediate help and support in this matter.

CARE FOR THE AGED

Mr. TUPPER. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. GLENN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Maine?

There was no objection.

Mr. GLENN. Mr. Speaker, last year the National Committee on Health Care for the Aged made its report after a full and thorough investigation into the subject. It went into the problem of the total health care needs of the older citizens and did not restrict its study to hospitalization alone. As a result it recommended separate but complementary programs for Government and private insurance as the best solution to the problem of the health care of all citizens over 65.

I have considered this subject for several years and I am convinced this is the best overall approach and accordingly I have introduced in the House, H.R. 9954 entitled "The Health Care Insurance Act of 1964."

This bill is a companion bill to S. 2431 by Senators JAVITS, CASE, COOPER, KEATING, 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. This portion of the program would be financed by an increase of one-fourth of 1 percent each on employers and employees in the social security tax to be deposited in a separate health fund. It would also permit local administration by existing agencies.

The complementary national private insurance program for physicians, surgeons, and other noninstitutional care limits the Government's role and is a built-in limit on its future expansion, and thereby offers the key aspect of the bill, answering the fears of many that the Government in a political way was seeking to expand its part in the health care field for the aged.

It is estimated that the national standard policy could be made available at a cost of about $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 nationwide federally chartered association which private insurance and group service companies could join in order to 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 causes 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 have the best health care that enhanced life expectancies can produce.

Private health insurance alone cannot do the job of providing protection at a cost this growing section of our population 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 83 percent.

The bill seeks to do the following:

First, to include all over 65 including those not now covered by the social security system; second, to provide for the participation of State agencies and approved private organizations in the administration of the program; and third, to set up a special health insurance fund separate from other social security funds.

The potentialities of this public-private program go far beyond any existing practice developed to meet a special social need. It includes in the legislation provision also for the establishment of a strong National Advisory Council on Health Insurance for the Aged which will be charged with the task of advising the Secretary in administering the public plan and with making reports to Congress on the progress of both the public and private sectors of the program. This council should be broadly representative of all groups, public and private, who are directly concerned with health care for the aged and who will be able to have some effective influence on the formulation of policy in the administration of the plan.

Finally, when President Kennedy, of beloved memory, received the report of the National Committee on Health Care for the Aged—and the bill translates into legislative terms the Committee's recommendations—he expressed the hope that implementing legislation would have broad bipartisan support.

I believe that the bill comes close to meeting the requirements of the health care experts as well as of legislators on both sides of the aisle. It will do so at a cost which is relatively modest in view of the magnitude of the program. I am confident that the cost of the public part of it will be just about what is called for under the King-Anderson proposal. It will avoid the dangers of so-called socialized medicine. It will observe the traditional doctor-patient relationship, and provide for the participation of the private sector which has built up a great and deserved interest in the field over the years.

It is important to note that this bill goes further than any medicare bill up till now. It proposes a two-part program—one for hospitalization and one for doctors and medical bills. One is basically medicare, a proposal to help pay hospital bills through social security. The second part would supplement this by encouraging private insurance companies through tax relief and other Government aid to provide adequate reasonably priced policies to cover doctors' and other medical bills.

It would use social security financing to provide 45 days of hospital care, up to 180 days of nursing home treatment, or over 200 days of home health care following hospital treatment for persons 65 or older. This would come by a one-half percent increase in the social security tax that would go into a special fund.

It would create a national, federally chartered nonprofit association of private insurance and group service companies which would authorize a standard medical-surgical policy for those over 65.

I am convinced that the health care needs of our elder citizens can only be met by this dual approach—coverage in both areas of hospitalization and medical bills. The need is present and growing. It is incumbent on this Congress to act now so that the benefits can flow as soon as possible to those who are in dire need of this protection.

THE CIVIL RIGHTS BILL

Mr. TUPPER. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. FOREMAN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Maine?

There was no objection.

Mr. FOREMAN. Mr. Speaker, this civil rights bill, H.R. 7152, 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 area of west Texas where, within our own local communities, we have, and are, solving our own differences.

I do not believe new Federal laws can legislate social equality. This is a matter that only the people themselves—in our churches, civic clubs, schools, libraries, public meeting places, and so forth—can, must, and will solve.

Two titles of this proposed legislation, H.R. 7152, Title II—Injunctive Relief Against Discrimination in Places of Public Accommodation, and Title VII—Equal Employment Opportunities, concern me greatly, because in them, I find discrimination against the private property rights of all people, including colored and white.

We must clearly understand that there can be no distinction between property rights and human rights. There are no rights but human rights, and what are spoken of as property rights are only the human rights of individuals to property.

The Bill of Rights in the U.S. Constitution recognizes no distinction between property rights and other human rights. The ban against unreasonable search and seizure covers "persons, houses, papers and effects," without discrimination.

The Founding Fathers realized what some present-day politicians seem to have forgotten: A man without property rights—without the right to the product of his labor—is not 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 and for better living.

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 standard of living, the right to a minimum wage or a maximum workweek, the right to a fair price, the right to bargain collectively, the right to secure against the adversities and hazards of life, such as disability and old age.

Those who wrote our Constitution would have been surprised to hear these things spoken of as rights. They are not immunities from governmental compulsion; on the contrary, they are 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 violate the rights of all Americans in our efforts to secure social equality for some.

THE CIVIL RIGHTS BILL—TITLE VII

Mr. TUPPER. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. TAFT] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Maine?

There was no objection.

Mr. TAFT. Mr. Speaker, the progress that we have made in this country and the benefits which we all enjoy stem from certain basic principles with which this country started. Hopefully, we have not since abandoned them. The most important of these is the concept of a maximum degree of individul freedom consistent with the individual freedom of others. True enjoyment of that freedom requires equality of opportunity. Essential to this equality is equal opportunity for education and employment. Also essential in the society in which we live today is economic opportunity.

Unfortunately, some aspects of our development as a nation have indicated that equality of education and economic opportunity have not been provided and

are not being provided to some of our citizens. This is particularly true as to those citizens who are Negroes. Long standing and commendable efforts of private individuals and organizations and, in many instances, of local and State governments have been inadequate to provide that equality or even to assure adequately any promise of providing it in the foreseeable future.

For this reason many Americans, among whom I number myself, have become convinced that there is a concern and a responsibility as a nation that can only be met by fair and workable legislation by the National Congress. This is not to derogate or desert the efforts that have been made through other channels, and, hopefully, the actions and programs of any authority set up under this legistion will recognize this and will move with moderation and reason, but will move. Should such authority fail to do so, there would, of course, be legislative remedies available to us to curb proven abuses. Obviously, no law so broad in its implications as the one here being considered can in all aspects be perfect. But it is a beginning, and a beginning must be made. It is important that existing State programs and enforcement will be used wherever possible, and, even more importantly, that the processes of conciliation and conference, authorized under the legislation, will handle all but the most difficult cases.

Fortunately, from the experience with State laws exceeding in their powers the Federal legislation here proposed, experience indicates that most of the objections and fears of those who oppose this legislation should be unfounded. We respect the sincerity and convictions of those who oppose the measure, but we hope as the years pass and progress is made, 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 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. RUMSFELD. Mr. Speaker, I wish to express my full support of title VI of the Civil Rights Act, concerning nondiscrimination in federally assisted programs.

The question is whether Federal tax dollars, collected from all, regardless of race, color, or national origin, must be expended without regard to race, color, or national origin. Clearly the answer should be "Yes." It is unthinkable that the Federal Government should serve as a vehicle for fostering and encouraging discrimination.

Opponents of this title point out that it constitutes Federal control. To this I must agree. It is obvious Federal control. But Congress has a proper responsibility to reasonably control the expenditure of Federal tax dollars. It amazes me to find so many who seem to be discovering for the first time that with Federal involvement and Federal money comes Federal control.

I believe this title should be approved intact. It will represent an important step by the Congress to assure that all taxpayers receive the benefits of their tax dollars. But, in addition, the Nation as a whole may reap an unexpected benefit. Hopefully, recognizing that Federal control follows Federal involvement, the people of the country and the Congress will be less eager to support a multiplicity of vast domestic Federal spending programs to involve the Federal Government in practically every aspect of American life. Possibly the Congress will recognize that many domestic problems can be better handled by individuals or by State or local governments. I am optimistic enough to hope that future programs will be carefully analyzed to see if the problems involved might not be solved more economically, more efficiently, and more responsively to the needs of the people at the State or local level. Not until that happens will the American people see a more realistic approach to many of the problems facing this growing, dynamic Nation which so urgently need attention.

Amendments similar to title VI have been offered to various Federal programs during the 88th Congress, but, unfortunately, 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 discriminate 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 RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Maine?

There was no objection.

Mr. KEITH. Mr. Speaker, the recent water incident at Guantanamo Bay, with Castro's unsuccessful attempt to intimidate U.S. forces there, grew out of the seizure and threatened prosecution of Cuban fishermen caught illegally operating in our territorial waters.

There has been legislation pending for some months now which would have had a 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 Florida for prosecution under State law.

The fact is that under present Federal law, while it is of course illegal for foreign vessels to fish within our 3-mile limit, this prohibition is little more than words. Existing law provides no effective sanctions to enforce the prohibitions. As in the case of the Cuban fishermen, the United States would have to rely on State law to pursue the action.

We can reasonably assume that situations will again arise where the Federal Government would also have to rely on the discretion of the State courts in matters that could have serious international ramifications.

Mr. Speaker, I am pleased to report the chairman of the Merchant Marine and Fisheries Committee [Mr. BONNER], recognizing the timeliness and importance of this matter, has announced his committee will hold hearings February 25 on a bill that I have had the privilege of sponsoring, along with the distinguished Member from Alaska [Mr. RIVERS] and the distinguished Member from Florida [Mr. ROGERS], which would, for the first time, make foreign fishermen subject to strict penalties for intrusions into U.S. territorial waters. Penalties would include forfeiture of catch, tackle and cargo, imprisonment up to 1 year and a fine of up to $10,000. This legislation—H.R. 7954, H.R. 8296, and H.R. 9957—also recognizes U.S. jurisdiction over fishery resources appertaining to the Continental Shelf.

A similar bill (S. 1988) passed the Senate with enthusiastic support during the past session.

Mr. Speaker, the problem is not limited to intrusions by Cuban vessels. The great armada of Soviet vessels off Cape Cod and in the Bering Sea, off the coast of Alaska, long ago made it apparent that the hollow prohibitions now on the statute books were ineffective and, as such, invite intrusions in our waters and contemptuous disregard for U.S. rights.

The Soviets have been especially indifferent to our jurisdictional rights, but I might add it is a different story when the Russian Government apprehends a foreign fishing vessel in their coastal sea, which, and it is worthy of note, they claim out to 12 miles—as opposed to our traditional 3 miles. Senator MAGNUSON noted during the past session that the Soviet Government has seized 854 Japanese vessels and 7,024 Japanese fishermen in the last 10 years. We do not know what disposition the U.S.S.R. has made of the catch aboard these ships or of the vessels themselves, but it is known from Japanese reports that some of the fishermen have been held in Russia for more than 2 years.

Last August, for example, the Japanese Information Service announced that the Soviets had promised to release "about 120" Japanese fishermen "now in Soviet custody, who have been found guilty or indicted on charges of violating Soviet territorial waters or operating in Soviet waters."

Recent comments by the State Department as to the suspected intelligence purposes of the Russian fishing fleet off our coasts makes it imperative that in the interests of national security we enact effective measures to deny these quasi-military vessels casual access to our inshore waters. At present they risk little by "accidental" violations, which in some cases have brought them within hailing distance of the coast.

Passage of the bill I have introduced, with the modification approved by the Senate, would mean intruders would

risk considerable. They could lose their vessels, equipment, and catch and find themselves in jail. As such the U.S. 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. ALGER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Maine?

There was no objection.

Mr. ALGER. Mr. Speaker, since Franklin Roosevelt began appeasing the Soviet Union in secret meetings at Teheran and Yalta, succeeding Democratic administrations have followed the policy of mistrusting the American people and establishing 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 Chiari, of Panama, which has now become the basis of Panama's demands that we give up our sovereign rights in the Canal Zone. Of course, we are getting the usual denials and interpretations from the State Department, but the fact remains that Panama does have the signed memorandum, it does say in part that "a new treaty will have to be negotiated," and it was signed by the President of the United States.

It is this type of confused negotiation with foreign governments that has resulted in the mess in foreign affairs now coming to light under the present administration. The past 2 months has seen American prestige and American interests falling to pieces everywhere in the world. Every little pipsqueak dictator safely thumbs his nose at Uncle Sam, every Communist-inspired mob attacks American embassies, assaults American personnel, tears down and desecrates our flag, and the Democratic administration does nothing.

American boys are dying almost daily in Vietnam while the administration stumbles and staggers trying to determine a proper course to follow or which group to support or overthrow.

The Panama crisis steadily worsens without any apparent plan by the administration to meet the situation.

As for Guantanamo, the best we can come up with in answer to Castro's latest attempt to blackmail us is to supply our own water. It is planned to try to persuade our allies not to trade with Cuba, but this seems a little bit hollow in the face of the determined effort the administration made to force congressional action just before Christmas to permit the United States to trade with Soviet Russia with our taxpayers underwriting most of the deal.

No, Mr. Speaker, I am afraid this administration has no more conception of the reality of the Communist world conspiracy, no more understanding of communism's goal, no more ability to cope with the Communist menace, no more talent for world leadership than displayed by previous Democratic administrations.

