two founding cochairmen of the Fair Play for Cuba Committee, who wrote a scurrilous piece accusing the United States of cold war designs and of the "rape" of Cuba.

Another article in Revolution was by Robert Taber, also a founder and the first executive secretary of the Fair Play for Cuba Committee, an exconvict who served time for armed robbery, auto theft and kidnaping. An advertisement on the back page listed writings and speeches about Cuba available in English. All but two of them were by Castro.

We have other evidence against the Fair Play for Cuba Committee. When an article in a New York newspaper charged that communism was being forced upon the Cuban people, the Fair Play for Cuba Committee put an advertisement in the New York Times that said: "False. Not a shred of evidence has been produced to support such allegations." This advertisement was paid for in part with money that came directly from the Cuban Government. It appeared a few months after the Communists had by violence taken over the Cuban Federation of Labor and the National Newspaper Guild, thus putting an end there to collective bargaining and freedom of the press.

Where Oswald got his idea of assassinating the President still has to be established, but in the meantime the Cuban Student Directorate in Exile has given us some interesting information. It tells us that at a reception at the Brazilian Embassy in Havana the first week of last September, Castro talked to a group of foreign ambassadors and threatened to kill major figures in the U.S. Government in reprisal for any attempt to overthrow his regime.

There is another mystery surrounding Oswald that so far has not been cleared up publicly. Shortly before he pulled the trigger at Dallas, he disappeared on a trip to Mexico. While there we know that he appeared in the office of the Cuban consul. We do not know why he went there, or whether or not it was while there that he finally made up his mind about the assassination.

It must have been a shocking and chilling experience to have heard Lee Harvey Oswald maintain last August, in a radio debate here in New Orleans in which he was invited to take part after his brush with the anti-Castro Cuban exiles, that the Fair Play for Cuba Committee was not a subversive organization. The evidence compiled by the House Un-American Activities Committee, as well as the Senate Internal Security Subcommittee, showed otherwise.

As a further condemnation, the Fair Play for Cuba Committee office in New York denied, at the time of the assassination, that it had ever heard of Oswald. This was a deliberate distortion of the truth, as evidenced early in December when Vincent Theodore Lee, the chairman of the committee and the same witness who took the fifth amendment 81 times in a single appearance before the House Un-American Activities Committee, released a series of letters written by Oswald to the Fair Play for Cuba Committee.

We have reason, in view of reports and evidence accumulated since November, to believe that Oswald was connected with the pickets who protested the Adlai Stevenson rally at Dallas and with the attempted assassination of former Gen. Edwin Walker. These two gentlemen, as well as Mr. Kennedy, had spoken out against Castro.

The case against the Fair Play for Cuba Committee goes on and on. One of its earmarks is the teaching of extreme hatred and contempt, something that is characteristic of the left-wing Communists.

This vicious and disreputable organization was so bold that in 1961 it committed John F. Kennedy to historical oblivion. It was reported in a Senate Judiciary Committee document which quoted the Fair Play Committee as follows: "Fidel has made it. Kennedy has muffed it. If Fidel Castro were to pass out of the picture tomorrow, it would not change this die. It has been cast. Throughout South America people will be building statues honoring Fidel Castro long after Kennedy has become the brand name for somebody's baked cookies or a new kind of Swiss cheese."

Despite all this array of evidence marking the Fair Play for Cuba Committee as a vicious organization plotting against the United States, word went out when the late President announced his plans to visit Dallas that the rightwing extremists were the element most to be feared. It is reliably reported that first among the six subjects to be studied by Chief Justice Warren, head of the assassination inquiry, is the influence of hate movements in the Dallas community. If I understand Mr. Warren, and I believe I do, the hate movements include only right-wing groups.

It is too late to undo what has been done at Dallas. But it is not too late to take proper cognizance of the very real danger that the Communists and their fellow-traveling radicals and left extremists pose to the United States.

The death of this assassin does not end the story. Oswald was not the only one connected with the Fair Play Committee. There are others, free in our land in spite of all the evidence compiled, who are just as strong believers in communism as he was.

I am in favor of a stringent law that will invoke severe penalties upon these traitors and traducers who would subvert us and destroy our country, our women, and our children by delivering us, lock, stock, and barrel, to the Communist conspiracy and to the rule of the Kremlin.

Castro must be deposed. Communism must be banished from our land and all the Americas. It should be done by diplomacy or by embargo, or by the employment of other methods of a similar nature, if possible, but if necessary it must be done by force. The Communists understand only the language of force. I am in favor, if necessary, of giving them a full dose of force and power, the only language they understand.

The longer we delay firm and resolute action, the more the situation worsens. The Panamanian situation should be handled with a firm and resolute hand. We should not surrender an inch to this Communist-inspired uprising. Our rights in the Panama Canal and the Panama Canal Zone are established and are as old as the independence of Panama, which was brought about by the naval aid and firmness of a great American President.

We must not wait until communism makes further and more deadly inroads into our society and into our Government before acting to uphold our cherished way of life.

The Monroe Doctrine is more important to us today than it was when it was proclaimed during the administration of President Monroe almost 150 years ago. The Monroe Doctrine must be upheld, and America must be freed from the devastating influences of communism—of the Oswalds and the others who place more value upon Marxism and Khrushchevism and Castroism than they do upon American freedom.

Despite the bleak and somber picture before us, we in this country can still live in hope, rather than despair. There is much for which to be thankful. Although the public indebtedness of the United States exceeds by $25 billion the public indebtedness of all the other countries of the world combined, we nevertheless remain the most powerful nation.

We are blessed with unbounded natural resources. In many instances, our natural resources exceed those of all the other nations combined. Our constitutional system of government as handed down to us by our forefathers cannot be matched by any other nation. It is to be hoped that we will preserve it in its pristine glory.

The people are patriotic, and when they recognize the flagitious forces tearing at the vitals of our form of government which we cherish, they will rise up and destroy our oppressors and secure our liberties and our feedoms. They will return our government to the form and type established by those men and women who loved liberty so dearly that they crossed an ocean and started a new nation to gain it.

In short, we need, and I believe we have, the manhood and the womanhood to uphold our cherished American principles which have been handed down to us through the sacrifices made by our citizens of this and previous generations who have shed their blood on the battlefields and battle seas of the world.

HOUSE OF REPRESENTATIVES

SATURDAY, FEBRUARY 1, 1964

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Luke 22: 42: *Nevertheless, not my will, but Thine, be done.*

O Thou God of all wisdom, we humbly confess that we are often confronted by difficult problems and significant demands and challenges which we cannot completely ignore and evade.

We are very sure that we cannot do less than to consider them seriously and honestly and prayerfully seek a solution that will be reasonable and satisfactory.

There are times when we are tempted to admit our ignorance and failure by simply saying that there is not sufficient evidence one way or the other to vindicate the acceptance or rejection of any of the solutions that are proposed.

God grant that in our confusion of thought and action we may feel the urge of Thy divine spirit to follow the trail that was blazed by our blessed Lord.

May we also daily ascend the highlands of prayer to seek Thy guidance and hold our own wishes and desires in abeyance until Thou dost reveal and declare Thy will.

Hear us in His name. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

TRANSMITTAL OF BUDGET OF THE U.S. GOVERNMENT, 1965—APPENDIX—COMMUNICATION FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 266)

The SPEAKER laid before the House the following communication from the

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

President of the United States; which was read and referred to the Committee on Appropriations and ordered to be printed:

THE WHITE HOUSE,
Washington, February 1, 1964.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: I have the honor to transmit herewith the Budget of the U.S. Government, 1965—Appendix.

This appendix contains further information and detail concerning the proposals made in the Budget of the United States, 1965, which was transmitted with my message of January 21, 1964, to the Congress.

Respectfully yours,
LYNDON B. JOHNSON.

DR. BERNARD BRASKAMP, CHAPLAIN OF THE HOUSE OF REPRESENTATIVES

Mr. HOEVEN. Mr. Speaker, I ask unanimous consent to address the House and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. HOEVEN. Mr. Speaker, our beloved and esteemed Chaplain, Dr. Bernard Braskamp, today is commencing his 15th year as Chaplain of the House of Representatives.

Personally, I am very proud of Dr. Braskamp and his accomplishments as he and I grew up together in our hometown of Alton, Iowa. Dr. Braskamp has served us as Chaplain with great honor and distinction, and his daily prayers have inspired all of us.

I am sure that I express the sentiment of all Members of the House of Representatives in congratulating Dr. Braskamp as he commences his 15th year as our Chaplain. May he live long and happy and may his prayers and words of divine wisdom continue to enrich our lives as we labor together here for the welfare of our fellow men.

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

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

Mr. ALBERT. Mr. Speaker, I am very happy that our distinguished friend from Iowa has taken this time to pay a word of tribute to a man who really is a pillar of strength to all the Members of the House and to the House itself. Dr. Braskamp has followed a practice which I think is unique among chaplains, of giving us a verse or two from the Bible every day along with his beautiful and appropriate prayers.

Along with the wisdom and beauty drawn from the words of the ancient prophets and scribes, he has brought us his own message of comfort and inspiration. He has framed the words which sought the counsel of the Almighty in difficult issues, which beseeched his comfort in sorrow, and bespoke the grateful hearts of the Members of the House on occasions of triumph and joy.

Dr. Braskamp is responsible for perhaps the only quiet and contemplative period which we enjoy together as a body when we concentrate for a few moments upon the higher purposes of Christian life which underlie all worldly endeavor.

Dr. Braskamp's great talents for spiritual counsel and leadership arise out of his own great personal integrity and compassionate heart.

I join with my colleagues in commending him for his dedication and loyalty to the House and thanking him for the benediction of his daily spiritual message. I hope we may continue to benefit from his guidance in prayer for many years to come.

Mr. HALLECK. Mr. Speaker, will the gentleman yield?

Mr. HOEVEN. I yield to the gentleman from Indiana.

Mr. HALLECK. Mr. Speaker, I, too, want to join in these words of tribute to Dr. Braskamp. It is true, of course, as the gentleman from Iowa has pointed out, that he has a particular claim to Dr. Braskamp because both of them hail from the city of Alton, Iowa. But I should like to say, Mr. Speaker, that all of us claim Dr. Braskamp. We not only claim him, but when the time comes when we meet here to start a new Congress we all get together and vote for him. That is about the only thing on which there is unanimous agreement. I think that speaks very well for him.

May I say that unless something very important intervenes I am always here for the opening of the session. The gentleman from Iowa has used the word "inspiration." May I confirm that by saying that I always am inspired by the words of Dr. Braskamp. As long as I am here, and I trust that that will be a little while yet, and as long as he is here, and I hope that is a real long time yet, I expect to continue to be on hand to hear him as he opens our session.

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

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

Mr. CELLER. Mr. Speaker, I am very happy that the gentleman has called attention to the many years of service of our dear beloved Chaplain. He is a splendid spiritual leader. We wish him well in every respect. He indeed is a great exemplification of the admonition of the Prophet Micah, who said we should do justly, love mercy, and walk humbly.

Mr. McCORMACK. Mr. Speaker, it is a personal and official pleasure for me to extend my sincere congratulations to Dr. Bernard Braskamp, our beloved and distinguished Chaplain, who has served with us for the past 15 years. I know I speak not only for myself, but for all the Members of the U.S. House of Representatives when I say that Chaplain Braskamp has been a most conscientious and devoted servant of all mankind. The ministry is a very exacting profession, and the dedication given to this most noble calling by Chaplain Braskamp is an inspiration to all of us. His warm and friendly spirit has been a source of comfort to all who have come to know him.

Chaplain Braskamp has devoted his life in the service of God, country, and mankind. He has dedicated his life to try and make this world of ours one in which all men would live at peace with respect for one another. His broad and understanding mind is an example for all others to follow.

I congratulate Chaplain Braskamp on this day and wish for him many more years of continued good health so that the Members of the House may be privileged to have his guidance and comfort, spiritual and otherwise.

Mr. MORSE. Mr. Speaker, I want to join with my colleagues here today in expressing my sincere congratulations and deep appreciation to Dr. Bernard Braskamp as he begins his 15th year of service as Chaplain of the House of Representatives.

I too, have always found inspiration in the daily prayers he offers at the beginning of each day's session of the House. But even more so, I have come to appreciate him for all of his kindnesses, not only to me and to the other Members of this House, but also to the number of staff employees who have come to him for his spiritual inspiration and guidance.

I wish him well. I join in with all others here today in the fervent wish that God will continue to shower upon him in great abundance, blessings of good health so that he may continue to be a strong inspirational and guiding force to the Members of the House of Representatives as well as all Americans, for many years to come.

Mr. LIBONATI. Mr. Speaker, may I add my wholehearted congratulations to Rev. Bernard Braskamp along with those of his many friends in the House of Representatives, upon his completion of 14 years of prayer service at the daily opening of each meeting of the House.

His deep knowledge of theology and liberal understanding of all the religious faiths has won for him the love, respect, and confidence of his fellow man.

His continued unanimous reelection to this high and sacred service to the Nation and the Congress attests to his superior attainments in the religious field.

One has to but weigh carefully to interpret his words of religious wisdom to learn the lessons of life's experience. May God bless him to keep him with us for the spiritual guidance that he proffers to us in the name of Christ.

Mr. O'HARA of Illinois. Mr. Speaker, for 15 years the Reverend Dr. Bernard Braskamp has given a spiritual enrichment to this historic Chamber. I remember him at the commencement of his ministry as our Chaplain, and it is hard to realize that so many years have passed. During all these years to me he has been a tower of strength as he has been to all my colleagues. The words of praise and appreciation voiced by the majority leader and the minority leader truly bespeak the universal sentiment of the House. Dr. Braskamp is deeply embedded in all our hearts, and we look forward to having him with us at least another 15 years.

Mr. DORN. Mr. Speaker, Rev. Bernard Braskamp is truly one of the outstanding men and spiritual leaders of our time. As Reverend Braskamp begins his 15th year as Chaplain of this House, I want to join my colleagues in paying special tribute to this great American for his dedicated service and spiritual guidance, over the years, and particularly during the last session of the Congress during one of the most critical periods in the history of our country. He has been a great source of personal inspiration. He always gives unselfishly of his time—when we call upon him, he is always available. His prayers with which the daily sessions of this House open have helped to maintain this body as truly the outstanding American institution envisioned by the Founding Fathers. Reverend Braskamp has indeed become an institution in this House. Mrs. Dorn joins me in best wishes to Reverend Braskamp and she joins me in wishing for him many more happy years of outstanding service in this great body.

Mr. ARENDS. Mr. Speaker, upon the occasion of the anniversary of Dr. Bernard Braskamp's 15 years of service as our Chaplain, I should like not only to congratulate him but to congratulate ourselves upon having this dedicated servant of God to guide and counsel us.

Over the years he has opened each day's session of the House with a verse from the Bible and a prayer. These few words of his, based on a short passage from the Good Book, are timely chosen to give us renewed strength and renewed courage as we are about to consider some specific problem. Each day he leaves with us an inspirational thought upon which we cannot but reflect from time to time during the day's deliberations.

Dr. Braskamp enjoys our confidence and respect not just because he is a distinguished theologian, nor because of his great wealth of knowledge, but rather because he himself, as a man, in his every word and deed, in the tone of his voice and every gesture, is the embodiment of wisdom and goodness.

We are deeply grateful to Dr. Braskamp for all he has done for us. He has enriched the lives of all of us and has made our burdens lighter. My prayer is that it will be God's will that he serve with us for many, many years.

Mr. McLOSKEY. Mr. Speaker, one of the first gentlemen I met upon coming to Congress was the quiet, unassuming Chaplain of the House of Representatives, Dr. Bernard Braskamp.

Since that day my respect and admiration for him have grown and I find daily inspiration in listening to the prayers he gives at the opening of each day's session.

Dr. Braskamp is a conscientious and devoted man of God, one who is respected by every Member of this body. He is warmhearted, understanding, and patient.

I am sure the words of praise from my distinguished colleague from Iowa, Mr. HOEVEN, the Speaker, and the majority and minority leaders truly bespeak the thoughts of each Member of the House.

I am pleased to join with my colleagues in saying to Dr. Braskamp, congratulations and best wishes. May your service in the House continue for many years to come.

GENERAL LEAVE TO EXTEND REMARKS

Mr. HOEVEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks at this point in the RECORD with regard to Dr. Braskamp.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

AMERICAN INDIANS

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that the Committee on Interior and Insular Affairs be discharged from further consideration of the bill (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, and that the bill be referred to the Committee on Ways and Means.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

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. 22]

Abbitt	Hoffman	Pool
Alger	Johnson, Calif.	Pucinski
Anderson	Johnson, Pa.	Purcell
Avery	Kilgore	Rhodes, Ariz.
Barry	King, N.Y.	Roberts, Tex.
Battin	Laird	Roush
Bonner	Lankford	Ryan, Mich.
Bow	Lipscomb	St. George
Brademas	Long, Md.	Schenck
Broyhill, N.C.	McClory	Scott
Bruce	McDowell	Sheppard
Davis, Tenn.	McIntire	Staebler
Dent	May	Thompson, Tex.
Dulski	Miller, N.Y.	Tupper
Edmondson	Montoya	White
Ford	Moss	Wilson, Bob
Frelinghuysen	O'Brien, Ill.	Wright
Fulton, Tenn.	Osmers	Wyman
Gary	Passman	
Grabowski	Pepper	

The SPEAKER. On this rollcall, 373 Members have answered to their names, a quorum.

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

CIVIL RIGHTS ACT OF 1963

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 yesterday, the gentleman from New York [Mr. CELLER] had 1 hour and 8 minutes remaining; the gentleman from Ohio [Mr. McCULLOCH] had 3 hours remaining; and the gentleman from Louisiana [Mr. WILLIS] had 1 hour and 17 minutes remaining.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio [Mr. McCULLOCH].

Mr. McCULLOCH. Mr. Chairman, I yield 10 minutes to the gentleman from South Dakota [Mr. BERRY].

Mr. BERRY. Mr. Chairman, first I want to thank my colleague, the gentleman from Ohio [Mr. McCULLOCH], for giving me this time to explain this civil rights bill for Indians that will be offered as an amendment to the big civil rights bill, H.R. 7152.

I want to also express my thanks to the members of the Committee on Rules for making germane the provisions of the bill, H.R. 980, the Indian industrial development bill, or the Indian civil rights bill, if you please.

Mr. Chairman, in my years here as a Member of the House I have heard a large number of Members castigate the Communists because of the fact that they have during and since World War II entered into agreements and into treaties—I think the number is 182 treaties; and I believe all but two of those treaties have been broken—but I say to you that through the years our Government has entered into twice that many treaties with the Indian people and every single one of them has been broken. The last one, if you please, was within the last year up here in New York when we broke a treaty with the Seneca tribe, signed by George Washington in which the Federal Government agreed that they would never take any more of the land of the Seneca Indians. But, we took it away.

Now why is this true? It is true, my friends, because there are not very many Indians in this country. It is true because there are not very many Indian votes.

It was no surprise to me yesterday to hear the chairman of the full committee, when he started his explanation of the bill, refer to this proposed amendment as incongruous to this bill as the Devil in the cathedral.

As I say, there are not more than a half million Indians in America. Not more than half of that number live on reservations. There probably is not one single Indian in the gentleman's congressional district, so it is little wonder that he refers to this handful of captive people as a few red devils in a cathedral.

My friends, the bill, H.R. 980, which I shall offer as an amendment to the bill before the House, is germane.

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

Mr. BERRY. I yield.

Mr. CELLER. Of course, even though I might characterize the bill that way, I did not mean to imply and I do not imply that I am opposed to the proposal. My opposition was directed to the manner in which the proposal will come before the House. I believe it should go to the Committee on Interior and Insular Affairs, or to the Committee on Ways and Means. I understand that bill has been re-referred to the Committee on Ways and Means. I hope that the gentleman will address himself to those committees, or to one of those committees. He probably could get action there.

I do not believe it is proper to bring that bill before the House, within the four squares of the pending bill. That is the point of my complaint.

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

Mr. BERRY. I yield to the gentleman.

Mr. COLMER. I was impressed by the argument of the distinguished gentleman from New York. I am always impressed by his consistency.

By the same token, then, should not the FEPC provision of the bill go out? After all, the Committee on Education and Labor had jurisdiction over that proposal, and in fact reported a bill on that subject.

Therefore, by the same token, should not the FEPC provision be taken out? I wonder what the distinguished gentleman from New York would think of that?

Mr. BERRY. Mr. Chairman, I shall explain the provisions of H.R. 980, because I am as convinced, as is the gentleman from Mississippi, that it is germane, that it is a civil rights bill, and that it is on all fours with the pending bill.

Mr. Chairman, the bill under consideration today, H.R. 7152, deals partially with civil rights, but the bulk of the bill deals with economic rights and social rights for the Negro. H.R. 980 deals with economic rights and social rights for the Indian people.

It is a little bit difficult for me to understand the difference. A great deal of time was given over yesterday to talk about why the Negroes should be integrated into our white schools. My friends, while we here were talking about the need for integration of the Negro child, tax money which this Congress has appropriated is being used to build and to operate federally owned, built, and operated segregated Indian schools, schools which no white child is permitted to attend.

If integration is good for the Negro child, why is not integration good for the Indian child, too?

Some effort has been made through the years to induce industry to come onto these Indian reservations, almost all of which are located in very remote areas, but it is absolutely necessary to provide some kind of subsidy, or some kind of tax benefit, in order to get industry to come onto these Indian reservations, because of the fact that they are located in remote areas and industry cannot ship the raw material in, and then ship the finished product out without some tax benefit to offset these high transportation costs.

This civil rights industrial development proposal would provide the incentive to industry to move out into these remote areas. This is the only way we can hope to accomplish this very serious need.

How would the bill operate? It provides that the tribal council can enter into a contract with an industry to move onto the reservation to provide work, jobs, and training for these people. Secondly, it provides that the tribe may construct the buildings or, if necessary, that they can as a further inducement buy some of the equipment to help in getting the industry out on the reservation.

When this contract has been approved by the Secretary of the Interior, then the industry will be granted a 10-year Federal tax exemption, providing the industry each year certifies that more than 50 percent of its employees are Indians. When it files the certificate, it can get a tax exemption. Now, this will not disrupt the land base on these Indian reservations. It will not force the Indians to move from these reservations. It is not a landgrab, as a good many of the programs that have been offered have been. It simply provides civil rights, economic rights, and social rights.

This is not a new program. It follows almost exactly the program of Operation Bootstrap in Puerto Rico, a program which has in 12 years been responsible for the people of Puerto Rico lifting themselves by their own bootstraps from the lowest per capita income of any Latin American country to the highest per capita income of any Latin American country save only oil-rich Venezuela. It will work, it has worked, it has proven its value in Puerto Rico, it will prove its value on the Indian reservations of America, and I ask you to give the Indian people this same privilege.

In the minute that I have left I want to point out that after H.R. 980 has been offered, as an amendment, an amendment will be offered to amend this amendment to strike out all except the actual meat of the bill. The amendment will strike out all of sections 3, 4, 5, and 6 and all of that portion of section 7 of H.R. 980 following the period on line 7 of page 9 down to the end of the paragraph, including the word "purposes," on line 24, and it will strike out sections 10 and 11 of the bill H.R. 980. This is being done because these provisions in this bill are not essential to the operation of this bill and actually do not add to the civil rights provisions for the Indians.

Mr. Chairman, I ask unanimous consent that following my remarks H.R. 980 with the stricken portions left out, that is, with only those portions remaining, may be printed in the RECORD at this point in order that Members may have an opportunity to study H.R. 980 as an amendment to the bill H.R. 7152.

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

There was no objection.

The material referred to is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (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. 2. 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. 7. (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.

(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 any 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. 8. (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. 9. (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".

Mr. McCULLOCH. Mr. Chairman, I yield to the gentleman from California [Mr. DON H. CLAUSEN] such time as he may desire.

Mr. DON H. CLAUSEN. Mr. Chairman, I rise to associate myself with the remarks of the gentleman from South Dakota [Mr. BERRY]. He is making a very thought-provoking statement in the interests of a group of American citizens whose rights have been overlooked, neglected, and exploited longer than any other so-called minority group in this country. If ever a group of people existed who have cause to demonstrate for recognition of their civil rights—it is the American Indian.

The section of this bill pertaining to Indians is deserving of proper attention by every Member of this body. The Operation Bootstrap concept which is the underlying objective of the recommended section is certainly the type of program that must be encouraged throughout America—if we are to revitalize the full growth potentials of this great Nation. The Indian simply asks for recognition of his plight—he asks only for equal opportunity to advance under his own initiative with a minimum of restrictions—and this section, as alluded to by the gentleman from South Dakota [Mr. BERRY], would greatly assist their cause.

Mr. McCULLOCH. Mr. Chairman, I yield 20 minutes to the gentleman from Virginia [Mr. POFF].

Mr. POFF. Mr Chairman, in more than an hour's testimony before the Committee on Rules I was unable to deal definitively with the several titles of this bill and quite obviously I will not be able to do so in the time allotted me on this occasion. Specifically I will not have time to discuss titles IV, V, VII, VIII, or X. I would like to deal briefly with titles I, and VI and somewhat more in detail with titles II, III, and IX.

Title I of course has to do with voting. And may I make it plain by way of preface that I am one who enthusiastically supports the content and the purpose of the 15th amendment. Paraphrasing that amendment as best I can in lay terms it simply says that the right to vote shall not be either denied or abridged on account of race by government at any level. I repeat, to the philosophy which that amendment reflects I subscribe wholeheartedly. I do not, however, subscribe to the theory that anything in the Constitution or any amendment to the Constitution gives to the Federal Government any right to establish qualifications for voters. The Supreme Court repeatedly and consistently has ruled that the power to write voter qualifications lies exclusively with the State legislatures.

Now may I briefly address myself to the subject of the three-judge court? Someone previously in debate has said that this is not a novel provision. It is true, of course, that we have three-judge courts authorized in other statutes. It is not a fact, however, that there is nothing novel about this three-judge court provision; 28 U.S.C. 2284, provides for a three-judge court panel, it is true, but that statute requires that one of the three judges of the panel must be the district judge before whom the action is pending. The three-judge court concept in title I does not so provide. It only provides that a district judge of the district in which the case is pending shall be a member of the three-judge panel.

In that connection I call attention to the fact that it is now the practice for the chief judges to appoint so-called standby district judges; and that the standby district judge need not be a member of the bench in the district to which he is appointed.

I wish I had more time to deal further with title I, but I think that has already been covered in large measure by previous debaters and will be covered in more detail by those who follow.

Accordingly I would like to address myself now to title II, the public accommodations section. To begin consideration of that title I will read briefly the language excerpted from the decision of the Supreme Court in what has come to be known as the Cream of Wheat case, precisely the Great Atlantic & Pacific Co. against the Cream of Wheat Co.:

> 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.

Mr. Chairman, title II is sought to be predicated on two constitutional bases. First, the interstate commerce clause and, second, the 14th amendment. As has been indicated earlier there are five separate general categories of establishments which would be covered. First of all, lodgings, except an owner-occupied establishment with less than six rooms; second, eating establishments, and gasoline stations if interstate customers are served or if a substantial portion of products sold has moved in interstate commerce; third, places of amusement, if the performers or films have moved in interstate commerce; fourth, any retail establishment in which one of the foregoing is located, or any retail establishment located in any of the foregoing; and fifth, any establishment or place if segregation is required by law or order of a State.

In considering the validity of the interstate commerce clause as a constitutional

foundation for the public accommodations section, I think it would be useful to review the history of the interstate commerce clause briefly. No one will deny that the original purpose and intent of those who wrote the commerce clause has been distorted by expansion. However, over the course of the years Congress and the courts in broadening the scope of the interstate commerce clause have wisely confined themselves to three broad categories.

The Congress and the courts first began broadening the clause by regulating common carriers which transport goods across State lines and, secondly, the Congress began broadening the scope of the clause by regulating the goods that moved in commerce across State lines and thirdly, in recent years the courts and the Congress have broadened the clause by regulating the circumstances under which the goods were manufactured or sold.

Title II would advance the broadening process a step further. For the first time the commerce clause would be broadened to regulate service establishments by establishing a requirement to serve. Rhetorically, let me inquire if we assume the Congress has the power to broaden the commerce clause in this new way, should we exercise that power? In answering that question, it is proper to consider the fact that human rights in property are involved.

The second constitutional base on which title II is sought to be predicated is the 14th amendment of the Constitution. The civil rights cases of 1883, I think, laid at rest the interpretation of the application of the equal protection clause of the 14th amendment. Those cases decided that the proscription of the equal protection clause of the 14th amendment applies only to State laws and actions by State officials acting under color of State law. It did not extend, the courts said, to acts of discrimination on the part of an individual citizen against another individual citizen.

The substance of those decisions has been repeatedly reaffirmed by the courts. Recognizing this as a fact, however, those who wrote the bill sought to circumvent the decision by employing artful language in title II. Title II becomes operative if discrimination is "supported" by State action. Then in section 201(d) the bill undertakes to define what the word "supported" means. It says that segregation will be considered State action if segregation is carried on "under color of any law, statute, ordinance, regulation, custom, or usage," or is "required, fostered, or encouraged by action of a State."

I have no difficulty at all with the words "law, statute, ordinance, or regulation." Clearly they connote State action. But if segregation is practiced in a community because it is the custom of that community, does that constitute State action within the proscription of the equal protection clause of the Constitution? If this bill becomes law in its present form, the answer is yes.

What do the words "encouraged by action of a State" mean? It is easy enough to understand the words "required" or "fostered" but what do we mean when we say that segregation is encouraged by a State action? I suggest that those words are entirely too broad and too imprecise, and I believe earnestly that the authors of the bill would serve their own cause by accepting an amendment to that language.

Now turn to title III, which authorizes suits by the Attorney General. I believe I can say and will not be contradicted that although a gesture was made conveying the impression of an effort to narrow the scope of the title and to soften its impact, title III as now written is broader in scope and deeper in thrust than the title III incorporated in the 1957 act which was rejected in the other body.

May I call your special attention to the fact that title III is in two parts. The first part authorizes the Attorney General to institute a suit to desegregate a public facility which is "owned, operated, or managed" by a State or a local subdivision of a State. There again I have no trouble with the language "owned" or "operated." I know that that means, but what does the word "managed" mean? If it means something more than "owned" or "operated" it must mean "regulated," and what facility is not managed by a State in the sense that it is regulated by a State or a locality? Here again I suggest that those who most earnestly seek the passage of this bill would do well to remove that word from the language.

The second part of the bill is the one which I think broadens the scope and increases the impact of title III beyond its original concept. This is the title which authorizes the Attorney General to intervene in suits brought by individual citizens. May I quote section 302 in title III in order that you may be able to follow the point I shall try to make:

> Whenever an action has been commenced in any court of the United States seeking relief from the denial of equal protection of the laws on account of race, color, religion, or national origin, the Attorney General for or in the name of the United States may intervene in such action.

What actions are embraced in that phrase, "such action"? I content myself by saying that the inventory is too long to attempt to compile, but turning to the words of the Attorney General himself, we can identify a few of the suits which may be involved.

In his testimony before the full committee the Attorney General, urging the committee to eliminate title III of the subcommittee bill, called attention to the fact that it might give the Attorney General power to participate in State criminal proceedings or in book or movie censorship; disputes involving church-state relations; economic questions such as allegedly confiscatory ratemaking or the constitutional requirement of just compensation in land acquisition cases; the propriety of incarceration in a mental hospital; searches and seizures; and controversies involving freedom of worship, or speech, or of the press.

Now the Attorney General did not complete that inventory. Indeed, his omissions are conspicuous. Under the law which is now on the books, 42 U.S.C. 1985 and 1986, it is possible for a private citizen to bring a private action for damages against another private citizen if he has deprived him of his equal protection of the laws. The Attorney General would be empowered to intervene in such a suit and would be another free attorney for the plaintiff paid by the taxpayers. Of course, the defendant would have no equivalent right.

There is one other suit, which I think would be of interest to every Member of this body, in which the Attorney General might intervene under this section of title III and I refer to suits under the equal protection clause brought by individual citizens to compel redistricting of State legislative seats or redistricting of congressional districts.

If I am in error on that, I invite any person in the Chamber to challenge me.

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

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

Mr. MEADER. The gentleman has raised precisely the point about which I wish to interrogate. In Baker against Carr, the Supreme Court, based upon the equal protection of the laws clause of the 14th amendment, permitted citizens to commence suits to compel redistricting of legislative districts of the State legislatures and congressional districts. We have suits pending in Michigan with respect to both. I believe if the additional element of color, that is the denial of equal protection of the laws on the grounds of color—and I might say that many of these suits originate in metropolitan areas where there are great concentrations of colored persons—if that additional allegation is made in the complaint, section 302, which the gentleman has referred to, would authorize the Attorney General to intervene in those cases, and at the expense of the taxpayers of the United States engage in redistricting of State legislatures and congressional districts.

Mr. POFF. Mr. Chairman, the gentleman is eminently correct. At this point I would like to pay tribute to him for what I consider to be a brilliant discourse on the subject of government by injunction which will be found in the minority views which the gentleman prepared.

Now, Mr. Chairman, I think it would be well at this point to call attention to the fact that not only would the Attorney General be given the opportunity to intervene in suits which he never has enjoyed before, but the first part of title III adds other powers which when taken cumulatively with the rights granted to the Attorney General in statutes previously adopted by this body would make it possible for the Attorney General, not to intervene in, but to initiate suits in at least five separate categories. Let me enumerate them.

First of all, under the 1957 Civil Rights Act, part IV, section 131(c) the Attorney General today has the right to initiate suits in voting cases.

Secondly, under the public accommodations title of this bill to which I have just referred, the Attorney General would have the right to institute suit.

Third, under the public facilities title of this bill, the Attorney General would have the right to institute suits.

Fourth, under the public education title of this bill, the Attorney General would have the right to institute suits.

Fifth, under the unlawful employment practices title of this bill, it would be possible for the Federal agency which has let the Government contract to institute suits, and under section 711(b), the President could authorize the Attorney General to bring the suit.

Mr. Chairman, in connection with this recital I believe it should be understood that the proposed legislation would also do two other consequential things. First, it would abolish the doctrine of administrative and legal remedies. Second, in reaching a determination about the financial inability of the private citizen to maintain his own lawsuit, the decision of the Attorney General would be absolutely final and there would be no opportunity either for administrative or judicial review.

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

Mr. SHRIVER. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. WILLIS. Mr. Chairman, will the gentleman yield for a question on the very last point he has developed?

Mr. POFF. I yield.

Mr. WILLIS. In connection with the rather plenary power of the Attorney General to file suits, which the gentleman has so very ably developed, may I call his attention to the fact that under title VI of the bill—which has to do with shutting off funds in a way whereby each and every department and agency would be required to take action to shut off funds—no judicial review would be permitted, but the bureaucrats would make the decision and the people involved could not demand a court trial to determine whether they had discriminated. Is the gentleman aware of that?

Mr. POFF. I am entirely aware of that. The gentleman speaks of a trial de novo, of course.

Mr. WILLIS. Yes.

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

Mr. POFF. I yield.

Mr. CELLER. In section 603 there is a provision for judicial review, and redress could be obtained in Federal court. If the gentleman will read page 63 of the bill he will see there is ample provision for appeal to the court in the event there is a feeling there should be review and an accounting.

Mr. POFF. Mr. Chairman, of course the gentleman is correct. May I ask the gentleman if he could give me a few minutes to respond to that question?

Mr. CELLER. I will give the gentleman 2 more minutes for him to reply to a question of mine.

Mr. POFF. I thank the gentleman.

Mr. CELLER. I should like to ask the gentleman, with respect to the question raised by the gentleman from Michigan [Mr. MEADER]——

Mr. POFF. Mr. Chairman, I had asked permission to respond to the point the chairman had made.

Mr. CELLER. I will give the gentleman 2 more minutes.

Mr. POFF. Mr. Chairman, it is true, as the chairman said, that a judicial review would be authorized under title VI, the cut-off-the-funds section. However, I believe it should be understood it would be a judicial review only and not a trial de novo.

Mr. WILLIS. That is the point I expected to make.

Mr. POFF. Second, I believe it should be understood that the judicial review to be granted would be restricted and limited against the citizen. What I mean by that is this: Under APA, in order for the Circuit Court of Appeals to uphold the decision reached by the Federal agency it need only find that the agency had found "substantial evidence" in support of its decision.

What does "substantial evidence" mean? It does not mean a preponderance of the evidence. It means only a reasonable quantum of the evidence to justify the agency's position.

I say that tying judicial review to APA means that the litigant, the citizen, would have no opportunity for a formal hearing, which would mean he would have no opportunity to present evidence, no opportunity to cross-examine the witnessses who are giving evidence against him. His first right would come in the Circuit Court of Appeals on the judicial review authorized under the Administrative Procedures Act.

Mr. CELLER. Will the gentleman yield?

Mr. POFF. I yield.

Mr. CELLER. Is that not the regular practice which is followed with reference to appeals from decisions by most administrative agencies? That is what we do. We provide that there shall be a review of the record which goes to the reviewing authority—to the Federal court. That is all we do in all cases involving administrative proceedings.

Mr. POFF. It is true that the Administrative Procedure Act requires only that. I am saying that that act should not be keyed to a section of new law which would enable an agency to cut off all funds, to terminate a contract or to withhold the granting of a new contract. In such cases I say that the matter should be litigated de novo in a judicial forum.