There is a very simple rule, it seems to me, that should underlie all of our foreign policy—the self-interest of the United States. If we are determined to preserve our own freedoms, to protect our sovereignty, and to save this Republic, then all of our policy in foreign affairs should be directed toward that end. The strength of this Republic is in the strength of the people. It is the people who must pay the bill with their tax dollars and with their lives in time of war. Yet, the Democrats have no faith in the people. The Democratic leadership refuses to tell the people about its secret agreements and secret deals. In the Cuban missile crisis of 1962, even Members of Congress were being told by the administration that there were no Russian missiles in Cuba at the very time the whole world had proof that there were.

In view of the sorry record in foreign affairs of the Democratic leadership, I believe it is imperative that the administration and the State Department tell us now, how many more secret agreements and deals have been made or are in the works?

Are we going to do whatever it takes to stay in Guantanamo, or are we already planning to abandon it with some lame excuse several months from now that is no longer serves our purpose? This happened in Greece and Turkey, remember. Khrushchev said we had made an agreement to get our military bases out of Greece and Turkey if he would take his missiles out of Cuba. The State Department denied this, but within just a few months it happened and we were told we no longer needed them.

Are we going to agree, or have we already agreed, to the nationalization of the Panama Canal under the supervision of the United Nations? The administration says no, but they did not tell us about the memorandum exposed yesterday by the Washington Post.

Are we going to agree to the seating of 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 efforts to fashion a domestic program 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 with them and against us. We should reinstate the Monroe Doctrine and clean the Communist conspirators out of this hemisphere, starting with Cuba. In other words, we should decide to win the cold war.

Is our fear of nuclear war so great that we would sacrifice the American dream of freedom to avoid it? None of us want war, but there 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 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 same faith in our system?

Time is running out for America and for the free world. We must determine now that we will lead the world or else admit that Khrushchev was right and that we will be buried because we do not have the courage to live.

As for me, and I believe for the overwhelming majority of the American people, there will be no compromise with fear, no kneeling to those who would enslave the world. We, the people of America, will fight to the end for a strong America, a free America, a foreign policy which will let our enemies as well as our allies know that we have the means and the will to achieve this end.

I would like to include, at this point in these remarks, a news story from today's Washington Post with the State Department's analysis of the Panama Canal memo. I would also like to include a column by Edgar Ansel Mowrer, "L.B.J. Must Get Tough, Disown 'Peace' Role," and a column by Ted Lewis in the New York Daily News exposing the current "phony line that all is calm in the world."

[From the Washington (D.C.) Post]

CANAL MEMO NOT BINDING, UNITED STATES SAYS—STATE DEPARTMENT CALLS 1962 NOTE CONVERSATIONAL

A 1962 memorandum signed by United States and Panamanian officials, revealed in yesterday's editions of the Washington Post, does not constitute a commitment by the United States to renegotiate the 1903 Panama Canal treaty, the State Department said last night.

The memorandum, signed June 15, 1962, after talks between Panama's President Roberto Chiari and the late President Kennedy, said in part that "a new treaty will have to be negotiated" whether the United States decided to build a sea-level canal or continue with the present one.

But a State Department spokesman said this memorandum "never constituted agreement 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 today toward treaty revision and that which existed in

June 1962. A memorandum being circulated by Latin American sources never constituted agreement of any kind. It is simply a memorandum of conversation describing certain conditions which might entail 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 denied a report that U.S. officials have privately agreed to negotiate, not merely discuss, a new Canal Zone treaty but have refrained from saying so publicly because of fears of adverse reaction from the public and Congress.

BARS 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 Peace Committee last month by Miguel J. Moreno, Panama's Ambassador to the Organization of American States. Moreno claimed the document showed that 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." (The article was based principally on non-Panamanian sources, including talks with Latin American and U.S. officials.)

L.B.J. MUST GET TOUGH, DISOWN "PEACE" ROLE

(By Edgar Ansel Mowrer)

Pity L.B.J. He feels compelled to run for reelection on his predecessor's "peace" policy just when that policy's bankruptcy is filling the international air with explosions.

From Panama to South Vietnam, by way of France and Africa, the result of the policy of abdication pursued by the Kennedy administration is bursting out all over and demanding action of Kennedy's successor.

It is not his fault. He, like so many supporters of the past administration, was simply taken in by the fallacious assumption of the New Frontiersmen. This was that appeasement of, and economic aid to, the U.S.S.R., Indonesia, the United Arab Republic, etc., would keep these countries, if not totally quiet, at least within limits.

This included the belief that American advisory action in Vietnam would contain communism until such time as all Vietnam could be reunited and neutralized. It implied that communism, having secured the neutralization of once pro-West Laos, would refrain from seeking to take over that country.

ESPOUSE APPEASEMENT

In short, the New Frontiersmen who swarmed into the White House and the State Department in 1961 started acting on the assumption that soft answers, plenty of baksheesh, a little time and, above all, the renunciation of the use of power by the United States and its major allies (even while Red Russia and Red China were continuing to stir up trouble wherever they could) would gradually end the cold war.

And now history is once more revealing the reality behind the dream: World order can exist only when it is enforced; if not by a world authority (which does not exist), then either by us or by the enemy. Otherwise, as at present, there is no world order.

What we are seeing in Panama, Zanzibar, the Yemen, South Vietnam (with more to come) is the anarchy that occurs when two great powers, Red Russia and Red China, promote it by all possible means, while the others, the United States and Britain, wring their hands and do nothing but protest.

The United Arab Republic intervenes in the Yemen in defense of the U.N., Indonesia grabs Dutch New Guinea, confiscates British property and destroys the British embassy in Djakarta, Panama demands control of the canal and—finally—the Soviets shoot down another unarmed American airplane with impunity.

ACTION DEMANDED

All this, as I said, is very disturbing to President Johnson.

He may shortly have to give up the current comedy and send many more Americans to South Vietnam; as soldiers, not just as advisers and chauffeurs. He may have to stir up a revolution in Panama. He may have to order the 7th Fleet to stop or even sink Indonesian ships carrying soldiers to attack Malaysia.

In short, he may have to start acting more like a Texan and less like a frightened atomic scientist of the "rather Red than dead" school. How such a change would affect his election chances I cannot venture to predict. It would certainly delight a great many million Americans sick at heart of over 20 years' appeasement of the Soviet Union and restore our allies' confidence in us.

And it would enhance L.B.J.'s place in history.

[From the New York (N.Y.) Daily News]

CAPITOL STUFF

(By Ted Lewis)

WASHINGTON, February 6.—Fidel Castro's latest threat against our Guantanamo base constitutes a dramatic shocker of a crisis which, it may be hoped, will end the Johnson administration's phony honeymoon line 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 threat was supposed to just blow away or simmer down.

Now Castro, as might be expected, has kicked up a crisis that won't allow the President to delay making a major foreign decision until after the November election.

Actually, there never was a chance of the administration's self-proclaimed lull lasting that long anyway.

The State Department won't say so, but a witch's brew of troubles has churned up which slops over not only in Cuba but just as seriously elsewhere.

For instance:

The Cyprus crisis is far more dangerously tricky than it's 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 stake. Vietcong 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 make a choice: either commit more American troops, ordering them directly into combat, or seek from an unfavorable bargaining position a neutrality agreement such as the one in Laos.

CASTRO EMBOLDENED BY OUR ALLIES' ATTITUDE

In Panama, the situation is far more precarious than the administration will admit publicly. Communist agents from Cuba played a much bigger role in the riots there than was ever acknowledged. What is feared next is a coup d'etat which will mess up Panama internally and could clear the way for a Castro-inspired regime.

The Cuba problem is far more complex than the present clear-cut threat to Guantanamo. It is believed here that Castro would not have acted with such insane boldness but for the way our everloving European 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 1,050 is in the works. The French are selling $10 million in trucks.

But this is not all. French firms are about to sign a contract to deliver hundreds of locomotives to Cuba. And Spain's Generalissimo Franco has just turned down a forceful appeal not to sell 100 fishing craft, including trawlers, to Cuba.

TRADE UNDERCUTS EFFORT TO STIFLE CUBAN ECONOMY

These are only the latest sorry instances of lack of cooperation in this country's 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 turbogenerators and gas plant equipment. In 1962, another French company sent over the needed machinery for a big yeast plant.

What has been the impact of these Western European efforts to undercut the effort to stifle Cuba's Communist economy until it collapses?

It has had primarily two effects. First, it has raised havoc with the morale of the exiled "freedom fighters."

Recruiting for the anti-Castro cause has dropped off markedly in Miami, center of the undercover effort. A year ago there was enthusiasm among the exile leaders. They planned raids by guerrilla forces along the Cuban coast, aimed at tearing up railroads, blowing up factories, and arousing Castro's impoverished, regimented slaves to join the cause.

A TENDENCY TO RECOGNIZE CASTRO REGIME

What good now is it to blow up a train, if the French are supplying more than enough locomotives to replace it? Or to blow up a factory if a European firm will sell equipment for a new one?

The second effect of the British-French—and upcoming Spanish—trade with Cuba is the unhappy fact that there is already in Government echelons here a tendency to give the Castro regime a permanence. In other words, if our allies insist on keeping Cuba's economy going, perhaps we should adopt a policy leading to de facto recognition—accept the idea that Castro is there to stay, and make our main effort against him on the mainland, to prevent communism from Cuba infiltrating Latin America.

As for the immediate crisis resulting from Castro shutting off Guantanamo's water supply President Johnson's response could be a lot tougher than Fidel expects.

Castro should know that at the time of the Bay of Pigs invasion decision, Johnson, then Vice President, strongly favored U.S. air support 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 January 31, 1964, on the subject, "Panamanian Outbreak, January 9, 1964: What Really Happened," have authoritative knowledge of what occurred. That together with statements by many other Members of the Congress have supplied an irrefutable documentation derived from facts ascertained by observers on the same.

Despite severe provocation the defensive operations of the U.S. Army under Gen. Andrew P. O'Meara, commander in chief, U.S. Southern Command, and of the Canal Zone police was exemplary in restraint. It was their defense that made it possible for our civil 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 spontaneous commendation that Deputy Secretary of Defense Cyrus R. Vance gave to the gallant defenders of the Panama Canal. This commendation will appeal strongly to every patriotic American citizen who knows what really happened at Panama.

In order that Secretary Vance's fine commendation of the defenders of the Panama Canal, the U.S. Army and Canal Zone police, may be known to the Nation and recorded in the permanent annals of the Congress, I quote it as part of my remarks:

U.S. TROOPS, CANAL ZONE POLICE WIN HIGHEST PRAISE FROM SECRETARY VANCE

Highest commendation for the U.S. troops and the Canal Zone police was expressed by Deputy Secretary of Defense Cyrus R. Vance, in a press conference at the Pentagon in Washington, D.C., following his return from Panama.

"I would like to say very strongly that I was tremendously impressed with the high level of discipline and restraint that our forces showed under 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?"

Answer. Secretary Vance. "Yes, I can and I would be delighted to. It is usual for our troops in a riot situation to use that amount of force which is necessary to protect their lives, the lives of others, and property. And they use only that amount of force which is required to do that job. This is exactly what our troops did during the entire period of time. And I want to say again, I just have the greatest admiration for the way they handled themselves during this period. 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 Texas [Mr. GONZALEZ] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. 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 obstructive and not constructive; that such behavior is less than forthright and less than honest. It is said that when a Congressman votes one way when no one is looking and 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 a Kennedy 50-cent piece—H.R. 9293—and as a member of the House Banking and Currency Committee I played some part in passing 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 still moved and shocked by 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 even 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. My constituent noticed 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 voted against 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 me.

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. LIPSCOMB] is recognized for 30 minutes.

Mr. LIPSCOMB. Mr. Speaker, the administration's peculiar desire to both fight communism and to feed it at the same time is bewildering to many Americans.

Administration officials who are responsible for establishing and carrying out policy on East-West trade—such as Secretary of State Dean Rusk, Secretary of Commerce Luther Hodges, Secretary of the Treasury Douglas Dillon, and Secretary of Defense Robert McNamara—in my view have been less than candid about the real rationale behind U.S. sales of items such as wheat, rice, fertilizer plants, mining machinery, and chemicals to the Soviet Union.

A particularly revealing piece of evidence about basic administration thinking in this area is a disturbing document released July 18, 1963, which was financed by taxpayers' funds under Government contract. It is entitled "Common Action for the Control of Conflict: An 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 Phoenix, performed by the Institute for Defense Analysis for the U.S. Arms Control and Disarmament Agency and its predecessor 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 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.

It is reported that 300 copies of the Rock report were printed and distributed in July 1963. The study reportedly has been must reading for administration officials. Published accounts have indicated that copies were given to members of the U.S. team that negotiated the test ban treaty in Moscow last July. It has been speculated that Secretary of Agriculture Orville Freeman spent more time reading the Rock report than 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, since its release, administration policies 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 advance guidebook to administration actions.

Example: The Rock report recommended that the United States develop an informal understanding with the Soviet Union to cut the level of military spending on both sides.

Action: President Johnson announced January 8, that the United States would reduce by 25 percent the production of enriched uranium and would 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 both the Soviet Union and the United States to hold down military budgets and their rates of increase without formal agreement. Neither side would significantly inhibit 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 American forces and 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 Soviet agreement to a joint cooperative space program. A memorandum of understanding with the Soviets listed a coordinated weather satellite program and joint contributions of satellite-gathered data to the World Magnetic Survey. On September 20, 1963, President Kennedy proposed that the U.S.S.R. join the United States in a cooperative expedition to the moon.

Example: The report recommended that the United States consider assisting Soviet agriculture.