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

Mr. CELLER. Mr. Chairman, I yield the gentleman 2 minutes to answer the question.

Mr. POFF. I thank the chairman.

Mr. CELLER. With respect to title III, the gentleman will remember that the subcommittee bill contained a broader provision which covered not only constitutional rights but all laws of the United States. That would cover every conceivable law that was ever adopted by the Congress. Finally, the Committee on the Judiciary came up with the more specific language that we have on page 49, section 302:

> Whenever an action has been commenced in any court of the United States seeking relief from the denial of equal protection of the laws on account of race, color, religion, or national origin—

The Attorney General may intervene.

Now, I cannot conceive how in a redistricting case if somebody merely arbitrarily, capriciously, or cavalierly alleges that the action is brought on the grounds of color or race that that will stand up. It could not possibly be sustained. When you have a question of redistricting, generally it is a matter of geography and population. That is all that is generally involved. I think the distinguished gentleman from Michigan is in error when he says it is to the contrary.

Mr. POFF. Mr. Chairman, may I ask if the chairman of the committee, for the purposes of writing legislative history by which the courts and the Justice Department will be guided, will announce that it is not his purpose that such suits should be covered under title III?

Mr. CELLER. I cannot anticipate all conceivable circumstances. However, I will say this: if somebody merely alleges race or color or national origin arbitrarily in the complaint, then I certainly would not sanction or give the imprimatur of my approval to the Attorney General to bring an action for redistricting on that basis.

The CHAIRMAN. The time of the gentleman from Virginia has again expired.

Mr. McCULLOCH. Mr. Chairman, I yield the gentleman from Virginia 1 minute to answer a question.

Mr. DEROUNIAN. Mr. Chairman, the gentleman from Virginia mentioned title III in the 1957 bill and intimates it was taken out in the other body. Is this the same title III which was taken out by President Johnson, then the majority leader of the other body?

Mr. POFF. I am not sure that I can make a responsive reply, but I must say that the title was eliminated from the House bill by the other body at the time President Johnson was majority leader of the other body.

Mr. DEROUNIAN. I think the gentleman will find on the vote taken in the other body the then majority leader of that body voted to take this out and took the lead in urging others to take it out. I thank the gentleman.

Mr. WILLIS. Mr. Chairman, I yield 20 minutes to the distinguished gentleman from Virginia [Mr. TUCK].

Mr. TUCK. Mr. Chairman, I am grateful for this opportunity to discuss this matter before the U.S. House of Representatives. I am doubly grateful because, although I am a member of the Judiciary Committee from which this bill was reported, I was denied the privilege of being heard despite my repeated and vigorous protests.

You may recall that the consideration of and debate on this bill when before the Judiciary Committee was somewhat abbreviated. Other than outraged protests against such procedure, the debate consisted of 1 minute for the gentleman from New York [Mr. CELLER] and 1 minute for the gentleman from Ohio [Mr. McCULLOCH], both for the bill, none against it. The accent on that occasion was on speed and brevity—not consideration and debate. Obviously there was a lame effort to comply with the rules

governing the House of Representatives, but to say that this bill was debated is a sham and a pretense.

These citations are not made in any captious or unfriendly spirit toward the chairman of the Judiciary Committee. I make them because I believe the Members of the Congress and the people of the country are entitled to know what occurred.

Relatively few persons understand the impact on our Federal system or comprehend the effect of these proposals upon the activities and private lives of Americans everywhere. This bill, H.R. 7152, does not secure rights as claimed for it. It extends Federal power over the everyday life of every citizen and destroys the civil rights of all Americans, white and black.

This scheme is repugnant to my concept of constitutional government. It is utterly destitute of moral sensibility and has aroused against it much of the character and intelligence of the Nation. Thousands upon thousands of messages have come to us from across the country and constitute an inspiration against any faltering in this time of extreme peril to the charter of our liberties, which Gladstone pronounced "the most wonderful work ever struck off at a given time by the brain and purpose of man."

My statement in regard to this bill is quite lengthy. The effect of the bill upon our constitutional system and upon the lives of so many people in so many ways is so vast and is of such magnitude that its provisions will justify a statement of almost any length. Irrespective of the latitude I may be allowed in my remarks, it would be impracticable to discuss at one time each and every distasteful and objectionable feature of the bill.

In the course of my remarks, if my statements should appear to be intemperate and inflammatory, I hope that you will bear with me and will understand that it is not my desire to be offensive to anyone or to make any statement that is inappropriate. But in relating the plain, unvarnished truth and exposing the facts as they exist, I know of no way to do so except to employ descriptive words even if those words may seem harsh.

Despite the divergent views of some of us, I hope we can all approach this subject in as much a spirit of amity and good will as this tumultuous situation will allow, and that we can consider the problems with hearts unfilled with emotion and minds unclouded by prejudice or by passion.

In view of the sectional and racial bias of which those of us from our section are so often accused, I feel that I should state that I do not come before you as a racist or a hater of the Negro or any other race. I make these statements not to burnish my own shield, but in order to get the record straight in advance.

I have never used the powers of any office to which I have been elected in an unfair manner toward any man or any set of men, regardless of race or color, and what is more, I never will. As Governor of the State of Virginia for a term of 4 years, I tried to serve the colored citizens of Virginia with courtesy and consideration. I will not take the time to relate the myriad activities of that period to promote the living conditions of the Negro race during those 4 years. After the expiration of my term of service, the commissioner of public health advised me that more State funds were made available upon my recommendation for the treatment and the eradication of tuberculosis among the colored people of our State during those 4 years than all the previous administrations combined from the foundation of the Virginia Health Department down to that time.

I am not a recent convert to fairness and to concord between the races. Forty years ago as a young member of the Legislature of Virginia I voted for Governor Byrd's antilynch law, and there has not been a single death by lynching in Virginia since that time. Much more could be added, but suffice it to say that the virtuous record of the people of Virginia in race relations enables us to stand at this threshold and on that record unruffled, unashamed, and unafraid.

This bill is not designed to improve the lot of the colored man or to confer upon him any rights he does not already have. It confers no right upon anyone except the Attorney General of the United States and the bureaucrats at Washington. It deprives others of existing rights and strikes a fatal blow at the vitals of the fundamental principles upon which this Government is based. It is not the worthy and wholesome and moral piece of legislation that its proponents claim. If this is what it was, few voices if any would be heard in opposition to it. Certainly I would not be here.

The real vice of this bill is that it destroys our Constitution and shatters our Bill of Rights.

TITLE I

Title I is simple. It would take from the States and vest in the Federal Government the right to determine the qualifications of voters, and this is a violation of the Constitution of the United States.

In a sanctimonious and surreptitious approach to the subject, this title makes the pretense of affecting only Federal elections. As every one should know, there is no such thing as a Federal election. There are Federal officials to be elected, but they are historically chosen in elections conducted by the State. Moreover, anyone with only a superficial knowledge of election procedure and machinery knows that when the Federal Government undertakes to control the election of Federal officials they also control the election of State and local officials, and the language used in this title says so, wherein it provides, "any Federal election in whole or in part," and so forth.

I do not believe that it is desirable for the Federal Government to prescribe standards and to control the machinery of our elections. But, if the lot of our people would be improved for the Federal Government to have the power to prescribe voter qualifications, the Constitution of the United States should be changed to attain that end. And it should be changed in the regular manner and as set forth by the Constitution, and not changed by either the Congress or by the Supreme Court.

TITLE II

Title II is supposed to deal with public accommodations. A cursory reading of this section would lead one to believe that the sanctimonious sentences contained in it were formulated by none other than a modern day Apostle Paul.

But irrespective of this pretense of piety, one of the accomplishments of this section would be to deprive the owner of a place of public accommodation his right to operate his own business, to decide with whom he will deal, who will eat at his table, or will sleep in his beds. This section would confer upon the political hirelings and myrmidons of the ever growing and increasing bureaucracy of Washington the power to define such key words as "discrimination," "race," and "religion," and thus to coerce and compel submission of innkeepers and landlords to the dictatorial edicts of the overlords in Washington.

Any such law is clearly unconstitutional according to an unbroken line of decisions by the Supreme Court of the United States. The 14th amendment does not undertake to limit and proscribe the actions of individuals, but is an interdiction only against the State. The 14th amendment, in effect, says that no State shall make or enforce any law which shall abridge the privileges or the immunities of citizens. This is the equal protection clause of the Constitution and it is this very language that has been held uniformly throughout the years by all the courts to apply only to States as it evidently does.

But now come the proponents of this bill in a weirdly twisted and distorted reliance on the 14th amendment claiming that, where someone secures a license or a permit from the State, their business then becomes a State activity, or that if some individual businessman is following the customs and usages of his locality or State, his actions in so doing become State action.

The owner of a business finds himself on the horns of a dilemma. Either he has to abandon his right to freely choose his clientele or he must abandon the operation of his business.

TITLE III

This title has been designated, by name, the desegregation of public facilities, but principally it would confer almost unlimited power upon the Attorney General of the United States.

Among the provisions of this title is language to empower the Attorney General to file suits promiscuously for private litigants, to shop for judges of his choice as well as the forum in which the cases will be tried. This denies the defendants the privilege of evenhanded justice and confers upon his opponent the heavy hand of weighted justice. There are many other provisions in this title unconstitutional and unprecedented that should be carefully and judicially explored.

This title of the bill and portions of other titles would allow any person who alleges that his rights have been invaded

to ask the Government to prosecute his case and the Attorney General could, if he so elects and desires, do just that and require the taxpayers to bear all expense of the litigation except that which would be borne by the harassed defendant. We are being asked to enact into law a bill that would underwrite a litigant's expenses. It constitutes champerty and barratry on the part of the Government in the most evil and ominous form. If an individual lawyer should engage in such conduct, he would be disbarred from practice in the courts of the land and would deserve and no doubt would have the disdain and scorn of both bench and bar.

This title would confer on the Attorney General autocratic power such as may befit a commissar of justice in a totalitarian country, but which is incompatible with our system of jurisprudence and constitutes a stench in the nostrils of all right thinking people.

TITLE IV

Title IV deals with our public school system. The Supreme Court decision of 1954 has engendered more strife and ill-feeling among all our people of all races, North and South alike, than anything that has happened in this country in the last 100 years. I fear that more is to come. The whole proposal since its inception has accomplished nothing except to foment strife and misunderstanding and to breed and excite bitterness, hatred, and discord where cordiality and understanding theretofore existed among persons of different views and different races. In addition, it has actually retarded the education of our children and has caused the Government and its citizens incalculable grief and sorrow, as well as the expenditure of hundreds of millions of dollars.

I predict that this whole subject will be marked by countless future years of irritation and acrimony and continued legislation. Instead of relieving the tension which already exists, these legislative contributions only add to further acerbity and bitterness in a seething caldron of hate.

This section all adds up to one thing and that is Federal control. And in this instance, to Federal control of our educational facilities, our schools, and our children.

In substance, the language of section 602 makes it mandatory that every Federal agency which renders financial assistance to schools must take action. One of the actions would be to cut off whatever financial assistance the Government is rendering to any school which is held to be in violation of this act. The bill says it is illegal to discriminate in respect to race, color, or national origin.

One among the many sleepers in this bill is that it applies to private schools as well as to public schools.

Since nearly all private schools benefit from Federal financial assistance in one degree or another, through the school lunch program or through the funds for construction purposes or otherwise, it is plainly evident that this bill is not confined to public schools.

The persons responsible for the operations of these schools, both public and private, would never know when they were in violation of the rules and regulations to be set by these new Federal commissars and thus would stand in constant doubt as to the status of their operation.

TITLE V

This title deals with the invidious organization called the Civil Rights Commission. It would make this group a permanent agency of the Government and would authorize and encourage it to turn loose on the people of the Nation a swarm of investigators, detectives, hawkshaws, and inspectors with unlimited authority to inaugurate inquiries, to harass the people, to issue subpenas, to bring miscreants before Federal judges and have them enjoined, fined, and imprisoned.

To me, the establishment of such an agency is repugnant to every concept of liberty. It will flare back to haunt those who empower it to intimidate, bullyrag, and torment an already aggravated citizenry.

There are those who advocate these stringent measures with the view and the desire of punishing Alabama, Mississippi, and other Southern States. But as I did once before, let me remind those of you who so complacently support this bill that in a few years you may find yourselves in the plight of Haman of old who constructed a scaffold upon which to hang Mordecai. But it was Haman himself, not Mordecai, who was hung on that scaffold. And Mordecai was there to witness the hanging while he luxuriated in the luscious arms of Haman's paramour. And this situation may be further aptly illustrated by this little limerick:

There was a young lady from Niger
Who smiled as she rode on the tiger,
But at the end of the ride the lady was inside
And the smile was on the face of the tiger.

TITLE VI

This section of the bill is entitled nondiscrimination in federally assisted programs. It is of such proportions and such far-reaching nature as to defy understanding. It is nauseating to me even to think of it.

Sections 601 and 602, among other things, require these several hundred governmental agencies who operate the various Federal programs to take action and to interdict those persons who discriminate under any governmental program or activity on the ground of race, color, and national origin. This section says nothing about religion. I suppose it is all right to discriminate against a person on account of his religion, but not on account of his race, color, or national origin. In Virginia, under the aegis of the leadership of Thomas Jefferson, we established the doctrine of freedom of religion. We still adhere to that doctrine and regard religious freedom as one of the great bulwarks of liberty that can be restrained but by despotic governments.

This puts into the hands of these Washington factotums a hundred-billion-dollar blackjack to browbeat the people of America into submission. The power conferred upon the Central Government under this one section of the bill is all encompassing. If this section is adopted, all other sections would be surplusage. This section touches every segment of society and business. Every activity of every citizen would be affected. Nothing would be exempt. All alike would be under the control and the direction of Washington. The bootblack and the banker would be equally affected. The one would be as powerless as the other to resist.

Under such a condition, no person could operate a business lawfully. No one would know the law. It would be what these various agencies say it is, and the law would vary from agency to agency and from mouth to mouth. In short, we would be living under the direction of a government of men, not of laws, a situation against which there has been much preachment. I am in favor of writing out the laws and making them plain so that all who read may understand.

I fear that I am talking too long. I will skip over the next two or three titles and will conclude with a discussion of title IX. All of these titles are bad. I have touched upon only a few of the most iniquitous features. Reams and volumes could be written in derogation of these proposals.

Others of like mind from the Judiciary Committee will discuss each and all of these titles in more detail and particularly the ones which I have not discussed in full.

TITLE IX

Title IX of this vicious package of legislation involves court procedure and thus has attracted probably less notice than any other part of the bill, but it is perhaps the most outrageous of all the provisions. I make this statement because the courts are the temples of justice which are so important in our system of government. They constitute the watchtowers of freedom in this great country we call America, and to the courts in times of storm, stress, and misunderstanding we can turn for redress of grievance and for relief and succor.

The legal problems involved in this proposal are not complicated. As almost all lawyers know, the Federal Code provides for the removal of certain causes of action from the State courts to the Federal courts. There are four types of cases which may be removed. First, those cases which involve an interpretation of the laws, Constitution, or treaties of the United States. Secondly, those cases where there is a diversity of citizenship between the litigants. Third, 28 United States Code 1442, permits certain Federal officers who are being prosecuted in the State courts to remove their cases. Lastly is the removal statute, 28 U.S.C. 1442, which is the statute in question. This permits the removal of cases wherein the laws of a State deny to one being prosecuted in the State courts his civil rights, and this, of course, is the statute with which we are dealing here today. Historically, this statute had its inception in a measure adopted by the Congress in 1863 and was designed originally to prevent the prosecution in unfriendly State courts of Union soldiers

who were acting under color of authority in the line of duty. In 1866 the Reconstruction Congress dominated by the notorious and despicable Thaddeus Stevens took the statute applying to the prosecution of Federal officers in State courts and reworked it into the so-called civil rights removal statute—see 14 United States Statutes at Large 27:

An act to protect all persons in the United States in their civil rights, and furnish the means of their vindication.

Since the adoption of this subsequent act, the removal statute has remained with certain recodifications over the years to this date.

In removal cases, the State court is completely divested of jurisdiction until such time as the Federal district court has determined whether or not it is going to assume jurisdiction of the removal case or until it has remanded the case back to the State court. Under 28 United States Code 1447(d) it is provided:

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

The Federal courts have for many years interpreted this statute to mean that no order remanding a case from the Federal court back to the State court can be reviewed by appeal, writ of certiorari or mandamus or by any other method of review—see *U.S.* v. *Rice*, 32 U.S. 72. Except for a short period between 1865 and 1887 this has been the law concerning removals.

The obvious purpose of this proposed amendment to the statute permitting appeals from remand orders is simply to impede the processes of justice in the State courts. During the time of such appeal the State court would have no effective means of protecting the community in the exercise of local police power. Under such a condition, the officers of a locality would be unable to provide police protection to the law-abiding citizens, and thus lawless elements would be free to run rampant in the streets in an effort to blackmail the local government into nol-prossing charges against them before the cases could finally be extricated from a maze of laborious appeals in the Federal courts. Whenever the police power of a locality is restrained and whenever the ability of local government to protect its people is impaired, anarchy prevails, and the only recourse left to the people is to take the law into their own hands. It is impracticable, as every sensible person knows, for law enforcement and police protection to be kept at any level except the local level. The U.S. marshals and the U.S. Army cannot be everywhere and they are not a substitute for local police even if we were willing to divest our local authorities of these important powers.

These enactments would doubtless precipitate a resurrection of lawless elements such as the Ku Klux Klan and riotous situations would arise resulting in wholesale bloodshed throughout the country, a prime objective of the Communists and other lawless elements. It is a dangerous and ominous situation in this country when local law enforcement officers are prevented by Federal law from suppressing public mischief and violence and protecting the people of the localities in their lawful rights and pursuits.

This title which I have been discussing is highly discriminatory. To use the terminology of one of the counsel for the Committee on Racial Equality, it would give the so-called civil rights groups a special weapon all of their own. It would effectively prevent for a long period of time any trial, Federal or State, of these miscreants and disturbers of the peace.

If this section were adopted, it would enable a civil rights litigant to silence the voice and to stay the hands of the State courts for a period of 1 or 2 years, or more, even in the face of an adverse holding of a U.S. district judge.

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 pertinent 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, no hearings scheduled and all 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. Thus the processes of State courts are nullified and trampled upon. Witnesses who are sought for cross-examination in the cause may not be served with State subpenas and they may not even 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 only legal relief available to the aggrieved community 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 methods available. 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 statute at law 552. This provided that an order remanding a cause to the State court shall be "immediately carried into execution" and "no appeal or writ of 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 proposed 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 or 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 has no right to proceed in the cause. In a case where the State courts has enjoined the commission of unlawful acts, the State court would be without power of any sort. 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.

It is readily apparent that title IX would create 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 short, the people, the State court, and the State judge would be at the mercy of the criminal defendant.

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.

It is very important that it be understood that an appeal for 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 flammable atmosphere, leaves a hiatus, a vacuum in which law and order will eventually

falter, and sets up an artificial obstruction to the administration of justice.

The dangers involved in this proposal are so widespread and so disruptive and destructive of usual judicial procedure and so dangerous that one can hardly conceive of an intelligent legislator undertaking to approve of any such provision as this. This amendment 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.

This section is a studied insult to every U.S. district judge in the Nation and undertakes to reflect discreditably upon the honored judiciary of every State in the American Union.

The district which I have the honor to represent in the Congress includes within its boundaries the city of Danville. That city is a peaceful and tranquil community located in picturesque and placid southside Virginia just a few miles north of the Virginia-North Carolina line. It is inhabited for the most part by people of the highest type and its confines are as free of lawless elements as any place in America. The citizens of that city, both white and colored, are noted for their gentility, their kindness, and their obedience to law. The two races there have lived in peace and harmony and cordiality and understanding for centuries.

That city received nationwide, if not indeed worldwide, publicity in the year 1963 when a horde of incendiaries from other realms and parts descended upon it for no purpose on earth other than to foment discord and to provoke strife and to violate the laws of the city of Danville and the Commonwealth of Virginia.

This turbulent multitude of rapscallions and scullions succeeded in exciting the criminal element of the Negroes of that city to such an extent that senseless demonstrations and violations of law were recklessly engaged in for weeks.

The situation became so intolerable and so disruptive of the normal and peaceful conditions which existed there that it became necessary for the judge of the corporation court of that city to enter an order restraining and enjoining these rancorous and venomous forces from blocking the streets and creating disturbance and disorder. There were widespread violations of the court's injunction. As a result, a number of those who had violated the injunction were arrested for criminal contempt.

When the cases came up for trial on these charges, the defendants through counsel undertook to remove them to the U.S. District Court for the Western District of Virginia, under the removal statute heretofore referred to.

False and defamatory charges were made against Judge Aiken by counsel for these defendants. An attack was made upon the honor of this great judge. He was charged with being biased, his integrity and impartiality were questioned. The Attorney General himself was widely quoted in the press as having made violent and critical statements concerning Judge Aiken.

The Justice Department intervened in in the U.S. District Court for the Western District of Virginia in behalf of these criminals and thus joined these vagabonds in making false and baseless charges against Danville and its officials.

The charges were so groundless and so at variance with the facts that, despite the intervention of the Department of Justice, with the imprimatur of the Attorney General, the very judge whom the Attorney General had in effect recently appointed to the bench, and whose political philosophy prior to becoming a judge was the same as the Attorney General's, promptly remanded the cases back to the corporation court of the city of Danville as he ought to have done. That U.S. judge was none other than Judge Thomas J. Michie of Charlottesville. He is an upright and honorable man and jurist, which he nobly demonstrated on that occasion. Had the Justice Department known the reputation and worth of Tom Michie as I do, it would not have appealed to him to prostitute the high office of judge and thus to make himself and his court a party to such a travesty on public justice.

The State court has now tried the cases. Order has been restored. The excitement and turbulence has subsided and the people of Danville, both white and colored, are going about their usual business in a normal fashion. But I predict that disorderly attacks will be renewed if this bill is passed.

The parties who are responsible for drawing this legislation must have directed it at Danville and dedicated it to that hitherto beleaguered city. At least, I think this is so.

I am informed by persons in whom I have unbounded confidence that the public mischief and flaunting of the law which occurred at Danville last year could have been quickly and easily suppressed but for the fact that these political janizaries from the Department of Justice, who are paid by the taxpayers to work in Washington, promptly appeared on the scene and consorted and counseled with these reckless lawbreakers.

It is astonishing and shocking to me to learn from informed sources that the very agency of our Government set up to establish justice and to promote law enforcement would conduct itself in any such a fashion and thus demean and denigrate this hitherto highly important arm of Government.

The American Legion Post of the City of Danville headed by the Honorable W. C. Daniel, a past national commander of that patriotic and worthy organization, passed a resolution deploring the intrusion of the U.S. Department of Justice in the affairs of that city and stating that such action was unwise and unbecoming. This resolution at the same time commended the Honorable A. M. Aiken, the judge of the corporation court, the Honorable Julian R. Stinson and the Honorable T. Edward Temple, mayor and city manager, respectively, of Danville. I am glad to attach and to include, as a part of my remarks on this subject, a copy of this resolution.

On July 3, 1963, the Honorable George B. Anderson, president of the Danville Bar Association, dispatched to me a telegram which I likewise include as a part of my remarks. Mr. Anderson in his telegram stated that the Danville Bar Association, at a special session held on that day, reviewed statements contained in a Justice Department brief and filed in the U.S. District Court for the Western District of Virginia, and unanimously declared that these charges made by the Department of Justice and attributed to the U.S. Attorney General were false, without basis in fact and misleading. The bar association went on further to say that these charges were irresponsible and that they tended to degrade the dignity of the Justice Department, and that such charges as were made by the Justice Department constituted an unwarranted and irresponsible interference with administration of justice and an assault on the corporation court of Danville.

I know Judge A. M. Aiken of the corporation court of the city of Danville. I have known Judge Aiken for more than 40 years. He is my friend. I have appeared as an attorney many times in his court. No man could be more highly respected than he is by both the bench and the bar of our State, and by the people as well, all of which he richly merits and deserves. I deprecate and deplore the aspersions upon the character and the record of so able and so upright and so honorable a judge.

I take this opportunity of nominating the city of Danville, Va., as the "city of the year" for 1963. At the same time, I nominate the Honorable A. M. Aiken, judge of the corporation court of the city of Danville, as the "man of the year" for 1963. I do this because of the intelligent, the firm, and yet restrained manner in which the judge, the officials of the city of Danville, and the people handled the racial strife which arose there in 1963.

Judge Aiken comes from an old and distinguished Virginia family. His father before him presided over the corporation court of Danville around the turn of the century and was highly respected and beloved by the people of southside Virginia. The present Judge Aiken who is the object of this calumny is a man of impeccable character. He enjoys in an unusually high degree the confidence and the esteem of all who know him. He has a statewide reputation for fairness, virtue, and impartiality. He is a learned judge of long experience and possesses judicial temperament, a quality of mind and heart so necessary and indispensable in a judge. His conduct on and off the bench has been of such a character as to enhance the already high standing of our Virginia judiciary. And I may add, he was presiding over the deliberation of courts of record long before some of these character assassins ever saw the light of day.

I have good reason to believe that title IX was inspired by none other than a character by the name of William Kunstler, who has been the leading light throughout the various legal gyrations which have gone on in the city of Danville during the year 1963. This Kunstler has been doing all he could to impede the processes of justice in Danville. But impeding justice is not new for him. He has taken a lead in the

movement for the pardon and the release of the notorious conspirator and enemy of America, Morton Sobell, who is currently serving a 30-year prison sentence for conspiracy to commit espionage in 1951 in connection with the Rosenberg case. This same Kunstler was sponsor of the rally to abolish the Committee on Un-American Activities of the House of Representatives held in New York City on April 21, 1961. Carl Braden and Frank Wilkinson were among the contemptible speakers at this rally. Both of them were then about to begin serving sentences in prison for contempt of the Congress of the United States, extending from their refusal to answer whether or not they were or had been members of the Communist Party.

Another speaker at the meeting was Pete Seeger, who had just been sentenced to a year in prison for the same reasons. This same Kunstler, who, posing as a respectable professor of law, plagued the people of the city of Danville, has been shown to be one of the signers of a petition which urged Presidential clemency for Carl Braden. I have evidence also that in March 1962, after having failed in his efforts to secure a pardon for Braden, he attended a reception in New York in honor of this convicted scoundrel.

Kunstler was one of the 25 of the signers of the endorsement of Justice Black's dissent from the 5-to-4 Supreme Court decision of June 5, 1961, requiring the Communist Party to register with the Government of the United States. The signatures were sponsored by the emergency Civil Liberties Committee, and this organization had been cited by the Internal Securities Subcommittee. And I could go on and describe further distasteful activities and offenses of this individual.

From that background one is led to suspect that Kunstler, who along with Carl Braden, Carl Braden's wife, and others of their ilk, was prominent in the strife which occurred in Danville, is less interested in the plight of the Negro race than he is the Communists and their causes, and that he is more interested in creating a stage for civil disobedience which will further the cause of lawlessness in this country.

These pious proponents of civil rights would feign righteousness. They masquerade in the habiliments of that universal world force of benevolence and brotherhood, but their very unctuosity and vigorous protestations arouse our suspicions. The words emanating from these sources would lead us to believe that these advocates of so-called civil rights have an unaffected devotion to the people of all races, of all creeds and color, of all national origins, of all religious beliefs and of all sections of the country.

By the actions of these imposters, I am reminded of the lady in the play who protested too much. It also serves to bring to mind a vision of the memorable episode on the field of Gideon, in the time of David, the King, when Joab met Amassa, whose face he caressed, but whose body he despoiled. You no doubt remember the story. With the customary salutation of affection and friendship, Joab approached and with his right hand stroked the beard of Amassa and asked: "Is it well with thee, my brother?" And Amassa noted not the sword that was in Joab's other hand, and Joab smote Amassa under the fifth rib and laid his bowels on the ground to mingle with the dust of that ancient and faraway battlefield.

The length of our beard may not be such as that of Amassa, but we have eyes keen enough to perceive the situation and to understand the stealth of this approach, even though the true intent may be concealed by the language used.

The demonstrations in New York, the riots in Birmingham, the troops in Alabama, the marches on Washington, the hoots and catcalls in Chicago and Philadelphia may not have dominated the news for 1963, but these expressions of threat and compulsion dominated the politics and the politicians for that year and also extend into 1964. As an acknowledged consequence of these ugly uprisings and menacing acts of violence, the administration abandoned its limited civil rights proposals of January 1963 and in June asked for approval of the most far-reaching legislation in the area of racial relations ever proposed to the Congress.

I earnestly submit that this proposed package should not be considered in an emotional atmosphere of compulsion or fear. Even if others should yield to pressures and threats exerted by any group irrespective of its power, merit, or worth, I hope that the Members of the Congress of the United States representing the American people will never submit to these champions of discord, strife, and evil.

It has been suggested that these proposals should be regarded as a symbol of love in memory of the late President of the United States. Surely history would regard it as a poor memorial to the late President for the Congress to violate the Constitution in his name and in his memory and to convey the memorial message in the trembling hands of trepidation and fear.

Laws enacted and placed on our statute book ought not to be considered as symbols or memorials; they ought to be considered as laws enacted on merit and in the public interest.

May we as citizens and Members of Congress, in these hours of travail, have the wisdom to know the right, and may we also have the determination and the courage to establish justice in this great land of ours.

A RESOLUTION

PREAMBLE

On May 31, 1963, members of the minority race in Danville commenced a series of demonstrations which degenerated into lawlessness. These manifestations of discontent have fluctuated between a handful in number to more than 150. Frequently they have been encouraged and/or supported by outside agitators, many of them with subversive connections, the U.S. Department of Justice and the one-sided metropolitan press. They have resulted in extreme tensions, violence, and the violations of the civil rights of the vast majority of the citizens of the community.

We are sympathetic to the legitimate aspirations of responsible people to improve their lot in life. At the same time, we submit that alinement with criminal and subversive elements, the violation of law and order, the trampling on the civil rights of the majority can do nothing toward bringing to fruition those aspirations, but can only retard progress.

Crises sometimes bring to the fore the best in men. This axiom can be applied in the current situation to those in our city in positions of responsibility and trust.

Resolved, That we highly commend Mayor Julian R. Stinson, City Manager T. Edward Temple and their associates. We consider highly exemplary the conduct of the city and State police, the local FBI agents and the fire department in their efforts to maintain law and order. We call especial attention to the remarkable restraint they have exercised in the face of unwarranted and defenseless provocation.

We support the Danville Bar Association in its praise and defense of Judge A. M. Aiken.

Local industry and business deserves the support of the community for the use of sound judgment and maintenance of stability in the face of provocative harassment, threats, and picketing.

It is our judgment that the local ministers who have today publicly expressed an interest in the subject, could strengthen their position and better serve the interest of "religious principles" by encouraging the members of the minority race to divest themselves of subversive elements dedicated to the destruction of Christianity.

We consider as unwise, unbecoming, and unhelpful the intrusion of the U.S. Department of Justice in the affairs of our city. On the other hand, the intelligent and scholarly efforts of Commonwealth's Attorney Eugene Link, City Attorney James A. H. Ferguson, and Special Counsel John Carter are a credit to orderly judicial procedure, calculated to result in equal application of the law.

We condemn the reporting of the metropolitan press and Columbia Broadcasting System television as a travesty on the industry's code of fairness and an insult to the intelligence of the American people. We call upon the appropriate committee of Congress and the Federal regulatory agencies to conduct factfinding investigation.

We view the reporting of the local press as fair and objective.

Be it further resolved, That copies of this resolution be forwarded to City Manager T. Edward Temple, Congressman WILLIAM M. TUCK, for appropriate distribution and action, and to the press.

[TELEGRAM]

DANVILLE, VA., *July 3, 1963.*

Hon. WILLIAM M. TUCK,
U.S. House of Representatives,
Washington, D.C.

The Danville Bar Association at a special meeting on July 3, 1963, met and reviewed statements contained in a Justice Department brief filed in the U.S. District Court for the Western District of Virginia and in an AP press release under dateline "Washington, D.C., July 2, 1963," attributing to the Attorney General of the United States, Robert F. Kennedy, and to the Justice Department serious and unwarranted charges against the Honorable A. M. Aiken, judge of the corporation court of Danville, Va.

These charges state that the Honorable A. M. Aiken: operates his court in an atmosphere of rancor and suspicion; denies defendants equal civil rights under the law; tries cases in a prejudicial manner and setting; prejudges defendants; is guilty of racial antagonism; and so conducts his court that defendants are intimidated and cannot secure equal protection of the laws or a fair trial.

The Danville Bar Association states that such charges are false, without basis in fact, or misleading. It is the judgment of this association that such irresponsible charges degrade the dignity of the Justice Department as well as the dignity of the State courts of this Commonwealth of Virginia and that such charges constitute an unwarranted and irresponsible interference with the administration of justice in the corporation court of Danville, Va.

The Danville Bar Association expressed its unqualified confidence and support of Judge A. M. Aiken as a distinguished jurist and confirms that at all times Judge A. M. Aiken has conducted his court and administered justice in Danville in a fair, impartial, and judicious manner, without regard to race, religion, color, or creed.

The following resolution was thereupon unanimously adopted:

"Whereas the Danville Bar Association has taken due note of a widely published press release dated July 2, 1963, over AP wire from Washington, D.C., which contains statements attributed to the Attorney General of the United States and others contained in a brief filed by the Department of Justice in the U.S. District Court for the Western District of Virginia, which statements constitute an unwarranted, irresponsible, and unjust attack on the Honorable A. M. Aiken and on his conduct of the corporation court of the city of Danville, Va.; and

"Whereas such statements are false, without basis in fact, or misleading to such an extent that a wholly false impression has been conveyed to the public of the administration of justice in Danville: Now, therefore, be it

"*Resolved*, That this association does here record its strong resentment and unqualified disapproval of the aforementioned statements, and does hereby censure any representatives of the Department of Justice, including the Attorney General of the United States, who may be responsible for formulating, issuing, or giving circulation to such statements, to the discredit of the legal profession of which they are a part; and be it further

"*Resolved*, That this association does hereby affirm its support and admiration of the Honorable A. M. Aiken and of the extremely able and judicious manner in which he conducts his court, thus assuring a fair and impartial trial to every defendant, regardless of race, color, or creed."

GEORGE B. ANDERSON,
President, Danville Bar Association.

Mr. CELLER. Mr. Chairman, I yield 10 minutes to the gentleman from California [Mr. CORMAN].

Mr. CORMAN. Mr. Chairman, yesterday one of my so-called southern colleagues urged that we so-called northerners, westerners, and easterners consider this bill on its merits. The gentleman's point was well and properly made—that geography tends to influence one's attitude when the topic of civil rights is discussed. I speak on this topic as no mere novice because for the past 18 years it has been my good fortune to share the joys of marital bliss with a Georgia peach, who has among her many attractive assets, a mother who, under California statute, becomes my mother-in-law. Concurrently, with my role as a husband, I have a role as Congressman, and, in this capacity, I have the rare privilege of serving under the able chairmanship of Congressman CELLER from New York and the equally able subcommittee chairmanship of Congressman FORRESTER from Georgia. Those of you who attended the delightful portion of yesterday's session between 6 and 6:30 are well aware of the fact that there is a striking difference of opinion on the issue of civil rights between my chairman and my subcommittee chairman.

Coincidentally, there is this same striking difference of opinion on the matter between my wife, who agrees completely and unequivocably with my chairman, and my mother-in-law, who agrees equally vigorously with my subcommittee chairman. I trust my colleagues will not criticize me for deciding to throw my lot with my wife and my chairman. In addition to that decision being consonant with my convictions, it makes my life more serene. I burden you with these facts not to illicit your sympathy, though I do not question its propriety, but rather to call your attention to the fact that there are a great number of white southerners who are in the forefront of this Nation's battle to attain racial equality in our time. In truth, in many instances, it is the white southerner who has the most knowledge of the complexities of the problem, of the difficulty in finding solutions and of the urgency to find them now. He has seen the cruelty of the color line; he has seen the waste of second-class citizenship. I particularly call your attention to the statements of Ivan Allen, Jr., mayor of Atlanta, Ga.; Mrs. Margaret B. Dolan, president, American Nurses Association, and professor at the school of public health, University of North Carolina; and Rev. Heslip M. Lee of the Virginia Advisory Committee. The eight members of the Mississippi Advisory Committee to the U.S. Commission on Civil Rights, headed by Mrs. Wallis I. Schutt of Jackson, Miss. I shall ask to include their statements in the RECORD today. I also want to point out the distinguished southerners who have served on the Civil Rights Commission: Robert G. Storey, former vice chairman, head of the Southwestern Law School and past president of the American Bar Association; John S. Battle, former Governor of Virginia; and Doyle E. Carlton, former Governor of Florida. Robert S. Ranklin, chairman of the department of political science at Duke University, is presently serving on the Commission. In turning our attention to H.R. 7152, it seems to me that the bill has been best summed up by the ranking minority member of our committee, Mr. MCCULLOUGH, whose imprint is so deep on this bill. As he told us yesterday, the bill is comprehensive in scope, yet moderate in application. The opponents of this measure are accurate when they label it the most far reaching civil rights bill to ever come before this House, but they are completely inaccurate when they allude to the horrors of enforcement. Our committee made a laborious and successful effort to bring to this House, a law which would be temperate in its application and conciliatory in its effect. To guard completely the rights of all citizens, final determination in every instance was left to the judiciary, in keeping with fundamental American principles. Although H.R. 7152 is technical in its terms, its objective is very simple. It attempts to remove all color barriers, to give to all Americans equal access to the ballot box, to public facilities paid for with public funds and to the marketplace. Titles I, VIII, and IX deal with the ballot box; titles III, IV, and VI with public facilities; and titles II and VII with the marketplace. Title V provides for this Congress and the President a monitor to see how well we are doing.

I would like to address myself specifically to that portion of the bill which attempts to give access to the marketplace. Because of the fact that this is a new area of legislative concern for the Congress, it has come in for the most critical and searching analysis. As you heard yesterday, its constitutionality has been reviewed by my very able colleague from Louisiana, whose analysis I suggest is more eloquent than accurate, and by my colleagues the gentleman from New York [Mr. LINDSAY] and the gentleman from Minnesota [Mr. MACGREGOR]. I concur completely with the views of these two latter gentlemen and am confident that the U.S. Supreme Court will do the same. Passing from the question of can we legislate in this field, to the question of should we, presents another problem. No one questions that every American citizen is guaranteed equal protection of the laws, under our Constitution, when he is dealing with his Government. But should this protection follow the American citizen into the marketplace where he earns his living and acquires the necessities and luxuries of life? My answer, and I hope the answer of this House, is a clear and unequivocable yes. Under our free enterprise system, most of our efforts, most of our accomplishments, and most of the things which determine our opportunities for a full life, are well outside direct governmental action and control. I do not want to understate the importance of education which is primarily a public activity. It constitutes our initial experience outside the home and is one of the most significant factors leading to our individual development. Beyond our schooling, it is our ability to convert our talents and efforts to money, and this money into food and clothing, a home, the necessities and luxuries for ourselves and for our families, that concerns us. This is what makes a free enterprise economy unique. We accomplish all these things outside the realm of governmental activity. Equal opportunity short of this arena would, in truth, be a sham. A hundred years ago, we took the Negro out of the marketplace as a commodity. It is time we put him back in the marketplace as a customer.

Someday, hopefully soon, our efforts to legislative civil rights will amuse those who sit in this great House, after we are gone and individually forgotten. They will be amused because to them, denying a person the right to vote or to work or to shop because of his skin pigment will seem as absurd as hanging a rooster for crowing during church services.

The Federal Government has legislated in the area of civil rights in 1863, 1865, 1866, 1868, 1870, 1871, and 1875; in 1957 and 1960; and now grapples with the civil rights bill of 1964. I have heard

many Members ask whether this is to be the last civil rights bill or if we are going to be asked in a year or two or three to make new law. Others have contended that this bill goes much further than any law has ever gone before. As to the matter of new laws to meet future needs, I suggest that we will undoubtedly be faced with that prospect. In 1492 B.C., according to verses 1–17, chapter 20 of Exodus, God handed down the Ten Commandments to Moses. But some 1,500 years later, speaking through his Son, according to verse 34, chapter 13 of the Gospel of St. John, God amended those commandments by stating, "A new commandment I give to you, that you love one another even as I have loved you, that you also love one another." Now H.R. 7152 does not go as far as that commandment, but it does move us in that direction.

Mr. CELLER. Mr. Chairman, I yield such time as he may desire to the gentleman from California [Mr. COHELAN].

Mr. COHELAN. Mr. Chairman, this bill of civil rights will not, as some have argued, advantage one American over another. It will, however, go a long way toward fulfilling the pledges upon which this Nation was founded—pledges that all men are created equal; that they are endowed equally with unalienable rights; that they are entitled to equal opportunity in the pursuit of their daily lives.

It is well established that all individuals are not equal in ability, in motivation, or in talent. But it ought to be possible in a land where liberty, freedom, and justice are cherished rights, for all Americans to have equal opportunities to develop their resources to the fullest, free from restraint because of the color of their skin.

Our Negro fellow citizens—10 percent of our population—are required to meet the same obligations and responsibilities of citizenship as their white neighbors. They must obey the same laws. They must pay the same taxes. They must fight the same wars. But they are denied many of the same rights and many of the same privileges.

The Negro in America today has half as much chance of completing high school and a third as much chance of finishing college. He has a third as much chance of being a professional man and half as much chance of owning his own house. He has twice as much chance of being unemployed and the prospects of earning only half as much. He is denied the opportunity of being served in public accommodations, of attending the school of his choice, and of exercising the right to vote—a right which forms the cornerstone of our democracy.

Mr. Chairman, the dread disease of discrimination has plagued us far too long. It has weakened our economy. It has damaged the domestic tranquillity. It has made a black mark on our national conscience. And it is not sectional alone, as a look around our country so clearly reveals.

The enactment of this bill, which I am proud to have joined in sponsoring, will not by itself solve our remaining problems. It will need to be supplemented with enlightened action in every State; by every community group and individual citizen.

But this bill will go far toward providing reasonable men with reasonable tools for the job at hand. It will allow us to participate more effectively in the compelling fight for racial justice and human equality. It will allow us to do what is right.

Mr. Chairman, we have talked about this bill for long enough. Now the time and need is action—to pass this bill; to safeguard the basic rights of all Americans and the vitality of a fundamental American ideal.

Mr. CELLER. Mr. Chairman, I yield such time as he may require to the gentleman from New York [Mr. ROSENTHAL].

Mr. ROSENTHAL. Mr. Chairman, I rise in support of H.R. 7152. I wish to congratulate the chairman of the Committee on the Judiciary for the tremendous and valiant effort he has made in leading this Congress to meet its responsibilities to the Nation. The distinguished chairman, together with the ranking minority member, have made a noted contribution to American history, and for this our Nation shall long remain indebted.

I am particularly pleased that H.R. 7152 contains many of the provisions of legislation that I have sponsored in the past. Although H.R. 7152 does not go quite as far as some of its proponents had hoped, it is nevertheless a massive milestone in legislative enactment.

All of us are, or should be, aware that every American citizen is entitled to equality of treatment, whether it be political, economic, educational, cultural, or social. It is the responsibility of each individual to remain alert to this need until every American citizen has received his full rights and his fair share of the American heritage. Surely, government must be in the forefront as the protector of these rights, and even more certainly government, whether it be Federal, State, or local, must not be the instrument through which the exercise of these rights is prevented.

I am deeply grateful to the constituents of my district who have permitted me the high honor of serving in this House of Representatives at this time. The action we shall take in the passage of this legislation will bring great credit to this Congress, and will reflect a most notable achievement in the history of this Nation.

Mr. CELLER. Mr. Chairman, I yield such time as he may require to the gentleman from New York [Mr. FARBSTEIN].

Mr. FARBSTEIN. Mr. Chairman, I rise in strong support of H.R. 7152—the most far-reaching civil rights legislation to be considered by a Congress of the United States.

I wish that this legislation were unnecessary. But equal justice for all Americans has not been attained. The promise of the Declaration of Independence which declares that all men are created equal has not been fulfilled. The clear mandate of the 14th amendment which secures to all Americans equal protection of the laws has not been implemented.

Therefore, as long as we continue to deny to our fellow Americans the full blessings and responsibilities of citizenship—as long as we condone massive inequality of opportunity in housing, in education, in employment, and sanction wholesale denials of the right to vote and of access to public facilities—the enactment of this legislation is essential and is long overdue.

I am pleased that this bill comes to the floor with powerful bipartisan support. I commend the members of the Judiciary Committee for their patience and fortitude in fashioning this significant landmark measure.

Mr. Chairman, this bill was in large degree the creation of our late beloved President John F. Kennedy, who, in his June 19, 1963, message to Congress, called for "the most responsible, reasonable, and urgently needed solutions to this problem." President Johnson has thrown his unswerving support to the enactment of this bill.

In 1957 and 1960 Congress enacted legislation whose primary thrust was to safeguard and enforce voting. But endless delay in litigation and a lack of administrative resources to achieve proper enforcement have prevented these statutes from fulfilling the bright promise held by their ardent supporters. After years of bitter experience it is clear that voter discrimination enjoys widespread existence in many parts of the country.

Another serious aspect of the problem comes not only from discriminatory laws but from the unequal application and enforcement of apparently nondiscriminatory statutes. State and county officials have reached higher levels of ingenuity in devising techniques to stymie Negro registration. Negroes are often given impossible sections of the Constitution to analyze in the most recondite fashion while whites are assigned easy sections merely to read. Spelling errors or miscalculations of age or length of residence are conveniently overlooked for white applicants, while Negro applications are subjected to the most intense scrutiny and are rejected for the most trivial of reasons. It is truly astounding that in over 250 counties in the United States less than 15 percent of voting-age Negroes are registered to vote. In some counties where no Negroes are registered to vote at all the white population is exceeded by the number of white persons registered to vote.

Title I seeks to correct these abuses by providing that, in Federal elections State registration officials must: First, apply equal standards, practices and procedures to all individuals who seek to register to vote; second, disregard minor errors or omissions if they are not material in determining whether an individual is qualified to vote; third, administer literacy tests in writing.

Title I would also put an end to the discriminatory use of literacy tests in Federal elections and expedite the hearing of voting cases through the establishment of three-judge courts. These provisions are necessary and they are constitutional.

Perhaps the most degrading form of racial inequality is the denial of access to places of public accommodation. The uncertainty of knowing where one can stop for the night or where one can obtain a decent meal is a humiliation and hardship and a devastating blow to the dignity of an individual.

Congress has the moral and legal justification to eliminate segregation in places of public accommodation. Utilizing both the commerce clause and the 14th amendment as constitutional foundations title II of H.R. 7152 aims to prohibit anyone from interfering with another's right because of race, religion or national origin to be permitted access to places of lodging, eating establishments, places of entertainment and amusement, gasoline stations and other places within or encompassing the above establishments.

As our martyred President so eloquently stated:

> No one has been barred on account of his race from fighting or dying for America—there are no "white" or "colored" signs on the foxholes or graveyards of battle. Surely * * * it should not be necessary for any American citizen to demonstrate in the streets for the opportunity to stop at a hotel, or to eat at a lunch counter in the very department store in which he is shopping, or to enter a motion picture house, on the same terms as any other customer.

With that I strongly concur.

Mr. Chairman, title III of this bill would speed the desegregation of public facilities and give the Attorney General authority to intervene on behalf of the United States in cases involving equal protection of the laws—such as the celebrated case in Americus, Ga.

A decade after the epochal school desegregation decision of 1954 the Congress seeks in title IV to implement that decision with legislation empowering the Federal Government to provide technical and financial assistance to aid in solving problems of desegregation. To hasten the halting pace of school desegregation the Attorney General is authorized, upon receipt of a signed complaint, to institute appropriate legal action.

This legislation gives permanency to the Commission on Civil Rights which has labored tirelessly and with unceasing effort to alert the national consciousness to denials of constitutional rights. During its life the Commission has made a major contribution to our knowledge and understanding of the civil rights problem. It must be permitted to continue to do so.

Title VI enunciates what always should have been the policy of the United States—that no person should be denied equal benefits under any Federal financial assistance program because of his race, color, religion, or national origin. The fair enforcement of this title is in the highest national interest.

Title VII boldly attacks the chronic problem of discrimination in employment by creating an Equal Employment Opportunity Commission with authority to investigate complaints of discrimination in business establishments, labor unions, and employment agencies. Enforcement is secured through a trial de novo in district court proceedings.

This legislation is no sure-fire remedy for the blight of racial discrimination. It does represent, however, a major commitment by our National Legislature to meeting this problem head on. But the task requires the unstinting efforts of all Americans—at all levels of responsibility. A greater effort by all our citizenry is necessary.

The words of our late President should not go unheard:

> I ask you to look into your hearts—not in search of charity, for the Negro neither wants nor needs condescension—but for the one plain, proud, and priceless quality that unites us all as Americans; a sense of justice.

May I paraphrase the statement of the chairman of the Judiciary Committee, the gentleman from New York [Mr. CELLER] when I say, we are participating in a historic event in peacetime, one that will stand out in history. It will bring happinesss and comfort to 20 million of our people and give the rest of us the satisfaction of knowing we have done our duty by our fellow man. This legislation seeks only to honor the constitutional guarantees of equality under the law for all. It bestows no preference on any one group. It is intended that the living force of our Constitution shall apply to all people, not only those who, by accident of birth, were born with white skins. In short, I ask you to vote for this bill to recognize the equality of man under God.

Mr. McCULLOCH. Mr. Chairman, I yield such time as she may require to the gentlewoman from New Jersey [Mrs. DWYER].

Mrs. DWYER. Mr. Chairman, I strongly support the pending legislation, H.R. 7152, the Civil Rights Act of 1964, and I shall be brief in saying why. I support the bill as it was reported by the House Judiciary Committee and, therefore, I shall not take the time of the House to repeat a detailed analysis of the bill, information which is available and known to every Member of this body.

My own identification with the cause of civil rights is lengthy and extensive. Prior to my election to the New Jersey State Assembly, I served as a member of a citizen's committee appointed by the speaker of the assembly to arouse statewide support for our Republican-sponsored civil rights bill, which became one of the first comprehensive State-enacted statutes to deal broadly with this fundamental problem. As a freshman Congressman in 1957, I was privileged to cosponsor the Eisenhower administration's historic civil rights bill. This year, I was proud to join with several dozen of my Republican colleagues here in introducing two civil rights bills which became prototypes in several respects of the legislation we are considering today. And in between, I have supported on every occasion, in my committees and on the floor of the House, the effort to prohibit the use of taxpayer-provided funds for Federal programs which would discriminate against one group of those taxpayers.

I refer to my record in civil rights, Mr. Chairman, to indicate that my concern about civil rights has been consistent and long lasting and that it reflects my deepest convictions. By the same token, my reference to Republican activity in this field is meant to illustrate the bipartisan character of the fight to safeguard the rights of all Americans. We have, together, the rare opportunity with this bill to redeem the countless promises of the past, to implement the endless expressions of concern, and to reach the highest goal of our calling—by doing justice to our fellow citizens.

Justice is the only objective of this bill. There is nothing in it that is punitive or vindictive, negative or restrictive. The only right the bill would destroy is the right to violate the Constitution by denying the equal protection of the laws or by burdening commerce with discriminatory practices. The only liberty that would be lost is the liberty to deprive others of their liberties.

Mr. Chairman, this bill deserves the descriptions "moderate" and "compromise" which have so frequently been applied to it. It is restrained and reasonable. It provides adequate time for necessary adjustments to be made. It protects the procedural rights of all concerned, including those who might consider themselves to be adversely affected. Where appropriate, it permits or requires judicial review, appeal, rebuttal, the use of voluntary means of reaching agreement in a dispute, the right of trial by jury, and every other reasonable form of preventing possible abuse of the powers contained in the bill.

Mr. McCULLOCH. Mr. Chairman, I yield such time as he may require to the gentleman from New Jersey [Mr. WALLHAUSER].

Mr. WALLHAUSER. Mr. Chairman, I rise in support of H.R. 7152. It is my firm opinion that enactment of this legislation is long overdue and I sincerely hope that it will be enacted into law.

Thus, Mr. Chairman, this can be, and will be, a momentous period in the history of the United States of America. The 88th Congress will have made a great contribution to the future well-being of our people. The bipartisan approach, with Republicans contributing greatly to the impetus that focused the spotlight on the need, as well as to the final form of the bill, is especially important for future historians to note.

We, the Members of Congress, will strive to correct—and will correct—weaknesses in the structure of our laws that have made it, at the very least, extremely difficult for certain of our people to enjoy the rights that belong to them under the law of God, our Constitution, and our manmade laws.

We would be most naive to believe that obstructions have not been placed in the way of many of our citizens as they attempt to carry out the privilege of voting, the right for equal consideration in employment, the right for an equal opportunity of education, and the right to enjoy all the benefits that are here in our great United States of America.

The legislation that is before us will go a long way to assure all people that

they can have and will have rights equal to those of any other individual. If enforced morally and legally, this legislation, when enacted into law, will end the more than 100-year period of second-class, third-class, fourth-class citizenship that has been present in this Nation.

This legislation covers a wide and necessary range and it is my sincere hope that not one section will be deleted or diluted. Each section will mean progress for the United States of America.

A reading of all sections of H.R. 7152 clearly shows the weaknesses in our present laws. This bill, as we all know, covers voting privileges, the use of public accommodations, the desegregation of public facilities, education, the ending of discrimination in federally assisted programs, equal employment opportunity, and making the Civil Rights Commission a permanent wing of Government.

And, importantly, the bill sets forth means through which actions may be taken to enforce the carrying out its provisions. It should be our hope that such enforcement will not be necessary, but the tools—as they must be—are provided in the event they are needed.

In discussions of the civil rights legislation that has been before the Congress and its committees for many, many months, I have heard dire forecasts as to what may happen if we enact H.R. 7152 into law. I have not been impressed one iota by these forecasts, for in my own State of New Jersey we have had similar statutes on our books for many years. It has not hurt New Jersey or any individual living in the State. In fact, the existence of such laws and the observance of them has made New Jersey a greater State, a better State to live in, a better State to work in. I do not contend relations among the peoples of New Jersey are perfect, but we are progressing with the help of the laws that we have enacted.

Mr. Chairman, it is my hope that there will not be undue delay in adopting H.R. 7152 so that the obstructions denying equal rights to all will be clearly removed.

Mr. McCULLOCH. Mr. Chairman, I yield 15 minutes to the gentleman from Florida [Mr. CRAMER].

Mr. CRAMER. Mr. Chairman, it will not be my purpose to duplicate arguments made by others with regard to this legislation where that can be avoided. However, there are a number of points that I do not believe have been considered in the debate and I intend to consider as many of those as time will permit.

First. I would like to state this factual information. No. 1, there is no serious racial problem presently, nor has there been in recent years, in my district. We have a community relations commission in my hometown. All elected officials are participating in it. I read in the paper this morning that there are 179 such community relations commissions, locally sponsored organizations, trying to help race relations on a local, negotiated basis. And that is the way it should be done and can be done and would be and is proving most effective.

Second. I have no deep-seated ill will for any race, color or creed or any practitioner of any religion. As a matter of fact, I went to Harvard Law School with some Negroes and they were some of the best qualified students in the whole school. So I speak as objectively as it is possible for a person to speak who served on the subcommittee for some 8 months hearing the testimony, and who also attempted during that period of deliberation to try to carve out what I believed to be as sound a bill as possible. I thought we were making some headway. That was before the tax bill was passed; I thought we were making some headway. Objectively we were, and a lot of good amendments were adopted. After that the roof fell in.

What about the bill we have before us? Is this in fact a compromise bill? It has been highly advertised as such. I would like to give brief consideration to that question at this point. What does this so-called compromise bill contain which I believe when considered can lead only to the inescapable conclusion that it is not much of a compromise? It is substantially stronger than the original administration bill in a majority of the more important aspects.

Let me cite a few examples of what I am talking about. The reason I cite these examples is that in our deliberations, I am sure you remember when the Kennedy bill first came to Congress back in June of this year, there were horrendous cries, "Going too far," "Much too strong," "The broadest bill ever proposed by the executive branch of the Government," some charged. Now we have before us on the floor of the House a bill that goes even much further.

Therefore, I want to discuss this point because I think it indicates obviously that numerous amendments are needed. If that is not accomplished, and a good bill written on the floor of the House, the only alternative to the House is to recommit the bill to the Committee on the Judiciary. The job of proper amendment has not been done in the past. The Members know what the history of the legislation is.

Let us take some examples: No. 1, compulsory FEPC, which is contained in title VII, remains with the slight modification of a right to a court trial de novo when the Commissioners bring such action. It says it shall bring such action when discrimination is found to exist. So it is in effect mandatory.

This was not in the proposal offered by the administration which it brought to the Congress in June.

Second. The 14th amendment approach to public accommodations is not limited to the proper definition of "establishments" under the interstate commerce approach. Under the interstate commerce approach is an effort to try to define what is meant by an establishment, but not under the 14th amendment approach. It covers "customers or usage," or where "discrimination is fostered or encouraged" by State action, which appears on page 44 of the bill.

Third. The bill is stronger than the Kennedy administration bill in section 202. That section is as broad as a section can be. It utilizes or preempts not only State statutes in conflict with Federal statutes but also all "ordinances, regulations, rules, or orders" of any State or political subdivision thereof if it purports to require discrimination or segregation.

This was not in either the subcommittee or the original bill, and I refer to section 202.

Where did it come from? So far as I am concerned it came out of the night as a part of this package, this 56-page bill. That is exactly what it was. It was handed me at 10:30 at night on Monday. We were expected to act on the bill at 10:30 Tuesday morning. It came out of the night. The proponents said this was called a compromise bill. We acted upon that bill within an hour and a half in the full committee.

Title III was retained from the subcommittee bill with the power of the Attorney General to bring suits on behalf of the aggrieved. This was not in the bill proposed by the administration on June 30, a new and more broad version of the old title III of the 1957 civil rights bill, which was defeated by the Congress and, as has been previously pointed out, defeated under the leadership of our present President of the United States when he was leader in the other body.

Section 302 was included in this bill under the public facilities section. It is in the public facilities section. This gives the Attorney General the power to intervene in any case dealing with "equal protection of the laws." You could not ask for broader coverage. This was not in the original administration bill, and has a broader application than the 1957 title III. I say that advisedly, and for the RECORD I shall ask unanimous consent at the proper time to include the provisions which were applicable in 1957, limited to conspiracies. That was defeated by the Congress. Limited first to conspiracies; second, limited in that it dealt with an official carrying out of official functions; and, third, it dealt with existing law in both instances. It dealt with hindering a constituted authority in very limited areas as applied to the Attorney General. But this is a broad, equal protection of the law, much broader than the proposition of 1957 which the Congress defeated. The Congress said at that time it was going too far.

I include the amendment in 1957 from the committee report at that time at this point:

CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the House of Representatives, there is printed below in roman existing law in which no change is proposed by enactment of the bill as here reported; matter proposed to be stricken by the bill as here reported is enclosed in black brackets; new language proposed by the bill as here reported is printed in italics:

"SECTION 1980 OF THE REVISED STATUTES OF THE UNITED STATES

"SEC. 1980. First. If two or more persons in any State or Territory conspire to prevent, by force, intimidation, or threat, any person from accepting or holding any office, trust, or place of confidence under the United States or from discharging any duties thereof; or to induce by like means any officer of the United States to leave any State, district, or

place, where his duties as an officer are required to be performed, or to injure him in his person or property on account of his lawful discharge of the duties of his office, or while engaged in the lawful discharge thereof, or to injure his property so as to molest, interrupt, hinder, or impede him in the discharge of his official duties;

"Second. If two or more persons in any State or Territory conspire to deter, by force, intimidation, or threat, any party or witness in any court of the United States from attending such court, or from testifying to any matter pending therein, freely, fully, and truthfully, or to injure such party or witness in his person or property on account of his having so attended or testified, or to influence the verdict, presentment, or indictment of any grand or petit juror in any such court, or to injure such juror in his person or property on account of any verdict, presentment, or indictment lawfully assented to by him, or of his being or having been such juror; or if two or more persons conspire for the purpose of impeding, hindering, obstructing, or defeating, in any manner, the due course of justice in any State or Territory, with intent to deny to any citizen the equal protection of the laws, or to injure him or his property for lawfully enforcing, or attempting to enforce, the right of any person, or class of persons, to the equal protection of the laws:

"Third. If two or more persons in any State or Territory conspire or go in disguise on the highway or on the premises of another for the purpose of depriving either directly or indirectly any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the law; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws; or if two or more persons conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice President, or as a Member of Congress of the United States; or to injure any citizen in person or property on account of such support or advocacy; in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages, occasioned by such injury or deprivation, against any one or more of the conspirators.

"Fourth. Whenever any persons have engaged or there are reasonable grounds to believe that any persons are about to engage in any acts or practices which would give rise to a cause of action pursuant to paragraphs First, Second, or Third, the Attorney General may institute for the United States, or in the name of the United States, a civil action or other proper proceeding for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order. In any proceeding hereunder the United States shall be liable for costs the same as a private person.

"Fifth. The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this section and shall exercise the same without regard to whether the party aggrieved shall have exhausted any administrative or other remedies that may be provided by law."

TITLE 28, UNITED STATES CODE, SECTION 1343

"§ 1343. Civil Rights [,] *and elective franchise.*

"The district courts shall have original jurisdiction of any civil action authorized by law to be commenced by any person:

"(1) To recover damages for injury to his person or property, or because of the deprivation of any right or privilege of a citizen of the United States, by any act done in furtherance of any conspiracy mentioned in section 47 of title 8;

"(2) To recover damages from any person who fails to prevent or to aid in preventing any wrongs mentioned in section 47 of title 8 which he had knowledge were about to occur and power to prevent;

"(3) To redress the deprivation, under color of any State law, statute, ordinance, regulation, custom or usage, of any right, privilege or immunity secured by the Constitution of the United States or by any Act of Congress providing for equal rights of citizens or of all persons within the jurisdiction of the United States [,];

"*(4) To recover damages or to secure equitable or other relief under any Act of Congress providing for the protection of civil rights, including the right to vote.*"

I call your attention to the fact that little title III appears in three other titles of the bill in addition to title III on public facilities.

This bill is broader than the administration bill because it now has the mandatory withholding of Federal funds. The administration's proposal was discretionary and did not go nearly as far as the proposal contained in this legislation.

That was limited to "grants, contracts, or loans," although many of these contracts also include "guarantees or otherwise," which were in the initial bill, but only with the limited review under the Administrative Procedure Act which was maintained under title VI. I think the Administrative Procedure Act has been pretty well discussed in that it does not give a trial de novo or a real review of the fact involved and that is, Did or did not the person involved discriminate as a cause for withholding Federal funds. That vital fact of discrimination is not reviewed de novo under the bill. That fact, as a matter of fact, can only be reviewed on the basis of proving abuse of administrative discretion, and anybody who practices administrative law knows how impossible it is to overcome that burden.

The Civil Rights Commission was made permanent rather than on a 4-year extension as proposed in the administration bill.

The right of an appeal on remand orders only applicable to civil rights cases was retained although not in the original administration bill.

In title I, the temporary voting referee with impounding provisions was deleted and an all-encompassing three-judge court with direct appeal to the Supreme Court was established not only in this bill but in all voting rights cases under the 1957 and 1960 acts and under section 1971(a).

Let me call this to your attention, because it has not been pointed out before in the debate, to my knowledge. This section dealing with the three-judge court in the bill appears on page 41. Take a look at it. You will find the three-judge procedure, and you will see that in any district court of the United States under "this section," and this section means the 1957 Civil Rights Act relating to voting, the 1960 Civil Rights Act relating to voting, and the statutes that were previously on the statute books, referring to section 1971(a). The three-court procedure applies to all of these cases. Section 1971(a) reads:

All citizens of the United States who are otherwise qualified by law to vote at any election by the people in any State, territory, district, county, city, parish, township, school district, municipality, or other territorial subdivision, shall be entitled and allowed to vote at all such elections, without distinction of race, color, or previous condition of servitude; any constitution, law, custom, usage, or regulation of any State or territory, or by or under its authority, to the contrary notwithstanding.

You could not have a broader application of the three-judge court in voting matters. The point I want to make is that the three-judge court is applicable to all existing law, including the particular section I have just read as well as the proposed bill that you have before you. The bill looks as if it is rather narrow in comparison.

I know a lot of people will brag as the debate goes on that there are a lot of sections here that are compromise sections that were worked out in the spirit of compromise. I do not know where the spirit was or where the spirit was moving. I do not think anybody has discovered yet where the spirit was moving, although I read the other day that there were going to be a lot of speeches made by a lot of people who had something to do with the civil rights bill, and I learned for the first time that Mr. Katzenbach was the author of that portion of the bill. But apparently there were some so-called compromises worked out. Let us examine some of them for a minute.

In title I, voting rights, supposedly State elections were eliminated. Let us look at that. However, a careful examination of the word "vote"—if you will look on page 40, you will see where it says that for the purposes of this subsection the term "vote" shall have the same meaning as in subsection (e) of this section. What does subsection (e) say? That means under present law. Subsection (e) of the present law says as follows:

When used in the subsection, the word "vote" includes all action necessary to make a vote effective * * * with respect to candidates for public office and propositions for which votes are received in an election.

Every single candidate or proposition would be included—State, local, and Federal with this definition of "vote" remaining on page 40.

So I say to you in that respect, it is not a compromise and I do not think adequate thought was given to the matter. I raised the question in full committee when we had the subcommittee bill before us. Before we could get to this title of the bill and vote on it in full, the substitute bill came in and we did not

even have a chance to clarify that point. I think it should be clarified in the debate and through amendment.

A more restrictive definition—and again I am considering the areas where it will be claimed a compromise was worked out.

A more restrictive definition of public accommodations was adopted as it relates to the Interstate Commerce clause, but then it was broadened again by section 201(d) relating to the 14th amendment approach. If you will look at the bill, you will see what I am talking about. Section 201(d) is on page 44. You will see there discrimination or segregation by and in effect is supported by State action within the meaning of this title if such "discrimination or segregation is carried on under color of any law, statute, ordinance, regulation, custom, or usage; or is required, fostered, or encouraged by action of a State or a political subdivision thereof."

Then go to section 202 and you will see the broadest preemption proposal, as I said before, that I have seen written in a bill or proposed to be:

All persons shall be entitled to be free, at any establishment or place—

And so forth, which is a broad 14th amendment approach to accommodations.

Look at page 45, lines 8 and 9. The only way I know to discuss legislation is to talk about the legislation and from the bill itself and not what someone may think is in it, but what the language itself indicates it purports to do.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McCULLOCH. Mr. Chairman, I yield 5 additional minutes to the gentleman from Florida.

Mr. BECKER. Mr. Chairman, will the gentleman yield for a question?

Mr. CRAMER. I yield to the gentleman.

Mr. BECKER. I just want to compliment the gentleman from Florida for the wonderful way in which he is treating this bill. It is something I wanted to hear in these 2 days, a discussion, section by section of the bill. I hope before the gentleman finishes his talk, that we can ask him questions on this bill, section by section. I think the gentleman is doing a magnificent job.

Mr. CRAMER. I thank the gentleman. As I say, I think the only logical way to discuss legislation is to discuss what is the language of the bill and what is wrong with the provisions of the bill. To discuss what is in the bill. To discuss what in the bill goes too far. To discuss what in the bill involves individual property rights and freedoms. To discuss what is in the bill that involves constitutional questions. To discuss in the bill the delegation of too great power to the executive branch of the Government, the President or the Attorney General. To discuss in the bill the language that cuts out funds, for instance, from going to a recipient without proper review. These questions I ask are based upon what the bill contains, and I think they should be discussed and obviously time does not permit it at this time, but as we proceed under the 5-minute rule, it will be my intention to approach the bill on that basis, because I have tried to judge this bill just as I have tried to judge every other bill. I know Members on the floor of the House will recall me discussing these very same principles regarding other legislation, and I am discussing these principles just as vehemently with respect to this legislation as I did with respect to other legislation, and the fact that it is under the color, or under the tent, or under the umbrella of "civil rights" should make no difference if they are matters of principle in the first instance. It is either right or wrong, be it civil rights legislation or any other kind of legislation. Therefore, I think it is my duty with respect to this legislation as it is with respect to all other legislation, if I feel that certain fundamental principles are being violated, then I think it is my duty on the floor of the House to say so, to the best of my ability and point to the specific language that shows these basic principles are being violated.

Mr. BECKER. That is what I would like to hear from the gentleman. I hope the gentleman next week on the floor under the 5-minute rule will give me an opportunity to ask these very specific questions on these points.

Mr. CRAMER. I thank the gentleman.

And again I am talking of the so-called compromise: Public facilities was retained as a new title III.

Now, public facilities was not even in the Kennedy administration proposal. Public facilities got in the subcommittee from someone else's bill. There were no hearings on the question as to whether the public facilities title should be in the bill. There were no basic hearings with regard to that. It came in from the subcommittee.

Under the new title III, it will be claimed that cutting back the definition of any public facility to one that is "owned, operated, or managed" by a State or local government is a substantial compromise, but when it is realized that this new title was not contained in the administration bill, and that section 302 providing for Attorney General intervention in any "equal protection of the law" case was added, it does not appear to be much of a compromise.

Title VI, dealing with the cutoff of the Federal assistance program, was cut back to grants, contracts, or loans, deleting "guaranty or otherwise"; but this is not much of a compromise, when the administration bill contained a discretionary title and this "compromise title" remains mandatory.

The claim is a compromise title VII dealing with a compulsory FEPC. This was not in the administration bill at the outset. There were no hearings held on FEPC in our committee. This title came strictly out of the Education and Labor Committee. It was moved and adopted—"bang"—just like that in the subcommittee. It was put in, in its entire form in the subcommittee, as voted out by the Education and Labor Committee with one exception.

The so-called compromise made one change, and that was with relation to a trial de novo on review, but the FEPC provision still remains. That was not asked for by the administration of the then President Kennedy, but it is in the bill. Yet this bill supposedly is a compromise.

If I had sufficient time, I would go through the bill from page to page, pointing out some of the areas as to which I believe there is serious concern with regard to this legislation.

Let me give a couple of examples. This was not talked about in our committee since we did not have time to discuss it. I ask Members to look at page 81, lines 3 and 4. This language relates to a Federal Power Commission investigative power:

The provisions of section 307 of the Federal Power Commission Act shall apply with respect to grants of immunity.

I am sure the distinguished chairman of the committee knows that I introduced, a few years ago, a bill to provide grants of immunity relating to fighting organized crime, and our committee failed and refused to take any action on the bill whatsoever, I assume on the basis that the committee did not feel that grants of immunity should be given relating to organized crime. Yet we find the grants of immunity in this FEPC title.

Which has the higher priority? Which has the higher priority as between organized crime and FEPC? Is it not as important to fight organized crime? Why is not consideration given to that proposed legislation when it is so easily and perfunctorily placed in this FEPC provision?

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

Mr. CRAMER. Mr. Chairman, will the gentleman yield me 5 additional minutes?

Mr. McCULLOCH. Mr. Chairman, I grant the gentleman from Florida 2 additional minutes.

Mr. CRAMER. I will put section 307 of the Federal Power Commission Act in the RECORD hereafter:

(g) No person shall be excused from attending and testifying or from producing books, papers, correspondence, memorandums, contracts, agreements, or other records and documents before the Commission, or in obedience to the subpena of the Commission or any member thereof or any officer designated by it, or in any cause or proceeding instituted by the Commission, on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled to testify or produce evidence, documentary or otherwise, after having claimed his privilege against self-incrimination, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying. (June 10, 1920, ch. 285,

§ 307, as added Aug. 26, 1935, ch. 687, title II, § 213, 49 Stat. 856.)

The reading of section 307 clearly shows that no individual "shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction made or thing done when he pleads his privilege against self-incrimination."

That provision was written into the bill, although there was no discussion with regard to it, and although there was plenty of discussion with respect to not writing a similar immunity provision into the anticrime laws.

Apparently I am not going to be given adequate time to develop some of the other points I wish to, but I have one other point with regard to public education. There has been a lot of discussion as to whether or not racial imbalance remains in the bill. I maintain that it does. I know the gentleman from Ohio [Mr. McCULLOCH] disagrees, and I am not surprised.

I know the gentleman from Ohio in good faith tried to strike out racial imbalance in the legislation, after numerous questions which I asked the Attorney General and others concerning it.

I ask Members to look at page 50, lines 10 and 11, where the language reads:

"Desegregation" means the assignment of students to public schools—

And I ask Members to look at page 51, line 7, involving the "Survey and Report of Educational Opportunities," where there is the language that these studies shall be made "concerning the lack of availability of equal educational opportunities."

I challenge anyone to disprove that racial imbalance is included in that section, beacuse certainly the study includes a study of racial imbalance.

Is it included in the public education title in general under the definition of "desegregation"? I think it still is.

I call attention to one case in this regard. Perhaps the gentleman from Ohio is familiar with this case. The case was recently decided on January 24, in Manhasset, N.Y. The Federal judge ordered the school authorities in Manhasset, Long Island, to end "de facto segregation." De facto segregation is racial imbalance. Reference was to the elementary grades, by next September. It is stated that as a matter of constitutional right those Negroes who were required to go to a given school in a given area, even though they lived in that area, were being denied their constitutional rights.

I say the question is very clear.

Mr. Chairman, I include in the RECORD at this point the news article setting forth this case for the information of the House:

INTEGRATE PUPILS, MANHASSET TOLD—FEDERAL JUDGE ORDERS BOARD TO DRAW UP PLAN TO END DE FACTO SEGREGATION

(By Leonard Buder)

A Federal judge ordered school authorities in Manhasset, Long Island, yesterday to end de facto segregation in the elementary grades next September.

Chief Judge Joseph C. Zavatt of Federal District Court in Brooklyn directed the school officials to submit a plan for fuller integration by April 6.

The National Association for the Advancement of Colored People, which had sued to halt what it called discrimination, hailed the ruling as a landmark decision. Robert L. Carter, the association's general counsel, called it "the best analyzed decision on this problem that has been handed down."