Action: Since August 1963, the Department of Commerce has licensed sales to the U.S.S.R. of $9.5 million worth of potash mining equipment to boost Soviet fertilizer production, technical data for a complete fertilizer plant, a laboratory grass incubator, nearly $2 million worth of insecticides and herbicides, $7.45 million worth of rice, and about $311 million worth of wheat. As much as three-quarters of the wheat sales will be for 18-month credit, not cash, guaranteed by the U.S. Export-Import Bank, according to press reports.

Example: The report recommended reducing restrictions on trade with the Soviet Union.

Action: Secretary of Commerce Hodges announced at a January press conference that trade with the Soviets is still under study. He affirmed his stand in favor of expanding such trade. From the New York Times, January 9, 1964:

> The administration * * * will explore further the opportunities for developing East-West trade with emphasis on its readiness to sell agricultural products.

Example: The report recommended increasing scientific cooperation with the Soviet Union.

Action: On January 26, 1964, joint United States-U.S.S.R. scientific communications experiments with the American Echo II balloon satellite were revealed. According to a New York Times story, February 2, 1964, the United States and U.S.S.R. will measure the intensity of cosmic ray particles in a joint Antarctic research project.

The Rock report made other recommendations, all aimed at achieving greater interdependence with the Soviet Union. If the past is any guide, we can look for forthcoming administration moves to implement these additional recommendations: A freer flow of Western technology into the U.S.S.R.; common action in weather and ocean research; a search for areas in the world where the United States can disengage with the Soviets; more art, games, and creative play with the Russians; mutual restraint of allies and neutrals; joint participation in foreign aid projects; encouragement of Soviet development of mutually invulnerable weapon systems; and an overall U.S. policy of collaboration plus conflict toward 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 common ties—are urgently needed to temper Soviet aggressiveness before the economic balance of power shifts in the Communists' favor.

The report's rosy 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 1 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.

Time 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 dilemma. U.S. agricultural assistance will help the Communist regime relieve its immediate crisis, but it is hard to see just how free world generosity will motivate Communist 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 better fed, better clothed Russians will create a less aggressive, more representative government in the Soviet Union, and, consequently, a change in the militant goals of the Communist Party toward world domination.

This crude fallacy apparently is shared by many in the administration. For instance, a Washington Star article recently quoted anonymous 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 1960, after an 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 strengthened rather than weakened the dogmatic and ideological character of Soviet society.

Philip E. Mosely, widely known Sino-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 rising [Russian] 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.

Past experience teaches that popular discontent with the system is most likely to dilute the schemes of Communist rulers. For example, Poland's liberalization occurred only after 1956 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 endeavors.

It is difficult to imagine what these common endeavors might be as long as Nikita Khrushchev or his successors stick to the major strategy statement he delivered January 6, 1961, to a meeting of the party organizations in the higher party school, the Academy of Social Sciences, and the Institute of Marxism-Leninism of the Central Committee, Communist Party of the Soviet Union:

> Our era is the era of the struggle of two diametrically opposed social systems • • • an era of the collapse of capitalism • • • and the triumph of socialism and communism on a world scale.

As late as January 18, 1964, in a speech to Soviet textile workers, he said:

> Communism is being built not only within the borders of the Soviet Union; we are also doing all we can to see that communism triumphs over all the earth.

Khrushchev means to overthrow all non-Communist regimes on earth as capitalist or imperialist. Certainly he would never enter into any agreements or common endeavors which would, in his opinion, conflict with this aim.

The Rock report greatly exaggerates the affects of persuasion on hardened, disciplined men like Khrushchev, Mikhail Suslov—the Kremlin's sinister Stalinist holdover—or Andrei Gromyko—who lied to President Kennedy's face about Soviet missiles in Cuba. They are a generation of uncompromising Communists who have a personal, professional, and public interest in obliterating Western society. The suggestion that common endeavors are possible recalls Hilaire Belloc's "The Barbarians":

> We sit by and watch the Barbarian, we tolerate him; in the long stretches of peace we are not afraid.
>
> We are tickled by his irreverence, his comic inversion of our old certitudes and our fixed creeds refreshes us; we laugh. But as we laugh we are watched by large and awful faces from behind; and on these faces there is no smile.

Fallacy 5: The report reasons that, since both Americans and Russians like to enjoy life, why should the United States not contribute food to the Soviet economy? This way, the Russians will get more to eat and Americans can spend less time worrying about the atomic bomb threat—and both peoples will enjoy life more.

This kind of reasoning looks a little strained. We do not need to bribe the Russian people with wheat to win their friendship. The Russian common man has always been friendly despite the Communist propaganda barrier. The Communist leadership, not the Russian people, decided the alleged 100-megaton terror bomb exploded in 1961 testing was a better investment for Russian rubles than Soviet farming. Wheat contributions will only make it more unlikely for Russians to urge political change on the party apparatus, easier for a vindicated Khrushchev to threaten us with atomic incineration in the future.

Fallacy 6: The report states that so-called peaceful technology can be traded to the Soviets and war technology withheld; that long-term credits may safely be granted to the civilian sector of the Soviet economy.

The Soviet economy is not a market ruled by consumer demand but a weapon at the service of the Communist Party. As long as the Communist Party sets its economic priorities in terms of world domination, as it has, rather than consumer demand, there is no difference between peaceful and warlike trade. Everything from a samovar to a missile silo is strategic because it means a savings in materials and labor which the regime can divert to more necessary or strategic use.

In this sense, U.S. wheat sales, superficially peaceful, are in fact especially 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, particularly 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 supported by extensive trade with free 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 autarchy or independence of non-Communist supply sources. The Communist state trading monopoly imports technology in one-shot deals to build a self-sufficient Soviet industrial and agricultural capability. For example, wheat is being purchased from the West while the Communists build a chemical industry to increase fertilizer production and to gain eventual agricultural self-sufficiency. If and when the Communists can grow enough grain themselves, they will obviously have no need for Western grain. In fact they will become competitors. It is hard to envisage great volumes of trade with a state bent on becoming 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 complaints from scientists that research institutes have difficulty in obtaining reagents—particularly of high purity, complex modern instruments, and other equipment. We must do everything possible so that our scientists do not have to waste time in striving to manufacture by their own efforts instruments and reagents that they need. We must provide them with all of this. It is necessary to set up an industrial basis for manufacturing experimental equipment and reagents.

Within a 2-day period—October 23–25, 1963—the Department of Commerce announced at least nine separate licenses for export of reagent chemicals to Soviet laboratories. What is more, all shipments are small. Seven licenses were for reagents valued at less than $100. The largest was valued at only $2,184.

The Soviets can take a shortcut by buying U.S. samples, analyzing them, and putting the Soviet version into production. Does anyone seriously think that the sale of small sample batches will open up a huge market for U.S. chemical reagents? On the contrary, as 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 what does this mean? This will enable a saving of nearly half a billion rubles in capital investments alone. * * * However, the machine builders have been very timid so far about applying plastics. 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 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 industrial and 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 toward an independent Soviet capability in a specific product field—a shortcut in overtaking capitalism?

Regarding the Rock report's contention that trade brings beneficial 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 the 1920's, has had any beneficial influence whatever on the basic conflicts that divide East and West. According to an article by FBI Director J. Edgar Hoover, "The U.S. Businessman Faces the Soviet Spy," Harvard Business Review, January–February 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.

Fallacy 9: The report states that a relaxed trading policy is reversible; that we could cut off trade if the Soviets refuse to behave well, to become interdependent, or to funnel more resources into consumer goods.

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, that we should not cut off trade because of short-term Soviet misbehavior?

Further, would it not be practically impossible to cut off relaxed Allied trade with the Soviet Union? U.S. wheat sales have shown how hard it is to hold the line once a trade breakthrough takes place or when one ally sets a precedent for another. Look at the postwheat sale record: 400 British buses sold to Cuba January 7, and an option February 3 for 1,000 more; a $51 million sale of Spanish fishing trawlers to Cuba is pending; a British announcement January 28 she is willing to liberalize machine tool trade with Eastern Europe; a French agreement January 28 to negotiate a long-term trade pact with the Soviet Union to include exports of machine tools and entire synthetics plants; a French offer February 3 to sell jetliners to Red China; an Italian deal February 5 to expand Soviet trade 15 to 20 percent in 1964–65; a Polish-French trade pact February 5; a Moscow-Tokyo pact February 5 to expand 1964 trade 14 percent. Every day brings new reports of Allied trade defections.

Once trade bars are lowered, as a practical matter it is very difficult to backtrack. The allies would ignore our about-face once their profit carvings were blessed by sufficient precedent.

Fallacy 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 Communists 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 state of the art is more advanced. Otherwise they would not bother to make the offer. Also, the Soviets want to establish trade precedents with the United States when 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 bear investigation. Despite these fallacies, events suggest that its ideas are at this moment influencing U.S. East-West trade strategy.

The evidence leads me to conclude that our planners believe a wealthier, economically stronger Soviet Union is desirable. The theory is evidently accepted that U.S. economic assistance to the U.S.S.R. is not necessarily bad. 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 Soviet Union. His letter said:

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.

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 the fact that the administration has actively promoted installment plan wheat sales to the Soviets instead of treating the Soviet Union, as President Kennedy promised October 9, 1963, "like any other cash customer who is willing and able to strike a bargain with private American merchants."

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 United States ships into U.S.S.R. wheat carriage by bid discrimination investigated by the House Merchant Marine Subcommittee; Export-Import Bank credit guarantees on three-quarters of all wheat sales; and a Presidential determination February 4, 1964, that such credit is in the national interest.

Why this effort to push through agricultural 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 promoted, the Communist Party of 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 selling to the Soviet Union must stand or fall on whether this policy will accelerate favorable changes in Soviet

society, and more particularly in its ruling elite.

For example, I would hope that no administration would gamble the national welfare solely for the sake of propaganda. Yet, according to the Presidential announcement of October 9, 1963, grain sales to the U.S.S.R. would "advertise to the world as nothing else could the success of free American agriculture."

This fact is true, but it cannot be a policy determinant. The Nation's security position is too high a price to pay for a transitory Voice of America publicity gimmick.

Also, I would hope that no administration would gamble our national welfare for minor domestic gains, or for partisan politics. Consider these much-advertised advantages: Somewhat better profits for businessmen in the export trade; possible jobs for workers; maybe better markets for farmers in future years if grain sales continue; a few million dollars less for surplus commodity storage; a minor and temporary improvement in our balance-of-payments deficit.

Weigh these microscopic gains in comparison with what we have already spent to protect the long-term security position of our free society. We have spent about $700 billion for arms and foreign aid over the past 15 years in resisting the Sino-Soviet bloc. We suffered nearly 158,000 killed or wounded in Korea. We have had more than 670 casualties so far in Vietnam. Surely we are not so anxious to make a few hundred million in excess profits that we can afford to throw away the enormous original expenditure for the free world's welfare and security.

I agree fully with a distinguished Member of the other body, who has commented to the effect that the Soviet Union is a powerful and dangerous antagonist whom we can and should influence in various ways toward abandoning its aggressive designs. Change in Communist goals is the only road to a peace we can accept.

The problem is: Precisely how can the Communist Party of the Soviet Union be so influenced.

It is quite a gamble that the Soviets will have a change of heart because of superficial interdependence or persuasion in the form of agriculture sales and other trade. After looking at the Rock report's reasoning, odds on this gamble with U.S. national security look pretty prohibitive. If the gamble fails, the enemy will be more able to war against us in the future.

The interdependence approach substitutes wishful thinking for policy based on real cause and effect. Americans have a long record of wishing reasonable acts would in themselves make the world more reasonable, but wishing never seems to help.

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 match economic deeds with words in the minds of party functionaries and the Russian people. Khrushchev has promised the long-suffering Russian common people a better life. Why allow Khrushchev to escape from his own extravagant promises? Let his own Communist system deliver this better life without the Western help he despises, or let him pay the consequences.

A rational approach must deny the legitimacy of success to Communist ideology and the Soviet regime it now guides. We must force modernization and liberalization on the Soviet regime by demonstrating that Communist premises are wrong.

Slumping Communist economic growth rates suggest that the cumbersome system itself is unsuited to a complex modern state. Already many Russians are privately calling the system itself into question. We must give these emerging forces in Russian society every reason to oppose and pressure their leaders toward a more rational course in human affairs, toward better food, clothing, and housing, and eventually toward a more representative, pluralistic government.

But I cannot understand how outright U.S. assistance to the Communist regime itself will in any way accelerate these trends we want to see. U.S. wheat this year will simply shore up the softest spot in the Communist-planned economy. Wheat will enable Communist planners to set their own priorities, as before, in continuing disregard of actual Soviet consumer needs. U.S. economic aid will actually lessen popular Russian disillusionment and demands for more consent in the Soviet Government.

How then can we use our economic and technical superiority realistically to promote gradual erosion in Communist goals and methods? What are alternatives to interdependence in East-West trade?

A starting point has been advanced. The President of the United States should convene immediately a top-level free world East-West trade conference. Its purpose: to unsnarl rampant contradictions and inconsistencies in the free world's East-West trade.

The conference should frankly discuss the problems of resisting communism by using the West's economic superiority as a bargaining tool. Perhaps there is more of a consensus than we think, if only we marshal our efforts forcefully toward this end.

After all, no free world country as yet lives or dies on Soviet trade alone. Bloc trade with Western Europe and Japan in 1961, for example, was roughly only 4 to 5 percent of these countries' total foreign trade. Even Britain, the most eager exponent of trade with the Soviets, sent only 3.6 percent of her total 1962 exports to the Sino-Soviet bloc, less than one-half of this amount to the Soviet Union.