Mr. Carter said Judge Zavatt's decision, which was contained in a 59-page opinion, would "carry more weight" than other recent decision that have blocked efforts toward fuller integration in some communities. He predicted that the new ruling would "light a fire" under some school boards in the State.

MALVERNE RULING CITED

On January 10, State Supreme Court Justice Isadore Bookstein ruled in a case involving Malverne, Long Island, that school officials—whether their intentions were good or not—had no right to consider racial or ethnic factors in drawing school zones.

A similar decision, affecting the New York City Board of Education's zoning plans for a Brooklyn junior high school, was handed down last September by Justice Edward G. Baker of the State supreme court.

Mr. Carter said the Manhasset case could also have been taken to a State Court since it involved the State Constitution as well as the Federal Constitution. He said there was no special reason for bringing it before the Federal Court instead.

Mr. Carter said questions arising f om the drive to attain fuller integration in schools would ultimately have to be decided by the U.S. Supreme Court. He added that the first case of this kind likely to reach the High Court was one in Gary, Ind.

NO NEGROES IN TWO SCHOOLS

The Manhasset case involved charges by Negro parents that their children were being discriminated against by being compelled to attend the Valley Elementary School.

The Valley School has 166 pupils, almost all of whom are Negroes. There are no Negroes in the district's two other schools—Plandome Road, which has 600 pupils, and Munsey Park, which has 574.

The NAACP charged that the Negro pupils received an inferior education and cited test scores to show that they were two or three grades behind pupils in other Manhasset schools and a year behind the national average.

School authorities said the concentration of Negroes at the school reflected housing patterns, not overt acts of discrimination by the school district. They also said scholastic achievement must be viewed in terms of intellectual capacity and social and economic factors. Manhasset's Negroes comprise the lowest income group in the relatively wealthy suburban community.

Judge Zavatt held hearings for 8 weeks last spring on the application of the NAACP for an injunction to restrain the district from continuing its school zoning policies. Without a jury, Judge Zavatt heard testimony from school officials, psychologists, teachers, university professors, and others.

In granting the injunction, the Judge said:

"The denial of the right not to be segregated cannot be assuaged or supported by evidence indicating that underachievement in the three R's may be due in whole or in part of low socioeconomic level, home influence or measured intelligence quotient.

"The role of public education in our democracy is not limited to these academic subjects. It encompasses a broader preparation for participation in the mainstream of our society."

SEGREGATION FOUND

Other points made by Judge Zavatt included these:

"On the facts of this case, the separation of the Negro elementary schoolchildren is segregation. It is segregation by law—the law of the school board. In the light of the existing facts, the continuance of the defendant board's impenetrable attendance does amount to nothing less than State-imposed segregation.

"In a publicly supported, mandatory State educational system, the plaintiffs have the civil right not to be segregated, not to be compelled to attend a school in which all of the Negro children are educated separate and apart from over 90 percent of their white contemporaries.

"The repeated reference (by school authorities) to possible community preference and the statement that the Valley situation is a matter of community determination betray an unwillingness to face an educational problem as such. It is the board, not the electors, who fix attendance policies. It is the board, not the electors, who must determine when, if ever, these policies should be modified.

"By maintaining and perpetuating a segregated school system, the defendant board has transgressed the prohibitions of the equal-protection clause of the 14th amendment."

OTHER DECISIONS NOTED

Taking note of other court decisions involving school segregation issues, Judge Zavatt emphasized that his decision did not hold that the neighborhood school policy by itself was unconstitutional or that racial imbalance and segregation were synonomous. He also said:

"The court does not hold that the Constitution requires a compulsive distribution of schoolchildren on the basis of race in order to achieve a proportional representation of white and Negro children in each elementary school district."

The suit, brought in behalf of seven Negro families, named the local board of education and Dr. Raymond L. Collins, the superintendent of schools, as defendants. The NAACP was represented by Mr. Carter and Jawn Sandifer, and the school board by Samuel Lane.

Mr. Carter said Manhasset could comply with the decision by turning the Valley School into an administrative building and distributing its pupils among the two other schools. The probable alternative to this would be to rezone the boundaries of the three schools.

There was no immediate comment from Manhasset authorities.

Mr. McCULLOCH. Mr. Chairman, I yield myself 3 minutes.

I presume that the gentleman from Florida is talking about the same New York cases of which I read. There were at least two New York cases in the State court which held that racial imbalance was contrary to law. However, I am sure that the very learned gentleman from Florida has heard or at least has read a summary of the decision by the Court of Appeals in Indiana which held to the contrary, and the Court of Appeals in Indiana was the U.S. Court.

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

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

Mr. CRAMER. This decision came down on January 25, 1964, subsequent to our voting the bill out. So we could not possibly have it before us for consideration at that time. I think, if we had, we would have taken another look at the bill and probably put something specific in it saying that it is not the intention of Congress to include racial imbalance or de facto segregation. I think we should consider an amendment to that effect.

Mr. McCULLOCH. I reiterate the statement I made about the decisions

from New York as well as the decision from Indiana.

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

Mr. McCULLOCH. I yield to the gentleman from New York, the chairman of the committee.

Mr. CELLER. I thank the gentleman from Ohio. I want to state it is true there have been a few decisions in New York to the effect that you cannot gerrymander to cure racial imbalance. Those decisions are being appealed. We are striving with might and main to bring about solutions in the New York area with reference to schools. It is a very difficult and vexatious problem which will be cured in time. At least we are making an attempt to find a solution. Many of the States from whence come the opposition are not even attempting to cure that imbalance. At least we are attempting something. And we are experiencing difficulty. I have to admit that.

Mr. McCULLOCH. In addition to the two New York State court decisions which I mentioned, the gentleman from Florida has referred to a U.S. district court decision of which I was not informed. Of course, that court is inferior to the U.S. Court of Appeals in the State of Indiana.

Mr. CELLER. Mr. Chairman, I yield to the gentleman from Illinois [Mr. LIBONATI] such time as he cares to use.

Mr. LIBONATI. Mr. Chairman, the Constitution of the United States was written by our forefathers at Philadelphia after a series of conferences lasting 9 years—from 1780 to 1789. Although the Negro was considered a chattel, there was not one word in the Constitution denying him as being a member of the human race.

Later, Lincoln's emancipation proclamation and subsequent articles adopted through procedures established his status in society as a free man and, consequently, restored to him the so-called inalienable rights that all statesmen past and present so boastfully and with forensic splendor represent as God-given rights to God-fearing human beings. These rights are inherent to the members of the human race and could not be denied by statutory law.

Manmade laws cannot negate, deny or disregard these rights.

The United States exemplifies in its historical role as the most powerful freedom-loving nation of the world the dream of every other nation of freemen whose ambition is to perfect a government similar to our own. And, yet, the issue before us today disturbs the minds of men of the world as to the true meaning of our democracy. The loyalty of the American Negro belongs to no other flag. His lineage can be traced to no other nation. He was a captured human being. Yet, 100 years after his emancipation throughout the land he is denied the rights of citizenship and the opportunities of education, employment, and social status enjoyed by his fellow Americans. We can no longer tolerate this condition. We must act now. We must implement the law to carry out this purpose. It is a mandate that we cannot deny, if we love our country, our fellow man and the historical tradition of respecting the God-given belief in the inalienable rights of man and of nations. To preserve these rights, millions of Americans and men of our allies have died—and billions of dollars have been spent in the defense of these concepts of freedom and peace.

A good law is that law enacted for a certain intention and specific purpose for the promulgation of the public interest.

In its purpose it can be regulatory, remedial, or principled in terms for the common good.

Its sociological value must be reflected in its effect upon the masses in serving their needs and increasing their responsibilities to society.

H.R. 7152 would meet these fundamental requirements and contribute much to the advancement of our social well-being and economic strength.

Mr. CELLER. Mr. Chairman, I yield to the gentleman from New Jersey [Mr. MINISH], such time as he may care to use.

Mr. MINISH. Mr. Chairman, I am pleased to rise in support of the momentous civil rights legislation now before the House. It is my earnest hope that the first Congress in which it is my honor to serve will fulfill its responsibility—too long delayed—to insure that the Constitution means what it says and that it applies equally to every American.

H.R. 7152 is a good bill. It provides fair and effective procedures to prevent denial of the constitutional rights of persons on account of their race or religion. It will do away with the favoritism shown by many State voting officials toward white applicants and the resulting unfair treatment of Negroes and denial of their right to vote. It will lift from our Negro citizens, whose dollars help to support the American economy, the humiliating burden of being treated as outcasts when they seek service in business establishments involved in interstate commerce or where discrimination is supported by State action. It will aid in removing the resistance which in many places continues to interfere with the well-established constitutional right of persons of all races to the equal enjoyment of State-supported schools, parks, libraries, hospitals, and other governmental facilities. It will enable the valuable services of the Commission on Civil Rights to continue on a permanent basis. It will assure fair and equal application of Federal assistance programs to all races. And it will strike at the pernicious practice of denying qualified persons the right to work simply because of their race or religion.

I should like to speak briefly on that title of the bill, title VII, which deals with fair employment. This is the heart of the civil rights issue since opportunity to earn a living is basic to the enjoyment of all other rights. It is essential that we assure equal employment opportunities for all Americans so that men and women will be considered for jobs on the basis of merit, not on the color of their skin. It is grossly unfair that the aspirations of so many of our fellow citizens continue to be frustrated by the discredited prejudices of racists. Legislation, of course, will not in itself solve the problem of discrimination in employment opportunity, let alone discrimination in other fields, but it does offer a positive step in the direction that we must go.

I would prefer stronger provisions than those contained in title VII but this does provide a good foundation on which to build an effective law. The title makes it unlawful for employment agencies to refer or to refuse to refer an applicant because of race or religion. It makes it unlawful for a covered employer to refuse to hire anyone because of race, religion, or national origin, or to fire or otherwise discriminate against an employee for these reasons. It prohibits racial discrimination by labor unions and in training programs. I should like to note in this connection that the labor movement has long advocated equal employment opportunity laws, applicable to unions as well as to management. The AFL–CIO conventions have repeatedly endorsed a Federal Fair Employment Practices Commission, armed with all necessary powers.

Under title VII, an Equal Employment Opportunity Commission made up of five members appointed for staggered 5-year terms by the President, with the advice and consent of the Senate, would be created to administer the law. No more than three members of the Commission could be members of the same political party.

The Commission would investigate charges of discrimination and attempt to settle disputes through conciliation and persuasion. The Commission itself will issue no enforcement orders. Instead, if its efforts to secure voluntary compliance fail, the Commission may seek relief in the Federal court, where the judge or a master appointed by him, will hear the matter de novo. This procedure will meet the objection which is sometimes raised to an agency serving as both judge and prosecutor, and is an effective means of achieving the objectives of the title. Should the Commission fail to bring suit within a specified time the aggrieved party may do so himself.

Congress has a clear mandate, under its power to regulate interstate commerce, to enact such a law. It has a moral obligation to do so. No one can deny that Negroes receive the brunt of the burden of discrimination. They are the last to be hired, the first to be fired. It creates a vicious circle. The incentive to obtain a good education, to try to develop his potentials to the full extent of his inherent talents, is stifled if a Negro feels he will not be able to rise above the lowest menial jobs. When I urge approval of title VII, I speak from intimate knowledge of the evils of discrimination in employment and of the misery and hopelessness visited upon its victims and their families. I am proud that the I.U.E., of which I have been a member and official for many years, has worked most vigorously for job integration. My union has consistently maintained that every American is entitled to be judged on his own, on the basis of his ability, in every field of endeavor. I can testify from personal experience that men and women of all races and creeds can work together harmoniously, with mutual respect and good will.

Under title VII, employment will be on the basis of merit, not of race. This means that no quota system will be set up, no one will be forced to hire incompetent help because of race or religion, and no one will be given a vested right to demand employment for a certain job. The title is designed to utilize to the fullest our potential work force, to permit every worker to hold the best job for which he is qualified. This can be done by removing the hurdles that have too long been placed in the path of minority groups who seek to realize their rights and to contribute to a full society.

Employment is only one facet of equal opportunity, but other basic rights hinge upon it. The problem of employment discrimination cannot be solved on a piecemeal basis. It must be attacked throughout the Nation. We can no longer afford to evade the issue; we must meet it squarely and firmly as provided in title VII. Let us settle now the too long unresolved question of whether all Americans should be equal in opportunity on the basis of justice and equity. Let us move forward to achieve our goal of maximum employment, production and purchasing power so that America will be truly the land of opportunity for all our citizens.

Mr. CELLER. Mr. Chairman, I yield to the gentleman from New Jersey [Mr. DANIELS] such time as he cares to use.

Mr. DANIELS. Mr. Chairman, I rise in support of H.R. 7152, the Civil Rights Act of 1963.

The problem of civil rights will no doubt be the most important piece of legislation before this, the 88th Congress. We all must appreciate the seriousness of the problem and act affirmatively to guarantee to all citizens their constitutional rights regardless of race, color, creed, or national origin. It is our duty as responsible legislators to enact meaningful legislation which will assure full civil rights for all Americans.

Despite the great strides which we as a nation have made toward realizing the ideals of liberty and justice for all, the specter of racial prejudice still lurks in our midst. Racial discrimination still persists throughout our land, both North and South. Twenty million American Negroes are still denied the rights of first-class citizenship. Their voting rights are impinged upon. Their economic and social opportunities are still sharply curtailed. That such a situation should persist, 100 years after the abolition of slavery, is extremely tragic. We cannot allow this state of affairs to continue. As the leading nation of the free world, we must demonstrate our responsiveness to these continuing inequities and to the great domestic ferment which they have produced. It is my firm belief that the law is a great teacher, and that the enactment of effective legislation by this Congress can do much to speed the eradication of this moral and social blight. For these reasons, I strongly urge the passage, in undiluted form, of the present legislation.

In my opinion H.R. 7152 does no more than to secure for every American citizen those rights which are already his by virtue of the Constitution of the United States and the cherished traditions of American democracy.

The right to vote is, in a democracy such as ours, one of the fundamental prerogatives of a citizen of our republic. The ability to vote transforms government from an alien and hostile power to one in which the individual participates and one over which he can exert control. To deny the right to vote to any American citizen on the basis of race, color, creed, or nationality is an act which is not only unconstitutional, but also inimical to the political well-being of our society.

Title I, to enforce the constitutional right to vote, presents no new field for congressional action. Through the Civil Rights Acts of 1957 and 1960, the Congress has already shown its resolve to eliminate inequities in this area. The power to do so is derived from the 15th amendment, which states:

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

Although the 1st article of the Constitution gives the States the right to set voting requirements, I think it is correct to say that insofar as any racial discrimination is in evidence, the 15th amendment supersedes article I and gives Congress the power to enact "appropriate legislation" in order to eliminate such discrimination.

Of course, many of our Southern States put forth the following argument: "We do not deny a person the right to vote because of his color. Nay, all we seek to do is to insure that only those who are qualified are allowed to vote." Certainly, one cannot but agree with such an admirable thought. Nevertheless, when we examine the actual practices of the southern counties and parishes, we see how the qualification criterion can serve as a facade to mask acts of racial discrimination. For example, there is the Louisiana law requiring every citizen to display an ability to give a "reasonable interpretation" of any clause of the Constitution. Such a test is subject to the greatest placidity as the 1961 report of the Commission on Civil Rights makes clear. I quote the following example from pages 59 to 60 of that Commission's report on voting:

Henry Kimp is a Negro ex-serviceman of Jackson Parish. When he sought to register in July 1960, he was asked to interpret an article entitled "Treason Against the United States." Treason against the United States is defined in the Constitution: it "shall consist only in levying war against them, or, in adhering in their enemies, giving them aid and comfort." He testified that he defined treason as "abetting and aiding the enemies in time of war with information that concerns the United States and its Government." He was rejected: the registrar, Mrs. Wilder, said: "I don't think you understand what you read."

If such a test were administered throughout the State of Louisiana, or any State, with equal stringency, I doubt if there would be many adults at all who would qualify to vote.

By attempting to insure uniform application of written tests, title I of this bill will, I think, go a long way toward preventing this kind of discrimination under the guise of qualification.

The same thing applies to the literacy tests which are employed in many States. In the State of Louisiana, for example, over 80 percent of the Negro population is literate, and yet less than one-third of the Negroes in that State are registered voters. It is hard to believe that sheer apathy accounts for the discrepancy in these percentages. It is even harder to believe, in light of the numerous reports of bogus literacy tests, of parishes in which semiliterate whites are permitted to register but clearly literate Negroes are not. The present bill will substantially eliminate the inequities in the administering of literacy tests. Under subsection 3 of title I, completion of the sixth grade will be a presumption of literacy. Such devices as this presumption of literacy, and the requirement for a written test, will help secure the uniform application of law which means the end of voting discrimination.

Racial discrimination in places of public accommodations is one of the most irritating and humiliating forms of discrimination the Negro citizen encounters and one which requires immediate remedy. The public demonstrations by Negro citizens which have occurred in the past 3 years are on the large part motivated by the insults and hardships caused by denials of equal access to restaurants, hotels, places of amusement, and other facilities serving the general public. Thirty States and the District of Columbia have already enacted antidiscrimination laws relative to places of public accommodations. Most of these statutes provide for criminal penalty and other remedies not authorized in the legislation which we are now debating. While this bill is more limited in scope, it still will be of great benefit especially in those areas where there are no State laws and particularly in those areas where discrimination is widespread.

Title II of this bill is designed to eliminate the daily injustices and affronts which many of our Negro citizens encounter by making discrimination illegal in those places of public accommodations which are the sources of the principal difficulties.

Almost 10 years have passed since the Supreme Court ruled in Brown against Board of Education that racially segregated public schools are unconstitutional. One year later, in 1955, the Court ruled that desegregation shall take place with "all deliberate speed." Despite the passage of time since these decisions, public school systems in many parts of the country have done little or nothing at all to comply with these constitutional mandates. There are still more than 2,000 school districts which require that white and Negro pupils attend separate schools. Many Negro children entering segregated grade schools at the time of the Supreme Court decision in 1954 will enter segregated high schools this year. These students have suffered a loss in equal educational

opportunity which can never be remedied. Segregated education does not provide equal educational opportunity for Negro citizens and many Negro citizens today receive an education which is completely inadequate to their needs and the needs of the Nation. Progress has been too slow in the educational area and in order to achieve a more orderly and early compliance with the Court's decision legislation is needed.

One of the most widespread forms of discrimination and one which is more harmful to the Negro and the Nation as a whole is discrimination in employment. Denial to the Negro to be gainfully employed deprives him of the opportunity of economic advancement. The rate of unemployment of Negroes is 2½ times that of white workers, because Negro workers are the first fired and the last to be hired and the period of joblessness is much longer that that of white workers. Moreover, when a white worker finds a job he can perform, most likely he will get it, but when a Negro worker finds a job he can perform, he may or may not get it because of racial bias. Without jobs Negroes are without opportunity to earn wages with which to purchase the means of life. Not only are Negro workers looking for jobs they cannot find, but they find jobs that they cannot perform because of a lack of skill and training. Many Negroes are unable to qualify for jobs because of lack of training or skill. This is attributed in large part to present and past patterns of discrimination which discourages Negroes and other nonwhites from preparing themselves for those jobs from which they have been traditionally excluded by reason of their race. For this very reason, it is essential that we take prompt action to end discrimination in employment.

The right to vote, the right to equal education, the economic freedom of choice, the opportunity for self-betterment—these are ideals which Americans long have cherished. But if we fail to translate these ideals into the realm of practice, if we fail to give these ideals a universal application which is blind to color, then we are guilty of unpardonable hypocrisy. Racial discrimination is wasteful, improvident, and unconstitutional. This bill seeks, by thoroughly constitutional means, to put an end to racial discrimination. For this reason, I urge my colleagues to give this bill prompt and favorable consideration.

Mr. McCULLOCH. Mr. Chairman, I now yield to the gentleman from Maryland [Mr. MATHIAS] 10 minutes.

Mr. MATHIAS. Mr. Chairman, as I have sat here yesterday and today listening to both sides of this question, I have been impressed with the knowledge and the sincerity and the clarity of the arguments that have been made. I believe that the gentleman from Georgia [Mr. FORRESTER] took his place among the great orators who have spoken in this chamber when he addressed the House yesterday. Proponents of the bill, such as the gentleman from New York [Mr. LINDSAY] have spoken with the urgency and the vibrancy that activates the younger leadership of this Nation. As I have listened to these arguments I have considered what it is that I could say that would be helpful to the House in considering the civil rights bill.

Yesterday's speeches and today's speeches on both sides of this question contained echoes of Civil War trumpets. By reference or by implication it was clearly indicated that the question before us was one of the unsettled issues of that great American struggle, or at least that it was a question unanswered since that struggle.

In the War Between the States my own State of Maryland had a difficult time. It is a border State. Opinion was divided within Maryland. The State itself was easily accessible to the troops of both armies during the war. In my childhood I can recall the many old friends who clearly remembered the trials and difficulties of life in Maryland during the Civil War. One of those who had lived during the war on one of Maryland's fertile farms used to tell the story of how the troops of one army would sweep into Maryland, would occupy a farm, would demand the key to the smokehouse or break the smokehouse door down, take down the hams from the racks and then boil them and bake them. But it was the troops of the other army who ate them. That was the situation in Maryland, in which the presence and the power of the opposing sides in the Civil War ebbed and flowed quickly and frequently. The people of Maryland received the cruel treatment that war always imposes at the hands of both sides with fine a degree of impartiality.

Just so today, in Maryland there is difference of opinion on this question. If you were to go to the streets of any city or town in Maryland and ask about this bill title by title I have no doubt that you would get a great variety of opinion. And so in rising today to tell you where I stand on the bill and why I stand there, I do so not because the pressures are so overwhelming on either side of this question but rather because of my conviction of what is necessary and what is right.

I ask your support for this bill because I believe the country needs it today. And yet in seeking your support I do not solicit your aid in erecting an immutable legislative monument for all time. This bill is a good thing. The need for the bill is a hateful thing. In season, with God's help, the American people themselves will eliminate the necessity which now exists for this bill at this time.

Mr. Chairman, the story is told that in ancient times three philosophers were gathered to discuss the very troublesome legal question which puzzles lawyers and courts to this day, of how to define the exact moment when the night turns into day. One of the wise men said that his definition of that moment when night turns into day was the instant when there is enough light that a man might distinguish a landmark at a distance of 1 mile.

The second wise man said his test for that moment was when there was light enough to distinguish between a dog and a wolf. The third philosopher waited a moment and said:

> The moment at which the night becomes day is when there is enough light that you may know the face of a brother.

So I hope, Mr. Chairman, all of us now in this Chamber will live to see the day when civil rights legislation is no longer needed in America, and when the Congress, having developed the human resources of America, may go on, as Daniel Webster has admonished us:

> To develop the resources of this land and call forth its power and build its institutions and promote its great interests.

If there is any doubt as to the necessity for this legislation, I would call the attention of the Members of the House to the additional views which have been filed by several members of the Committee on the Judiciary. These views have attempted specifically to undertake the job of underscoring the necessity which exists in America today. In filing additional views, we have set forth documented cases which involve the question of voting, cases which are so clear as to indicate in America today there is a necessity for some national law eliminating discrimination in voting. Since this is a matter of record in the House, I do not intend to go through the bill reviewing the question of necessity on each title. I do urge, however, that during the days before we vote on this matter the Membership will become thoroughly acquainted with the very important information that has been set forth in the additional views.

Mr. Chairman, among those who have undertaken to discuss this bill there has been some expression of reservation about constitutional points. This is the kind of argument which could go on for weeks. I do not intend to prolong it. I would only say that to most of these objections that have been raised there is an answer.

Let us take one example: the question that is raised with respect to the public accommodations section in the bill. This title has been characterized as an invasion of the rights of private property. As a matter of fact, this is some of the most unfounded criticism of title II on public accommodations by those who oppose the bill.

Heralded as an invasion of privacy, this title has been portrayed as presenting a radical new concept of law in that the proprietors of the listed establishments are required to serve the public.

I submit that the basic concept expounded here is nothing new. Rather, it is merely a statutory expression of a very old and well known doctrine of the common law.

At common law, an innkeeper was defined as the proprietor of a business establishment at which travelers and strangers were furnished with food, lodging, and protection. For at least several hundred years, it has been well settled that an innkeeper is deemed to be engaged in a business in which the public has an interest, and because he enjoys certain privileges not given to the public generally, he is required not to discriminate for or against any class, nor

pick and choose his guests. As stated by Judge Coleridge in *Rex* v. *Ivens*, 7 Carrington's and Payne's English Nisi Prius Reports 213 (1835):

> The innkeeper is not to select his guests. He has no right to say to one, you shall come into my inn, and to another, you shall not, as everyone coming and conducting himself in a proper manner has a right to be received; and for this purpose innkeepers are a sort of public servants.

As in so many other instances in the evolution of our common law, the English rule became the American rule. Thus, since the early days of this Nation, an innkeeper has had an absolute duty to furnish equal facilities in providing food and lodging to all persons who applied for accommodations unless there was some reasonable ground for refusal. *Bowlin* v. *Lyon*, 67 Iowa 536, 25 N.W. 766; *Kisten* v. *Hildebrand*, 48 Ky. (9 B Mon) 72; *Markham* v. *Brown*, 8 NH 523; *De Wolf* v. *Ford*, 193 NY 397, 86 NE 527.

Even in the much discussed civil rights cases of 1883, Justice Bradley stated:

> Innkeepers and public carriers by the laws of all the States, so far as we are aware, are bound, to the extent of their facilities, to furnish proper accommodations to all unobjectionable persons who in good faith apply for them. If the laws themselves make any unjust discrimination, amenable to the prohibitions of the 14th amendment, Congress has full power to afford a remedy under that amendment and in accordance with it * * * that a right to enjoy equal accommodations and privileges in all inns, public conveyances, and places of public amusement, is one of the essential rights of the citizen which no State can abridge or interfere with (109 U.S. 3, 19).

Through the years, this particular common law concept has become the law of a majority of our States either through statutory adoption of the common law in general, or by specific adoption of the common law duty of innkeepers to receive guests. To be exact, there are now 33 States which fall in the latter category in that they have enacted public accommodation laws which spell out this doctrine. I am happy to point out that my own State of Maryland has enacted such a law.

Thus, it is clear that the basic theory embodied in title II is a part of an ancient heritage of jurisprudence which continues as a dynamic force in our law today. Therefore, while its provisions may be necessary in only a few areas of our country, I urge its adoption, under the authority of the commerce clause, in order that this fundamental doctrine of nondiscrimination in places of public accommodations will be uniformly applied for all.

A second example of unfounded criticism is the volume of mail that has been directed at farmers throughout the country. The burden of this postal barrage has been that title VI, relative to expenditure of Federal funds, would create arbitrary conditions reducing our farm population to a new condition of servitude.

Nothing could be further from the truth. It would comment that the original version of title VI as contained in the administration bill was very broad and might have contained some of the dangers that have been referred to in the alarm that has been raised. But that bill is not before the House.

The bill before us is a different and vastly improved legislative proposal.

Title VI of the bill before us forbids the Government agencies administering Federal programs to discriminate. This is intended to protect beneficiaries, not to control beneficiaries and the restriction is placed upon the agency not the recipient. Thus it would not affect a farmer who received payments for conservation practices, crop controls, price support, and so forth. Under amendments proposed by members of the Judiciary Committee, the bill does not cover insurance programs, mortgage guarantees, and so forth. Thus the provisions of title VI would have little or no effect on the average farmer. To insure that this is so, both the gentleman from New York [Mr. CELLER] and the gentleman from Ohio [Mr. MCCULLOCH], the ranking Democrat and Republican, respectively, on the Judiciary Committee have agreed to amendments clarifying the point, as originally intended by the committee.

Title VII provides for fair employment practices and ultimately will cover all employers of over 25 employees whose business affects interstate commerce. This could include large commercial farms.

The bill grants, however, only investigatory powers. No administrative or bureaucratic order could be issued by any executive official, and only the attempt to conciliate under voluntary conditions is allowed. In the event discriminatory practice in hiring exists and continues, the parties may resort to a court where each will be fully protected by due process of law—not by administrative order.

It is not contemplated that even a conviction under title VII would have any bearing on payments covered by title VI.

I come before you seeking your support for this bill because I believe that America needs this bill today. I hope that it will not be long before this need will vanish. Americans can make it so. When the need has vanished, America will be a greater, a prouder, and a stronger nation than ever before in our history. But for today and for tomorrow this civil rights bill is a necessity and I shall vote for it. I am confident that it will receive the support of a majority of Members of the House, and I hope that it will be supported by an overwhelming majority. America's history of human aspiration demands no less and America's present need demands that much.

Mr. BROMWELL. 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. BROMWELL. Mr. Chairman, I am in support of this bill. I have observed throughout the course of the debate its general tone and the restraint which has been consistently manifest. Perhaps these were not altogether to be expected and certainly they will provide material for future students of parliamentary processes who have in mind the vitality of the issue now before the House. In a definite sense, the concern with broad questions of policy and the restrained atmosphere which have prevailed I attribute to recognition of the consequences of the legislation before us. We should, of course, be deeply concerned with and intimately aware of the details of this bill, and I have no doubt that in the days to come, detail will be as characteristic of the debate as generality has been characteristic of it thus far. But the details of the bill are the means the committee has chosen to the broad ends it has chosen to serve. I suggest parenthetically that the most fruitful discussion of the specific language of this bill will be among those who are agreed on the worthiness of its purposes.

I have listened with sympathetic interest to the eloquent statements that have been made by my friends from the States of the old Confederacy. Many of them are aware of the affection and respect which I hold for them as persons and as public servants, and all of them I think have some reason to be aware of the community of interest which we share. In their devotion to the Constitution, in their respect for a government of laws, in their wisdom concerning the uses of legal institutions, in their recognition of the usefulness to the people of State government, I count them among the leaders of the Republic. Like them I am suspicious of any careless extension of the Federal writ into areas not earlier served by it, and I have often joined with them in opposing those measures in which I thought the germ of centralism had diseased otherwise wholesome law. But it is precisely because of these considerations and not in spite of them that on this measure I must part company with them.

That body of political thinking which would restrain the powers of the Central Government has often been labeled as "conservative" and the term itself has been used during this debate as representative of opposition to this bill. In my mind, a test of conservatism, the worth of restraint as applied to Federal processes, does not rest upon a dogged retention of the status quo, but rather upon a nice selectivity of the areas in which the Federal Government may most appropriately operate. And the vigor with which we restrain national legislation must, in my opinion, be matched by the skill and precision with which we legislate in appropriate areas.

If this be true, and I believe it is, we match respect for State and local institutions with respect for the institution of which we are a part, the Congress of the United States, and in particular, the House of Representatives. It has been charged that the House is operating in this matter under political coercion. To this we must plead in confession and avoidance. We may agree that we are acting because of stated demands from the people. Were there no general public interest in this legislation, we would have long ago rejected this pro-

posal in favor of other legislative matters in which there was stated public need. And it is harsh to think in terms of political coercion. In better terms, we are meeting what one of our great justices once called the "felt necessities" of our times. It is the glory, not the shame of this House that it responds to the needs of the people. As I read the history of the drafting of the Constitution of the United States, and the history of this body, I find its very responsiveness to be its outstanding characteristic. The survival of our Constitution and by its token, our Republic, has depended upon the flexibility of this directly elected House to meet needs for laws as they have arisen. Our Government has not become brittle and it has not been shattered. This is the first, and the last tribunal of the American people as a whole. As we from day to day leave the sophistication of this Chamber and turn to the headlines, it is clear that the major problem of Government in the 20th century is the creation and maintenance of governments which are in fact responsive to the will of the people. Strong men rise and fall. Some of them do not last a season in power. They are followed by other strong men who fall before the restlessness of unsatisfied popular desire. If truth does not prevail, it is because its proponents are not articulate enough, and this is true in the governmental field as well as elsewhere. In my view, this House in considering H.R. 7152 is meeting a stated general public need in the manner in which it was designed to serve. And while I share the respect for institutions which is the pride of my southern colleagues, on this day I say that the House of Representatives has properly placed its hand to the plow and we as its Members must walk the furrow or degrade it as an institution.

To those of us who are proud to wear the label of "conservative," I suggest that this is conservative legislation in the grand manner. If any element of the conservative's creed concerns itself with advancing the stature of individuals in the world, then this bill recommends itself. What those who would benefit by this legislation seek, as I have understood their petitions, is the right to proceed in overcoming their environment in ways which are easy to understand. The right to a job commensurate with their abilities, the right to vote, the right to schooling on a basis of equality as established by the Supreme Court of the United States, the right to such simple benefits as the right to buy a meal, or of a child to buy a bottle of soda water; in short, the right to use self-help and the right to dignity—these to me are entirely in keeping with old and long familiar ideals. "That all men are created equal" is the rock upon which the institutions of American liberty have been founded and built. Recognizing as we must the inequality of men in natural endowments, we as Americans have scrupled throughout our history to guarantee their equality before the law in order that each may perfect his own abilities and make to the general welfare his own unique contribution. There is nothing new or frightening here for me. Rather, a failure to get on with the work would, in fact, be new and frightening.

One year ago yesterday, some 40 of us led by the gentleman from Ohio [Mr. McCULLOCH], introduced the first major civil rights legislation to this Congress. The members of the Committee on the Judiciary have worked in this field from that day to this. It has been stated that this bill was hastily conceived. To this charge, I reassert that quite the contrary is the case. The very volume of the reports, the hearing reports, the majority and minority reports from the committee, the additional views filed by the minority, and the report of the Rules Committee deny this assertion. In the beginning of this deliberation, indeed well past that point, stated opinion and advice on the subject was substantially limited to recollections, both written and oral, of work previously done in the field. And I believe the other members of the committee, shared my frustration at the lack of objective, penetrating opinion on the questions posed by proposed legislation. Emotion ran high, moralistic expression, fervent but somewhat vague, was abundant, and firm detailed comment and support for that opinion was in short supply. But as the hearings progressed and as general public interest in this field increased, there came to the Members of the House, both formally and informally, to the committee as witnesses, and to Members as individuals, persons who understood not only the moral questions, but the sociological, the economic, and the legal implications of the work which had been undertaken. They expressed their viewpoints not only as advocates of this or that provision in the bill, but they also expressed their opinions as experienced and objective experts in the field. And this bill is in part a composite result of the views of all interested parties.

I commend the views of the gentleman from Maryland [Mr. MATHIAS], when he set forth his perspective of this legislation on the floor. Those of us who have worked in this field for the past year have necessarily acquired a measure of humility which is sometimes not apparent in the heat of debate, but which I think has been well reflected in the remarks of the chairman of the committee, the gentleman from New York [Mr. CELLER], and the gentleman from Ohio [Mr. McCULLOCH] as we have come more and more to realize the vastness of the work to which this bill speaks. I think this same humility may be one of the causes of the general tone of this debate. We have come, to a degree not always possible in the legislative process, to realize the limitations of legislation. We know that we are not erecting a timeless legislative monument, rather we would hope to make an acceptable journeyman effort to improve a difficult situation. The aspirations and desires of the objects of discrimination among us are as broad and as deep as the aspirations of any member of the body politic. We cannot guarantee human dignity, we cannot guarantee brotherly love, we cannot guarantee that the tool which we would place in the hands of our fellow citizens will be used, we cannot guarantee against abuses of this legislation, we cannot guarantee against misinterpretation of it, we cannot, sad to relate, even guarantee its effectiveness. Above all, we cannot anticipate and preclude all the problems which will arise perhaps because of its very existence. But I think we, as Members of Congress, will be judged not by the fact that we fail to solve all problems in human relations by one piece of legislation, but rather by the fact that in this time, and in this place we have proceeded in the general direction of improving those relationships.

It has been said that this law is harsh and Draconian. As I have grown familiar with this bill, I have gained respect for it precisely because it is not harsh and is not Draconian. Those among us who cry out against "government by injunction" must as lawyers realize that we are limited in our choice of sanctions to write into the bill. The Federal Government, if it is to enter this field, has its choice of injunctive sanctions or criminal sanctions. Mildness of remedy is instinct in this bill, if one considers the alternative of criminal penalties. Only in the extreme instance of the use of the injunctive process does the possibility of criminal penalty come into play, and between the fault and fine or imprisonment, this bill has provided a long road to travel. To those who fear the Federal courts, I must say that they are the only courts upon which we may rely in this instance as a Federal legislature. And when the day comes that we have reason to believe that the Federal courts are enforcing this bill beyond the scope of the moderate intention of this House, we have as much reason to reconsider this legislation as we shall on the day when we find them not enforcing it at all.

One of the areas in which I was greatly concerned was this: I realized as did most members of the committee that most of the States of the Union will be lightly touched by this bill. The greatest incidence of this bill will be in an area rather circumscribed geographically. I was concerned lest those of us who do not live with the problems spoken to by this bill might be inaccurate in our judgments and might be too willing to pass the burden on to those who do have the problems without adequate earnest of our good intentions toward all American citizens. I do not look, for example, upon the aid provisions of title IV as representing a harsh desire to extend the Federal authority. The aid must be requested by local school authorities. And it is, to my mind, satisfactory earnest of our good intentions that we are willing to help in the problems of school desegregation.

Fundamentally, the proponents of this bill are resting their action upon three propositions. The first is that on the basis of current knowledge, truth as it has been made known to us, no human race is superior to the other. Indeed, race like beauty, tends to be in the mind of the beholder. Secondly, by its power to regulate human contact, law may be

properly used to place American citizens in relationships which will tend to increase the flow of understanding and good will. We are, for the long run at least, optimists. None of us expect to see the brotherhood of man under the fatherhood of God in our own time, and yet we believe it to be our responsibility to advance that date as hopeful as possible and believe it to be in the main stream of both constitutional and human development. From time to time, the chairman of the committee, the gentleman from New York [Mr. CELLER] has made statements of regret that it is necessary to use the Federal engine to accomplish the purposes of this bill. I join him in that statement. And in joining him, I express the further belief that in due time this statute which we write today will become a vestigal part of the body of our law, and, having accomplished its purpose, will fall useless. Thirdly, this bill, being the imperfect product of human minds, is a tempered expression of promised usefulness for the general good.

Mr. CEDERBERG. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] Eighty Members are present, not a quorum. The Clerk will call the roll.

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

[Roll No. 23]

Abbitt	Grabowski	Pepper
Alger	Griffiths	Pool
Anderson	Harsha	Pucinski
Ashley	Healey	Purcell
Avery	Hoffman	Rhodes, Ariz.
Ayres	Johnson, Calif.	Roberts, Tex.
Barry	Johnson, Pa.	Rogers, Tex.
Battin	Kilburn	Roush
Bolton, Oliver P.	Kilgore	Ryan, Mich.
Bonner	King, Calif.	St. George
Bow	King, N.Y.	St Germain
Brademas	Kirwan	Schenck
Brown, Calif.	Laird	Sheppard
Broyhill, N.C.	Lankford	Sisk
Bruce	Lipscomb	Staebler
Davis, Tenn.	Long, Md.	Taft
Dingell	McClory	Thompson, Tex.
Dulski	McDowell	Tupper
Edmondson	McIntire	Vinson
Ellsworth	Macdonald	White
Feighan	May	Wilson, Bob
Fino	Miller, N.Y.	Wilson, Charles H.
Fogarty	Montoya	Wright
Ford	Morgan	Wyman
Frelinghuysen	Moss	Zablocki
Fulton, Tenn.	O'Brien, Ill.	
Gary	Osmers	
	Passman	

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, and finding itself without a quorum, he had directed the roll to be called, when 345 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

Mr. CELLER. Mr. Chairman, I yield such time as he may desire to the gentleman from Alabama [Mr. SELDEN].

Mr. SELDEN. Mr. Chairman, I rise in opposition to the pending measure (H.R. 7152). This legislation is based on the philosophy that the rights of individuals can be advanced by Government mandate and injunction. As such, it runs counter to the fundamental American principle that individual rights are best secured by limitations rather than extensions of Government regulation and interference.

Our Bill of Rights—the very bedrock of American law guarding the rights of our citizens—is itself an enunciation of restrictions of Government powers to regulate or interfere with individual rights in our society. Thus the Founding Fathers knew that centralized government is the enemy rather than the servant of these rights in any society. The ideology of all totalitarianism, left and right, Communist and Fascist alike, begins with this concept: that the most expedient way to advance the rights of one group of citizens is by regulating and limiting the rights of others.

H.R. 7152, therefore, carries within it the seeds of an American totalitarianism. It represents, in my opinion, the legislative antithesis of this country's Bill of Rights. The idea of true individual rights for Americans is inimical to the notion that centralized government enforcement is a means to achieve these rights.

Briefly, summarizing my objections as to the substance of this bill:

Title I, relating to voting rights, represents an assumption by the Federal Government of powers inherent with and restricted to the various States. The issue here is whether Federal authorities or the various States are best qualified to regulate voting within the States—and whether the Attorney General should be invested with regulatory powers superior to those of the States. Enactment of this provision into law would lay the groundwork for totalitarian control of the Nation's voting machinery.

Title II relates to Federal power to regulate the use of private property. It is this section of the bill that lays bare its underlying totalitarian ideology. Here, in the name of securing individual rights, we see Federal Government restriction of individual and private property rights. In other words, this purported public accommodations provision proposes to advance the individual rights of one group by restricting those of another group of American citizens. The enactment of this section of the bill into law would represent a degree of Federal intrusion into the area of individual relationships never envisioned by the framers of the Constitution. It could mean the beginning of the end of our free enterprise system by imposing restrictive Federal controls and sanctions over the free use of private property. The same criticism can be levied at title VII—the so-called equal opportunity provision of the bill.

Again, title IV relates to the desegregation of public education and would invest the Commissioner of Education and the Attorney General with powers which, under our constitutional system, are reserved to the States. Especially pernicious is the authority given herein to the Attorney General to initiate legal proceedings against State authorities.

We are here asked to provide the Attorney General with broad and ill-defined arbitrary powers, with few if any checks or controls. Such authority would make the Attorney General a virtual czar over the American educational system, empowered to regulate, order and dictate to the duly constituted educational authorities of the various States.

Title V relates to the Commission on Civil Rights, a Government agency whose past record is one of exacerbating rather than ameliorating racial tensions throughout the country. Certainly the poor performance of this unneeded Government agency does not warrant any congressional vote of confidence.

Title VI, relating to federally assisted programs, would give Federal departments and agencies practically unlimited powers to dictate the implementation of any and all Federal programs within the States. Under the guise of "antidiscrimination" this section of the bill is little more than a legislative weapon with which Federal bureaucrats can threaten and bludgeon State authorities into surrender of constitutional powers. If enacted into law, the provisions of title VI can mean either the hampering and breakdown of Federal-State cooperation in joint programs or the wholesale usurpation of State rights by Federal authorities.

Title VII, the FEPC section, has previously been mentioned. Let me add at this point what I have said on past occasions whenever the prospect of an FEPC law has been raised: this proposal would establish a veritable "Star chamber employment bureau"—a Federal commission empowered to regulate American business and economic relationships and rights hitherto reserved to individual Americans.

Title VIII once again relates to Federal intrusion into areas of authority properly reserved to the States.

These are the most important substantive provisions of this far-reaching bill which, in my opinion, represent the gravest legislative threat to the individual rights of Americans ever seriously proposed in this century.

To my mind, this threat posed by H.R. 7152 is not directed at a single region or a single group or class of Americans. No American, North, East, South, or West, urban or rural, Democrat, Republican, or independent, white or Negro, can afford to disregard the peril of totalitarian government control contained within this bill.

I have discussed this legislation with representatives of both parties in the Congress, and I find that there are members from all sections of the United States who have serious misgivings concerning the pending bill. It is my hope that these Members will give careful consideration to the grave impact which H.R. 7152 will have on traditional American principles, and upon the daily lives of every American citizen, as well as the dictatorial powers it confers on the Federal Government.

The issue here is neither regional nor partisan. What is at stake is the survival of the ideology contained in our Bill of Rights as opposed to the totalitarian philosophy contained in H.R. 7152.

Mr. CELLER. Mr. Chairman, I yield such time as he may desire to the gentleman from Alabama [Mr. HUDDLESTON].

Mr. HUDDLESTON. Mr. Chairman, never has such an undeniable legislative wrong been entitled a "right." H.R. 7152 is less than a legislative bill, it is an invoice that, if allowed to pass, must be paid for by all Americans—the cost, a loss of individual freedom. In return for such a payment Americans would be subjected to Executive and judicial powers that would make a mockery of the Constitution of the United States.

The so-called civil rights bill of 1963 is legislation by duress and intimidation which finds its origins in unlawful disturbances and demonstrations of minority groups seeking to obtain special privileges infringing upon the rights of all other Americans. And it is a sad day for our great country when there is an attempt to pass something-for-nothing legislation in order to put a halt to "wallering" in the streets, threats of violence, deliberate violations of local laws, and harassment of established businesses. It is because of these carefully planned efforts to intimidate the majority of our people that this dangerous piece of legislation is being considered in the House today.

So hurried was the drafting of the so-called civil rights bill that the Constitution of the United States was completely ignored. This bill, a product of the dark of night, was reported to the House without the benefit of study by any committee or subcommittee and without regard to the Constitution of the United States. Even as the bill was hurriedly read by the clerk before the full Judiciary Committee, no recognition was granted to Members trying to ask questions, discuss, or to hear an explanation of this fly-by-night piece of legislation.

If this is a watered-down version of the subcommittee's civil rights bill, as the chairman of the full committee has said, the water was saturated with hemlock. On comparing the reported bill with the subcommittee proposal, it is obvious that the bill before you today was drafted in the cover of darkness and out of sight of Americans everywhere, including even the members of the Judiciary Committee. Any resemblance between the subcommittee bill and this bill is purely accidental.

The language written into the bill gives birth to entirely new Executive and judicial powers at the expense of individual rights and the powers of State and local governments. Such wording as "The President is authorized to take such action as may be appropriate to prevent"; "each Federal department and agency shall take action to effectuate"; "the Attorney General certifies that in his judgment"; "the Attorney General may deem a person or persons unable to initiate whenever he is satisfied"; "whenever any person has engaged or there is reasonable grounds to believe that any person is about to engage in any act," which appears constantly throughout the bill is only one of the more obvious characteristics of what many of us conceive as the most dangerous and vicious piece of legislation ever presented to the Congress. Under the so-called civil rights bill of 1963 every phase of free enterprise is subject to the investigation and control of Federal authority. In short, the Congress is asked to confer on the Executive and the courts entirely new concepts of Federal control in the relationship between Government and the free enterprise system.

Mr. Chairman, it is a terrible sign of weakness that the administration has given in to the demands of those troublemakers and agitators who have been trouping up and down the countryside during the past few months. H.R. 7152 is a stamp of approval for these actions. In truth and in fact, the bill, under the cloak of protecting the civil rights of certain minorities, will destroy civil rights of all citizens who fall within its scope. Farmers, homeowners, labor unions and members, the press, financial institutions, places of "public accommodation," public and private schools, higher educational institutions, State courts and local governments—all are seriously affected by the provisions of the so-called civil rights bill. Package legislation such as this, which truly embraces seven different legislative propositions, will surely bring more problems than its hidden and unknown authors ever dreamed possible.

As if it were not enough to have this bill railroaded through the Judiciary Committee without an opportunity for the members of that committee to discuss, debate, or amend it, it was offered as a completely new substitute to the bill then before the Judiciary Committee, a substitute which not even the subcommittee members had ever seen before.

Serious and grave dangers have become evident in every title and every section of this ill-conceived legislation: dangers to the individual citizen of this country, as well as to the traditional philosophy of separation of powers between the Federal and State Governments.

Take title I for instance, which relates to so-called voting rights.

Section 101(d) of title I empowers the Attorney General to decide for himself whether a proceeding brought under this title should be heard by a so-called three-judge Federal court or by a U.S. district court presided over by a single judge. This is obviously an unwarranted and unprecedented attempt to oust the jurisdiction of the U.S. district courts at the will of the Attorney General.

State elections, as well as the manner of choosing presidential electors and Members of the Senate and House of Representatives, are encompassed in the provisions contained in this title and would be placed under the control of the Attorney General and the Federal courts. The bill repeatedly refers to "any Federal election," but is cleverly designed to include many State elections. In section 101(c), we find "Federal election" defined as follows:

> Any general, special, or primary election held solely, or in part, for the purpose of electing or selecting any candidate for the office of President, Vice President, presidential elector, Member of Senate, or Member of the House of Representatives.

Mr. Chairman, 46 of the States in the Union elect local officials in the same election in which the congressional Members and presidential electors are chosen. This bill is worded in such a way as to place Federal control over State and local elections in such States. This, sir, is complete Federal control in State and local elections and to authorize Federal prosecution of State and local officials who, in the opinion of Federal officers, are guilty of arbitrary acts or inaction in the area of registration, voting, or counting of votes in any Federal election, is, in fact, to give to those in power in Washington complete control over State and local elections.

Mr. Chairman, I am limiting my discussion at this time primarily to title I, but all thoughful citizens must have grave doubts about every other title in this bill. Not the least of these is title II, the so-called public accommodations provision.

Under the phony guise of allegedly insuring to every American citizen the complete and full enjoyment of rights, privileges, and immunities under the Constitution, such gross restrictions on the use of individually owned property, on the right to conduct business with customers of one's own choosing, on the right to use one's own property as one sees fit, attack the very basis of American freedom.

One must abandon the principle that governments are instituted among men to make men's rights secure if this bill is passed, for no right is more ancient than man's right to hold, manage, and control the use of his property. This right for Americans is one of our most cherished possessions, along with other familiar rights—the right of free press, free speech, freedom of religion, freedom to bear arms, the right to trial by jury, the protection against excessive bail or cruel and unusual punishments.

Yes; H.R. 7152 is a maze of unacceptable, unconstitutional, unwarranted, and undefined provisions which endeavor to extend Federal powers and callously deprive private citizens of their individual freedoms and State and local governments of their traditional spheres of responsibility.

Surely the day has not yet come when we are prepared to write off all that has made this Nation our source of great pride and the envy of people all over the world.

Mr. CELLER. Mr. Chairman, I yield such time as he may desire to the gentleman from South Carolina [Mr. DORN].

Mr. DORN. Mr. Chairman, we will continue our determined and prolonged effort to bring to the attention of the House and the country the sinister design behind this, the worst civil rights bill in history.

I realize, Mr. Chairman, with limited debate, we face overwhelming odds and an uphill fight all the way. We are confronted with a powerful coalition of Republicans and northern Democrats who are determined in this election year to steamroll and railroad this bill over the majority of the American people. It has been assigned top priority by the Republican and Democratic hierarchy in a merciless effort to woo the controlled minorities of the great cities and place the

American people in a civil rights straitjacket. This bill is the most brazen, calculated attack on individual freedom and property rights in the history of Western civilization.

Title I of the civil rights bill would place the control of election machinery in the hands of the Attorney General. Under the power conferred by this section of the bill, the Attorney General could eventually influence every election for Federal office in this country. The people of Russia are permitted to vote and are virtually forced to do so, but with only one ticket on the ballot. Ninety-eight percent of the people in Germany under Hitler voted, but they could only vote for Hitler and his gang. The power given the Attorney General to go out and register voters under this title of the bill will be used to bloc vote these registered voters. This section will promote corruption, political machines, and will become a mockery of the right to vote one's choice. I maintain we should have the right to vote of our own free will and accord and the right to have that vote counted. There is a vast difference in voting in a free election and being voted.

Title II will give the Attorney General gestapo power over hotels, motels, restaurants, cafeterias, lunchrooms, gasoline stations, and so forth. This section is a most sinister and calculated attack on property rights. It is a long step toward collectivization of our private enterprise system. It is a direct attack on the ownership of property. It subverts the Constitution which guarantees property rights.

Title III would place every city and State park in the country under the complete domination of the Attorney General.

Title IV would complete Federal control of education. It legalizes bribery, grants, loans, and all the worst forms of trickery to gain control of and nationalize the education system of the United States. It will give the Department of Health, Education, and Welfare, with its Commissioner of Education, the authority and the obligation to indoctrinate teachers, to set curriculums, and to regulate even school social functions.

Title V will make permanent the Commission on Civil Rights—another permanent agency to harass, investigate, and intimidate the American people. It will be their business to find something to do to justify its existence. By its very design it will be the epitome of harassment and meddling, another empire-building, growing new agency in an already bloated and overexpanded Federal bureaucracy.

Title VI grants every department of the Federal Government and every agency of the Federal Government the power to withhold Federal assistance to any individual, local project, or local program unless that individual or program conforms to every contortion of the bureaucratic mind in the realm of alleged discrimination. This title of the civil rights bill would subject every farmer who receives soil conservation and soil bank payments or price supports, watershed projects, and farm ponds to blackmail and pressure to permit unwanted and unwarranted trespassing, fishing, hunting, and so forth. Private pine tree forests under the soil bank program could conceivably be opened up to trespassing and even condemnation and regulation by the Federal Government. Owners of farm ponds and pastureland created under the great soil conservation program could be subjected to charges of discrimination. This section of the bill would place every local city street and State highway project under the Federal Government.

Title VII creates the old discredited and often repudiated Fair Employment Practices Commission—FEPC. This section will place virtually every business in America, large and small, under the constant regulation and supervision of the Federal Government. Private enterprise in America, under this section, could become a political pawn in the hands of the Federal Government to be manipulated and forced to submit to the demands of minorities, street agitators, and violent demonstrations. No business in America would be free from constant harassment from screaming, yelling mobs, lay-downs and "injunctive intimidation." It would simply place the Federal Government in control of all employment, public and private. Of course, this section will create another commission of the Federal Government to be known as the Fair Employment Practices Commission with a high-salaried bureaucracy and per diem—a commission with numerous agents to check books, prod, and harass.

Under title VIII, even the Secretary of Commerce is brought into the act and is directed under this section to conduct surveys and compile registration and voting statistics in any geographic area recommended by the Civil Rights Commission. The Attorney General, the permanent Civil Rights Commission, the Commissioner of Education, FEPC, and every agency of the Federal Government, to the powers behind this bill, do not constitute enough instrumentalities of harassment; and therefore, the Secretary of Commerce is directed, with the Census Bureau, and so forth, to join the campaign against individual freedom and property rights.

Title IX and title X of the bill are additions to a very far reaching and dangerous bill. No two lawyers can agree on the future effects of this ill-conceived legislation. An overwhelming majority of the great lawyers throughout the country and in the Congress, privately and many publicly, agree that this is the worst bill ever to come before Congress.

This civil rights bill now before the House is the most far reaching and evil legislation in the history of this Nation. If enacted in its present form, it will shake the very foundation stones of our form of government. It will undermine the private enterprise system and individual property rights. It will destroy the Constitution and could lead to a Federal dictatorship with a Washington MKVD terrorizing the American people.

This bill is being considered as a direct result of pressure. It is forced upon the Congress by street violence, illegal demonstrations, and extreme agitation. It is here because of bloody attacks on the police officers of this Nation.

We should postpone consideration of this legislation and repudiate this method of obtaining consideration of any bill. Congress should legislate in a cool, deliberate, calm, and cautious atmosphere. We should not legislate at every whim of the street mob. Blackmail will whet the appetite of the mob for more blackmail.

Mr. CELLER. Mr. Chairman, I yield such time as he may desire to the gentleman from New York [Mr. ADDABBO].

Mr. ADDABBO. Mr. Chairman, I rise in support of H.R. 7152. This bill in many ways parallels the laws of the State of New York, laws which have been in effect for many years. In actuality, New York State laws, in many instances, go further than the bill before us; and the laws of the State of New York provide, in many instances, penal penalties in addition to monetary penalties.

H.R. 7152 encompasses more of the moral rights than the civil rights of the people—the moral rights as guaranteed by the founders of our country and for which all races, colors, and creed have given of their life, life's work, and tax dollars. The civil rights laws and similar statutes in the State of New York have proved workable, and I believe this pending bill will be a great step forward in curing many of our domestic problems where so many of our citizens are deprived of their moral rights.

Basically, in this legislation, we are not seeking new rights for anyone. We are only endeavoring to insure to every American citizen that he will have free exercise of the rights and liberties guaranteed him by our Constitution. We know that every citizen has or is entitled to the same treatment, but we know also that great numbers of our citizens are deprived of many of their constitutional rights. Correction of this situation is long overdue.

I believe laws such as the bill before us today are meaningless unless the people understand and accept the moral and civil responsibilities and obligations that go with privileges and rights. Only through this understanding and acceptance of these principles can the rights and privileges of all Americans be properly enjoyed in this great free country of ours.

Mr. CELLER. Mr. Chairman, I yield such time as he may desire to the gentleman from North Carolina [Mr. FOUNTAIN].

Mr. FOUNTAIN. Mr. Chairman, I rise in opposition to this legislative shotgun, lock, stock, and barrel.

Mr. CELLER. Mr. Chairman, I yield such time as he may desire to the gentleman from Alabama [Mr. JONES].

Mr. JONES of Alabama. Mr. Chairman, in opposing H.R. 7152, I speak both as an American and as a southerner, because this evil proposal threatens all Americans, no matter what their background, or their social customs, or their color of skin, or their religious beliefs.

This so-called civil-rights legislation, Mr. Chairman, is the most radical proposal in the field of civil rights that I have encountered in my 17 years in this House.

This legislation would make a mockery of the constitutional rights and freedom

of all Americans. For each freedom that would be artificially created, another freedom—granted to Americans by the Constitution—would be destroyed.

This is a sinister and revolutionary bill.

In the name of personal liberty, it would undermine personal liberty as we have known it under our Constitution.

This legislation, Mr. Chairman, would place unlimited power in the hands of the executive branch of this Government. It has been described as the greatest grasp for executive power conceived in the 20th century, and I concur in this view.

This legislation would give the Central Government broad and sweeping dictatorial powers to do what it will with individual freedom and property rights.

And all this, Mr. Chairman, in the name of granting special privileges to a minority group.

Under this legislation, the price of forced integration could be disastrously high. Here we have an artificial solution which will not eliminate the basic problems facing the Negro today.

Yes, these problems will remain but in the meantime we will have violated our Constitution and presented the Central Government with totalitarian powers to interfere with our traditional rights.

No thinking American, North or South, will dispute the right of the Negro to receive an education; to hold a job good enough to provide for himself and his children. Nor is there a quarrel with the right of qualified Negroes to vote.

It is true that serious social and economic problems face the Negro. But these problems, Mr. Chairman, will not disappear with passage of this vicious legislation now before the House.

The Congress has been under heavy pressure to act precipitously. Racial agitation groups have been successful. They have won over the politicians and thus today we are faced with this monstrosity of a bill which would make a shambles of our constitutional system of government in seeking to establish an artificial equality.

One section of this bill deals with public accommodation. Under this section, the proprietor of a business will no longer have any choice to make with respect to whom he serves or hires. It is his business, his investment, and his source of livelihood—but the Government will tell him whom he must accommodate and employ.

In effect, in this instance, the control of the business has been switched to the Federal Government. The order from Washington may be contrary to local custom and social traditions—but that will not matter. The proprietor must do business under the rules emanating from Washington. This represents a shocking invasion of property rights and individuals rights.

Each section of this bill is repugnant to me, Mr. Chairman. But one section in particular I believe to be particularly dangerous and revolutionary. I refer to that wording which would give the executive branch authority to withhold Federal funds where it might decide racial discrimination exists.

Certainly in this particular section of the bill we have the perfect example of the grab for total executive power which is reflected, as well, in the other titles of the legislation.

Mr. Chairman, H.R. 7152, should it become law, would make a mockery of our American way of life.

It would solve no problems; only create more problems.

It would establish artificial rights while destroying traditional and constitutional rights.

It would place totalitarian powers in the hands of the executive branch of our Government.

It would, thus, critically undermine our constitutional system of government.

Mr. CELLER. Mr. Chairman, I yield 10 minutes to the gentleman from Kentucky [Mr. CHELF.]

Mr. McCULLOCH. Mr. Chairman, I also yield the gentleman from Kentucky 5 minutes.

Mr. CHELF. Mr. Chairman, in 1957, when the civil rights bill was favorably reported out of our House Judiciary Committee, I signed the minority report. I did so because I felt that there were sections in it that were detrimental to the best interests of the Nation. It was my considered opinion that there was more harm than good contained in the bill.

I voted against this legislation in the House, later on, when the Senate amended the bill by striking out section III that had to do with forcing citizens of our country at the point of a gun barrel to comply with its provisions. I voted for the Senate's amended version.

When the 1959 civil rights bill was favorably reported out of our Judiciary Committee of the House, I again voted against it. However, on February 1, 1960, I signed the discharge petition to help bring the matter to the floor so that the House could work its will. In addition thereto, I voted "yea" on the rule because I have always felt that every piece of important legislation has a right to be brought before the House. Notwithstanding this action, I reserved the right to vote against the bill in its final form and did so because I felt it did not do justice to the majority along with the minority.

As you may recall, for quite some time this legislation had become securely stuck in "the flypaper" of legality in our committee. On October 28, 1963, several of us were invited to see President John F. Kennedy—God rest his sweet soul—and there in the Cabinet room, we discussed this legislation. It was at this meeting that our late and lamented and loved President, stated that he was in a very unfortunate, unusual, and unhappy predicament. This was true, he said, because his Negro friends seemed to doubt his sincerity of purpose in trying to pass civil rights legislation while, on the other hand, he pointed out, the opposition thought that he was doing too much to secure its passage.

Frankly, when I heard of the President's plight, I told him on that occasion that while I had some specific reservations with respect to some sections of the bill, in view of his dilemma I would join with him to vote the bill out of the full committee with the definite understanding that I reserved the right to oppose any portion thereof that I deemed unwise and unfair to the Nation as a whole. I told President Kennedy at that meeting that this legislation had a right to be heard, debated, and acted upon by the majority of the people's representatives in the House of Representatives. Since this terrible tragedy has befallen our country—how can I ever forget what I said to him—I said: "Mr. President, you are the coach of our team and, bless your heart, we have a government of the majority and I am not afraid to let the House of Representatives speak its piece and work its will." This, my colleagues, was the last time that I saw him alive. There he was working his heart out to help those who were underprivileged, and yet who doubted his motives. Yes, who doubted him.

According to my sacred promise, on Tuesday, October 29, 1963, I voted to report favorably the Celler version of the two bills which had been hopelessly locked in the legal quagmire of our committee.

With these facts in your possession, I believe you will agree that I have tried to be moderate, reasonable, and considerate not only last year, but in 1960, and as far back as 1957, when the first civil rights bill was enacted.

While Kentucky is south of the Mason-Dixon Line, nevertheless, father fought son and brother killed brother over their sincere differences in the War Between the States 102 years ago. I am proud to say that I hail from a little community where there are lots of fine salt-of-the-earth Negro people who, incidently, have never had any trouble in voting in our city, county, State, and Federal elections.

I would like to say this to you. In a previous speech I mentioned one of our sweet old colored gentlemen, and he was a gentleman, by the name of Mace Spalding, in my little town of Lebanon. After his death and at his funeral—I flew from Washington to attend—I was sitting there in the front row, the amen corner, so to speak, in that little Catholic chapel where the services were being held.

When the funeral services were over, the mayor of the town and I walked out. I said to the mayor, "Isn't it a shame that we have not appreciated our good, wonderful colored friends any more than we have?"

I said, "You know I wish with all my heart there was something we could do to honor this fine, outstanding, elderly gentleman. Do you know what I think I will do?"

He said, "What?"

I said, "I believe that I will ask the present Acting Governor of Kentucky if he will name him as a colonel on his staff posthumously."

I know that when I said this in my speech delivered a few years back, some of my colleagues laughed. And they should have laughed, my friends, because let me tell you it was a shame that I had to wait until this sweet soul—this man of God, this gentle person, Mace Spalding—had passed away before I appreciated his goodness, his kindness, and his consideration of his fellow man.

Yes—shame—shame on me—and Lord forgive me—I pray.

Oh, he had done so much for the colored people throughout all the length and breadth of Marion County and the State of Kentucky. Yes, I should have been laughed at real good, because I had not thought of it sooner.

Since our procedure on integration in Kentucky has been rather successful, I would recommend our modus operandi to those other States that may be interested in this vital social problem.

With but two possible exceptions we, in Kentucky, have had no serious integration upheavals. I think this is chiefly because our people in Kentucky of all faiths and of all races have sat down together, and they have done an excellent job in solving the problem. They were so successful. One of our school superintendents from Louisville, Ky., Mr. Omar Carmichael, was summoned here by President Eisenhower and was given an award at the White House because of the way and the manner in which they voluntarily, on a local basis in Louisville, Ky., did a beautiful job. But not at the point of a bayonet held by the Federal Government or at the rough end or the shooting end of a pistol held by a marshal. They did it, my friends, voluntarily.

There is an old adage that "you can lead a horse to water, but you cannot make him drink." This applies to people as well. The average American will follow a leader, but you cannot drive the American people. This is what this bill will do. It drives the people. You cannot legislate morals. We tried it with the 18th amendment. You cannot legislate the habits of people. It just cannot be done. Yes, I will say this to you, and frankly, as I view this legislation, there is one basic element that the leaders of the NAACP and CORE and other similar organizations have either forgotten, or unfortunately have never been told, and that is that persons of good breeding, first, never seek invitations and, second, they do not go where they are not invited; and, third, do not remain where they are not wanted.

In our society one does not act this way, with or without a court decision or a governmental edict. You just do not do it in America. We cannot legislate here nor can that court across the street over there determine or say whom you shall take into your home and whom you shall have as your friends and whom you shall associate with.

As I said in my first civil rights speech, in 1957, some of the civil rights leadership was as shaky as a guest bookstand in an undertaker's parlor, and will be about as long remembered by everyone when this legislation is all over as the final Indian war whoops from "Custer's last stand."

I repeat, we cannot legislate morals or habits. The good Lord gave me my relatives, but I have news for you—I reserve the right to fully select my friends and my associates.

If and when the time comes in America that we cannot do this, brothers, we have had it.

Congress cannot legislate nor can a Supreme Court decide who one's friends shall be. As I have said previously, back in 1776 the British were foolish enough to place an unjust tax on the backs of our people and a war was on. In 1861, there were those who were impatient, tactless, arrogant, and thoughtless; who literally tried to cram certain beliefs down the throats of the American people.

What was the result? Tragedy and a bitter, bloody war that cost the southern army 52,000 gallant soldiers and the northern forces 110,000 brave men.

Destruction, grief, and poverty followed this unnecessary war. Our people can be crowded just so far. It was true in 1776, 1861, 1918, 1941, and it is true today.

In 1960, in a speech in this Chamber, I said: "If these sitdowns keep up, such assemblies could break into riots which could cause grave trouble."

It is sad that my prediction was correct. Today there is rioting not only in the South but in the North as well.

One of the leaders of the civil rights movement, a minister of the Gospel, made the statement that it is all right to break the law. He said:

> One may well ask, how you can advocate breaking some laws and obeying others? The answer lies in the fact that there are two types of laws: there are just laws and there are unjust laws.

However, a New York City judge has said that it is not all right to break the law. In commenting upon the fact that eight clergymen and a social worker had linked their arms together to prevent a cement truck from entering a construction site, the judge said to the defendants:

> Peaceful demonstrations are not violative of the law but what if the brakes on that truck had slipped and someone had been injured? A riot would have broken out and you could not have convinced the crowd that it was an accident. You cannot decide what laws to obey and what laws to disobey. * * * If you don't like a law, the remedy is to go to the legislature * * * to the city fathers—not to take the law in your own hands. This will result in anarchy.

Representative ADAM CLAYTON POWELL—a Member of our own distinguished body—was quoted last August in U.S. News & World Report as having said:

> The Negro outside of the South is not interested in public accommodation or the right to vote * * * these rights are already available, more or less. What two-thirds of the Negro of this Nation want are jobs, upgrading, retraining for new industries, proper training for teenage dropouts and push-outs.

The leadership of NAACP, CORE, and others have been critical of their friends on the House Judiciary Committee for not reporting out a stronger bill. Frankly, I do not believe that they know just who their friends really are. It is about as frustrating as a woodpecker beating his gums out on an iron gatepost. Especially when this is the strongest civil rights bill ever to emerge from our committee. Yes, this leadership did not even feel that President Kennedy was helping them. Oh, if they could have seen his anxious brow and really known what was on his mind and in his heart—they would be put to shame. President Kennedy was their real friend. I know, because he asked me as a personal favor to help him get a bill out of our Judiciary Committee, and I did.

I apologize to no one—because I still believe that the House of Representatives of the United States is the best jury in the world. I want it abundantly clear that I am for the right to vote, the right to obtain a decent education, the right to secure and maintain a good paying job—provided, of course, the person is qualified—for all of our citizens, no matter who they may be or where they come from.

It is my considered judgment that, to a certain extent, improvements should be made in our so-called public accommodations. However, I would advise that such a sensitive matter should not be hastily covered by Federal law, proclamation, court decision, or an Executive order. I believe we should proceed with the utmost caution when we approach the doors of a privately owned business of any caliber.

Let me make a comment about some of these big department stores, who have chains all over and around the country. If they advertise suits, shoes, medicines, or any other item for sale and the colored customer's money is good enough for these purchases—then I am here to tell you that that same colored person's money is good enough to entitle him to go into their restaurant, if there is one, and to sit down and enjoy himself. These big outfits and department stores cannot take his money for one thing and deny him the right to use the restaurant or the other facilities of their grounds or buildings.

One of the most successful businessmen in the Nation happens to be a fine, upstanding Negro gentleman by the name of S. B. Fuller, of Chicago. He comes from the hometown of my good friend and our colleague, WILLIAM "BILL" DAWSON. I do not have a finer or better friend in this world than "BILL" DAWSON. I am proud to have his friendship. I respect you, I admire you—I have selected you as my good friend. I hope that you feel the same toward me, "BILL." You know why? It is because that you have won the right and the privileges "of the lodge" so to speak. In other words—you have so conducted yourself as to demand and to receive the great respect due to you. BILL—you did it for yourself on your own. No Federal law was necessary.

Mr. Fuller employs about 600 people, about 20 percent of whom are white. In August 1963, the U.S. News & World Report sent a staff to interview Mr. Fuller and here are the answers he made to several questions propounded to him.

> Question. In general, what do you think is the answer to the race problem in this country?
>
> Answer. Well, the problem is one the Negro has to work out himself. Negroes are not discriminated against because of the color of their skin. They are discriminated against because they have not anything to offer that people want to buy. The minute

that they can develop themselves so they excel in whatever they do—then they are going to find that they don't have any real problems.

An example is baseball. When the owners of the big leagues found out that Negroes could play just as well as whites, discrimination ended.

Question. Are the racial demonstrations doing any good?

Answer. The demonstrations have made the white man know that the Negroes are dissatisfied. * * * Beyond that, I don't think they have done any good. In fact, they have done harm in the picture they give of Negroes.

Question. Do Martin Luther King and others of his views speak for the Negro people as a whole.

Answer. No, they speak for certain small groups of people.

Question. Why is it that we hear so much about the frustrations of the Negro?

Now get this answer, coming from a very successful Negro businessman in the city of Chicago. The answer is:

It's because they have been played up so much on TV, radio, and in the newspapers.

If this bill, in its present form, becomes law and it is upheld by the courts, it will, in my opinion, extend Federal domination over businesses, industry, and over individual citizens in a manner never before attempted since the Constitution of the United States was adopted. It will destroy the constitutional checks and balances between Washington and the States. The Library of Congress research staff quotes Loyd Wright and John C. Satterfield as having said:

The civil rights aspects of this legislation is but a cloak; uncontrolled Federal executive power is the body.

I could go on and give you much more, but my time is running out, and I will conclude with a quote from a study on research.

An individual's right to restrict the use of his property * * * lies beyond the reach of the 14th amendment. Freedom of the individual to choose his associates or his neighbors; to use and dispose of his property as he sees fit; to be irrational, arbitrary, capricious, and even unjust in his personal relations are things all entitled to a large measure of protection from Government interference. Mr. Justice Harlan. *Peterson* v. *City of Greenville*, 373.

At this point, I want to salute Mr. Loyd Wright and John C. Satterfield for their great contribution and interest in our democratic way of life, by their study on this subject.

In view of the above research that I have attempted to bring to your attention—I shall have to vote for amendments that will correct and repair the potential damage that is presently locked up in this bill.

Mr. MORTON. Mr. Chairman, will the gentleman yield for a question?

Mr. CHELF. Yes. I yield to the gentleman from Maryland.

Mr. MORTON. Will my distinguished friend, the gentleman from Kentucky, tell me whether he is for or against the bill?

Mr. CHELF. That is a fine question. I had not said because I did not have the time that I had hoped to get to cover the matter. My remarks here were hurriedly thrown together. In its present form I am very much against the bill.

Mr. MORTON. Thank you very much.

Mr. CHELF. If we can amend this bill and make it a better one, I will support it. If we do not, I shall vote "no." I could ask my friend how he shall vote—but I shall not. Does that answer the gentleman?

Mr. MORTON. Thank you very much.

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

Mr. McCULLOCH. Mr. Chairman, I yield 10 minutes to the gentleman from Kansas [Mr. SHRIVER].

Mr. SHRIVER. Mr. Chairman, yesterday afternoon one of our Members asked for an explanation of the bill before us and not generalized speeches. We have had a considerable amount of that type of presentation both yesterday and today. I intend to follow the suggestion of the gentleman made yesterday in the few minutes that I have in support of civil rights and in discussing in particular title I.

One of the most basic and important rights of citizenship in our great country is the right to vote. Title I consists of amendments to existing law. An 1870 Federal statute declared that all citizens of the United States should be entitled to vote without distinction of race, color, or previous condition of servitude. This statute, however, lacked effective enforcement machinery until 1957. So we have had legislation on our books since 1870, then revised in 1957, and then in 1960 the Congress enacted additional legislation to increase the ability of the Government to cope with the problem of discrimination in voting.

In addition to declaring that the prohibited acts and practices of State officials would be those of the State and specifically authorizing the naming of the State as a party defendant, Congress also made provision for the preservation of records and availability for inspection by the Attorney General of records made by the States pertaining to Federal elections.

The major contribution against discrimination in voting made in the 1960 Civil Rights Act was the plan for the appointment of voting referees to register persons of the same race as those proved in the lawsuit to have been discriminated against. These referees may be appointed by the court only after the court has made a specific finding in a suit brought by the Attorney General under the 1957 act that the discrimination in voting was pursuant to a pattern or practice; that is, that such discrimination was customary and usual rather than an out-of-the-ordinary isolated event.