Next, the administration should operate on the basis that the U.S. national welfare is degraded when U.S. trade allows significant contributions to the Soviet economy without accompanying political or doctrinal concessions by the Soviets.

Fortunately we are prosperous enough to hold to this rule whether or not one or more Allied countries trade permissively with the Soviets.

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 interdependence will reap vague 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 revived to thoroughly investigate the disturbing trend toward permissive trade with the Soviet bloc. The select committee should be empowered to explore alternatives to economic collaboration with the Soviets.

Mr. Speaker, it is time for a more realistic East-West trade policy. Those who have the responsibility must give the matter high priority in the interest of our national welfare and security. The Department of Commerce must adhere to Congress intent expressed in the Export Control Act of 1949 that necessary vigilance be exercised over exports from the standpoint of their economic and military significance to the national security of the United States. We must pursue positive policies toward this end before the Communist rulers threat, "we will bury you," becomes a reality.

THE SO-CALLED CIVIL RIGHTS ACT OF 1964

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Ohio [Mr. ASHBROOK] is recognized for 1 hour.

Mr. ASHBROOK. Mr. Speaker, during the past 9 days of debate on H.R. 7152, the so-called Civil Rights Act of 1964, I have listened intently through the many long hours of argument and have concluded that this bill fails in its basic target. Regardless of the artful propaganda involved, this bill will take away more freedom than it will create. Time and time again, efforts at constructive amendment were brushed aside with near contempt and it became crystal clear that minds had been made up and hardly the slightest change would be allowed. There was very little concession to reason or logic and one of the very few amendments which got through over leadership protest was my own. In the minds of the proponents of the bill was the clear policy that there would be no concession in this body because the Senate would undoubtedly whittle out some of the sections. Not only is this a poor way to legislate but what if they do not cut out some of the bad provisions of this bill? We should always do what we think is right and not leave it to George.

At the outset, let me say that I am firmly committed to the principle that constitutional rights of all citizens should be protected and they should be afforded even and fair justice. At the same time,

I firmly believe that the Congress does not have powers other than those enumerated in the Constitution and this bill exceeds not only our expressed powers but also good legislative policy. It is my belief that Congress clearly has authority in the following areas:

First. Protection from denial or abridgment of the basic right to vote which is secured by the 15th amendment.

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 the Federal Government or in Federal contracts.

Fifth. Congressional action in areas of discrimination 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 so involves itself in what 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 bill or in total opposition to it. 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 some common understanding of terms. I have received many letters earnestly advocating my support of civil rights legislation but on discussion I quite often find that we are not quite sure 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 transporting my children 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. To some it means depriving me of 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 have my own clientele in my business whether it be newspaper or insurance. 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 taking what is mine without bothering 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 many things to a great 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 difficulty 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. Some want civil rights 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 boundary of each. It is my belief 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 abuse.

I have always been keenly interested in the semantics which are used more and more as the art of modern politics. Accordingly, "civil rights" is something that is good as a semantic term and "States rights" is something bad. Unfortunately, there is a strong tendency to legislate by labels without closely examining the contents of the jar. 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 my support of a 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 presented in its full glory 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 farmworkers—not just the migrants. It was so extensive that it would have covered the Licking County, Ohio, farmboy who might climb the fence and go to his neighbor's barn for a few traditional chores. During the debate, one of the sponsors of the bill was asked whether or not a similar situation to the one I have just cited would be covered by the migrant workers bill and he honestly replied:

> Mr. O'HARA of Michigan. * * * That situation would be covered by this legislation and it does not make any difference if it is just across the street or how far away it is.

A lot of ground for a migrant workers bill to cover, don't you think?

Mr. Speaker, I feel that the debate on this bill clearly shows that in this same manner we are doing far more than that which we purport to accomplish. There are as many civil wrongs as there are civil rights in this bill and I would like to cover only a few of them in the brief time I have allotted for this address.

A part of the effort to sell this bill was a concerted propaganda drive which could be the subject of a speech of equal proportions. This is not to say that the propaganda has been one-sided, either, since charges have strayed all over the place from left to right field. I found the most interesting tactic, however, the repeated reference to H.R. 7152 as a compromise or watered-down civil rights bill. A strict survey of the legislative history of this bill would indicate that it is, in most particulars, a more stringent bill than the one which President Kennedy originally recommended last year. Compulsory FEPC provisions were not in the original Kennedy bill nor were the broad authority which is given to the Attorney General under title III and the cut off of Federal funds in title VI. Let us examine a few of the sections in this omnibus bill.

TITLE I—VOTING RIGHTS

Title I deals with voting rights. The 15th amendment is a fundamental part of our body of law and I certainly treat it not only as the law of the land but also an ideal which must be attained. I have absolutely no patience with chicanery of local voting officials anywhere, be it in the matter of vote frauds in Chicago or in the denial of the right to vote in a southern village. The Supreme Court has repeatedly ruled that it is the right of the States to determine the qualifications of their electors but here we see every effort made to institute Federal standards. If this is desirable, why do the proponents of this legislation not utilize the method which only recently brought into effect the 24th amendment regarding poll taxes. I supported that joint resolution and would support meaningful constitutional amendments which would assure the precious rights of citizens to vote in Chicago, Ill., Hattiesburg, Miss., or anywhere.

Many people overlook the fact that in 1957 and 1960 civil rights bills were enacted with specific emphasis on voting. They are still on the books and they are still being used.

The 15th amendment has as its sole purpose the prohibition of State law which would give preference of one citizen over another on account of race, color, or previous condition of servitude. It has uniformly been held by the Supreme Court that literacy tests are appropriate, and yet here we see an effort to tear them down. In *Guinn* v. *United States* (238 U.S. 347) the Court pronounced the following:

> Beyond doubt the amendment does not take away from the State governments in a general sense the power over suffrage which has belonged to those governments from the beginning and without the possession of which power the whole fabric upon which the division of State and national authority under the Constitution and the organization of both governments rest would be without support and both the authority of the

Nation and the State would fall to the ground. In fact the very command of the amendment recognizes the possession of the general power by the State, since the amendment seeks to regulate its exercise as to the particular subject with which it deals. * * *

It is true also that the amendment does not change, modify, or deprive the States of their full power as to suffrage except of course as to the subject with which the amendment deals and to the extent that obedience to its command is necessary. Thus, the authority over suffrage which the States possess and the limitation which the amendment imposes are coordinate and one may not destroy the other without bringing about the destruction of both.

No time need be spent on the question of the validity of the literacy test considered alone since as we have seen its establishment was but the exercise by the State of a lawful power vested in it not subject to our supervision, and indeed, its validity is admitted.

In 1959 this principle was affirmed in the unanimous opinion of the court in *Lassiter v. Northampton Board of Elections* (360 U.S. 95). 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 service establishment by setting out a requirement to serve. The ultimate can only be Government control of every phase of what was hitherto considered private and intrastate commerce. We are already well down the road on that trend. Let us trace briefly that trend and project in on the basis of what has happened and the principles involved in this legislation. Parenthetically, let me say that there has been very little consideration given to the next logical steps in the chain of events after the passage of this bill.

When we had courts which were more interested in law than the election returns and nonlegal values, it was held in *Great Atlantic & Pacific Co.* v. *Cream of Wheat Co.* (227 Fed. 46, 2d Circuit, 1950):

We had supposed that it was elementary law that a trader could buy from whom he pleased and sell to whom he pleased, and that his selection of seller and buyer was wholly his own concern.

The Court, quoting favorably from Colley on Torts, continued:

It is part of a man's civil rights that he be at liberty to refuse business relations with any person whomsoever, whether the refusal rests upon reason or is the result of whim, caprice, prejudice, or malice.

The proponents of this bill have attempted to make a legal basis for this invasion of private property rights by utilizing both the 14th amendment and the interstate commerce clause. In the former, it has been repeatedly held that the 14th amendment applies only to State action. In a 1948 case, *Shelley* v. *Kraemer* (334 U.S. 1), it was held that a restrictive covenant entered into by private property owners could not be enforced in the courts but it was also concluded:

Since the decision of this Court in the *Civil Rights* cases, 109 U.S. 3 (1883), the principle has become firmly embedded in our constitutional law that the action inhibited by the 1st section of the 14th amendment is only such action as may fairly be said to be that of the States. That amendment creates 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 if discrimination—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 is supported by State action within 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; or (2) is required, fostered, or encouraged by action of a State or a 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 is supported by action of a State or a political subdivision thereof. Take 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 at the corner drugstore, the barbershop, 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 required 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 provisions of State law they do not furnish a basis for the pending complaint. The license laws of Virginia do not fill the void.

As to the interstate commerce clause, this bill would effectively obliterate what small vestige of distinction there is left between areas of local concern and responsibility and the broader sweep of Federal law. The clause has been broadened out of any reasonable proportions over a long period of time. The steps up to now had been gradual but here we see one fell swoop which will accomplish more in the direction of Federal control than all of the past interpretations by the Court put together. The Congress and the courts started years ago by broadening the clause through regulation of common carriers which transported goods across State lines. Next, the regulation was extended to the goods themselves and in the past few decades we have seen a further stretching of the bureaucratic arm by regulating the circumstances and conditions under which the goods were manufactured or sold. This bill will make it pretty near a full circle. Quoting from the minority report on this bill, one can get some indication of this trend:

In *U.S.* v. *Darby*, 312 U.S. 100, 118 (1941), the Supreme Court laid down a clear criteria in this regard which has since been followed:

"The power of Congress over interstate commerce is not confined to the regulation of commerce among the States. It extends to those activities intrastate which so affect interstate commerce or the exercise of the power of Congress over it as to make regulation of them appropriate means to the attainment of a legitimate end, the exercise of the granted power of Congress to regulate the interstate commerce."

And, since the enactment of this act, practically every classification of business has met the test of interstate commerce. Publication of a local newspaper, *Mabee* v. *White Plains Publishing Company*, 327 U.S. 178 (1946); local ice dealers, *Gordon* v. *Paducah Ice Mfg. Co.*, 41 F. Supp. 980 (W.D. Ky., 1941); window-washing concerns, *Martino* v. *Michigan Window Cleaning Company*, 327 U.S. 173 (1946); wrecking and towing services on turnpikes, *Crook* v. *Bryant*, 265 F. 2d 541 (C.A. 4, 1959).

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 control of farm, business, and individual life. Those who have complained and support this legislation should not be heard to complain again because this is really D-day 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 to the point even 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 a free way, without 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 that can be attained in a society aside 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 direct opposite of the premise on which we built this wonderful Republic.

A giant stride is being taken here under the guise of protecting and promoting the rights of a minority. The contention, of course, is made that when 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 public utility which is regulated by the Government. There is a difference. Utilities are required to serve everyone. Private businesses compete and do not have the same requirement. Independent businesses rest squarely upon the system of free enterprise which was the heart of our system founded by our forefathers. When the day comes that all business comes under conclusive Government 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—health, fire, safety, work standards, and so forth—but this is entirely different from a requirement to serve.

Let us honestly look at the next logical step. If this "public interest" or "utility" approach is adopted here, as I fear it will be, it is only a matter of time until the same concept will be developed regarding the private use and enjoyment of your own home. It will be said that you can use it yourself but when you want to sell it, you are divesting yourself of control over it and placing it in a free and open market. At this point, anyone can buy it and you have no right to pick and choose. What is more fundamental than your right to sell your property to whomever you want, whenever you want, and on the terms you choose? When we reach this point we will have little more than the old common law tenancy by sufferance. It will also be suggested seriously—it has been in private circles—that the next logical step to achieve this thing called civil rights will be a Federal law which makes it a Federal offense to move out of an integrated neighborhood. How else can we achieve integration, it will be said.

If this bill passes, I cannot imagine an activity of our citizens whether it be in a private or a business capacity which will not ultimately come under the commerce clause. Couple this with the control which can follow the expenditure of some $100 billion by the Federal Government and an entirely new complexion is added to our way of life.

TITLE III—DESEGREGATION OF PUBLIC FACILITIES

There should be no question that public facilities should be open to all people equally. Everyone has the equal obligation to pay taxes and support public halls, terminals, parks, and so forth, and access should not be denied. It is one thing to say that and another to accomplish it by giving the Attorney General of the United States broad and unnecessary powers. Among the provisions is the authority for the Attorney General to file suits for private litigants and shop around for judges. This certainly puts the defendants on an unequal basis. Under this title, as in other sections of the bill, individuals can allege they are aggrieved by virtue of their rights being denied in access to these specified public facilities and ask the Government to prosecute their cases. The Attorney General can make this decision and require the taxpayers to bear the costs of the litigation.

TITLE IV—DESEGREGATION OF PUBLIC EDUCATION

Again it certainly can be said that where public funds are used for education, all children should have equal access to schools. It goes further than that inasmuch as most private schools benefit in some degree from Federal programs and they too may be covered and controlled.