Even after such a finding was made the referee could not begin to receive applications until the prospective voter had made application to the registrar appointed by the State and had been rejected.

The referee could then receive such applicant and would proceed to qualify such applicant under the State qualification standards. Where the court did not wish to appoint a referee, the court would receive such applications and pass on them.

Serious problems have arisen from experience under the 1957 and the 1960 laws.

First, lengthy and often unwarranted delays have occurred in the course of court proceedings. For example, a suit started in July 1961 where 24,000 of the 40,000 eligible whites were registered but only 725 of 16,000 Negroes were registered is still pending after more than 2 years.

There is no such thing as retroactive relief with respect to voting rights. No amount of later relief or subsequent litigation can repair this damage to the individual or to the public generally.

Provision is needed to expedite voting suits and to afford speedier relief to those who have been subjected to discrimination in seeking to exercise their right to vote, a basic right in this country.

Another problem has been the continued use of literacy tests and other performance examination as a device for discrimination. All too frequently, we are informed, tests given to one race are far more difficult than those given to another race.

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

Mr. SHRIVER. I yield.

Mr. WAGGONNER. Mr. Chairman, yesterday I asked the gentleman from Colorado [Mr. ROGERS], some questions about this particular action on voting rights. I would like to ask the same questions of the gentleman in the well because I am still in doubt. Now, with regard to literacy tests for voter qualifications, is it the gentleman's opinion that if this legislation is enacted the State will still have reserved to it complete authority to prescribe whatever literacy voting qualifications they deem necessary, not only in State elections but Federal elections as well even if the State elections coincide with the date of Federal elections?

Mr. SHRIVER. I was here and heard the gentleman from Colorado [Mr. ROGERS], yesterday. My answer would be similar. The provisions of this act do not interfere with the right of the State to employ a literacy test as a means of judging qualifications. It is merely a procedural requirement relating to the manner of holding elections. Congress has the authority under article I, section 4, of the Constitution to do that.

Mr. WAGGONNER. The gentleman went along all right until he got to the last few words. Then he says the Congress has the authority. Up to that time the gentleman said the State had the authority.

Mr. SHRIVER. I said it is a procedural as to the manner of holding elections. There is some difference of opinion as to the fact that Congress may have that kind of authority. I think the authorities have pretty well indicated it has.

Mr. WAGGONNER. I think the gentleman has further confused the issue.

Who, in the gentleman's opinion, under this legislation has the authority to prescribe literacy tests, or a literacy test, as a requirement when State elections coincide with Federal elections?

Mr. SHRIVER. I think I have answered that. My time is rather limited. The provision the gentleman refers to does not interfere with the right to employ literacy tests to judge qualifications.

To help meet the problem of delay, title I would authorize and direct, upon application by the Attorney General, the appointment of a three-judge district court which would promptly hear and dispose of voting discrimination cases. Appeal from the decision of such a court would lie directly to the Supreme Court.

Title I would also require that all voting cases brought by the United States or the Attorney General under existing law be promptly assigned and be expedited.

Discriminatory practices by registration officials are dealt with by the requirements in title I that such officials apply uniform standards with respect to registration for Federal elections and by the prohibition against their disqualifying an applicant for immaterial errors or omissions in papers requisite to voting in such elections.

Title I would also require that if literacy tests are to determine qualifications to vote in Federal elections, they be in writing except where State law permits and the applicant requests a nonwritten test. In addition, copies of both the test and answers thereto, whether written or oral, must be retained and given to the applicant on request.

Finally title I would create a rebuttable presumption in voting cases that an individual who has completed the sixth grade possesses sufficient literacy to vote in Federal elections.

The question has been raised relative to this bill and literacy tests as to whether written literacy tests constitute qualifications? The answer is "No." This provision does not interfere with the right of a State to employ a literacy test as a means to judge qualifications. It is merely a procedural requirement relating to the manner of holding an election which Congress has authority to regulate under article I, section 4, of the Constitution. In addition, this provision is an adjunct to the recordkeeping provision of title III of the 1960 Civil Rights Act which has been held to be constitutional.

A key purpose of this bill is to secure to all Americans the equal protection of the laws of the United States and of the several States—all a part of the Constitution of these United States.

The secret ballot is a fundamental of representative government. Without it no other benefit or achievement can be considered secure. I do not mean, however, that the grant of voting rights will automatically equalize job or other opportunities.

But, the ability of the Negro to obtain material benefits and social and political achievement will long be retarded in those communities where he does not have the right to vote.

Concern has been expressed by critics of this bill that the bill divests the States of their right to determine the qualifications of voters. This is clearly not true. States remain free to establish their own standards. The bill simply would require that the same standards be used for both white and Negro applicants.

It is regrettable that in some localities, local election officials turn down some Negroes on the ground they are illiterate—even teachers and college graduates—while at the same time registering white applicants who are unable to read or write.

Title I of this bill would remedy this situation by amending existing law.

We have heard during the course of this debate that this bill and various parts of it are unconstitutional. There are those here and throughout the country who contend title I is not constitutional. It is natural that differences of opinion exist, but I submit that title I relating to voting rights is entirely proper and based upon the Constitution.

The constitutionality of the various provisions of title I may be based on any one of several sources: The 14th amendment to the U.S. Constitution; the 15th amendment; article I, section 4, and the implied power of Congress to protect the purity of Federal elections.

I particularly direct your attention to the 15th amendment which provides:

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or by a State on account of race, color, or previous condition of servitude.

Thus, the 15th amendment prohibits the racially discriminatory administration of State voting laws.

And as pointed out in several Supreme Court decisions, it prohibits "contrivances by a State to thwart equality in the enjoyment of the right to vote by citizens of the United States regardless of race or color."

Under section 2 of the 15th amendment Congress is vested with the power to enact appropriate legislation to enforce the amendment.

This power includes the enactment of all measures reasonably adapted to counteract discriminatory devices. Title I is such a measure and is completely in accord with the U.S. Constitution.

The provisions of title I obviously are reasonably necessary to eliminate obstructions to the purposes of the 15th amendment—that the right of citizens to vote shall not be denied on account of race.

As we consider the bill before us, we must constantly remember its purpose is to assist toward eliminating discriminations and to further guarantee to all citizens their constitutional rights—their rights as human beings.

My distinguished chairman, the gentleman from New York [Mr. CELLER] yesterday said:

> The legislation before you seeks only to honor the constitutional guarantees of equality under law for all.

As legislators we should remind ourselves of the statement of our wise Founding Fathers who placed these words in the Declaration of Independence:

> We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men * * *

Mr. RODINO. Mr. Chairman, I yield such time as he may desire to the gentleman from Florida [Mr. SIKES].

Mr. SIKES. Mr. Chairman, I have had much mail from the people of my district. They are active letter writers and their letters are from every class and segment of society, including Negroes. I like to think the mail I receive is generally an indication of their feeling. When I say this, I am eliminating consideration of "inspired" or "write your Congressman" campaigns. I have had more mail on civil rights than on any other issue before the Congress. I receive a few letters from people who advocate passage of the civil rights bill. But, I can safely say that 99.9 percent of my mail is against it. There is no reason to believe other than this is a genuine outpouring of the sentiment of the people whom I represent. I think this reaction is typical of nearly all the Nation. I do not believe the agitation for the bill is representative of the feelings of the people as a whole.

Now, of course, every American citizen should be equal under the law; should have an equal opportunity to compete in our free enterprise system. But there are those who would have us go far beyond this. They would have us seek to guarantee everyone security and happiness regardless of individual qualifications or attitudes. They would have us subordinate the rugged free enterprise system on which our economy rests to sociological precepts. They would even attempt with and set aside the Constitution. I do not believe we should cripple the free enterprise system in a "cure-all" attempt to satisfy any group, minority or othewise. Yet the civil rights bill now proposed would give the executive branch of Government vast powers heretofore unknown in this country to set aside the Constitution and the free enterprise system. I feel that any citizen, corporate or private, who through the opportunities afforded by our free enterprise system and despite heavy tax burdens has amassed enough capital to own and operate a business should have the right to run that business.

It is pure folly to abolish by laws or decrees traditional rights which have been the keystone of this country's greatness. We cannot gain one freedom by destroying another. The individual's right to own and manage property is a human right inseparable from other basic human rights. Once these rights are eroded or destroyed, the basis of freedom is destroyed and with it everything for which the United States of America has stood since it was founded is endangered. If the civil rights bill becomes law, it will destroy the American heritage of the right of possession of private property just as surely as Com-

munist decrees have destroyed a similar right in other parts of the world.

We know there is vigorous agitation for its passage. It is a sustained agitation of the kind which Communists use so effectively to promote their own interest in many parts of the world. It is the only kind of agitation which will permit minorities to take over rights from the majority in whatever country it is practiced. The public is entitled to a voice in this matter, but the public quails before the noise and the agitation; does not know how to make its voice heard above the din.

Yet, I say that if this bill is passed to pacify the few who are noisy agitators, it will fail in its purpose. They can never be satisfied. They cannot afford to be satisfied. They must always agitate for more than they can possibly hope to achieve in order to maintain their status as leaders in a cause and their following.

I do not think we need delude ourselves about the real objectives of this legislation or the motives of the chief agitators back of it. Certainly, it is not the attainment of civil rights. Civil rights is a catch phrase. These are rallying words, used like anticolonialism, to cover anything and to serve any objective the user desires. And, generally, the use is just as phony as that of the term "anticolonialism."

In the same manner, the word "discrimination" has been made a whipping boy. Would it not be well to consider that this legislation would set up discrimination in reverse? Is it democratic to discriminate for the 11 percent of the Nation who are Negroes? Do the 89 percent have to give up rights which the Constitution guarantees just because their skins are white? Is a man to be denied a government job for the same reason? Apparently, it is happening in "free" America.

The real objective of those who agitate for the enactment of civil rights measures is social rights. Most people have civil rights. They can vote. They can be elected or appointed to office. They can own property. They can travel freely and in most travel they use the same public accommodations. They are not denied an education. In fact, they can have the use of the power of the U.S. Army, if necessary, to insure that they get an education. The real basis for complaint is lack of social rights. But social rights are not conferred by statute. They have to be earned.

Mr. Chairman, if this bill should become law, there would no longer be constitutional guarantees of the rights of the individual as we have known them through the years. These guarantees would be set aside. In their place would be blanket power for the Federal Government through the Attorney General and the President to control the lives, property, and eventually the thoughts of the people. We could have, for the first time, the basis in law for a police state with all its connotations. In nations where police state powers are in effect, history shows there have been few instances where the people ever regained freedom.

The legislation before us is contrary to the laws of my State. Some of these laws are of very recent enactment. Florida is a progressive State, a growing State made up of people from the four corners of the land. It is recognized as more liberal than most of its southern neighbor States. The enactment of laws by any State legislature which are contrary to the proposals contained in the civil rights bill is, in my opinion, a repudiation of the action which is proposed here.

Regardless of that, Mr. Chairman, I am opposed to any legislation which becomes an infringement upon the rights of another to conduct his business, his private business, as he sees fit. Any governmental control upon a man's right to protect his investment is an infringement upon his basic rights as an American. I am constrained to wonder whether the Government is going to guarantee protection against loss of income due to compliance with forced integration, or whether we are to have, as a followon, legislation which subsidizes those so deprived of a livelihood. It would be a logical next step in the march toward a socialized state.

People are not equal. They are not created in the same mold, they cannot be recast by law to be exactly alike.

In contrast, perhaps it would be well to recall that the rights of individuals cease when they trespass on the rights of others. This our Government seems to want to forget. Even the strongest civil rights proponents must admit that discrimination against the majority is as bad as discrimination against the minority.

I fully believe the situation which has arisen in this country through clamor for so-called civil rights means we are in danger of losing the image of freedom at home which we are seeking to establish for people abroad. In America the bastion of freedom to which all the world looks for strength, race has been set against race by glory seekers or vote seekers. They are attempting to bring about through unwanted and unneeded legislation that which can only be accomplished through voluntary cooperation.

Mr. Chairman, if ever there was a need for restoration of sanity, it is now. I look around me, and I see dynamic progress. I see a sound economy. I see opportunity for the people of this country to stand together and work together as never before. But instead, there is division and discord, primarily because there is constant agitation of the race question.

The Communist techniques of creating problems to gain concessions in the solution of these problems was never used to better advantage than in the manner in which some racial demonstrations were promoted in this country to create trouble and to involve the participation of the U.S. Government. And let me tell you here and now these demonstrations and the agitation which has helped push this bill on the floor of the House were not without involvement by Communists. They have worked to ferment and stir up trouble here just as they have everywhere else. If our Government does not know what is going on, it is utterly blind. This is not a movement which is pure and untainted and altruistic.

All of this has left bitterness, instead of understanding, chaos instead of solution. Administrative forces should never be used to bail out those responsible. The problems between the races cannot be solved in this manner.

If there is need for civil rights, it would not be achieved by the enactment of legislation which destroys the rights it pretends to insure. The proposed civil rights bill is probably the greatest single departure from constitutional government ever to advance this far in Congress.

Daniel Webster said in a speech 130 years ago that God grants liberty to only those who live it and who are always ready to guard or defend it. The security and the comfort which Americans have enjoyed for so many years is for the first time seriously threatened from within.

I am convinced that the majority of the people of the United States are not demanding that this Nation be turned upside down; that constitutional government be set aside; that the interest of the majority be subordinated to the desires of the minority; that one-man rule be substituted for representative government. I am certain that the majority of the people want none of this; do not want their tax money used for police-state purposes. But all of this is dangerously close.

Mr. McCULLOCH. Mr. Chairman, I yield 15 minutes to the gentleman from Michigan [Mr. MEADER].

Mr. MEADER. Mr. Chairman, before reading the statement I have prepared, I would like to pay tribute to the staff of the Committee on the Judiciary, which has worked long and arduously on this legislation. Our general counsel, Mr. Foley, and Mr. Benjamin L. Zelenko, and our minority counsel, William Copenhaver, and Allan Cors, have long, diligently, and intelligently worked in helping us shape this legislation even to the level of its present unsatisfactory status.

I must say I have never been inclined to be niggardly in providing committees of the House of Representatives with adequate funds to hire sufficient talented people to get our work done. Certainly there is no piece of legislation that is more important than this. I supported our chairman, the gentleman from New York [Mr. CELLER], the other day when there was a request for $250,000 additional for the Judiciary Committee. In fact, I have frequently chided the gentleman from New York [Mr. CELLER] for not having a larger staff.

Mr. Chairman, H.R. 7152, the Civil Rights Act of 1964, is the most controversial and far-reaching piece of legislation to be considered during my seven terms of service in this body.

Yet, it has not had the careful analysis, the thorough study and skilled legislative draftsmanship by the Judiciary Committee that a bill of this magnitude deserves.

H.R. 7152 confers upon the executive branch of the Government vast and uncontrolled powers phrased in ambiguous language. It expands the scope of authority of the Federal Government at the expense of powers of State and local governments as well as powers reserved to the people. For the enforcement of its provisions, it takes from all citizens their traditional constitutional protections by employing the device of government by injunction and financing redress of private grievances at public expense.

I am for civil rights and civil liberties. I will vote for any bill which in my judgment is a proper exercise of constitutional Federal legislative power to achieve equal treatment for all citizens.

I voted for the Civil Rights Act of 1957, the first legislation to enforce the 15th amendment in 85 years. I would have voted for the Civil Rights Act of 1960 if we had been able to delete from the bill the voting referee provision. This ingenious device distorted the proper role of Federal courts and authorized appointment of a receiver to seize and to exercise State authority.

This bill established a precedent for a method whereby the Federal Government could usurp State authority in any field in which the Federal Government chose to do so. I thought it led to the undermining and destruction of our unique governmental system. Therefore I opposed it.

My position on the civil rights issue has been clear and consistent. It has been our national policy since the Civil War to treat all citizens alike and the Congress is obligated to effectuate that national policy through the full exercise of its powers. But the Congress should not use this emotional issue as a vehicle for expanding its powers beyond proper limits of Federal legislative authority. Even more important, Congress should not strip citizens of rights the first 10 amendments to the Constitution gave them to insure that citizens would not be abused by tyrannical Government action.

As a member of the Subcommittee of the Judiciary which held hearings and studied this legislation for many months, I summarized my views in the committee report on pages 43 to 59. I suggested amendments subsequently improved which, if adopted, would render H.R. 7152 a reasonable, understandable, workable, and effective civil rights act, the adoption of which would be in the national interest.

Regardless of our differing views, as legislative mechanics, we should seek to find language which is meaningful and accurate in expressing public policy and grant only such power as is needed to accomplish our legislative objective. It is difficult for me to understand the position of any who would reject any and all amendments out of hand, regardless of logic and reasoning.

It is my hope that during debate under the 5-minute rule, Members will become sufficiently familiar with the provisions of this loosely worded, poorly drafted bill to accept perfecting amendments. If they are not adopted, I will be compelled to vote against the bill.

Mr. Chairman, I should like to have the attention of the chairman of our committee and also the ranking minority Member who I see is present on the floor. There have been rumors in the last few days that those in charge of managing this legislation and those who support them propose during the 5-minute rule to oppose any amendment, even a technical amendment, improving the language of the bill. In view of the fact that we were not able in the Committee on the Judiciary to consider and analyze the phraseology and the power in this bill. I hope that that rumor is untrue.

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

Mr. MEADER. I yield to the gentleman.

Mr. CELLER. I am sure the rumor is untrue so far as I am concerned and I also am sure, so far as the gentleman from Ohio is concerned. There is no such agreement. We certainly will be amenable to any reasonable, sensible, and perfecting amendment, without question.

Mr. MEADER. I appreciate my chairman's assurance on that point.

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

Mr. MEADER. I yield to the gentleman.

Mr. McCULLOCH. Mr. Chairman, I yield myself 1 minute to answer the question my distinguished colleague, the gentleman from Michigan who gave so many countless effective hours in the formation of this legislation from January 31, 1963, to this very moment.

I have heard such rumors. I am no party to such an agreement. I have not in the past opposed an amendment to any legislation which I thought improved that legislation.

Mr. MEADER. I appreciate the gentleman's assurance.

I do not propose in these brief remarks to attempt to review my comments on the entire bill which are set forth in some 16 pages of the committee report, but intend to discuss only two titles, which I regard as the most difficult and complex in the entire bill and on which I have done some work subsequent to the filing of my additional views with the committee last November.

I refer to title II, public accommodations, which is discussed commencing on page 54 of the committee report, and title VI, withholding Federal funds, which is discussed on page 56 of the committee report. In both of these passages of my additional views, I set forth proposed substitutes to these two titles. In the light of discussions subsequent to the filing of the report, including the testimony and colloquy before the House Committee on Rules, I decided to modify my proposed substitute title II on public accommodations by an additional amendment giving an action at law to any person aggrieved by refusal to provide the service or facilities guaranteed by the public accommodations provision. Sucn an action would provide for damages of not less than $100 or more than $1,000. The text of the amendment I intend to offer at the appropriate time is as follows:

Page 42, strike out line 14, and all that follows down through the period in line 3 on page 48 and insert in lieu thereof the following:

"TITLE II—NONDISCRIMINATION WITH RESPECT TO CERTAIN AREAS OF PUBLIC ACCOMMODATION

"SEC. 201. Chapter XXIV of the Revised Statutes of the United States (42 U.S.C. ch. 21) is amended by adding at the end thereof the following new section:

" 'SEC. 1992. (a) No owner, operator, lessee, agent, or employee of any hotel, motel, inn, restaurant, eating establishment, or gasoline station which is situated or advertised adjacent to an interstate or primary highway (as defined in title 23, United States Code, section 103) and which is held out as serving or offering to serve interstate travelers, and no owner, operator, lessee, agent, or employee of any public conveyance on land or water, or in the air, including the stations and terminals thereof, serving interstate travelers, shall directly or indirectly refuse, withhold from, or deny to any person any accommodations, advantages, facilities, or privileges thereof on account of race, creed, color, or national origin.

" '(b) Any person aggrieved by a violation of subsection (a) may bring an action at law in the United States district court for the district in which the violation occurred for the damages sustained by him, but in any such action damages sustained by a person shall not be deemed to be less than $100 or more than $1,000. No right of action accruing under this section and no proceeds thereof may be assigned before final judgment.

" '(c) Nothing contained in this section shall be construed as indicating an intent on the part of Congress to occupy the field in which such section operates, to the exclusion of any State laws on the same subject matter, nor shall any provision of this section be construed as invalidating a provision of State law which would be valid in the absence of such section, 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.' "

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

Mr. MEADER. I yield to the gentleman.

Mr. CURTIS. I wish to refer to the point the gentleman made about the rumor. I received today—and I suppose every other Member of the House received—literature from the AFL–CIO. It is a very short statement urging every Member to oppose any amendment and all amendments to the bill. I was quite disturbed by that kind of approach.

I have heard the rumor. I have also heard that the so-called Democratic Study Group has met and caucused, and has taken the position that they are going to oppose any and all amendments. I trust that is not true, as well.

It would be a sorry day in the history of Congress and of the House if any such attitude were taken toward proposed legislation. I say that as one who favors the bill.

Under perm'ssion granted in the House, I am setting out the letter of the AFL–CIO to which I referred. How in-

congruous it is in suggesting that the important moral issue before us should be handled immorally.

AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS,
Washington, D.C., January 31, 1964.

Hon. THOMAS B. CURTIS,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. CURTIS: The most important moral issue on which Members of the House will vote this year is now on the floor. H.R. 7152 is a long-delayed effort to guarantee our minority citizens certain fundamental civil rights which are now denied them. The resolution of this issue cannot be justifiably delayed.

On behalf of the AFL–CIO, I urge you to vote for H.R. 7152 as reported by the Judiciary Committee, and to resist all amendments thereto.

Especially meritorious are the sections on fair employment practices and public accommodations. The first can provide the financial ability to enjoy other rights, the second will enable the Negro to avoid many affronts to human dignity in his daily life.

I further urge you to be on the floor throughout the entire amendment stage to vote down all amendments to H.R. 7152.

Sincerely yours,
ANDREW J. BIEMILLER,
Director,
Department of Legislation.

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

Mr. MEADER. I yield to the gentleman.

Mr. WAGGONNER. I am not at all disturbed, but I am surprised that some of the people who have been around so long still believe everything they hear. If they will wait until the amendments are presented and the 5-minute rule is invoked on the legislation, and consider the matter in that light, they will find that some amendments will be offered.

Mr. MEADER. I did not say that amendments would not be offered. I said that the rumor was that those in charge of managing the bill and those who support the bill had adopted a policy of not accepting any amendment, no matter how meritorious. I am glad to find out that the rumor is not true.

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

Mr. MEADER. I yield to the gentleman from New Jersey.

Mr. RODINO. As the ranking member of the subcommittee which considered the bill, I know I certainly had no part in any such arrangement. As I have stated to the gentleman, we will be glad to consider any amendments the gentleman might propose. If they are justified, reasonable, and felt to be amendments which will do anything to clarify the issue, we will certainly be willing to support them.

Mr. MEADER. I thank the gentleman.

Mr. Chairman, with respect to the public accommodations discussions, and particularly the coloquy in testimony before the House Committee on Rules, I was prompted to modify the proposed substitute title II on public accommodations which appears in the committee report. I have drafts of the refinement of this section.

Let me say that my title II would apply to interstate transportation of persons and would be enforced by criminal penalties.

There has been a suggestion that, in addition, a civil cause of action should be provided. I have drafted language for that purpose. Indeed, it might be possible to have both. The Michigan statute, on which my substitute title II is primarily based, I believe provides for both civil and criminal enforcement, as do the statutes of many States public accommodations laws. I believe some 33 States have such legislation.

I feel sure every member of the committee will agree with me in the statement, with respect to title VI, that the withholding of Federal financial assistance has given the Judiciary Committee members more trouble in legislative draftsmanship than any other title of the bill. The policy is clear and can be simply stated. Certainly it is within the power of the Federal Government, when granting financal assistance in a host of federally sponsored programs, to specify the conditions and terms upon which that assistance is granted. Clearly, the Federal Government should incorporate in any such grants or loans our well-established national policy against discrimination on grounds of race and color. Federal financial assistance should not underwrite the perpetuation of discrimination. While this policy is clear, it is not easy to express in clear statutory language.

It has always been my belief that in writing legislation, the same as in writing legal documents, a more skillful job is done if we take advantage of the past experience to the greatest extend and employ for carrying out policy, well-established principles and methods. Accordingly, my aim has been to draft phraseology which would enforce the public policy above stated by utilizing the existing body of law for the enforcement of contractual obligations. My amendment would therefore simply require the recipient of Federal financial assistance to enter into an enforceable undertaking that there would be no discriminatory practices engaged in with respect to the program as a condition precedent to the receipt of such assistance.

Federal financial assistance programs are vast in terms of dollars, affect every State and local unit of government in our Nation as well as multitudes of our citizens and perhaps what is more important, are widely different in their character. They range from scientific research grants and contracts through farm subsidies, school lunch programs, educational aid programs, airport aid, highways, hospitals and a whole host of other Federal programs involving financial assistance.

To write legislative language applicable to each such program, if not entirely impossible, would at least require many months, if not years of study by a legislative committee to find acceptable legal phraseology.

But the participants in the programs, and the administrators of the programs with respect to their own particular activity are fully aware of the problems and the manner in which discrimination might occur. In advance of the receipt of any money, these knowledgeable parties could negotiate and spell out in the document evidencing in the grant, contract, or loan precisely what the recipient would be bound to do or not to do in carrying out the policies announced in the Civil Rights Act that Federal assistance funds are not to be used to subsidize and perpetuate unequal treatment among citizens.

The text of my suggested substitute for title VI on H.R. 7152 appears on pages 56 and 57 of the committee report. Further study, however, with the assistance of legislative counsel and counsel for the Judiciary Committee has produced language which I consider preferable. The text is as follows:

Beginning with line 3, page 62, strike out everything down through line 15 on page 63, and insert the following:

"SEC. 601. Any executive department or agency of the United States which extends financial assistance in the United States (by way of grant, loan, or contract, other than a contract of guaranty or insurance) shall require, as a condition to the receipt of such assistance, that the recipient assume a legally enforcible undertaking designed to insure that—

"(1) no person of a class for whose benefit such assistance was primarily intended will, because of his race or color, be excluded from all of or a part of the benefits of such assistance or be extended benefits of a different nature; and

"(2) no such person, otherwise eligible to receive the benefits of such assistance, will be subjected to different treatment because of his race or color than other persons receiving such benefits.

"SEC. 602. The undertaking referred to in section 601 shall contain such appropriate terms and conditions as the head of the department or agency granting the assistance may prescribe. The United States district courts shall have jurisdiction of civil actions brought in connection with such undertakings by either the United States or by any recipient aggrieved by action taken under any such undertaking, but no court shall issue an order or injunction restraining a breach of those provisions of the undertaking which are designed to carry out the policy set forth in paragraphs (1) and (2) of section 601."

Mr. WILLIS. Mr. Chairman, I yield 25 minutes to the gentleman from South Carolina [Mr. ASHMORE].

Mr. ASHMORE. Mr. Chairman, I feel at this late hour that most of us have already become somewhat weary. I know those of us feel that way who have been waiting to get here to the microphone. Also it might be an anticlimax at this late hour to try to tell you what I sincerely feel and believe to be the truth about this bill. Certainly it would be an anticlimax to speak after my good friend, the gentleman from Georgia [Mr. FORRESTER], who spoke yesterday, my good friend from Virginia [Mr. TUCK], and my colleague from Kentucky [Mr. CHELF], who spoke today. They gave you such eloquent and charming messages that it makes me feel inadequate to the occasion. There is not much left to say that has not already been said.

I shall not try to be eloquent. On the contrary, I shall do my best to present to you some facts and analysis of this important legislation primarily from a practical standpoint.

Mr. WILLIS presented a marvelous legalistic analysis of this legislation and I certainly could not improve upon that. As I stand here the names of different Members come to my mind who have spoken in an effort to bring all of the facts to you concerning this bill. We have heard numerous versions of the procedure followed in the Committee on the Judiciary in reporting this bill to the House. They have varied, and very few have agreed, as to just what happened in that regard. As a member of that committee I want to emphasize some of the things that did take place in our committee, and I do so not for the purpose of embarrassing or chastising anyone, certainly not to embarrass our good Chairman, Mr. CELLER, but I do so because I realize that a great majority of my colleagues in this House customarily support a bill in the form in which it is recommended by the Committee handling the legislation. I do not want you to be led astray in this case. This is true because the committee to which a bill has been referred by the Speaker has the responsibility and the duty to hold hearings, to analyze, to discuss, to debate and amend and alter and change the bill in any way the committee desires, so as to produce the best possible legislation for the House to act upon.

This is as it should be. That is the purpose of committee action and procedure and in 75 to 80 or probably 90 percent of the cases when this procedure is followed, a Member of this House is safe and right in supporting the committee bill. But, Mr. Chairman, if you take this bill today at its face value you will be deceived, miserably deceived, because what shows on its face is merely the beginning.

Briefly, here is what happened with reference to this bill before it got here for your consideration. I hope that my friends on the committee who proposed this procedure and who supported it will listen to me, and if I make one single mistake in referring to the procedure that we followed I hope that they will correct me. First let me say that Subcommittee No. 5 to which this bill was referred by our good chairman, did a fine job of holding hearings; there is no question about that. All of us realize that approximately 4 months' time was consumed in holding hearings.

They started in May, if I remember correctly, and they continued on until almost the end of August. Our chairman was most considerate. He gave everybody an opportunity to be heard.

Then on October 2, 1963, the subcommittee reported its bill to the full committee. The full committee had a brief discussion as to the procedure we would follow in the consideration of the bill. To begin with, we acted like lawyers, as we all are, and as we ordinarily act. Things were going along smoothly. It was agreed we would have chief counsel, Mr. Foley, read title I of the bill as it was then constituted, then title I would be open for discussion, debate, and amendments. And the same procedure was to be followed with each of the titles in the bill, titles II, III, IV, and so on, until we completed it. This was fine. There were 35 lawyers there to probe, analyze, and debate an important measure, so that we could calmly and dispassionately and judiciously reach a reasonable conclusion and come here with a measure we could be proud to present to the House of Representatives for your consideration.

But before we had finished title I it became evident to everybody on the committee that the subcommittee changed the original bill, the President's bill, so drastically it would be necessary for the Attorney General certainly if not necessary, most advisable, to appear before the full committee and state his and the President's position as to the changes made in the subcommittee's bill.

The Attorney General came up with a written statement. Most of the members of the committee questioned the Attorney General. In some instances he was frank and admitted that the subcommittee bill went too far, and it gave the Attorney General himself more power than he wanted, and authority and power that he did not need. He said the bill in its then form, as written by the subcommittee, and as has been referred to as the strong bill, could not in all probability be passed on the floor of the House and the Senate.

After questioning the Attorney General for 2 days, the Committee on the Judiciary started consideration of title I again, but before completing title I a motion was made to report the subcommittee bill, to the House. A motion was made to report it as it was then, without any debate or without any further amendments whatsoever having been had on titles II, III, IV, V, VI, VII, VIII, and IX. There were just a few amendments offered and a few minutes of discussion on title I.

When this motion was made we then and there reached an impasse, and for 3 days, if you will remember correctly, there was more or less chaos. The chairman announced that the committee would meet on the following day and each morning before the hour for the committee to meet the chairman announced about 30 or 40 minutes before the committee was to meet that the committee would not meet. So the meetings were called off daily. Then suddenly a 56-page bill, that some of my colleagues have referred to here, appeared at the office of each member of the Committee on the Judiciary. I received my copy of this completely new 56-page substitute bill less than an hour before the committee was to meet on Tuesday morning to take it up for consideration. Of course, anyone, lawyer or whoever he might be, could not begin to analyze and dissect and determine what a 56-page bill contained in as short a period of time as that.

We went to the committee to meet at the regular time after three prior meetings had been postponed. Counsel for the committee was ordered to read the bill—that is, the new bill—that we had never seen or heard of until the morning it was delivered to our office, although some Members have said they received a copy the night before. After the bill was read by counsel, members of the committee demanded the right to debate the bill, to ask questions about it, to offer amendments.

The chairman of our committee granted himself 1 minute to discuss the bill. Then he allotted 1 minute to the ranking minority member, the gentleman from Ohio [Mr. MCCULLOCH], to discuss the bill. That is the only discussion, the only debate, that was had on the bill. That is the way the present bill got to the House of Representatives. It has not been debated by the 35 lawyers who constitute the House Committee on the Judiciary. It has not been analyzed by the 35 lawyers except for these 2 minutes, by the members of the House Judiciary Committee. Not one single amendment has been offered in the full committee to the bill that is now pending before you, not one. In no single instance did the chairman recognize any member, any of these 35 lawyers, to offer an amendment to the pending bill. No one was permitted to debate it other than the 2 minutes to which I have referred. We could not even ask a question. That is no member was recognized by the chairman and consequently no questions were answered. Under these circumstances, 35 lawyers left the committee room on that day with amendments in their pockets and speeches in their systems which have never yet been delivered, certainly not before we came here to consider this bill yesterday.

Why was such procedure as that used in our committee? No one knows, but the only reason that I can think of is because it was a known fact that the 35 lawyers on this committee would emaciate this bill if we were permitted to put our legal minds to work on it, as we knew we had the right to do.

Every Member of Congress knows that you can get votes in committee which you cannot get on the floor of the House. We were denied the right or the opportunity to amend the bill in the full committee, and I want anyone on the committee who can dispute that fact to say so at this time—I am sure the chairman will not say so, the gentleman from Ohio [Mr. MCCULLOCH] will not say so, and none of my colleagues would think of saying that we were given this opportunity.

Why? Yes, why was it true? Why was it railroaded through the committee in any such manner? That question was asked immediately afterward and it has never yet been answered.

There has been a hue and a cry to pass what is known as the President's bill. They say, "Do it as a monument or a memorial to President Kennedy." Mr. Chairman, if you pass this bill, H.R. 7152, in its present form, you will not be passing the President's bill. It is far, far different from the bill heretofore known and commonly referred to as the President's bill.

For instance, the bill that is called by that name did not contain what we now find in this bill, title III, entitled "Desegregation of Public Facilities." There was no such section or title in the Presi-

dent's bill. Title III in that bill was known as "Desegregation of Public Education." That was moved over and made title IV in the pending bill that you now have before you.

In the President's bill, title IV provided for the establishment of a community relations service. It sounds to me like it might have been a pretty good idea. I think some good might have come from that title IV, the establishment of a community relations service.

Just listen to what it says. Its function was—not now because it is dead—the function of that service was:

> To provide assistance to communities and persons therein to resolve disputes, disagreements, or difficulties relating to discriminatory practices on the basis of race, color, or national origin which impaired 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 such disputes, disagreements, or difficulties whenever in its judgment peaceful relations among the citizens of the community involved are threatened and it may offer its services either upon its own motion or upon the request of an appropriate local official or other interested person.

Its job was to avoid trouble. Its job was to create peaceful relations among the races. The function of this committee was to help settle trouble out of court—not in court. They did not want that, evidently, because they did not put it in the bill you now have before you for your consideration. They replaced that section with a title III which gives the Attorney General of the United States more power than any law enforcement officer ever had in the history of this country—the power to bring suits promiscuously, and not the power to go in and settle these matters in a peaceful manner as they should be settled, and as you and I prefer that they be settled.

Why this was taken out of the President's bill and replaced with this all-powerful section for the Attorney General, I wonder—no one has attempted to give you an answer to it.

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

Mr. ASHMORE. I yield to the gentleman from Iowa.

Mr. GROSS. I thank my friend, the gentleman from South Carolina, for yielding.

The gentleman has said that this bill is not the Kennedy bill. Could the gentleman tell me or is he prepared to say whether this bill has the blessings of the present President, Lyndon B. Johnson?

Mr. ASHMORE. I have not been called down to the White House to discuss the matter with the President, and I am not in a position to know. But I would say that unless President Johnson knows more about this bill than the members of the Committee on the Judiciary and the Members of the House of Representatives, I just do not see how he could hardly say whether he is for it or against it, because 35 lawyers absolutely disagreed as to what it contains and what its purpose is and how far it would go in taking away the rights of people of this country.

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

Mr. ASHMORE. I yield to the gentleman.

Mr. CELLER. I want to indicate that President Johnson in his state of the Union message indicated clearly beyond peradventure of doubt that he wanted this bill which is before us today passed.

Mr. ASHMORE. I understood President Johnson was talking about the President's bill—President Kennedy—and that is the bill we have heard so much talk about as a memorial or monument to the President. This bill before us now is not the President's bill, say what you will.

Mr. TEAGUE of California. Mr. Chairman, will the gentleman yield?

Mr. ASHMORE. I yield to the gentleman.

Mr. TEAGUE of California. The question I am about to ask the gentleman is not being asked by me as a Member of the Congress who is either a proponent or an opponent of this legislation. Frankly, at this moment I do not know whether I am to vote for the bill or against this bill. However, I am curious to know the answer to this question. It happens that Mrs. Teague and I have among our very best friends here a couple of the Jewish race and faith. We find if we want to go away for a weekend someplace together, they tell me they cannot go because they are not allowed in certain hotels.

They are looking for a home to buy. I pointed out what I thought would qualify, something I thought they wanted. They said, "No, not in that section or general area. Jewish people are not allowed."

Would the bill do anything about that?

Mr. ASHMORE. I believe the public accommodations section would do something about it.

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

Mr. ASHMORE. Mr. Chairman, could I have a little more time, considering all these questions? How about some from the other side? Could I get time from you, Mr. McCULLOCH?

Mr. LINDSAY. I do not have control of the time. I merely wished to ask one question, but I will withhold it.

Mr. ASHMORE. I should like to yield, but it would take hours to discuss and to debate this bill—which should be done. I assure Members that is correct.

These perfecting amendments—these questions—these doubts in the minds of Members should have been settled before the Judiciary Committee. This is no place to perfect a bill of this nature. Every Member here knows that to be a fact. It is almost as bad to come before the House to try to perfect a bill of this type as it would be to try to perfect a tax bill, and we do not even attempt to do that. It is not fair to the Members of the House to believe that they can stay on this floor and put the bill in proper shape and form, when it was the duty of the Judiciary Committee to do that before the bill was brought to the House.

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

Mr. ASHMORE. I yield.

Mr. WILLIS. I shall yield to the gentleman a little more time after a while, if he needs it, but I feel I must serve notice—I have never done this before—that unless some Members come to the floor I shall be constrained in a few minutes to ask for a quorum. A senior member of the Judiciary Committee is addressing the House. He has an important message to give. He has studied the bill. We do not seem to be able to keep Members on the floor.

We promised there would be no dilatory tactics, and none have been employed, but within the next few minutes, unless something is done, I personally am going to suggest the absence of a quorum. I am advised there is a whip call going on, and I compliment my friend for that.

Mr. ASHMORE. Mr. Chairman, the point I was trying to make was with reference to the power the bill would give to the Attorney General of the United States.

Mr. ALBERT. Mr. Chairman, will the gentleman yield to me, on the matter mentioned by the distinguished gentleman from Louisiana?

Mr. ASHMORE. I yield.

Mr. ALBERT. It is the duty of Members, I feel, to stay on the floor during the consideration of a bill of this importance, as much as they possibly can. All members on the committee and other Members who have studied the bill are entitled to have the benefit of an audience. I hope Members will stay on the floor. I admonish the Members on my side to stay on the floor.

Mr. LINDSAY. Mr. Chairman, I will be glad to accommodate the gentleman. I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

One hundred three Members are present, a quorum.

Mr. ASHMORE. Mr. Chairman, I had planned to dwell more fully on title III, regarding the tremendous powers to be given the Attorney General, but I do not have sufficient time to say much more on that point. However, I hope Members will permit me to remind them of the fact that the Attorney General, under the civil rights bill of 1957, was given authority and power to bring suit for nearly anybody who requested him to do so in election cases. But the proponents are not satisfied with that. Now they would give the Attorney General almost blanket authority to bring suit anywhere and everywhere when he is satisfied it would help to promote the purposes of this legislation.

He does not even have to file a petition; he does not even have to make out a prima facie case to bring one of these suits. He just has to satisfy himself, the Attorney General just has to satisfy himself, that it is in the best interests of the legislation and would promote the fulfillment of the purposes of this bill.

Mr. LINDSAY. Mr. Chairman, will the gentleman yield for a question on that point?

Mr. ASHMORE. Yes. Just for a question.

Mr. LINDSAY. My friend from South Carolina complains that the title III provision is broad in scope and gives,

as he states, too much power to the Attorney General, but did not the gentleman vote to report out a title III section that was far broader than the one in the bill pending at the moment?

Mr. ASHMORE. I do not support any of this type legislation, because I think it is unnecessary, it is unwise, and has done in many instances more harm than good. We have already passed two civil rights bills, one in 1957 and one in 1960, and we are having more trouble now in racial matters than we have had in many, many years. If you read the paper yesterday about what happened in Atlanta, Ga., the city that has been held out as a model city in the South regarding racial relations, you will see what I mean. More than 200 Negroes arrested I believe it was.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McCULLOCH. Mr. Chairman, I yield the gentleman 2 additional minutes in view of this very generous consideration of the gentleman from New York.

Mr. LINDSAY. Mr. Chairman, if the gentleman will yield further, I was not sure that the question was answered. Did not the gentleman vote to report out of the Judiciary Committee a title III provision that was broader than the one we have here?

Mr. ASHMORE. Some say it was broader. In reality I do not think so, but I voted with you because I hoped, as the Attorney General said, that would be a way to kill the whole piece of legislation.

My friends, you can see here, with all of this power in the hands of the Attorney General, whoever he might be, it is a serious matter. Fundamentally the question of whether I like, or you like or dislike the present Attorney General and whether he is a good lawyer or a mediocre lawyer or the best lawyer in the United States is not the problem at all, but it is whether this bill puts too much authority in the hands of any one human being. No person, in my opinion, should have any such unlimited power, because sooner or later some fallible human being will come along and abuse that power, and then you and I, who passed the law, will be to blame for it. It is our responsibility. So do not think if you are voting for this bill, you are voting for the bill that the President of the United States wanted. This is not what he asked for.

Let me go on. Definitely this bill has not been put in the proper shape for us to pass judgment on. As I stated a moment ago, I do not think that the President of the United States understands the bill. I know some of the best lawyers in this land of ours disagree as to the provisions and the implications of the bill. I do not believe one person in a thousand in America today understands what is in the so-called Civil Rights Act of 1963.

The CHAIRMAN. The time of the gentleman from South Carolina has again expired.

Mr. WILLIS. Mr. Chairman, I yield 5 additional minutes to my friend from South Carolina, and in the meantime, may I call this to his and to the membership's attention.

The gentleman from South Carolina has indicated at how many points in this bill the Attorney General may file lawsuits. Under title I, the voting rights provision, he may file lawsuits. And as I explained yesterday he may even choose his forum. Under title II, the public accommodations feature, he may file lawsuits. At practically every point in the bill he is authorized to file lawsuits; not to defend but to file lawsuits in behalf of plaintiffs and choose his forum.

But I pointed out a while ago and I repeat, because Members may as well keep it in mind because I am going to try to do something about it during the amendment period, under title VI, the title which compels every department and agency of the Government to do something about cutting off Federal funds under all Government programs—farmers, hospitals, old-age pensions, social security—funds are cut out on the alleged basis that there has been discrimination, what do we find? Oh, sure—we have judicial review under the Administrative Procedure Act. But do you know what that is? That is an interdepartmental bureaucratic agency to try disputes within agencies. That is not a lawsuit before the Federal courts. We are going to try to substitute real judicial remedies in that area.

Mr. ASHMORE. Mr. Chairman, I thank the gentleman. I was going to speak more about title IV and title VI as they are related, but the gentleman has covered the points so well that I will say just this. Title IV calls for the desegregation of public education facilities and title VI holds the financial sword of Damocles over the head of every person in this country who receives a social security check, a pension check, farm benefits, home loan benefits, veteran benefits, or whatever it might be, and these are probably the most dangerous portions of this bill. It would go so far as to say, although the President of the United States said he did not want it, when he was asked about withholding these funds—he said he did not think that was right, and he said it on two occasions, that he did not want that authority. But it is in the bill anyway and Mr. LINDSAY of New York admitted yesterday that it was in the bill and that these funds could be withheld. Now I ask who in this room, who among the membership of this Congress would be willing, who thinks it is right and just and equitable to hold up a veteran's pension check, when his wife and children may be suffering for lack of food and raiment and the necessities of life? That can be done and no doubt would be done and no doubt, the gentleman from New York [Mr. LINDSAY] would approve of it. I disapprove of it. I say that is not the American way, to force anybody to integrate, or whatever it may be called.

Mr. DORN. Mr. Chairman, will my distinguished friend from South Carolina yield?

Mr. ASHMORE. I yield to the distinguished gentleman from South Carolina.

Mr. DORN. Mr. Chairman, I want to commend my able and distinguished colleague for the very thorough dissertation he has given us and for the truthfulness of the statement he is making. As a member of the Veterans' Committee and the Public Works Committee, as a farmer, I am concerned about some of the sections of this bill, especially title VI, to which I think the gentleman is addressing himself. What about the soil bank? What about the watershed program?

Mr. ASHMORE. They are all included.

Mr. DORN. What about the farm ponds? What about the agricultural program, flood control, soil conservation?

Somebody walking down the road could demand the right to hunt on your private property on the basis that you receive a few dollars from the Federal Government under the soil conservation program and the soil bank. Who is going to prevent a man from establishing a park, or hunting on someone else's property, under the soil bank provisions?

I am referring to the far-reaching effects of this bill that have never been dreamed of by some of the Members of this House. I commend my colleague on his statement.

Mr. McCULLOCH. Mr. Chairman, I yield the gentleman from South Carolina 1 minute to answer a question.

Mr. ASHMORE. I am sure the gentleman from Ohio can answer the question, but I will make a stab at it anyway.

Mr. MacGREGOR. I am sure that the gentleman is perhaps the only one who can answer the question because the question has to do with a statement made by the gentleman from South Carolina. Here is the question: When the gentleman referred to the fact that the President had indicated on two occasions his opposition to title VI, the provision with respect to withholding Federal funds, was the distinguished gentleman from South Carolina referring to our current President?

Mr. ASHMORE. No. I was referring to President Kennedy. I am sorry I did not make that clear. He made the statement in April and later. One of the statements was made on April 17 when he was requested to make a statement in a news conference.

Mr. MacGREGOR. In light of the endorsement of the bill by President Johnson, would it be the opinion of the gentleman that President Johnson is opposed to title VI we are now considering?

Mr. ASHMORE. I hope he is.

Mr. MacGREGOR. Has he given any indication to that effect to the gentleman or anyone else?

Mr. ASHMORE. Not to me.

Mr. MacGREGOR. In the absence of that how can the gentleman say he is opposed to that section?

Mr. ASHMORE. I hope he does not support it. I do not see how he can support it.

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

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

Mr. ROBERTS of Alabama. I would like to compliment the gentleman on his splendid statement and say I am opposed to this legislation.

Mr. Chairman, I appreciate the opportunity of appearing today before this esteemed Committee to discuss with you H.R. 7152, the proposed Civil Rights Act of 1963. Mr. Chairman, I am unalterably opposed to this legislation because it is both unnecessary and unwarranted.

It is unnecessary because there are already on the books at least 185 pages of statutes, regulations, and Executive orders dealing with the same kinds of problems this bill deals with. If the problems have not been solved by this much Federal action it should be obvious that more Federal laws are not the solution.

It is unwarranted because in many parts of the bill Congress takes unto itself powers which the Constitution, under the 10th amendment, reserves to the States or to the people. I shall deal with these questions of constitutionality as I discuss the several titles of the bill.

So many of the titles are so bad, I have had a very difficult time deciding for myself which of them would do the most damage to our Federal system. One could not err by much, however, in giving that dubious distinction to the public accommodations provisions. I shall, therefore, discuss title II first.

The Judiciary Committee would use both the 14th amendment and the commerce clause as basis for denying the right to deal with customers of their own choosing to private owners of hotels, restaurants, and movie houses. Now, Mr. Chairman, I am not a constitutional lawyer but in my humble opinion I think I know what the Supreme Court said in the *Civil Rights* cases, 109 U.S. 3 (1883). I think it said that Congress acquired no right under the 13th and 14th amendments, nor did it have the right apart from those amendments, to prohibit the owner of a private business from refusing to deal with someone because of his race. I also think that, however broad some of the recent cases may be, the Court has not yet handed down a decision which would change the holding in the civil rights cases. Even in *Shelley* v. *Kraemer*, 334 U.S. 1 (1948), in which the Court held that judicial enforcement of a private racial restrictive covenant by injunction was State action prohibited by the 14th amendment, Mr. Justice Vinson noted that the 14th amendment "erects no shield against merely private conduct however discriminatory or wrongful," and said:

> We conclude, therefore, that the restrictive agreements standing alone cannot be regarded as violative of any rights guaranteed by the 14th amendment. So long as the purposes of those agreements are effectuated by voluntary adherence to their terms, it would appear clear that there had been no action by the State and the provisions of the amendment have not been violated (334 U.S. 1, 13 (1948)).

I like that language of Mr. Justice Vinson about the 14th amendment erecting "no shield against merely private conduct" and nothing the Court has said since he spoke changes the rule that unless a State or one of its political subdivisions exercises some measure of coercion upon a private business to discriminate, that business is free to discriminate without violating the prohibitions of the 14th amendment.

There is so much wrong with this bill that I am reluctant to spend too much time pointing out the evils of just one title, but I do want to say a few words about the commerce clause as a basis for title II. To use the commerce clause to prohibit discrimination on trains or buses traveling between the States is one thing. To use the commerce clause to require a tea room in Texas to serve some one it does not want to serve just because its tea comes from China and its cookies from Kansas is stretching the commerce clause to the breaking point. As a member of the Committee on Interstate and Foreign Commerce I think I am qualified to speak about the breaking point of the commerce clause. Which brings me to another complaint I have. While I recognize that the provisions of this bill fall predominantly within the jurisdiction of the Committee on the Judiciary, I think that the public accommodations portions of the bill should be referred to the Committee on Interstate and Foreign Commerce.

Title I, which deals with voting rights, may take even broader liberties with the Constitution than title II. No one can have any doubt about the meaning of the 15th amendment. It prohibits denial of the right to vote on account of race, color, or previous condition of servitude. But the Constitution, in article I, section 2, and the 17th amendment, gives the States the right to establish the qualifications of the people who vote for Senators and Representatives.

If a State uses race as a qualification, it violates the 15th amendment. If a State uses sex as a qualification, it violates the 19th amendment. In either case, Congress can enact whatever legislation is appropriate to prohibit the use of these prohibited qualifications. But there is nothing in the Constitution to permit Congress to establish qualifications of its own. There is nothing in the Constitution to permit the Congress to say that a man with a sixth grade education knows enough to vote even if the State finds him unqualified.

Title III has an insidious provision in it to which no one is alerted by the title heading. Lurking behind the name "Desegregation of Public Facilities" is section 302, which is not confined in any way to desegregation of public facilities. Section 302 permits the Attorney General of the United States to intervene in any action "seeking relief from the denial of equal protection of the laws on account of race, color, religion, or national origin." And once the Attorney General has intervened he is entitled to the same relief as if he had instituted the action. This seems to me to be a reprehensible way to revise and disguise that old title III which was excised from the 1957 act. This would permit the Attorney General to take over any action after an individual had filed a complaint and carry on the action as if he had commenced it himself. He would be permitted to do this not only in suits for desegregation of public facilities but in any kind of suit at all which alleges a denial of equal treatment because of race, religion, or national origin. The only difference between this provision and the old title III is that this does not authorize the Attorney General to commence the action. No Federal official should have this kind of power.

Title V would make the Commission on Civil Rights a permanent body and would give it new authority to serve as a national clearinghouse for civil rights information as well as to investigate fraud in Federal elections. Although the Congress has seen fit over the years to extend the life of the Civil Rights Commission, I am opposed to it. I am opposed to making it a permanent body. I am opposed to broadening its authority at all. But most of all I am opposed to giving a body of this kind the power to investigate voting frauds. The power to investigate voting frauds should remain just where it is—in each House of Congress and in the Department of Justice.

Title VI is even less necessary than title V, and I shall say no more about it.

The Federal Government is already overreaching itself, through Executive orders, in attempting to regulate employment practices by private businessmen who are Government contractors or subcontractors or who work under contracts financed by Federal grants or loans to States or other organizations. Title VII would set up another bureau, authorized to spend up to $10 million in the second year of its operation, to reach out and regulate the employment practices of almost all private businessmen employing 25 or more people. Whether it has the power to do this or not under the commerce clause or any other provision of the Constitution, this is not the kind of Federal activity the Federal Government should engage in.

Because I have taken so much of your time I shall say nothing in particular about the remaining provisions of the bill. They are embraced, however, in my opinion that the entire substance of this legislation should not be considered by the Congress.

Again, Mr. Chairman, let me say, that I appreciate very much the courtesy extended to me in appearing before you and it is my hope that the Congress will weigh very carefully the evidence presented over the past weeks and will find it appropriate to vote down H.R. 7152.

Mr. CELLER. Mr. Chairman, I yield such time as he may desire to the gentleman from Mississippi [Mr. ABERNETHY].

Mr. ABERNETHY. Mr. Chairman, H.R. 7152, the bill that is called the Civil Rights Act, is the most significant and far reaching measure pending before the Congress. If enacted, it is certain to precipitate a tremendous civil upheaval in our society, but not the kind of upheaval that its proponents apparently expect.

There was a time when the people of my part of the country stood alone in their opposition to the might of the Federal Government in forcing social change. But now we are not alone. Our support is coming from many places,

especially the big metropolitan centers of the North and West—Philadelphia, New York, Detroit, Los Angeles—everywhere that there is a large and concentrated Negro population.

If this bill is enacted, I predict it will precipitate upheaval that will make the sit-ins, kneel-ins, lie-ins, stand-ins, mass picketing, chanting, the march on Washington, and all the other elements of the so-called Negro revolution, all of these—I predict—will look like kindergarten play in comparison with the counter-revolution that is bound to arise and continue to grow and grow and grow.

If the civil rights bill is passed, I predict that millions of Americans who know and love liberty as it was conceived and written by our Founding Fathers will themselves converge on Washington. They may not come in person, but if they don't come in person they most assuredly will send their sentiments by various effective means, including the ballot box.

If this bill becomes law in substantially its present form, the Attorney General will have vast, new, unheard of powers to blackmail, bully, and coerce the American people. In my opinion, they will not stand for it. There is bound to be a reaction. There ought to be and there will be reaction.

In this bill there is the latent power for the Federal Government to control our homes, businesses, farms, banks, schools, and election machinery.

Here is the power for the Federal Government to tell you—if you own or operate a business—whom you shall hire, fire, promote, or demote.

And here, under the guise of civil rights, lies the power for the Federal Government to commit the tremendous civil wrong of blacklisting individuals and firms from Federal programs, activities, subsidies, and benefits for reasons having nothing to do with the particular program or project.

If this civil rights bill is enacted the Government will have the power to regiment and coerce our citizens in ways and in areas of private endeavor hitherto undreamed of since the Revolution which freed us from the British Crown.

Our people will not stand for this and they ought not stand for it.

TITLE I. VOTER REGISTRATION

Title I of this bill would interpose Federal authority in an area reserved by our Founding Fathers for the separate States.

Most obvious of various foot-in-the-door tricks, the bill seeks legal presumption that any person who has gone to school 6 years is "literate" even if he can not pass a normal literacy test. Such presumption is open to debate and I for one do not accept the premise that a sixth grade education necessarily constitutes literacy. Some people become "educated" despite every obstacle and may well surpass literacy with little or no formal education. On the other hand, some people can have every educational advantage, including graduation certificates, without becoming literate.

In another area, the bill raises even more disturbing and potentially dangerous prospects. It refers several times to "Federal elections" and defines the term to mean: "Any general, special, or primary election held solely or in part for the purpose of electing or selecting any candidate for the office of President, Vice President, Presidential elector, Member of the Senate or Member of the House of Representatives."

Under this broad definition, the Attorney General of the United States would be an unseen delegate at every political meeting in the country, from precinct to national convention. If the Federal Government is clothed with authority to supervise voter registration for primary elections, obviously this would be broadened to cover conventions as well when such are held in lieu of primary elections. Otherwise, such conventions might be used to circumvent the law and evade the Attorney General's eyes and ears and nosy activity.

I have been to a good many political conventions and it is hard to recall when there was not one or more contests for convention seats and the accompanying voting rights. Heretofore such contests have been decided by a duly selected or appointed credentials committee.

If this bill is passed the losing side in any such contest where the selection of delegates is related to a national election would be able to throw a monkey wrench into the entire political machinery. The Attorney General would be the final arbiter—the "big bully" looking over the shoulder of the credentials committee.

This title of the bill without question violates the Constitution. In three separate places—article I, sections 2 and 4, and article II, section 1—the Constitution asserts the States authority and responsibility to fix voter qualifications.

TITLE II. PUBLIC ACCOMMODATIONS

Title II of the Civil Rights Act of 1963 has received a great deal of publicity. It is the part that would force race mixing in restaurants, department stores, hotels, motels, and elsewhere, when such establishments are engaged in interstate commerce. In defining interstate commerce, the bill uses such loose language as "substantial degree," "substantial portion," and "substantially affect" as the measurement to govern the amount of actual interstate commerce necessary to bring a business under its jurisdiction. Attorney General Robert Kennedy could not define these terms when asked to do so.

Interestingly, in one of the all too few instances of its kind, a Justice of the Warren Supreme Court has taken cognizance of property rights when such were in contest with so-called civil rights.

The following statements by Justice John M. Harlan were not made in opposition to the Civil Rights Act of 1963—as this bill is entitled—but in opinions rendered in Supreme Court sit-in cases, May 20, 1963, as follows:

Limitation on the scope of the prohibitions of the 14th amendment serves several vital functions in our system. Underlying the cases involving an alleged denial of equal protection by ostensibly private action is a clash of competing constitutional claims of a high order: liberty and equality.

Freedom of the individual to choose his associates or his neighbors, to use and dispose of his property as he sees fit, to be irrational, arbitrary, capricious, even unjust in his personal relations are things all entitled to a large measure of protection from governmental interference.

This liberty would be overridden, in the name of equality, if the strictures of the amendment were applied to governmental and private action without distinction. Also inherent in the concept of State action are values of federalism, a recognition that there are areas of private rights upon which Federal power should not lay a heavy hand and which should properly be left to the more precise instruments of a local authority.

I object to title II on constitutional grounds. I object, too, and just as strongly, on moral grounds. An owner of property should not be compelled to serve or entertain or otherwise accommodate anybody that he, the owner, does not want to accommodate. His reason for so denying service may be business, it may be ignorance, pride or prejudice. But the free and uncontrolled use of private property is essential to freedom as we know it and as I pray, the majority of Americans want to retain it.

TITLE III. DESEGRATION OF PUBLIC FACILITIES

Title III would give the Attorney General authority to throw the weight of the U.S. Government into lawsuits on the side of an individual who claims racial discrimination in reference to any public facility which is "owned, operated, or managed by or on behalf of" any State or local government.

Everyone knows what the words "owned" and "operated" mean. But what about "managed by or on behalf of"? What does that mean? Could it be that the Attorney General will have power to peer into the management of any business firm licensed by a State or local government? If so, and I think it will be so, the scope of title III goes far beyond the limits of, say, public buildings, parks, recreation facilities, and so forth.

This title is designed to give the Attorney General power to "intervene" in any law suit instituted by an individual charging discrimination because of race. This would be an open invitation to troublemakers and malcontents. By shrewdly taking advantage of this, the NAACP, CORE, and other organized troublemaking groups and their professional, paid, leaders could and most certainly would accelerate their legal activities, with the U.S. Treasury footing the bills.

If this title becomes law, I predict that the Justice Department will have to quadruple its legal staff. I doubt that there are enough lawyers in the country to handle the cases that will result. To quote from the minority report on the bill, H.R. 7152:

The inventory of the different kinds of such suits is too long to recite. Suffice it to say that the inventory would include suits charging racial discrimination in local elections, legislative apportionment, civil service employment, composition of grand juries and petit juries in criminal trials, etc. Indeed, if a Negro were arrested for unlawful conduct as a member of a violent mob, he could petition a Federal district court for a writ of habeas corpus on the grounds that he had been denied equal protection of the laws on account of his race, and the Attorney General could intervene as a party in the proceeding.

I repeat, there are not enough lawyers in the country to handle the suits for the Justice Department that would be generated by this provision. Furthermore, the cost would be monumental.

There is one other factor—a moral factor—that should make enactment of this provision completely out of the question. That is, the defendant in these suits would be paying not only his own lawyer and court costs, but he would be paying, through taxes, the lawyer and costs of the plaintiff as well. Such is not my idea of justice.

TITLE IV. THE CONCEPT OF RACIAL IMBALANCE

Moving on to title IV, we find the Attorney General seeking or having imposed on him even more power to force race mixing in public schools. This title has very cutely omitted use of the term "racial imbalance" that was used in previous versions of the bill. But, again quoting from the minority report:

> It appears that this action is a matter of "public relations" or semantics, devised to prevent the people of the United States from recognizing the bill's true intent and purpose.

Title IV also contains a "blackmail" clause which would permit the Federal Government to juggle funds earmarked for educational purposes. The Commissioner of Education would be allowed to fix rules and regulations for carrying out Federal programs to promote race mixing and to relieve "racial imbalance." This is pure blackmail and poor government.

But aside from the blackmail feature, how would this provision be applied? Does it mean that the children of Harlem must be shipped to Great Neck, Long Island, inasmuch as the latter community is virtually all white? They are already being carted by bus to Brooklyn and the Bronx. Or let us set out to achieve "racial balance" between the city of Washington, D.C., and Richmond, Va. Washington schools are 85 percent Negro and Richmond only 40 percent. Should not these percentages be averaged out to 62.5 percent in each city? And what about a county in Idaho which has no Negroes? Should not we gather up some colored families with little colored children and send them to Idaho? How else can "racial imbalance" be eradicated?

This is absurd, but no more so than the entire concept of "racial imbalance" and this proposed law which seeks to eliminate it.

More serious, in my opinion, are the provisions of title IV designed to grant new power to the already power-laden Attorney General, and to the Department of Health, Education, and Welfare. This double-barreled scattergun would authorize HEW to investigate the racial structure of schools, plan for desegregation, and propagandize the public to prepare them for desegregation.

The other barrel of the scattergun is loaded with buckshot. The Attorney General would have authority to back up the desegregation recommendations of HEW with lawsuits initiated by—guess who?—the Attorney General.

TITLE V. THE CIVIL RIGHTS COMMISSION

The Civil Rights Commission would be made a permanent agency of the executive branch under title V of this bill. This organization does not deserve to be in existence at all. Not even the Attorney General has asked for this provision.

The Commission is worse than useless—it is positively harmful. Its worst indictment is its own report, dated September 30, 1963. This is an infamous document reeking of racism and totally disrespectful of constitutionally guaranteed rights and liberties. Every paragraph, every recommendation of the report is an indictment of the Commission and good and sufficient grounds for killing it outright. Fortunately, the report was not treated seriously by the administration, but unfortunately, some of its half-baked notions have crept into the civil rights bill now under consideration. Among other things, I am thinking especially of the notorious concept of "racial imbalance," which I have discussed.

We are witnessing what appears to be the first serious effort by any recent administration to reduce Federal employment. I know of no better place to begin than with the Civil Rights Commission. We would do well to send all of its employees on their separate-but-equal ways toward some productive employment.

TITLE VI. COLORLESS FEDERAL AID

Title VI has been aptly described as the most harsh and unprecedented proposal contained in the bill, and the most radical departure from good government.

It is aimed toward eliminating discrimination in federally assisted programs. It contains no guideposts and no yardsticks as to what might constitute discrimination in carrying out federally aided programs and projects.

A distinguished constitutional lawyer who serves in the other body of this Congress has said:

> In essence what it does undertake to do * * * is to give the President or those to whom he may delegate his authority the unbridled discretion to use almost the entire Federal purse to achieve whatever purpose he might wish in the conduct of human affairs.

The late President Kennedy, in response to the suggestion that he cut off aid funds to a certain State, said he did not have the authority and did not think a President should have that kind of power. Title VI would clothe the President with such power whether he wants it or not.

It ought to be noted for the record that authority to cut off funds to any particular State might eventually be used to cut off funds to New York, New Jersey, California, and all the rest of the 50 States.

There has been considerable speculation as to who might be affected by this provision. Long lists have been compiled of Federal aid programs that go out to individuals, communities, and to States. Everyone connected with these programs would be affected.

Action to cut off funds can be taken when a person is "excluded from" or "denied benefits" from a Federal program and also if he is found to have been "subjected to discrimination" under the program. What do these phrases mean? The bill does not define them.

For example, suppose a Negro applies for a loan at a bank and, upon being turned down, claims racial discrimination on the grounds that the bank makes loans to white people. Would such a case fall under the purview of this bill? Apparently it would, since the bank has its accounts insured with the Federal Insurance Corporation.

Colleges and universities would be sure subjects of Federal intervention. This requires little in the way of qualification since all of us are aware of the vast research and development programs sponsored in whole or part by the Federal Government. Maybe they will require that an equal number of white and black mice be used in experiments. Why not?

Moreover, this concept of Federal controls over aid programs would doubtlessly reach those schools whose students secure or are offered loans under the National Defense Education Act. Presumably the college would have to have a "racially balanced" staff from the dean's office to the cafeteria.

Practically everyone associated with the home building enterprise would feel the effects of title VI for they deal with the FHA, VA, PHA, FNMA, the Federal Home Loan Board, and others. All who enter into loan contracts through or with the Area Redevelopment Administration, Small Business Administration, Federal Land Banks, Soil Conservation Service, Rural Electrification Administration, Forestry Service, and so on and so on through all of the alphabet agencies of the Federal bureaucracy.

Virtually every nook and cranny of the private lives of individual Americans woud be touched and tainted by this obnoxious proposal.

The effect of this title, if enacted into law, will interject race as a factor in every decision involving the selection of an individual for the cry of "discrimination" can bring trouble for the person or institution that is making the decision. The concept of "racial imbalance" would hover like a black cloud over every transaction, every loan, every grant, and every award or every assistance rendered under a Federal or federally financed program.

Title VI would give carte blanche to agitators and troublemakers. I can visualize thousands of law suits against thousands of business firms and local governments and institutions, and even if no discrimination is proved the damage will have been done for the bill would permit the Federal agency concerned to terminate its program, in other words, cut off Federal funds, prior to the judicial determination. As the minority report states:

> The cart is before the horse. Why should not the judicial determination be made first, and why should not the burden of bringing the suit rest upon the Federal Government rather than the State government or its citizens? Surely the accused should not be punished until guilt has been established

under the rules of evidence and constitutional safeguards which our American system of jurisprudence provides.

TITLE VII. FPEC

With the passage of title VII of H.R. 7152, the proposed law, the Federal Government would assume authority over the American people in a manner unmatched in modern history outside acknowledged dictatorships. The Government of the United States would use the techniques of the lion tamers, cracking the whip and withholding rations, whenever the American businessman, labor leader, or hospital or university administrator showed any signs of exercising his free will to hire employees.

Title VII would set up a commission to assure equal employment opportunity. It would also direct the President to prevent racial discrimination among contractors and subcontractors of agencies of the Federal Government. This pretty well covers the waterfront, for the first proviso hinges on the interstate commerce clause and extends coverage to any employer, "affecting" interstate commerce, with 25 or more employees. It also covers labor unions with 25 or more members and any employment agency.

If the Government is given this sweeping power the effect upon our way of life will be profound.

Our colleague, the gentleman from Illinois [Mr. McLoskey], on September 25, examined this title as it would apply to labor unions. In the Congressional Record of that date, volume 109, part 13, page 18133, it is pointed out with unmistakable clarity that unions would have to recruit "racially balanced" membership. Time-honored seniority rules would be summarily nullified. In making job assignments through union hiring halls, it will not be enough to take qualified workers as they present themselves, one by one.

I can visualize the union of the future, if title VII is adopted. The union would have to send out a "racially balanced" staff of organizers to sign up a crew of "racially balanced" carpenters, a crew of "racially balanced" laborers, "racially balanced" plumbers, electricians, plasterers, roofers, and so forth, before a construction job could begin.

The Constitution does not confer upon the Federal Government authority to tell a private businessman who to hire. If a department store manager wants to hire all blond sales clerks, he can hire blond sales clerks. His wife might object but the Federal Government cannot.

Title VII would change all this, if the store employed as many as 25 persons full or part time and if the business affected interstate commerce. And, what affects interstate commerce? The bill does not say, but in the *Wickard* case (*Wickard* v. *Filburn*, 317 U.S. 111, 215 (1942)), a farmer who produced only 239 bushels of wheat which never left his own farm was declared to be affecting interstate commerce.

In the area of Federal contractors and subcontractors we have had samples of what the future will bring if this bill is passed. "Employment," part 3 of the 1961 U.S. Commission on Civil Rights Report, page 69, describes how an employer was browbeaten into submission, as follows:

In many industries, such as the manufacture of aircraft, work performed under Government contracts constitutes a substantial part of total business performed. Companies in these industries rely heavily on the award of Government contracts, particularly in times of economic recession.

Thus, for example, the recent $1 billion contract awarded to Lockheed Aircraft Corp. to be performed at its Marietta, Ga., plant will be a significant factor in the economic recovery of the plant and of the community. In order to obtain the contract, the company agreed to make substantial changes in its employment practices, as set forth in detail below.

The steps Lockheed had to agree to take are on page 79. Among other things, the company was forced to—

Aggressively seek out more qualified minority group candidates (for many job categories, including engineering, technical, administrative, clerical, and factory operatives);

Reanalyze its available salaried jobs to be certain that all eligible minority group employees have been considered for placement and upgrading;

Institute a program of familiarizing universities with employment needs and opportunities, to include hiring teachers who are members of minority groups for summer work and arranging plant tours for teachers and student counselors; and

Support the inclusion of minority group members in all its apprenticeship and other training programs including supervisory and presupervisory training classes.

I was somewhat encouraged to read in this same report that there were a few industries, such as textiles, in which the impact of Federal contracts is so negligible that the companies preferred not to bid on them rather than have to submit to the meddling into their administrative affairs by bureaucrafts from Washington. A similar situation was met in public utility companies. They could afford not to knuckle under since they are usually the sole source of supply in a given area. But with the enactment of title VII, their resistance would assuredly crumble. The definition of "interstate commerce" would get them.

To sum up, the most remote corner of our social structure and virtually all of our economic structure would be reached, cajoled, and controlled by this incredible proposal. Again quoting from the minority report:

We do not believe that the American people as a whole, whether employers or employees, want to embark upon this new adventure. We do not believe that they want to make this departure in the functional aspects of the American free enterprise system. We do not believe that they want the Federal Government, through its administrators, commissioners, investigators, lawyers, and judges, to assume this quality and quantity of control over their property and personal freedom to manage their own affairs. If this title of this legislation becomes a statute, we predict that it will be as bitterly resented and equally as abortive as was the 18th amendment, and what it will do to the political equilibrium, the social tranquillity, and the economic stability of the American society, no one can predict.

TITLE VIII. VOTER STATISTICS

Title VIII puts the Bureau of the Census at the disposal of the Civil Rights Commission to help it prove racial discrimination when Negroes fail to vote. When the Civil Rights Commission orders it to do so, the Census Bureau will have to promptly conduct a survey to meet the Commission's specifications.

Regardless of any theoretical or high-minded purposes that may be attributed to this provision, all of us know that it would be used to guide the agitators and troublemakers in their strategy for future unrest, demonstrations, civil disobedience, breaches of the peace, and social upheaval.

TITLE IX. SPECIAL PROCEDURES

Title IX would permit the transfer of civil rights cases from State to Federal courts on the basis of a petition to remove. This is a very radical departure from accepted procedure. Why should civil rights cases receive such special treatment? This question has been raised, but not answered, by members of the Judiciary Committee, which Committee, of course, had jurisdiction over the bill. The gentleman from Michigan [Mr. Meader] said:

This title received only the most cursory consideration in the subcommittee and none at all in the full Judiciary Committee. Its ramifications are unknown. By granting an appeal from a remand order of the Federal court in civil rights cases, but not in any other cases, it is possible that dilatory tactics and repeated appeals might frustrate the execution of State laws.

This will mark another long step, heaped on many made in these current years, toward complete federalization of our Nation, and the eventual dissolution of the States.

TITLE X. A FINAL BLANK CHECK

Title X is a simple, final, blank check made out to the Attorney General, the Civil Rights Commission, and other agencies of the Federal Government who are clothed with extraordinary powers under this bill. They can fill in the amount and the sky is the limit. It would authorize the appropriation of unlimited sums to carry out "the provisos" of the bill—and indeed unlimited sums would be required. The cost would be astronomical.

If the bill is passed in its present form and if it is executed and enforced by the present Attorney General with his usual sophomoric energy, in my opinion, the sum required will surpass every other item in the Federal budget.

CONCLUSION

I firmly believe this so-called Civil Rights Act would cause strife and chaos among our people. I do not believe that the majority will accept it and I am not talking about the South alone. It will be resisted and contribute to violence in every State of this Union wherein the Federal Government intervenes under the various sections of the act. I make that as a flat prediction.

It takes little in the way of imagination to see that the proposals outlined in H.R. 7152 would project the long, snooping nose of the Federal Government into State, local, business, and personal affairs.

It would rob all Americans of precious freedom on the theory that this can give economic, cultural, and social equality to

a minority of Americans who, let us face it, have failed to achieve such equality on their own initiative.

Let us call a spade a spade. What does the Negro want?

He wants a home, a job, a place for recreation. These are fundamental. Now, may I suggest, if he demands the right to be hired he has to recognize somebody else's right not to hire him.

If he demands the right to buy a particular house, somebody else has the right not to sell to him. If he wants to be served, somebody has the right not to serve him.

Individuals of any race or creed have but one road to social acceptance and economic abundance. There is no such thing as social equality. That road is the narrow, rocky, trail of personal exertion, peserverance, study, work, savings, and character building. It is a hard road. It is too bad that we cannot pass a law that would make the travel of this road unnecessary for all of us. This road is the only one that leads to self-respect and the respect of others. It leads to good will and understanding. It leads to economic security and abundance. The mere passage of a law will not bring any of these things to any person, or group of persons.