I joined with Representative CRAMER and others to expand the definition of "desegregation" to prevent bureaucratic interpretations which would equate racial imbalance in schools to segregation. There is no doubt in my mind that this is one of the basic goals of civil rights groups. We already hear reference to "de facto segregation" which, in lawyer's language, means literally that a school is in fact segregated when for any reason it is overwhelmingly white or colored. This is happening in Burbank, Calif., New York City, Chicago, and many places. Where there is a will, bureaucrats always find a way through stretching the interpretation of a word or just plain grabbing the ball and running. The bill has so many loopholes that I feel they will accomplish their goal of breaking up and mixing local school districts to achieve racial balance. Section 402 authorizes the Commissioner of Education to conduct a survey and within 2 years report "concerning the lack of availability of equal educational opportunities for individuals by reason of race, color, religion, or national origin in public educational institutions at all levels." It is a foregone conclusion that racial balance will be at the heart of their recommendations. In terms of school districts in our area, this can best be demonstrated by a Supreme Court decision which I predict will be handed down in the not too distant future. The language is taken directly from prior decisions and current board of education directives in New York City. With paraphrasing to meet the new contingencies I have written this not-so-mythical decision as one more effort to indicate the pattern of the trend in which we are heading:

ATTORNEY GENERAL *v.* JOHNSTOWN-MONROE LOCAL BOARD OF EDUCATION, 400 U.S. 1984 (196–)

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

This case arose on direct appeals by defendants from adverse decisions in Federal district courts regarding transfer of 200 students from Johnstown-Monroe Local School District, Johnstown, Ohio, to East High School, a part of the public school system of the city of Columbus, Ohio. The Attorney General instituted for and in the name of the United States a civil action in the Federal District Court of the Southern District of Ohio on behalf of parents of two Negro students in the Johnstown district who contended that they were deprived of equal protection of the laws by reason of the failure of the Johnstown school board to achieve desegregation. The Attorney General contended that although there was no conscious policy of segregation or discrimination in Johnstown schools that the overwhelming preponderance of white students constituted de facto segregation and violated the constitutional rights of petitioners' children to public education. The Federal district court declared that the Johnstown school was, in fact, segregated and ordered the transfer of 200 white students from Johnstown school to Columbus East and 200 colored students from Columbus East to Johnstown.

Public Law 1212 of the 88th Congress (H.R. 7152) authorized the Attorney General to initiate and maintain appropriate legal proceedings for such relief as may be appropriate for parents of school students when said action will materially further the public policy of the United States favoring the orderly achievement of desegregation in public education and petitioner parents are unable to prosecute their claims. Section 407(a) gives this authority to the Attorney General whenever he receives a complaint—

"(1) signed by a parent or group of parents to the effect that his or their minor children, as members of a class of persons similarly situated, are being deprived of the equal protection of the laws by reason of the failure of a school board to achieve desegregation."

The sole question here revolves around what constitutes segregation in public education. The Johnstown school board maintains that neither the school nor the community as a matter of policy or custom is segregated. The facts support this contention. The school, however, contains 2,345 students of whom only 13 are of the Negro race.

In *Brown* v. *Board of Education*, 347 U.S. 483, the Court held:

"In approaching this problem. * * * We must consider public education in the light of its full development and its present place in American life throughout the Nation. Only in this way can it be determined if segregation in public schools deprives these plaintiffs of the equal protection of the laws."

It is now the duty of this Court to further determine the question of segregation "in the light of its full development and its present status throughout the Nation." The Congress, in the 1964 Civil Rights Act, wisely refrained from defining the word "segregation." Changing times demand changing interpretations. Just as the "separate but equal" dictum of *Plessy* v. *Ferguson* in 1896 was bound to be changed in the 1954 Brown decision, interpretations of "segregation" are bound to change in the light of present day circumstances particularly in the absence of a congressional statement of policy.

The Congress in the 1964 act was clearly talking about assignment of students of public schools in the broad sense and not within given school districts or even counties or States. We hold that a school district which is preponderantly white or colored is in fact segregated and assignment of students must to the extent feasible reflect racial balance to protect the constitutional rights of all in education. Artificial school district boundaries even where framed by historically natural subdivisions of city,

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. Compulsory attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. It is required in the performance of our most basic public responsibilities, even service in the Armed Forces. It is the very foundation of good citizenship. Today it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity 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 our Nation. The major purpose of the schools is to prepare pupils to participate fully in economic, social, and political life, regardless of environmental handicaps. Pupils must learn to play their role as citizens of the world as well as of this country and to assist the United States in maintaining its leadership of the 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 education nor receive proper preparation for citizenship in a fully integrated society.

In the Brown case the Court also said:

"Our decision, therefore, cannot turn on merely a comparison of these tangible factors in the Negro and white schools involved in each of the cases. We must look instead to the effect of segregation itself on public education."

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 as a State or local policy in public education. We must consider whether in reality population factors totally irrespective of traditional concepts of segregation have developed school district patterns which achieve the same result by the consolidation of racial imbalances among districts in a given geographical area. When 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, cross-transfer of students between individual school districts located less than 25 miles apart, is within the limits of feasibility and will assist in racially balancing both school districts.

The doctrine of "separate but equal" has no place in the field of public education, since separate educational facilities are inherently unequal. School districts in which there is a preponderance of any race are also inherently unequal and for purposes of the institution of a suit by the Attorney General, are, in fact, segregated within the meaning and purpose of the 1964 Civil Rights Act. The consideration of appropriate relief was necessarily subordinated to the primary question—the constitutionality of segregation in public education. We have now announced that segregation will, in fact, include racially imbalanced school districts which constitute ipso facto a violation of the constitutional protections of the 14th amendment. School districts will therefore desegregate in the most feasible manner with deliberate speed to achieve racial balance. Decision affirmed.

One item overlooked in title IV is the matter of training institutes. Under it, the Commissioner of Education is authorized to arrange through grants or contracts with institutions of higher education for the operation of short-term or regular institutes to train school personnel to deal effectively with special educational problems of desegregation. It was presented as a completely open-ended proposition which granted the Commissioner 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 could pick up the entire cost of summer school or full term study by school personnel with no limit on the amount paid. Study of desegregation problems might be only a part of the course of study. Every effort at constructively amending this section was beaten down. We tried to make it for a time certain, shutting off this program in 1970 but failed. We already have too many programs which have no termination date. There is no limitation of any kind on this program except whatever good judgment the Congress might use in the future in appropriating funds to implement this section. This is hardly a consoling factor when seriously considered. Section 404 is a good example of how not to legislate.

A zealous commissioner under this title could well use his vast authority to require any number of directives be complied with in order to get school lunch funds, National Defense Education Act assistance, impacted area grants and other Federal support. Take the matter of schoolbooks. A likely place he will start would be to require that certain texts which have only white illustrations and drawings be replaced. We will still have "Run Jane, Run" "Run Jane, Run" but they will be 15 percent colored.

This is probably coming anyway on a gradual basis but it could well be the subject of Federal directive under H.R. 7152. It is just as likely, in addition, that in one way or another the faculties of local schools will come under the sweeping control of this measure. As a part of "achieving desegregation" under title IV and the broad regulatory provisions of title VI which relates to cutoff of Federal programs of assistance, does anyone doubt that a predominantly white faculty will be considered as discrimination or de facto segregation? I feel that school boards should hire teachers on the basis of their ability, not their color, but this is entirely apart from granting the Federal Government the right to say that a white faculty is discriminatory per se.

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 free from incident. I had several 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 105(c) of the Civil Rights Act of 1957, State advisory committees were set up. The committee 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 university engaged in practices of racial discrimination and (2) if so, whether the university is so involved in the conduct of these societies as to bring them within the purview of the equal protection clause of the 14th amendment.

See how the tentacles of Federal authority gradually reach out into even the right 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; fortunately, it was one of the few substantive efforts at modifying this bill which was adopted. Time and again we are told to pinpoint our objections to legislation of this type. 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 something 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 as will be provided in H.R. 7152.

TITLE VI—NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS

I am firmly committed to the principle that where Federal funds are expended, there should be no segregation or discrimination. Federal moneys should not be utilized to support or perpetuate policies which are against our clear principle of equality under the law. In the past 3 years, I have voted for civil rights amendments to housing bills, vocational training bills, education bills,

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 shall not try.

I supported numerous amendments to this title because the effort here goes much further than what is necessary to accomplish the goals I have just mentioned. Title VI contains an awesome delegation of authority which is not tied down specifically.

One of the most persistent complaints about this bill is a key problem in this title—the matter of adequate judicial review. We already have a great deal of trouble in Government agencies where arbitrary power is granted to administrators who promulgate rules and regulations which cannot be challenged in the courts. Even where arbitrary and unreasonable, often it is impossible to do much except comply. In this bill, a determination to cut off a Federal program of assistance is absolutely unconditional. No adequate redress of grievances is available to the local or State instrumentality which had received help. This seems like a fantastic power to wield—too much power to delegate to anybody without having more safeguards. This section is also a powerful reminder that Federal aid means Federal control.

In title VI it appears that the language purposely was drafted to make a sham of proper procedure. The agency in section 602 is empowered to make orders "of general applicability" which, of course, means nationwide regulations, and on any violation of these orders whether through discrimination or not the assistance can be curtailed. What is significant is that there is no hearing and the party or the agency of the State involved has no right before this determination is made to object or say "we did not discriminate." They never have the opportunity to appear before the agency. They must comply without ever being able to question the order. They cannot be heard in the first instance, their only remedy being the ability after the finding to request a partial review by the court under the Administrative Procedure Act. No one can really predict what a burden this will be on school boards and local agencies participating in Federal programs.

TITLE VII—EQUAL EMPLOYMENT OPPORTUNITY

The so-called FEPC section of the bill is a veritable Pandora's box which when opened will literally affect businesses to the extent that they will have to think racially in every aspect of their conduct. The target of this bill is to cover establishments with 25 or more employees but the history of this type of legislation indicates the coverage will be broadened and broadened. I do not believe the Federal Government has any business in this field and it constitutes another invasion of States rights. I have already mentioned the gradual growth of Federal control under the interstate commerce clause in title II and this is one more extension.

A majority of our States have FEPC legislation and it is at best difficult to enforce. What really constitutes discrimination in employment? Unless the Federal Government lays down regulations to dictate hiring, firing, and promotion policies a businessman can never be sure just what constitutes discrimination. As said before, discrimination is not defined anywhere in this bill so you know we are headed for trouble. In the technical sense, an employer discriminates any time he chooses between two or more people in hiring, firing, and promotion. It is sheer folly to think that the Attorney General can, in millions of separate cases of choice by employers, say whether this discrimination is based on race, creed, education, religion, appearance, experience, personality, enthusiasm, confidence. How many times does an employer hire or promote on the basis of the way a man responds to his questions or the intangible feeling he gets after talking to him. Or the way he conducts himself around the office. Or 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 faced with directives which specifically place presumptions of discrimination on quotas among workers—in effect, if you have, say, 10 percent Negro employees you are not discriminating and if you have 5 percent you are discriminating, regardless of the facts involved.

Probably the best example of just how ridiculous this whole proposal is was contained in one of my contributions 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 rights of atheists over the majority. It occurred to me, about 8 p.m. on Saturday night, February 8, the eighth day of debate on the bill, that the language of FEPC was so broad that it could compel an employer to hire an atheist. I prepared an amendment and contributed the following to the legislative history of H.R. 7152:

AMENDMENT OFFERED BY MR. ASHBROOK

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

The Clerk read as follows: "Amendment offered by Mr. ASHBROOK: On page 70, line 10, after the word 'enterprise' insert a new section:

"'(f) Notwithstanding any other provision of this title, it shall not be an unlawful employment practice for an employer to refuse to hire and employ any person because of said person's atheistic practices and beliefs.'"

Mr. ASHBROOK. Mr. Chairman, I have heard it said time and time again that we are not endeavoring to include all types of discrimination in this title and in this bill. However, we are prescribing very definite and positive requirements on employers.

If I may have the attention of the chairman of the Judiciary Committee, I should like to propound a question to him, because if my interpretation of the bill is incorrect I shall gladly withdraw my amendment.

I would like to propound just one question. I am thinking in terms of a private 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 will not hire anyone of atheistic convictions. The man then uses his remedies provided by this measure. It is my interpretation of the bill, that as a part of his civil rights purported to be extended by 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. As I said, if I am wrong, I will gladly withdraw my amendment.

Mr. CELLER. The bill provides there can be no discrimination on the ground of religion. That is the answer I have to give you.

Mr. ASHBROOK. So if I do not want to hire an atheist, I can be forced to hire one?

Mr. CELLER. Not necessarily. It all depends on the surrounding circumstances. If the employer deliberately discriminates against a person because of his religion, although he may be otherwise qualified, and all other things being considered, he may run afoul of the law. But just because he is an atheist would be no reason why there should be any discrimination, whether he be a Catholic, a Protestant, or a Jew. It all depends on the facts and circumstances in the case.

Mr. ASHBROOK. I think you have answered my question. I have stipulated that the man would be otherwise qualified and he has been honestly told this is why he would not receive the position.

Mr. CELLER. There is no need for your amendment.

Mr. ASHBROOK. This would be a practice which the employer could not do, according to what you said. 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 speak for itself, and I certainly encourage everyone to support it. It seems incredible that we would even seriously consider forcing an employer to hire an atheist. This is one of the boobytraps in the bill which the sponsors have very glibly alleged did not exist.

Note how after a little avoidance, I finally got a direct answer to my basic question:

Mr. ASHBROOK. * * * He could not discriminate against a person because he is an atheist? Is that correct?

Mr. CELLER. That is correct.

And yet, many people will be so enchanted by the words "civil rights" that they will do almost anything which purports to work in this direction. It is interesting for me to consider the fact that the majority of my mail which encouraged my support of this measure came from ministers and social action groups of churches in our district. I am sure they were well meaning. I am equally sure that in almost every instance they had not read H.R. 7152 or fully understood its radical nature. I cannot imagine ministers urging me to support a bill which would force an employer to hire an atheist whether he wanted to or not. No one can guess how many other boobytraps are included which will not be discovered until the full sweep of its enforcement is brought down upon us. Over 100 amendments were offered to the bill and only several were adopted over the opposition of the sponsors of

the bill. My amendment seemed to pinpoint the fallacy of the entire FEPC logic and, despite the opposition of the sponsors, was adopted by a vote of 137 to 98. Protection of atheists seems to be a liberal fetish at the present and I doubt that the final draft of the bill will include my amendment. Under our constitutional system a person has a right to be an atheist if he so chooses. By the same token, while I would not deprive him of that basic right I would simultaneously resist all efforts at forcing me to hire an atheist against my will. The heart of the FEPC is this type of compulsion and harassment.

Take another basic fallacy. If this bill were to be adopted in the form it came to us, white women would be the lowest on the totem pole as far as job discrimination is concerned. For example, in a situation where only white men have traditionally been employed, a Negro woman could allege discrimination and, assuming her job qualifications and character were favorable, she could attain a remedy under the FEPC title. A white woman in the same situation could not. It could not be alleged that she was discriminated against because she is white since all of the employees of this firm are white and no allegation of discrimination on account of sex could be brought. While I did not generally favor this title, I certainly felt that if it were to pass we should not discriminate against white women so I joined in the effort to add "sex" to the FEPC provisions. This was the only other basic amendment which was adopted over the proponents' opposition and like my amendment, I fear 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 that a job applicant 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 equal employment opportunity section? As the old saying goes, everyone is equal but there are some who are more equal than others. While on the subject of unions, I doubt that their seniority system is adequately protected in this bill. If it is shown that a union, for example, discriminated against Negroes and must admit them, is it likely that the courts would consider the rights of a Negro adequately protected if he went to the lowest rung of the seniority ladder? I doubt it and possibly seniority would have to be reshuffled to adequately reflect the seniority which would have prevailed had Negroes been admitted over prior years.

CONCLUSIONS

The remainder of the bill, while important, does not concern matters as substantive as the portions already discussed. Title VIII proposes that the Secretary of Commerce shall promptly conduct a survey to compile registration and voting statistics "in such geographic areas as may be recommended by the Commission on Civil Rights." This will doubtless mean the South and little attention will be directed at Chicago and some northern cities where legitimate voters are discriminated against by phantom voters and fraudulent polling booth activities. Title IX would grant a special privilege to civil rights litigants which no one else in the United States has, again under the illusion of instant justice. Title X deals with miscellaneous provisions. Time and time again, I heard orations about undue delay in civil rights cases. A strange double standard exists, for these same voices never protested when it took 11 years to get a Supreme Court decision on the registration of the Communist Party. No protests are heard on the lengthy legal maneuvers which result in years passing before deportation cases are made final. Is speedy justice always good justice? What about Hoffa?

By no means have I covered all of the defects of H.R. 7152. There are many technical shortcomings which relate to judicial review, injunctions, interpretations of words, and so forth which, while important, are not the subject of general concern.

I listened intently to the entire debate on the bill. Never did I hear any reasonable estimate of just how far this bill could go. Never was it said "the bill goes this far and no further." Broader coverage could not be imagined. This 50-page bill is truly a bureaucrat's dream. Consider language like this:

SEC. 407. * * * the Attorney General is authorized to institute for or in the name of the United States a civil action in any appropriate district court of the United States against such parties and for such relief as may be appropriate.

SEC. 602. * * * Such action may be taken by or pursuant to rule, regulation, or order of general applicability and shall be consistent with achievement of the objectives of the statute authorizing the financial assistance in connection with which the action is taken.

SEC. 711(a). The President is authorized and directed to take such action as may be necessary to provide protections within the Federal establishment to insure equal employment opportunities for Federal employees in accordance with the policies of this title.

Moreover, one of my strongest criticisms of the bill is that it furthers the trend toward injunctive relief. This bypasses 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 said that Ohio has a more stringent civil rights law than the one enacted by the House today. While it is true that Ohio's civil rights laws provide for fines and imprisonment, they offer nothing to compare with the powers invested in the Attorney General or the injunctive provisions of H.R. 7152.

These are but a few examples. How could anything broader be granted to the executive department? Time and time again we heard it said that although there was wide discretion authorized under this bill, the Attorney General, for example, would never do this or that. This runs counter to history. 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 people. 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. Power is something to jealously guard. Under our system of government it has been intelligently diffused by separation of powers and by our Federal system. Here we see a concentration which takes it away from State and local government to the Federal level and at the Federal level it is abdicated by the Legislature and concentrated into the executive department. This is a double assault on our constitutional system. Remember, 1984 is only 20 years away.

When, in my capacity as a Member of Congress, I ask the Attorney General for information on matters of real importance to me in the discharge of my duties or for my constituents, I always get the curt but polite reply that the Attorney General can only provide this legal advice to the President or an executive department. In this bill, the Attorney General receives powers never even contemplated before. He already had the right to initiate suits in voting cases under the 1957 Civil Rights Act, part IV, section 131(c). In addition, in this bill he can now institute suits under title II, public accommodations, under the public facilities title, the public education title, and under the unlawful employment practices—FEPC—section of the bill. In addition to this vast power, other factors must be considered. We would find a basic abolition of the doctrine of administrative and legal remedies. Further, in making a determination relative to the financial inability of the private citizen to maintain his own lawsuit, there would be absolutely no opportunity for either administrative or judicial review of the Attorney General's decision, once made. We all know what this means and it is indeed "a poor way to run a railroad."

There are many difficult problems to solve. The record clearly shows that in many areas of the country, not necessarily the South, there is a pressing need to correct injustices which occur because of unfair enforcement of constitutionally fair statutes and ordinances. This is not peculiar to voting, it is the problem of law enforcement and community morality in general. A community which allows organized gambling to flourish or the law to be flouted in corruption and wrongdoing cannot have its dirty linen cleaned by pointing with pride to the fact that they do not have racial problems. All forms of conduct of this type, whether manifested in vote frauds, city hall corruption, or racial bigotry is of the same gender. All too many northern cities allow the former two of these three social blights to occur and then point an accusing finger at cities which have segregation 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. Americans are basically a reasonable 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 signature. 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 unconstitutional actions. He exemplifies perseverance which overcame adversity, hard work, respect for the work and the rights of others, self-improvement, 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 theory. Now we hear the idea that people who do not have property can get their share by insisting on a portion of the property of someone else or through access to it. Politicians during 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. Property is not human. 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 unjust in the same manner as it was morally wrong to treat women as chattels of the men in the family. Human rights and property rights are only in conflict when man endeavors to turn man into a property. The greatest political game of this century has been the political effort of politicians to establish a new category of rights, the right of nonowners of property to appropriate it from the owners. This is not in the spirit of Abraham Lincoln, and those who would so contend are doing a dishonor to his name. If he exemplified anything in his native intelligence 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. If we are going to do all of 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 which, although 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 personal 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 any prospective 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 said that H.R. 7152 is 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 choice and preference in choosing associates and determining use of private property is maintained, our great free system will prevail. Freedom is never lost at one time. It is chipped away at by 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 forces and philosophies which have brought this civil rights bill to the fore. 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 deserving 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 everyone each and every year 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 theme. 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 yourself with their movement, it really can not be so—it is because you have a guilt complex. According to this argument, you can never win, you can never do enough, you can never be right—you are 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 willing to share the fruits of the civilization 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 hear it seriously 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 balancing schemes which have and will be propounded. Some Negro leaders say "we are here because of the white man's lust and greed—your forefathers brought us here as slaves so we are your conscience problem." This to a degree is certainly true and slavery and the whole epoch of slave ships and the auction block must stand out as one of the most glaring 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 foe 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, oppression, and slavery, too. 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 government and the absolute 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 type of centralized government and authoritarian control over our lives that has caused slavery and oppression in the past. Yes, the past is prologue. Let us not go back to these reactionary times.

It has always failed when the effort is made to cloak government in a moral armor to combat hunger, insecurity, and deprivation. I fear it will fail in these United States as well. People can reason; government cannot. People can be compassionate; government cannot. If

it is alleged that people are intolerant and unfair, let it be understood that there is no intolerance and injustice which can match that of an over-powerful government in the hands of men bent on imposing their will on a free people.

We see threats such as those which were hurled in the New Year's Day Mummers festivities in Philadelphia, threats that a peaceable assembly, a parade, would be met with a cordon of Negroes blocking their way and precipitating a fight. We see coercion brought on private groups to prevent minstrel shows. We see people blocking entrances, laying down in front of bulldozers and in the street. Is this any way to cure injustices, both real and purported? We see leaders inciting to lawlessness and predicting violence if this bill is not passed. Is this any climate for gaining redress of grievances? With all of this, it is still painted as a one-sided picture.

I could cite scores of examples of this unfortunate approach but this is not my purpose here. A few statements will suffice. Mrs. Gloria Richardson, Negro leader in the Cambridge, Md., struggle, last fall said, "Possibly in the near future we might have to go into civil disobedience."

On November 6, 1963, Rev. Martin Luther King, Jr., spoke at Howard University. 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 darkness and violence."

Amid efforts of the New York City Board of Education to solve the problem of racial imbalance, Negro leaders take untenable positions. Rev. Milton A. Galamison, chairman of the Citywide Committee for Integrated Schools, was quoted by the New York Times on December 23, 1963, as bluntly stating that his group's aim was to "tie up the school system." The Times article further stated:

> He said that he would rather see the city school system "destroyed—maybe it has run its course anyway, the public school system"—than permit it to perpetuate racial segregation.

These same people travel the country and speak about alleged unfair tactics of the white majority. Do not the same principles apply to them? I feel that the news media have not presented the current civil rights controversy in anything approaching its proper perspective or in a balanced manner. Negro leaders have already announced their intention to accomplish a nationwide purge of legislators who vote against this bill. Civil rights legislation is and should be a pressing matter of concern to every fairminded American. It should not, however, be the vehicle for threats and abuse. Improvement in racial relations and the educational and economic well-being of the Negro are desired by all of us but will this type of conduct bring these goals about?

CONSTITUTIONAL PRINCIPLES

Those of us who rely heavily on our constitutional precepts are scorned. "You are selling distrust of our government," the liberals cry. "What is wrong with giving the government the power to rectify these wrongs? After all, we are the government." This sounds plausible but historically it is unwise and, indeed, dangerous. As a person who believes in government and law I would never sell distrust of government. Government is an impersonal thing which cannot wrong anybody. Men, acting under cloak of government authority, can. This is what George Washington meant when he said:

> Government is not reason, it is not eloquence. It is force. Like fire it is a dangerous and fearful master.

Liberals have the incorrect belief that for every wrong and for every human desire the Federal Government should act. Break down local government, they say. Free enterprise does not make every single person in the country wealthy and because some are hungry, tear it down and establish the welfare state. Some people do not have access to every private establishment or the right to vote so tear down the constitutional safeguards and let our leaders, through rule of man rather than law, rectify these wrongs. Both arguments are tearing at the roots of our firmly embedded constitutional and free enterprise system. Rejecting these arguments does 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 recognizes that it is just as important that man be protected against an all powerful government. Hitler and Khrushchev did not visit their oppression on people through local government or a constitutional system. It came about by a strong centralized government with a near-absolute delegation of authority to men. We cannot afford to take this path.

The same notion has built up regarding the Supreme Court. Many liberal thinkers feel it is appropriate for the Court to stray from legal precepts and the established interpretations of the Constitution and produce decisions based on the jurists' concepts of what society ought to be. In an address to the American Bar Association, Justice Harlan directed some pointed comments to this contention. He said:

> A judicial decision which is founded simply on the impulse that "something should be done," or which looks no further than to the "justice" or "injustice" of a particular case, is not likely to have lasting influence. * * * Our scheme of ordered liberty is based, like the common law, on enlightened and uniformly applied legal principle, 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 recently. The January 25, 1964, New York Daily News carried the following item:

> SHIPPENSBURG, PA., January 22.—Justice William O. Douglas of the U.S. Supreme Court says the fact that most Americans may favor Bible reading in the public schools has nothing to do with its constitutionality. In a speech at Shippensburg State College, Douglas said the purpose of the Constitution is to "protect the minority no matter how repugnant this might be to the majority."

I guess it all depends on what minority you are talking about. Turn the argument around. Does not the majority have a right to the protection of their constitutional privileges regardless of the minority? In truth, the Constitution should protect the rights of both the minority and the majority and to be stampeded into abusing 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.

A thin line separates rule of law from tyranny. It comes in the constitutional protections against arbitrary acts by the Government which in this bill are counted for naught. The liberal may get caught in his own perfidy some day. This idea that where there is a wrong, where there is poverty, where there is something we do not like, let the Government bring instant justice, instant wealth, instant action is a bad line of reasoning. You cross the fine line of responsible government in promoting this thesis. Think about it. This bill will take care of discrimination so let's keep going. We have criminals so let us get them, too. Never mind personal rights. Authorize the FBI to legally wiretap, change our constitutional protection so law officials can forceably search and seize for evidence. Some criminals get away so reverse our time-tested principle of double jeopardy. We cannot allow mere principles to stand in the way—we want to get these criminals. Then, too, let's get the Communists. They hide behind the fifth amendment so let's abolish that. Freedom of speech—well, not for them so let us take it away. Foolish? Just as logical as many of the arguments they have given for the passage of this legislation. Of course the Negro has not achieved what is referred to as full equality. Of course we want him to. It is not anything that can be given to him. Is this any reason for tearing down carefully constructed constitutional and free enterprise principles which have allowed a maximum of individual freedom in the areas of choice, association, employment? I think not. I resist these efforts just as I would efforts to legally wiretap, to abrogate double jeopardy in criminal law, to abolish the rights of individuals protected in the fifth amendment, to legalize the seizure of evidence to obtain convictions which is now unconstitutional and so forth. Why? Because in each case, as in this so-called civil rights bill, the effect, however laudable, would be to take away individual rights and bestow more arbitrary authority and control by the Government over our lives. We have already gone too many miles down this road and the individual is in danger of losing too much of cherished liberty under the guise 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. Every time the Government 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 enterprise system. The tendency to raid the treasury is always present as is the

inclination 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. Nothing could be further from the truth. The Constitution is the bulwark of individual freedoms and these freedoms are just as necessary now as they ever were. The Founding Fathers were not 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 has no rights. To assault the fundamental rights of the Constitution, whether it be in the form of an attack on the fifth amendment, the protection against illegal search and seizure, or on individual rights under the guise 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 return to the clearly enunciated principles set out in one of our most famous Supreme Court cases, that of *Ex parte Milligan* (4 Wall. 2) in which Judge Davis said:

> By the protection of the law human rights are secured; withdraw that protection, and they are at the mercy of wicked rulers, or the clamor of an excited people. * * * These precedents inform us of the extent of the struggle to preserve liberty and to relieve those in civil life from military trials. The founders of our Government were familiar with the history of that struggle; and secured in a written Constitution every right which the people had wrested from power during a contest of ages. * * * Time has proven the discernment of our ancestors; for even those provisions, expressed in such plain English words, that it would seem the ingenuity of man could not evade them, are now, after the lapse of more than 70 years, sought to be avoided. Those great and good men foresaw that troublous times would arise, when rulers and people would become restive under restraint, and seek by sharp and decisive measures to accomplish ends deemed just and proper; and that the principles of constitutional liberty would be in peril, unless established by irrepealable law. The history of the world had taught them that what was done in the past might be attempted in the future. The Constitution of the United States is a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men, at all times, and under all circumstances.

Changing times? What do you mean? The only thing that has changed has been the method man has used to destroy what he has built up. To destroy it under the mystical Pied Piper illusion of civil rights is merely finding a new way of accomplishing something man has been doing since history first recorded his yearning to be free. We have stood as an exception to the trend, in my judgment, for one basic reason: the wise constitutional limitations on actions of government. Now I am not so sure.

FEED GRAIN PROGRAM—BOON TO LIVESTOCK MEN

The SPEAKER pro tempore. Under previous order of the House, the gentleman 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 fact that there was no big increase in carryover of feed grains in spite of the unusual bumper yields proves conclusively the effectiveness of the feed grains program. But for the program, the cost of Government-stored grains would have reached an even more staggering figure than it had in January of 1961.

In the past 2 years, largely as a result of the voluntary feed grain adjustment programs, carryover stocks were reduced from 85 to 63 million tons. But the net reduction of 22 million tons in carryover stocks in 1962 and 1963 is not an accurate measure of the effectiveness of the programs.

In 1961, corn and grain sorghums were harvested on 17.9 million fewer acres than in 1959–60. After allowing for the lower yields to be expected on these idled acres, had they been planted to feed grains in 1961, feed grain production in that year alone would have been 27.5 million tons higher than it was.

To get a better picture, we should calculate how many hogs or how many hundred pounds of beef cattle can be produced with the additional 27.5 million tons of feed grains that would have been produced.

The feed grain production avoided in 1961, as a result of the feed grain adjustment program—27.5 million tons—would feed out 45 million hogs, over half the number marketed in 1962. Or, if 27.5 million tons of feed grains were used to feed out beef cattle, the weight of beef cattle marketed in 1962 would have been increased by a third.

Mr. Speaker, from time to time the Commodity Credit Corporation has been blamed for dumping feed grains, thereby causing an excessive expansion in livestock production this year. The facts show otherwise.

The Commodity Credit Corporation did sell 53.6 million tons of feed grains for domestic use in the 1961 and 1962 crop years as ordered by a provision of the Feed Grain Act; but the production avoided under the same law—as compared with 1959–60 acreages—was approximately 60 million tons.

Commodity Credit Corporation sales of feed grains, including both its payment-in-kind programs and its sales of out-of-condition stocks, were 6 million tons less than the production avoided by the voluntary adjustment programs.

If one compares the feed grain acreages harvested in 1961, 1962, and 1963—the 3 years the voluntary feed grain program has been in operation—with the acreages harvested in the previous 2 years, 1959 and 1960—54.7 million fewer acres have been harvested as a result of the feed grain programs.

Had an additional 54.7 million acres of feed grains been harvested in the last 3 years, even though they produced less than average per acre, another 75 to 85 million tons of feed grains would have been harvested.

And 75 to 85 million tons of feed grains is enough feed to produce 100 to 150 million head of hogs or 30 to 40 billion pounds live weight of beef cattle.

Perhaps the simplest way to put it is to say that the feed grain production avoided by the 1961, 1962, and 1963 feed grain programs, was sufficient—if half fed to hogs and half to beef cattle—to have increased the annual production of hogs by one-fourth and the weight of beef cattle slaughtered by 10 to 15 percent.

Or, to put it another way, if livestock feeding had not been expanded, without the voluntary feed grain programs of the past 3 years, carryover stocks at the close of this marketing year would be in the neighborhood of 140 million tons, over twice the current projected level.

Although—in view of the excellent growing weather and record acre yields in 1963—feed grain stocks may not be reduced in the marketing year ending September 30, in the absence of a feed grains acreage diversion program, either stocks would have increased by 20 to 25 million tons, or feed grain prices would have been sharply lower, to be followed next year by a big expansion in hogs and cattle feeding and an even further drop in hog and beef cattle prices paid to farmers.

Weather analysts tell us that for the last 6 years the weather has been better than average in central United States where most of the feed grains are grown. They tell us, if average or below average weather conditions are experienced for a few years, all our surplus stocks will be needed.

In the words of President Johnson, I view "our agricultural abundance as an opportunity for achievement rather than a cause for alarm." I am confident that there will be a good signup in the 1964 feed grain program, and that production under anything like normal weather conditions will be held to a level which will permit a further reduction in stocks next year.

Those who attack the voluntary feed grain programs as ineffective or as of little value to livestock producers should consider the conclusions of a recent study conducted at Iowa State University.

The university economists made an analysis of the economic effects of a large number of alternative feed grain and wheat programs. They project a decline of $5.7 billion, or 43 percent in net farm

income, if the current wheat and feed grain programs were dropped. To Iowa alone this would mean a loss of hundreds of millions of dollars in farm income, hundreds of millions of dollars less spent in our retail stores, and a loss of more jobs than any industry which might conceivably come to Iowa could furnish.

In their report entitled "Farm Program Alternatives"—CAED Report 18, published a few months ago, the university economists projected production, farm prices and income for the years 1964–67 if diversion programs and price supports for wheat and feed grains were discontinued, but storage of surpluses were continued to allow "orderly marketings." 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 increase immediately and prices to farmers would fall.

Corn prices would drop below $1 and both feed grain and wheat prices would continue dropping for several years. Their projections indicate corn prices would fall to 85 cents a bushel by 1967, and wheat would be less than $1 a bushel. Hog prices to farmers would drop to $13.50 per 100 pounds by 1967 and the farm price of cattle and calves would decline gradually for several years, falling to less than $16 per 100 pounds, or more than 25 percent, by 1967. We must therefore conclude that the feed grain program has really been a livestock adjustment program and an even greater boon to livestock producers than other producers. Two aspects of these projections interest me. In making them, the Iowa State economists have taken into account the influence of the lower market prices on the level of production to be expected in the following years. They also have noted that grain production would increase faster than livestock production could be expanded in the early years and conclude that if "orderly marketing" were to be encouraged, even at these lower price levels, carryover stocks would continue to increase for several years.

Their projections indicate that if wheat and feed grain programs similar to those in operation in 1963 were dropped, by 1967, even though cattle prices had dropped to less than $16 and hog prices to less than $14 per 100 pounds, carryover stocks of the grains would be 10 to 15 percent larger than at present. On the other hand, if no attempt were made to maintain "orderly marketing" conditions, carryover stocks might be reduced but both grain and livestock prices would be even lower than those projected.

This is the unpleasant price picture that Iowa State economists paint for us if the wheat and feed grain programs are abandoned.

And 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, the fall in prices for grains and livestock would cause net farm income to decline over $3 billion the first year, or more than one-fourth. The Iowa State economists' projection of net farm income under such conditions indicates 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 comprehensive of a number of similar studies. But I would add that its findings are in line with earlier studies made at Pennsylvania State University, Cornell University, and by technicians in the Department of Agriculture.

One of the interesting features of the Iowa State study is their projections of Government costs under alternative wheat and feed grain programs. They conclude that whereas net farm income would drop $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 considerably.

Fully as important, their projections indicate that if average weather prevails and programs similar to the 1963 programs are continued, farm prices and farm income can be maintained at approximately recent levels, at least for the next several years, without an increase in Government costs.

Mr. Speaker, these are facts which should be kept in mind. No program is without its shortcomings. But we should look at the alternatives with an open mind. Do we want to save $1 billion in one kind of Government costs at the expense of $5 billion in net farm income with all it would mean in other additional Government costs, loss of tax receipts and jobs? Most commercial family farms could not survive a cut of 40 percent in net farm income which continued for several years.

I believe, with President Johnson, that although we may now see ways that they 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. FEIGHAN. 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 we could get at the facts, unhindered by sensationalism. While 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 this morning to examine the administration of the Immigration and Nationality laws in relation to the Richard Burton case. At issue 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. Abba Schwartz of the State Department and Immigration Commissioner Raymond J. Farrell were before our subcommittee as witnesses on the issue.
>
> In the course of the hearing, both State and Justice Department representatives stated they would review their position on this case in light of the growing public clamor against admitting Burton and others like him into our country.
>
> 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 State and Justice Departments on the eligibility of Richard Burton to enter the United States. I can see no significant difference between the infamous Christine Keeler-Mandy Rice-Davies cases and the Burton case. The law and congressional intent thereon is clear and should be exercised without discrimination or special favor.

Since that time, as a matter of fact, within hours thereafter, my office has been deluged by letters, telegrams, and telephone calls from all parts of the country, expressing indignation against the Burton-Taylor-Fisher affair. These communications are running about 40 to 1 demanding Richard Burton be barred from admittance to the United States as an undesirable.

Mail from abroad, from Switzerland, England, Italy, Australia, and I should mention Canada, our friendly neighbor, is also beginning to come in. There can be no doubt of the international implications of this scandal. Nor can there be any doubt about its involvement with U.S. image abroad. The question here is—will the United States be regarded abroad as a happy hunting ground for those who capitalize on the public flaunting of immorality. It is about time we did something to remind people abroad that the moral ideals which make our Nation great and respected have not died. Any action in 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, therefore, will the law and 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 depraved 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 Government to act with rational 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's entry into the United States is well taken. * * * We can only implore you to hold your ground and give you a clear vote of confidence for a job, thus far, well done.

From an American major on the front lines in Vietnam:

I thank you for your advancement of the idea to bar entry into the United States of Richard Burton. Our youth will emulate 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 read with interest your comments on the conduct of Richard Burton and Elizabeth Taylor, and wish to state that out here "in the sticks," individuals consorting similarly are given probation terms, or possibly jail sentences. Wish you luck in attempting controls, we need them.

From the reverend pastor of a Baptist church in Metropolitan Los Angeles, Calif.:

It is good to know that we have in Washington one who has been courageous enough to protest openly and it is my sincere hope that the visitor's visa will be canceled. There are so many respectable and honorable people in Hollywood who resent such conduct which is so often regarded as a part of Hollywood life.

From a former American Legion commander of the Adolph S. Ochs Memorial Post, No. 1207, Bronx, N.Y.:

I am a teacher. How can I teach and inspire children when this Burton is considered a hero instead of a bum. Keep up the fight.

A letter from Pittsfield, Mass., raises this basic question:

How can we train our youth to choose the right when adulation and tolerance are given to the wrong?

Another letter from Auburn, N.Y., calls for this action:

It is high time that something drastic was done to prevent our children from learning that all they have to do to become popular and a great star in the movies and become a multimillionaire and get front page headlines is to marry a half dozen other people's wives or husbands.

A letter from the father of three children who resides in Cleveland, Ohio, writes in part:

As the father of three children who is desperately struggling to raise them with some moral values against the onslaught of the popular press and TV, I sincerely hope that you are successful.

For much too long a time in this country 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 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 think the impact this would have 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 responsibile 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.

THE 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 advocated tax credits 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, why 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 RIBICOFF, who, incidentally, did 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. Commendable as many of the features 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 this fight for students seeking higher education and for their parents who, in most instances, must bear the ever-mounting costs.

I know of no more meaningful way to encourage college education than through tax allowances to cover a 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 plow 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 furthering higher education and thus enhancing the opportunity for advanced knowledge and increased earning capacity of every young man and woman in America.

Of course, there will be an immediate 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, by enacting 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 publicly supported college is $1,480 according to a recent study by the U.S. Office of Education. The cost of a year's attendance at a private college is estimated to be approximately $2,240. These figures indicate an almost 100 percent 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 "restriction on opportunity" for 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, to urge and implore students to seek the fullest possible education. We told students that our defense posture and our space exploration efforts depended upon 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-

den on parents, we cynically scuttled this direct and forthright approach to the problem of obtaining a national sufficiency of college trained talents and professions.

If we really mean what we say when we sloganize that "A Good Education Can Help You Stay Free," then we should not speak out of two sides of our mouth at one time. We should not say to a student "We need your brainpower, so you must go on to college," and then on the other hand say to that student's parents, "If you want your son or daughter to go to college, then skimp a little harder and do with a lot less, because we have no interest whatsoever in the matter."

I emphasize again, Mr. Speaker, that it makes good economic sense to help students obtain a college education, because such students acquire greater earning capabilities and thus contribute more in taxes during their lifetimes. It also makes good sense insofar as the defense of our country is concerned to assist students to obtain a college education.

But it makes no sense whatsoever to hold these views and proclaim them as abiding truths if we deny parents relief from the high costs of sending their children to college.

As I have said before, I intend to press the fight for tax relief for parents whose children want to go to college. I sincerely hope that the defeat of the college education amendment to the omnibus tax bill in the Senate will spur increasing public demand for this legislation, and that the closeness of the vote will encourage its advocates to press for a separate bill.

I fervently urge the Subcommittee on Education and Labor and all my colleagues in this House to review the language of the Senate amendment by the distinguished junior Senator from Connecticut [Mr. RIBICOFF], and to give fullest consideration to my own bill, H.R. 5719, so that there may yet be favorable action on this matter before this Congress adjourns.

RESIDUAL OIL

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Massachusetts [Mr. CONTE] is recognized for 60 minutes.

Mr. CONTE. Mr. Speaker, I rise to clarify a matter of great concern to our Nation. It is also a matter of life and death—economic life and death—to New England, Florida and the entire east coast area of the United States.

I refer to the economic handicap arbitrarily imposed on this section of the country by Secretary Udall's reluctance to remove the crippling restrictions on imports of residual oil.

The specific matter requiring clarification are the remarks of the gentleman from West Virginia [Mr. MOORE] to this House on January 31, 1964.

In the course of those remarks it was stated that proposed legislation to restrict residual oil imports to the eastern part of the United States was said by the gentleman from West Virginia [Mr. MOORE].

> Written to protect the domestic fuel industries and the large segment of the economy which depends on them against excessive imports of an unneeded foreign fuel. It is not a coal bill. I want to make that clear.

Well, Mr. Speaker, I want to make some things clear also.

First: The eastern part of the United States does not like being ganged up on by those interests that 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 vitally needed residual fuel supplies. It is no 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 because those bills are too high—needlessly high—because of the restrictions on residual oil imports. Every person, every business, every aspect of life in this area—even job availability—is suffering because of the arbitrary, and unnecessary restrictions on these imports.

Second: I am puzzled by the gentleman from West Virginia [Mr. MOORE] statement that residual oil is "an unneeded foreign oil." It may be "unneeded" in the hometown of the gentleman from West Virginia [Mr. MOORE], although lo and behold 1,480,000 barrels of residual were 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 schools, to our hospitals. It is 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 struggle under 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 basic economic and human requirements of those who live and work on the east coast.

Third: The gentleman from West Virginia [Mr. MOORE] has, unfortunately, mixed the residual fuel reqirements of the east coast, with extraneous issues of coal production and crude oil requirements. The coal problem is not pertinent for the simple reason that it is not residual oil imports that are cutting coal employment, even while coal production is rising. Mostly it is the mechanization of the coal industry that is putting the gentleman from West Virginia [Mr. MOORE'S] people out of work. For instance, the Office of Emergency Planning reported to the President, just about a year ago, that with respect to unemployment in the coal mines:

> The principal contributor has been the 85-percent increase in output per production worker man-hours in the decade following 1949, a change accomplished largely through mechanization.

So, it is not residual oil imports that cause trouble 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. MOORE] might like to check this point out with his own people if he doubts the accuracy of my statement.

It is high time that the coal interests start trying to solve their problems with genuine and meaningful measures, and stop trying to make the residual oil-using east coast the whipping boy for the misery and poverty which I am well aware exists in the Appalachian area. These poor unfortunate people have my sympathy. I cannot help but wonder how much better off they might be today, if the coal barons, while draining the area's economic lifeblood, had thought a little of the future of the people and returned some of their profits to the area from whence they came instead of salting them away in outside interests.

I repeat, the coal industry will not find in residual oil use on the east coast either the cause or the cure for the afflictions of the unemployed coal miners.

Fourth. The legitimate need of the east coast for removal of residual oil import restrictions is not, in any practical sense, related to the domestic oil industry as a whole. The simple fact of the matter is that the domestic refinery processes are such that residual is diminishing at a rapid rate. We must find our supply in imports, mostly from our good neighbor to the south, Venezuela, where it is available at fair prices. If residual imports were a threat to our domestic oil industry, it would only be because they were in competition with domestic production. This, of course, is not so. Residual oil is in a class by itself and should be so treated. Tying this problem to the crude oil situation is clear-cut recognition of the fallacy of the arguments of those who oppose removal of residual import controls.

Fifth. It has been claimed that increased residual imports would be harmful to our national security. For those who are under the impression that we have to continue the handicap which the east coast is suffering, in order to protect our national security, I have only to quote from the conclusion of the report of the Director of the Office of Emergency Planing, to the President, on February 13,

1963. In that report the Director, Mr. Edward A. McDermott, said:

In light of the circumstances as I find them today, a careful and meaningful relaxation of controls would be consistent with national security and the attainment of hemispheric objectives which contribute to the national security. Such a relaxation should be designed to achieve the maximum reduction of the burden on the economy, given the import levels resulting from the easing of controls.

This should help put a stop to the misinformation which is being used to justify the unnecessary and heavy economic burden which the east coast is carrying, because Mr. Udall insists on keeping the restrictions on residual oil imports.

It is high time for a fair deal for the east coast. It is high time for Mr. Udall to let us compete for domestic markets and foreign markets without an arbitrary cost handicap. The people of New England, Florida, and the eastern seaboard of our country are sick and tired of paying every day in every way for such indecision.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mrs. KEE (at the request of Mr. ALBERT), for today, and the balance of the week on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. GROSS, for 30 minutes, on Thursday next.

Mr. VANIK, for 15 minutes, on Thursday, February 13; and to revise and extend his remarks and include extraneous matter.

Mr. FEIGHAN, for 15 minutes, today; and to revise and extend his remarks and include extraneous matter.

Mr. FOREMAN (at the request of Mr. TUPPER), for 1 hour, on February 20.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. ROOSEVELT and to include extraneous matter.

Mr. SCHWENGEL in two instances to revise and extend his remarks and include extraneous matter.

Mr. HARDING to extend his remarks in the body of the RECORD prior to the vote and to include extraneous matter.

Mr. ABERNETHY (at the request of Mr. MATSUNAGA) to revise and extend his remarks in Committee of the Whole and to include extraneous matter.

Mr. ROYBAL (at the request of Mr. MATSUNAGA) to extend his remarks in the body of the RECORD during consideration of the civil rights bill and to include extraneous matter.

Mr. WHITENER (at the request of Mr. MATSUNAGA) to revise and extend his remarks made in Committee of the Whole and to include extraneous matter.

Mr. ALGER.

(The following Members (at the request of Mr. TUPPER) and to include extraneous matter:)

Mr. SCHWEIKER.

Mr. SHRIVER.

Mr. BRAY.

Mr. SIBAL.

(The following Members (at the request of Mr. MATSUNAGA) and to include extraneous matter:)

Mr. HEALEY.

Mr. BURKE.

Mr. ROYBAL.

SENATE BILLS AND JOINT RESOLUTION REFERRED

Bills and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 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; to the Committee on Government Operations.

S. 2394. An act to facilitate compliance with the convention between the United States of America and the United Mexican States, signed August 29, 1963, and for other purposes; to the Committee on Foreign Affairs.

S.J. Res. 120. Joint resolution providing for the recognition and endorsement of the 17th International Publishers Conference; to the Committee on Foreign Affairs.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 8 o'clock and 40 minutes p.m.), under its previous order, the House adjourned until Thursday, February 13, 1964, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

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

1674. A letter from the Comptroller General of the United States, transmitting a report on the audit of the financial statements of the St. Lawrence Seaway Development Cooperation for the year ended December 31, 1962, pursuant to 31 U.S.C. 841 (H. Doc. No. 222); to the Committee on Government Operations and ordered to be printed.

1675. A letter from the Secretary of the Army transmitting a draft of a proposed bill entitled "Funds, authorized for use of allied armed forces on a reimbursable basis"; to the Committee on Government Operations.

1676. A letter from the Assistant Secretary of the Interior transmitting amendment No. 3 to concession contract No. 14-10-0100-272, as amended, authorizing the operation of the Triangle X Ranch by Mr. John C. Turner and Mrs. Louise M. Turner in Grand Teton National Park, pursuant to 70 Stat. 543; to the Committee on Interior and Insular Affairs.

1677. A letter from the Comptroller General of the United States, transmitting a report on legislative and policy requirements governing Federal participation in acquisition of rights-of-way and in other activities of the Federal-aid highway program in the State of California, Bureau of Public Roads, Department of Commerce; to the Committee on Government Operations.

1678. A letter from the Comptroller General of the United States transmitting a report on the audit of the Inland Waterways Corporation for the fiscal year ended June 30, 1963 (H. Doc. No. 223); to the Committee on Government Operations and ordered to be printed.

1679. A letter from the Chairman and Chief Executive Officer, Communications Satellite Corporation, transmitting the report of Communications Satellite Corporation for the period February 1 to December 31, 1963, pursuant to section 404(b) of the Communications Satellite Act of 1962; to the Committee on Interstate and Foreign Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROGERS of Texas: Committee on Interior and Insular Affairs. S. 2. An act to establish water resources research centers at land-grant colleges and State universities, to stimulate water research at other colleges, universities, and centers of competence, and to promote a more adequate national program of water research; with amendment (Rept. No. 1136). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. BARRETT:

H.R. 9961. 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. HARSHA:

H.R. 9962. A bill to amend the act entitled "An act to regulate the practice of podiatry in the District of Columbia," approved May 23, 1918, as amended; to the Committee on the District of Columbia.

H.R. 9963. 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 Government Operations.

By Mr. JENSEN:

H.R. 9965. A bill for the relief of the city of Audubon, Iowa; to the Committee on the Judiciary.

By Mr. POOL:

H.R. 9966. 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 post of duty; to the Committee on Ways and Means.

By Mr. RYAN of Michigan:

H.R. 9967. A bill to amend the Juvenile Delinquency and Youth Offenses Control Act of 1961 by extending its provisions for 2 additional years and providing for certain special projects and studies, and for other purposes; to the Committee on Education and Labor.

By Mr. RHODES of Pennsylvania:

H.R. 9968. A bill to permit local public agencies to ignore any diminution of value of land occasioned by subsidence or collapse in determining the price to be paid for the acquisition of the land; to the Committee on Banking and Currency.

By Mr. SAYLOR:

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. 266. Concurrent resolution authorizing the printing as a House document of the Constitution of the United States, together with the Declaration of Independence; and providing for additional copies; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CONTE:

H.R. 9971. A bill for the relief of Mrs. Camille Nuyt; to the Committee on the Judiciary.

By Mr. FORRESTER:

H.R. 9972. A bill for the relief of Eagle & 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. LEGGETT:

H.R. 9974. A bill for the relief of Gwendolyn 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.

By Mrs. REID of Illinois:

H.R. 9976. A bill for the relief of Elmer Levy; to the Committee on the Judiciary.

PETITIONS, ETC.

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

686. By the SPEAKER: Petition of Harry E. Hart, College Park, Ga. relative to the present situation between the United States and Panama; to the Committee on Foreign Affairs.

687. Also, petition of Henry Stoner, Avon Park, Fla., relative to the U.S. Marine Corps; to the Committee on Armed Services.

688. Also, petition of Henry Stoner, Avon Park, Fla., requesting passage of H.R. 9802, relating to employment; to the Committee on Education and Labor.

689. Also, petition of Henry Stoner, Avon Park, Fla., to provide for the dissemination of dynamic, simon-pure Jeffersonian Americanism throughout the world; to the Committee on Foreign Affairs.

690. Also, petition of Henry Stoner, Avon Park, Fla., relative to an article which is a reprint from the Christian Science Monitor, entitled "A New Bill of Rights", appearing on page 16, February 4, 1964, of the Toledo (Ohio) Blade; to the Committee on House Administration.

EXTENSIONS OF REMARKS

The 46th Anniversary of the Republic of Lithuania

EXTENSION OF REMARKS
OF
HON. ABNER W. SIBAL
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Monday, February 10, 1964

Mr. SIBAL. Mr. Speaker, this week marks the 46th anniversary of the establishment of the Republic of Lithuania, which took place on February 16, 1918.

The American people join with the over 1 million Lithuanians living in the United States and the nearly 3 million living in their native land in their hope and expectation that one day in the not-too-distant future they will be able to return to a free Lithuania, free from the oppression of communism. Communism in Lithuania has murdered hundreds of thousands, exiling many others to slave-labor camps in Siberia. With Soviet oppression has come poverty and an absolute decline in population.

Mr. Speaker, Lithuania stands out today as a symbol 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 search for the truth in today's troubled world see clearly the extent and power of Soviet imperialism.

Last year, I introduced House Concurrent Resolution 55, which calls for free elections for Lithuania, Latvia, and Estonia, to be held under the supervision of the United Nations. Many members have introduced similar resolutions. Action on these resolutions should be forthcoming quickly, and the President of the United States should 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 explosively emotional and thus far stubbornly inflexible 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 tragic 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