A speaker at the NAACP convention in Chicago last summer gave this same hard counsel. Work and save, he told them, and you will get what you want. He was booed for his advice.

The present Negro leadership blames every ill on racial discrimination. Every Negro failure, every Negro fault, every Negro crime, every Negro hurt, every Negro childhood trauma, is blamed on the white man's racial discrimination against the Negro.

Somehow, the Negro leadership is saying, 'If we can get this new law—this new law that will make them stop discriminating—we can have that big house, that big car, that good job, instant equality, socially and economically." They are deluding themselves and their followers, too.

This is a bad bill and, if it is enacted, it will cause more problems for our Nation, including those it is designed to placate, that can be foreseen. The majority will not long submit to a tyranny of the minority.

Mr. CELLER. Mr. Chairman, I yield such time as he may desire to the gentleman from Alabama [Mr. GRANT].

Mr. GRANT. Mr. Chairman, time will not permit anything like a full discussion of this iniquitous legislation. The bill is so broad; it covers the whole waterfront and then some; it would take weeks and weeks to point out only some of its major fallacies.

It has been said by some that the best way to defeat this bill is to just pass it as it is, and then the Senate will be sure to defeat it. I think there is some merit in this thinking because the country, as a whole, might be at last awakened to the evils and other terrible injustices to be visited upon a whole nation. On the other hand, such a legal monstrosity, with so many illogical and unreasonable provisions as this, must be defeated, or, at least, greatly amended. I expect—as do others—to offer sound amendments in an effort to make it as constitutional, fair and equitable as possible.

It is said that this is a moderate bill; this is not true. I have at least a smattering of law. I sometimes say that the Supreme Court has repealed all the law that I have ever learned; however, be that as it may, I have studied this bill night after night for several weeks, and it grows more disturbing to me each time I read it. I have read thousands of pages of testimony given before the Judiciary Committee and the Rules Committee.

This measure is fraught with danger. It is the most one-sided, packed piece of legislation ever presented to Congress. Everything in it is in favor of the Government agency—what a mockery of justice. This is a civil rights measure versus individual rights.

The Federal Government is authorized to fix voter qualifications and take over elections; nowhere in the Constitution, including the oft-quoted 15th amendment, is the power given to fix voter qualifications. On the other hand, this power is expressly reserved to the several States.

There are statutes in every State for the protection of the right of franchise; but you now have before you a new remedy.

Just take a look at the FEPC section. I have said it many times, and I say again that when the day comes that this all-powerful Government tells an employer whom he can and whom he cannot employ, then the day is coming when that same all-powerful, benevolent Government is going to say for whom a person can and must work. When that day comes, tell me what improvement we will have over a Communist or even a Socialist government? The laboring man, the union member, had better watch out for this type legislation. When this comes, I say a thousand times that you will not be a free man.

The absurdity of this FEPC section is borne out by the answers given by one of the leading proponents of this measure when he was asked by a Member of the Judiciary Committee:

> Suppose I run a motel. I have a restaurant in connection with the motel. Suppose I decide that I want to hire all red-headed girls. I like red-headed girls and want to hire red-headed waitresses. I couldn't do it, could I?

The answer—and note that this answer is by one of the two men who ramrodded this legislation through the committee:

> I am not sure of that. If you can prove that you like nobody but red-headed girls and that you have refrained from hiring other kinds of girls solely by reason of the fact that they don't have red hair and not because of their race or religion, then, in my opinion, you would not be guilty of discrimination under the law.

This puts the burden all on the employer. What a tragedy of so-called judicial tyranny.

Perhaps the leaders of this force bill—the chairman of the Judiciary Committee and the ranking minority member—would be more effective with their crocodile tears for the "mistreated" people of the South, if they would take into account what is happening in their own home districts. For only today, we see pictures of clashes in Ohio between individuals and police where some are demanding that Negro pupils be sent by bus away from their own section to schools in other parts of the city which are predominantly white. And, alas, in New York, in the chairman's own hometown, a mass holiday, without the permission of the school authorities, is being staged for the same purpose. Half a million children are to be denied their day in school because goons and troublemakers are picketing the school to keep them out, and 8,000 policemen are being called into service.

Holy writ admonishes "first cast out the beam out of thine own eye; and then shalt thou see clearly to cast out the mote out of thy brother's eye."

In the past on the floor of this House, I have paid my respects to the Civil Rights Commission; this Commission has gone far afield in its meddling—so far, I believe that even the originators and the proponents of this legislation will see that it should be discontinued. What earthly reason could this Commission have for spending the taxpayers' money in looking into the membership policies and requirements of the Masonic Order, the Kiwanis clubs, and college fraternities? I only name these specifically because these organizations were mentioned in the hearings before the Rules Committee.

Members of this House have had complaints from many other fraternal groups and organizations about this meddling by the Civil Rights Commission. Such applies equally to Elks, Woodmen, Moose, Knights of Columbus, and all other secret—as well as nonsecret organizations. Some church organizations are concerned that they will not be exempted from such meddling; there are religious organizations which feel that only members of their particular church should belong to their own group, organization, or lodge, however they may refer to it.

There are fine college organizations which limit their membership to certain races and religious faiths—one of them being Acacia of Masonic background and another is Phi Kappa Theta, which limits its membership to Catholics. Do you want to destroy such fine organizations as these? It would appear that the Civil Rights Commission would have enough to do without meddling in the affairs of good organizations such as these.

I am a member of the Masons, Kiwanis, Woodmen, Elks, Moose, and a Greek-letter college fraternity. I will fight to the bitter end for the right of all fraternal organizations to be just as selective as they wish to be about membership requirements.

In this legislation, you go into every phase of American life. If you have the power to investigate fraternal organizations, you have the same power as to churches.

I believe that all Members of this body recognize that this is one of the most—if not the most—far-reaching pieces of legislation ever considered by this body. Legislation allowing the Federal Government to go into every

nook and corner of private life and affairs of the individual is more than serious.

If this legislation or any part of it passes, they certainly will not have time, unless they employ thousands and thousands of new employees. I expect to offer an amendment which will say to this power-grabbing outfit "Hands off these organizations."

Do you realize that all private clubs and organizations—regardless of what they might be—if they are protected by State law, they are, by this legislation, brought under Federal law and control and all are subject to the provisions of this bill? I expect to present an amendment taking them out of the jurisdiction of this bill, and I ask all Members of the House to support this amendment.

There is a lot of talk about the constitutional rights of the minority—then, what about the rights of the majority?

This is an unconscionable bill; it is a dastardly bill. The Judiciary Committee has gone far afield. You cannot put this legislation off on the late President. Note what he said in regard to the unwarranted power conferred by title VI which penalizes innocent people and makes them victims of an autocratic bureaucrat. He said:

> I don't have the power to cut off aid in a general way as was proposed by the Civil Rights Commission, and I would think it would probably be unwise to give the President of the United States that kind of power.

Simply, this section means that a town, district, or State receiving Federal funds as a matter of right or even an individual who is receiving a Government check of any kind can have this cut off, if he practices discrimination. Where did this infamous thing come from?

And, do you know how much time was consumed by the committee acting on it? Exactly 2 minutes. One minute was used by the chairman and 1 minute by the ranking minority member. These were the tactics employed by the representatives of both major political parties—both of these gentlemen refused to yield to any other member of the committee, and neither discussed it in any fashion—other than to say that they favored it. Then, to stand before this body and say there is no "politics" in this bill is more than absurd.

All of the agitation stemming from this subject of civil rights has given rise to high-sounding, catch-phrase organizations. Somebody is making a lot of money out of these demonstrations.

To those members of the Judiciary Committee who are so interested in measures of this type, let me appeal to and beseech you to give some attention to crime over the Nation, and especially here in the District of Columbia. Some rave about civil rights and then see poor, defenseless women right here on the Capitol grounds, robbed, knocked down, and assaulted, and fail to bring out legislation to help some of us who are interested in law enforcement clear up this sorry mess.

Now, a word or two about the public accommodations section. In 1875, there was ramrodded through Congress a public accommodations measure. Eight years later in 1883, this statute was declared unconstitutional. It may be a moot question as to accommodations on public conveyances or tax-supported institutions, but to take a barber shop, beauty shop, or manicurist shop, and to say that because they are located on the premises of a hotel or motel that this section applies and that they have to accommodate everyone who seeks their services, everyone knows the application of this section will soon be all embracing to include everything and everybody.

Some of the Members supporting this legislation, in order to bring in every argument for its passage, talk about our image before the rest of the world—what we have not done being used against us all over the world, et cetera. I, as one Member of this House, am getting sick and tired of being told that we must pass practically every piece of legislation that comes before this body because if we do not, it will create a bad image all over the world. If, after spending billions upon billions and, I add, more billions, we have been unable to create a favorable picture, it is high time that we stopped.

How is it that this Nation has become the greatest in the world—one that almost every foreigner in the would would move to if given the opportunity, has grown and prospered like no other nation on earth, when we are keeping up the greater part of the world, and then our policies are misunderstood and our representatives are mistreated even by our neighbors in South America? Do you mean to tell me that this is all because of the lack of this civil rights legislation? It is ridiculous on its face to even suggest such.

The States are, in this bill, surrendering their sovereignty to the Federal Government. At the same time, the Federal Government has its "experts" at the United Nations working on a proposed international treaty which includes far-ranging measures that would supposedly eradicate racial discrimination over the world.

Listen to this: The Soviet Union and the United States are leaders in this effort. The recommendations will be passed on, in turn by the United Nations Human Rights Commission, the Economic and Social Council and the United Nations General Assembly before such treaty can be ratified.

I noticed in the press a few months ago where the Russians told some African students, attending school in Russia, that if they did not like the way things are being run there, to get out of the country. I, for one, am not willing to turn these matters over to the Federal Government, and certainly not over to the United Nations. Just how far are we going in this matter? We had better stop, look, and listen.

This civil rights legislation is ill advised, punitive and will, in the final analysis, defeat its alleged purposes. It is not the proper approach to better race relations. In the long run, it will bring hate and strife. It will not lead to conciliation. The approach of a national election is not sufficient justification, by any means, for either political party to support this crash program.

Mr. CELLER. Mr. Chairman, I yield myself 5 minutes.

I do not wish the record to remain incorrect. There is an implication to the effect that pension checks, social security checks, and other checks would be cut off as the result of the operation of title VI. We struck out words which would have the effect of causing this kind of emolument or check to be prevented. Pension checks are not involved, veterans' checks are not involved, social security checks are not involved, because we struck out the words "insurance" and "guaranty" and because most of these programs involve direct Federal payments. I want the record to be clear as to that.

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

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

Mr. WILLIS. Then the word "contracts" is substituted. What is a contract? Is not a contract a guarantee?

Mr. CELLER. No. Contracts must be construed in accordance with that which precedes and comes thereafter the word "contracts" in the meaning. The words that are used and which involve contracts are in line 11, page 62, "grant, contract, or loan," and the word "contract" must be construed to refer to grants and to loans, and it cannot be considered with reference to the wording we struck out. We struck out "insurance" and we struck out "guarantees."

Mr. WILLIS. How does the removal of "guarantee" have anything to do with an individual check?

Mr. CELLER. Because an individual is not involved. The only moneys that are cut off are cut off in respect to the program or activity of the entity that carries out the program or activity.

Mr. WILLIS. That means, then, that you hit everybody with one fell swoop, deny not one individual but everybody under the program.

Mr. CELLER. In the school lunch program, for instance, if the county which gets the funds discriminates in the distribution of school lunches, the county is going to be cut off of funds for school lunches. There is a simple remedy. Let the county do away with discrimination. If they do away with discrimination nothing happens to the school lunch program. This is not a program to stop aid to the needy or stop any kind of aid. This is a program to stop discrimination, and we must emphasize that with all the power within us, not to stop any kind of aid. We do not want to stop aid. We want to stop discrimination in the distribution of that aid.

Mr. WILLIS. When we criticize specific provisions, there is constant reference to mistreatment of individuals. There was reference made to feeding the needy. Is there a word in the record anywhere to the effect that Negroes were not given their fair share of food to the needy? I am for that program and I am getting sick and tired of implications that I am against the needy and the hungry. Is it not true as a matter of fact that in areas such as mine, where

I live, anyway, the greatest recipients of Government grants in the shape of food for the needy are overwhelmingly the people intended to be protected by this statute?

Mr. CELLER. I have the highest regard for the gentleman, but I want to say that if what he says is true the State of Louisiana has nothing to fear. If there is no discrimination in Louisiana, then the food would come and the moneys would come just as heretofore.

Mr. WILLIS. That is just another way of saying we do not need the bill.

Mr. CELLER. No, I do not say that, because there are places, and the record shows there are places, and the Civil Rights Commission has ample evidence to indicate there has been discrimination in the parceling out of food, there has been discrimination in the parceling out of all manner and kind of aid. It is to get at that type of program, to get at that type of unequal treatment that we are asking you to vote for title VI. Certainly you cannot expect the Federal Government, which is supported by taxes paid by Negroes and whites alike, to discriminate when it comes to aid or be a coconspirator and particeps criminis in the distribution of that aid, in which distribution favors one as against the other. We do not want that. It is for that reason we favor title VI.

Mr. WILLIS. If there is denial of an unfair share of food to the needy of the colored race, if the gentleman has statistics to that effect, that is one thing. I would ask of him that between now and Monday he contact the appropriate department, Agriculture or whatever, to show in relation to race whether it is true or not true that greater recipients are the minority, and I am glad for them. Will the gentleman procure those statistics by Monday?

Mr. CELLER. I will endeavor to do what I can.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. CELLER. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. CORMAN].

Mr. CORMAN. Mr. Chairman, I take this time to ask my colleague from Louisiana or my colleague from South Carolina if they would tell us a specific program and the kind of discrimination they wish to retain. All this bill does is say you cannot discriminate on account of race. Would you give us an idea of the kind of program and kind of discrimination that you want excluded from this bill.

Mr. WILLIS. I do not know that I catch the gentleman's question. I want to answer just as frankly as I possibly can. You are not going to put in the RECORD an implication that at any time in my service on this floor that I personally advocated discrimination of the type you are talking about or discrimination of any type. If people are being denied equal protection of the laws under the 14th amendment or if their right to vote is being abridged or denied under the 15th amendment by State action, and if that is all you want, if you want a bill to take care of that problem, I would support it. But that is a far cry from the unlimited provisions of this bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CELLER. Mr. Chairman, I yield the gentleman from Virginia [Mr. SMITH] 10 minutes.

Mr. SMITH of Virginia. Mr. Chairman, you know if this colloquy between two of the ablest lawyers in this House, the gentleman from New York [Mr. CELLER] and the gentleman from Louisiana [Mr. WILLIS] could have continued a little longer, it would not have been at all necessary for me to say to you the things that I want to say because it is a perfect illustration of the theme that I want to talk about—that nobody in this House knows where this bill starts or where it stops or what it does or what it means. You cannot get two of them to agree upon anything in the bill.

Now I want to talk a little bit about the bill and what ought to be done to it. I claim the right to do that because the only hearings that were ever held on this bill were held over the protest of a great many people before the Committee on Rules. Apparently, nobody who favored this bill wanted the people to know what was in it or wanted them to know what this bill proposes to do for 90 percent of the people of this country whose liberties are being infringed upon.

So what I want to say to you in the few minutes available and they are very, very few has to do with what I think ought to be done to the bill.

May I inquire of the gentleman from Ohio whether he will yield me 10 minutes, if he has not already done so?

Mr. McCULLOCH. I will yield 10 minutes to the gentleman from Virginia at the conclusion of the time already yielded.

Mr. SMITH of Virginia. Mr. Chairman, I said early in the discussion of this bill before the Committee on Rules that I thought what the matter with the bill was is that it was as full of boobytraps as a dog is of fleas. Since that time I have been asked to point out some of the boobytraps. Well, I cannot point all of them out, but I can tell you that one title that is not anything but a nest of boobytraps. That is title VI Federal programs. I am going to point out to you a few things and the only reason I am doing it is that I am afraid this bill in some form is going to pass the House and I do not believe that Members when they know what is in it want it to pass the House in this form, whether they are for a civil rights bill or not.

I am glad the gentleman from South Carolina [Mr. ASHMORE] who preceded me saved me a good deal of time by pointing out to the House very specifically that this is not the bill that all the noise is about.

When this bill came to the Committee on Rules, there was a great furor all over the country, in the newspapers, by Members of Congress, by the NAACP, and what-have-you—all just raising a terrific row because I did not call a meeting of the Rules Committee immediately to report this bill out and pass it as a memorial to the late President of the United States.

That is something I am sure the person who was supposed to be honored by it would never have wanted to be done. We have never passed any legislation in memory of any individual. We did not pass any in memory of George Washington. When we reach the point that we legislate for the 180 million people of this country on the theory of memorializing somebody, then we shall be going a pretty long way.

So that brings me to the next point. What we are considering now is a substitute amendment for the President's bill. The time will come, after all of the amendments on the substitute have been considered, that we will be presented with a motion from the chairman of the committee for a vote on the substitute, and then there will be a vote on whether to substitute this monstrosity of unknown origin and unknown parentage for the President's bill, which he asked you to pass. I hope that we will not adopt this substitute, after you understand it.

If we have to pass some bill, let us pass something with at least some sense in it, such as the original bill, printed under the same cover with the substitute bill.

Let us talk about some of these boobytraps. I hope some Members will take a look at the bill as we go along. I hope some Members have copies, and I shall not be long at this.

I should like to point out to you something on page 40 of the bill, at line 21. It says that this shall apply to "Federal elections." All the way through we talk about "Federal elections."

As pointed out to the House by the gentleman from South Carolina [Mr. ASHMORE] a while ago, when the bill defines "Federal election" it says also "held solely or in part." That means that if a Congressman is to be elected in a State at the same time that the Governor is to be elected and the justices of the peace are to be elected, the bill would apply to all of the State elections.

All I have to say about that is, Why not be honest? Let us be honest with our people once in a while. Why not say that this shall apply to all elections, instead of trying to deceive the people by telling them that we are talking about Federal elections and then putting in the three little words "or in part."

I hope somebody will propose an amendment to strike out the "or in part." If you want to make the bill cover all elections, make it cover them all, but let us be honest about it.

The next one comes in title I. This is what I term—and what it is—the "court-packing provision." Members will find that on page 41. It provides that whenever the Attorney General distrusts the judge a case is to come before, he can have a three-judge court, and judges can be selected favorable to his cause, and they may not even come—not any of them—from the district in which the supposed offense occurred.

That is something unheard of. Now, I hope that may come out of there. I tried to find out why that was in there, because I read the Attorney General's testimony about that and, if you want to inform yourselves, you can read it also. His testimony occurs in part IV

of the Judiciary Committee hearings on page 2764 where he said he was opposed to this court-packing provision, and he went on to say that we ought to have confidence in our courts, and I am going on to say that this provision is an insult to every Federal district judge in the United States and it ought to be stricken out. The Attorney General wanted it stricken out. He would not stand for it.

I tried to find out in these hearings why was that court-packing provision put in there. I thought I knew. I thought somebody would be honest enough to tell me why it was put in there, because I knew it was put in there to pack the court. Well, you know, I only got one honest witness. I only found one honest witness. That was a distinguished gentleman who is a member of that committee, and I am not going to mention his name, but when I asked him why it was put in there—and he is a distinguished lawyer—he said, "You know, I learned in my early days in law school that the best way to win a case was to get yourself a favorable judge."

Now, let me ask you assembled Members of this Congress, which is a great body, are you going to pass something with that kind of a stigma on it?

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

Mr. McCULLOCH. Mr. Chairman, I yield the gentleman from Virginia [Mr. SMITH], 10 additional minutes.

Mr. SMITH of Virginia. I pass to the next boobytrap, which is on pages 42 and 43. This is the public accommodations section. It undertakes to prohibit discriminatory things that are supported by the law of the State. It says that:

Each of the following establishments which serves the public is a place of public accommodation within the meaning of this title if its operations affect commerce, or if discrimination or segregation by it is supported by State action.

Well, State action. What does "State action" mean? Law. It does not say so. I suggest that the word "action" be stricken and we insert the word that ought to be in there, and that is "by State law." The reason why I say that is I have read about places where they have had disturbances. I think this case occurred down in the Southland, but just remember when this bill is enacted into law you are going to have more trouble in the Northland than we have in the Southland. Do not forget about that now. And you are having it right today. You know that. There have been cases where people trespassed on other people's property without any right in law at all, and the police went in there at the request of those people to protect their constitutional rights and arrested those folks and took them out of there. The contention now is that that is supported by State action when the policeman comes in and stops a fistfight. Of course, when the policeman does anything he is supported by State action. I do not want to put the police out of business, and I ask you when the proper time comes to vote for an amendment, because what ought to be in there is "law." The word ought to be "law" instead of "State action."

Now, here is a lulu of a boobytrap. I wish you would look on page 43. This is supposed to be the public accommodations title of this bill. Down in there there is a nice little boobytrap. It puts under this title all hotels and eating places, roadhouses and inns, and so on. It is supposed to cover nothing but what it says it covers, but in subparagraph (4) it says that there shall be included—

Any establishment (A) which is physically located within the premises of any establishment otherwise covered by this subsection, or within the premises of which is physically located any such covered establishment, and (B) which holds itself out as serving patrons of such covered establishment.

That means that anybody who has his office in the hotel and offers to serve the patrons of that hotel is covered by this bill. And so we get into the controversial question of the barbershop. As you all know, every hotel worthy of the name has a barbershop; some barber rents a room in the hotel and puts in a barbershop. He is covered by that bill. So there is a barber in that hotel and there is another barber, let us say, across the street in his own building. That barber is not covered by this bill, but the barber in the hotel is covered. Discrimination pure and simple.

The same applies to beauty shops or any other service establishment that may be located in one of these covered places. They are covered. Take chiropodists. Suppose there is a chiropodist in the hotel. Now he performs a very delicate personal kind of service. If I were cutting corns I would want to know whose feet I would have to be monkeying around with. I would want to know whether they smelled good or smelled bad. I would not want to have to use a gas mask. But if the chiropodist is in that hotel, then he has got to cut those corns.

Do you not remember, there was something said in the 13th amendment of the Constitution that "involuntary servitude" shall not exist anywhere in the United States. Are you going to put that into effect in every hotel in the country? Is not that involuntary servitude when you say to a man in any business, I do not care if he is a barber or a chiropodist, "If you do not serve this man we are going to arrest you and put you in jail." They did that to a man in Michigan yesterday under a State law, and you saw it in the newspapers. Is that the kind of bill you want to pass?

Mr. Chairman, my time has almost expired and I could not possibly get around to tell you about all of these boobytraps. I have been able only to give you a small sample of them.

But I want to make an appeal to you, that when this bill gets to the amendment stage, which will be on Monday, that we all stay around here. There are a lot of fellows whose normal habitat in this House is over in that far right-hand corner, and sometimes they do not stay around here. When there is a quorum call or a rollcall vote, an employee of the House stands at that door—and I have seen this happen—and when some of these Members come in they ask him, and I have asked him myself, "What is the vote?" And the answer is, "The vote is 'aye.'" Then the fellow comes in and he turns around and says to somebody, "What are we voting on?" And it happens over at that door on the left-hand side, too. Now, I am very serious about this matter. Just remember, you are going to pass a bill here that may become a law. But, thank God, I am not going to help you.

You are going to pass a law to impose this legislation on a 90-percent majority of the people of this country, pretty nearly 180 million people. You are going to pass it next week. Will you not stay here? Will you not listen? Will you not reason? Will you not try to know what is in this, because as we go along, and I have a list of all the boobytraps and I expect to be telling you about them; others are going to tell you about them. I reckon I do not know even half the boobytraps that are in this bill. When you get around to this thing where they take away from you Government programs, that is so full of boobytraps you cannot count them. Do you know that in the hearings and in the report on this bill, which some of you have not read, there are over 100 Government agencies that are mentioned in it—the list was given by the Department of Justice—that will be affected by this bill? Are you going to do that to your people?

Mr. Chairman, we will be here Monday. I hope the Lord will spare me to be here with you. I want to tell you about some of these things and people who know more about it than I do, who have studied it harder than I have had the opportunity to study it, who have lived with it and who know what is in the bill that is wrong, will also tell you what is wrong with it. If you will give your attention to this bill when it is considered under the 5-minute rule you will know what is wrong; you will know what you are voting for when you vote for it; and you will be accepting your responsibility as you should.

Mr. CELLER. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, it is very difficult to follow one as eminent and erudite as the gentleman from Virginia, but I cannot let some of the statements he made pass unchallenged. I want to indicate to you with all the fervor and power within me that there is no such thing in this bill as punishment or sanction by way of arrest or jail.

He spoke of the provisions on public accommodations, privately owned. There is no jail penalty, there is no money penalty. All that is involved is a civil remedy by way of injunction. If there is a violation of the injunction by a continuation of discrimination, there may be a contempt of court proceeding.

Mr. ABERNETHY. And he may be sent to jail. Violation of the injunction for contempt and sent to jail.

Mr. CELLER. I cannot hear the gentleman.

Mr. ABERNETHY. The gentleman said there were no jail sentences in here. Does not the violation of an injunction result in a jail sentence?

Mr. CELLER. There might be, if there was a refusal to obey the injunction.

Mr. ABERNETHY. The gentleman was attempting to give the impression there were no jail sentences.

Mr. CELLER. This bill has no criminal penalties, and I say that with all the power within me. This is important. If there is a violation of the injunction, then the court has the right, if it is a criminal contempt, to impose a jail sentence. Now, I will not yield any further. That is the answer, and you can take it or leave it.

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

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

Mr. POFF. The gentleman does not, I am sure, want to make a mistake, I am sure. Section 715 of this bill makes applicable title XVIII of the United States Code, section 111, which authorizes penalties of up to 3 years in jail and/or fines up to $5,000 for conviction of resisting a Federal employee in the performance of his duty. This comes under the FEPC title of the bill.

Mr. CELLER. That is a very minute provision in the bill, and has very limited application in title VII. I will have more to say about that later in the debate.

Beyond that, much has been said about the barbers and chiropodists, but I think the answer was given by President Lyndon Johnson to that kind of argument in his state of the Union message. He said it in very simple language—

> Today Americans of all races stand side by side in Berlin and Vietnam. They died side by side in Korea. Surely they can work and eat and travel side by side in America.

If they go into a hotel and they want a shave or they want their feet treated, they should be treated equally with the whites or any other persons.

I have been charged legislatively with all the sins of the decalog. I have been charged with railroading the bill through the committee—ramrodding the bill through the committee. I want you to know that that committee is composed of distinguished, self-reliant, wise lawyers. They know what they are doing at all times. Could I ram down the throats of 23 of those Members who voted for this bill what has been called a monstrosity? I do not think it is very complimentary to those 23 Members who voted for this bill to say that they swallowed a monstrosity.

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

Mr. CELLER. I yield.

Mr. SMITH of Virginia. I did not think I gave the impression that I was throwing bouquets.

Mr. CELLER. I know you are not throwing bouquets. But I think the implication is clear. Just think of this. A number of those gentlemen, who are opposing this bill, voted for a more drastic bill in committee. A bill far stronger than the bill that is before us today. Just think of what those men voted for. Mark you well this. They voted for so-called part III. What did it contain? It contained a provision that if any individual felt aggrieved because not only his constitutional rights were taken away from him but any right under the laws of the United States—the Attorney General could intervene and prosecute the suit. What does that mean, under the laws of the United States? That was in part III, that some of the gentlemen who were so vociferous in their objection to this present bill voted for.

That means that anybody who was accused of a violation of any provision of the criminal code, the Attorney General would have to come to his relief because he would say his rights were filched from him under one of the laws of the United States. It would cover narcotic laws, immigration laws, social security, the Mann Act, even—I should not be interested in that—and it would cover all the acts of the United States. That was what the gentlemen voted for. I opposed it. That to my mind was in the nature of a boobytrap.

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

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

Mr. WILLIS. That was on the second go-round. The gentleman as chairman of the subcommittee was the one who recommended it to us in the first place.

Mr. CELLER. I have had my reservations on that bill and made my reservations very clear; and I want to say that the gentleman who has just spoken was wise enough not to vote for the so-called boobytrap.

Mr. WILLIS. I will say to the gentleman that he did express reservations in many areas. The gentleman even expressed reservations on a number of other features.

Mr. CELLER. In any event, do you think I would have the power, I would have the temerity to assert the power to cause 23 members of this very distinguished committee, that I could have the power to herd them with electric prods, as it were, into forcing them to vote for a bill full of boobytraps?

I do not think I could have that power and I did not have such power. The Members voted for this bill willingly with full knowledge of what they were doing. They were not blindfolded. They knew exactly what was in the bill. I would say to my colleagues on the Committee, do not be misled by this argument. This charge, I would say, is like the siren call to Ulysses. But he was not deceived and he went through Scylla and Charybdis and I am asking you not to be taken in by this argument.

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

Mr. CELLER. I yield to the gentleman.

Mr. EVINS. In view of the apparent widespread disagreement among the members of the Judiciary Committee and the statement made earlier today that there were no hearings by the Committee on the Judiciary on the public accommodations section, I wish the distinguished chairman would clarify for the benefit of the Members of the House whether or not there were any hearings on the public accommodations section and the FEPC of the bill before the committee. We have been advised that hearings were held by the Committee on Education and Labor on these sections but not by the Judiciary Committee. Did you adopt the hearings of the other committee or did the Committee on the Judiciary hold hearings on these two particular sections to which I have referred?

Mr. CELLER. Hearings were held on the public accommodations provision for months and months and for days on end. We took over 3,000 pages of testimony on this bill and on these various titles. I will say there were not as much hearings on the so-called FEPC part of the bill as there were on other titles of the bill. But we did rely to a great and measurable extent on the hearings held by our sister committee, the Committee on Education and Labor. There is no question about that. So I ask you, gentlemen, not to be taken in by the argument that I have such tremendous and gigantic power as to be able to do all these horrendous things that I have been charged with doing.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. CELLER. Mr. Chairman, I yield such time as he may care to use to the gentleman from Pennsylvania [Mr. ROONEY].

Mr. ROONEY of Pennsylvania. Mr. Chairman, the legislation we are now debating has had a long and arduous journey. The careful and deliberate speed with which it is now being considered in this House, however, should prove beyond any doubt that America has made equal rights for all its citizens the first order of business.

As a Congressman from a Northern State—and a younger Member of this body as well—it may seem presumptuous of me to offer praise for one of the oldest and most respected Members of the House. But I want to add my voice to those which have already commended Chairman SMITH for expediting this bill.

Everyone in this Chamber knows that Chairman SMITH stands in opposition to most of the more controversial sections of this bill. But he made a promise to the American people in December. He said that the bill would be reported out of his committee before the end of January—and he lived up to his promise.

I should also like to praise Chairman CELLER and the members of the Judiciary Committee for their untiring efforts in drafting this bill.

So far as this legislation is concerned, it will have little or no effect in Pennsylvania or in the 29 other States in the Union which already have fair employment and fair housing acts on their lawbooks.

This does not mean, however, that we of Pennsylvania are any less interested in it or less concerned with the outcome of this debate.

Pennsylvania—and the people of my own district—stand in overwhelming favor of this bill, not only for the sake of the American Negro, his dignity and his future, but for the sake of all Americans who, knowingly or otherwise, sell their free birthright by practicing prejudice or bigotry.

The passage of this bill will not only insure the Negro of his rightful place in American society, but it will also lay to rest many of the unfounded fears which

have plagued our national life. We cannot endure, as a free nation, if we are afraid to abide by the concepts of freedom which caused this country to be founded.

One of the greatest of all American Presidents, whose date of birth we celebrated only yesterday, once mobilized the spirit of his countrymen with these words: "We have nothing to fear but fear itself."

Those words are particularly appropriate at this hour in a time of great national responsibility.

Mr. McCULLOCH. Mr. Chairman, I yield such time as he may desire to the gentleman from Kansas [Mr. SHRIVER].

Mr. SHRIVER. Mr. Chairman, I ask unanimous consent that the gentleman from New Jersey [Mr. CAHILL] may extend his remarks at this point.

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

There was no objection.

Mr. CAHILL. Mr. Chairman, while most of us on the committee regret the manner in which the bill presently before the House was handled in the committee, we regret even more the fact that a bill of this nature is necessary for presentation and discussion before the House of Representatives. If the Constitution had been properly implemented as ordered by the Supreme Court of the United States, I am satisfied that there would be no real need for this legislation.

It is interesting to note that those who have raised the greatest technical objections, those who have complained the most about the technicalities of the bill, and those who rely so much on constitutional objections are the very Members who opposed this legislation in the committee and who oppose it on the floor today.

Many of these Members have first-hand knowledge of the abuses which this legislation seeks to regulate, yet in spite of the many years of service in this House of Representatives I fail to discover any civil rights legislation introduced by the most vocal of the critics of civil rights legislation. It is my opinion that regardless of the nature of the bill the Representatives who are attacking it here on the floor would have opposed it in the committee.

While there have been many objections to technical features of the bill, I have heard no denial of the need for this legislation. There can be, of course, no argument to the need. There is an old axiom in logic: "Against a fact, there is no valid argument." And what are the facts?

Ten years ago the Supreme Court ordered desegregation of the public schools of America. Now, 10 years later, there are still 2,000 school districts in the United States that are segregated. I ask you: Is this legislation necessary to carry out the Supreme Court mandate?

Speakers have indicated that no legislation is necessary to permit the Negro to vote in certain States of our Union, yet there are 250 counties in the Southern States in this Nation where less than 15 percent of the Negroes of voting age are registered. Is legislation required to aid these citizens and their right to vote?

Statistics clearly illustrate that there are three times as many Negroes out of work as there are whites and that the median earnings of a Negro in this country are approximately 55 percent of the median earnings of the white man. Is legislation necessary to help in job improvement?

The facts are: There was a Little Rock, a Birmingham, and an Oxford; mass riots in Philadelphia, New York, and Chicago. The fact is that there is a social revolution in the United States and the fact is that it will continue until we in the Congress of the United States find a solution to the problem. Unless something is done by this 88th Congress, I fear that what has come before will pale into insignificance with what is to come hereafter. For what the Negro minority in the United States today wants are three basic things that all minorities have wanted:

First. He wants a job which will permit him to support his family to give them the necessities of life and a few of life's luxuries.

Second. He wants his children to have an adequate education and he wants them to enjoy the pursuit of education to the limits of their own talents and ability.

Third. He wants the right to eject from public office those elected officials who would deny him his constitutional rights and equal protection under the law. These are the three things that this bill seeks to give the Negro and all other Americans who are discriminated against because of race, color, or creed.

I, therefore, recommend this bill, and I commend the members of the Judiciary Committee and its staff for working so hard to put it together and present it to this House. I would be remiss, however, if I did not say that this legislation if enacted is due to the forthrightness and courage of two men, each of opposite political parties and neither members of the Judiciary Committee.

The first is Robert Kennedy, the Attorney General of the United States, who had the courage to come before the committee and oppose the subcommittee bill because he knew that that bill in the form presented would not be acceptable and would not pass. Thus, he subjected himself to criticisms by those favoring civil rights who believed that he had sold them out in accepting a weaker version of a civil rights bill.

The other gentleman was criticized for the exact opposite reason. He was criticized for opposing the subcommittee bill and approving the bill before the House by those against civil rights. I have reference to the minority leader, the gentleman from Indiana [Mr. HALLECK], who courageously withstood the criticisms of many opposed to civil rights. These people urged him to support the more liberal subcommittee bill knowing that it would be defeated and that it could not pass this House of Representatives or the other body.

The gentleman from Indiana, Congressman HALLECK, as the leader of the Republican Party, was urged to pursue an issue for the coming election rather than an effective civil rights bill. He chose to do the statesmanlike thing. He chose to ignore politics and do what was the right thing and he chose, therefore, to oppose the subcommittee bill and support the bill presently before the House.

Therefore, in my judgment, if an effective civil rights bill is enacted in this Congress, it will be because both major political parties and men of good will in the leadership of both parties wanted it. It is indeed and truly a bipartisan achievement and Robert Kennedy and the gentleman from Indiana, CHARLIE HALLECK, deserve the major portion of the credit.

I have always supported civil rights legislation and will, of course, vote for this bill. I urge all Members to vote for it.

Mr. McCULLOCH. Mr. Chairman, I yield such time as he may desire to the gentleman from Pennsylvania [Mr. KUNKEL].

Mr. KUNKEL. Mr. Chairman, in my judgment, it is imperative to have a sound civil rights bill placed on the statute books in the immediate future. After Congress enacts legislation clarifying the situation throughout the Nation, then much of the turmoil and confusion will begin to subside. When people know their legal rights and remedies, the need and temptation for other types of action will be removed.

It is now 100 years since the Civil War. It is a long time since the 13th, 14th, and 15th amendments to the Constitution were added. There is no question in my mind but that these amendments were intended to insure equal opportunity in every field for every citizen of the United States. Every citizen is entitled to the same chance for advancement and for the right to do the same things that other citizens are entitled to do just so long as they behave in an orderly and legal fashion.

The bill is an extension of authority by the Federal Government. But that authority is limited by the terms of the proposed legislation. The civil rights legislation now in force in Pennsylvania (and it has been on the statute books in our State for some years) is quite similar to the bill now pending before the House. A number of other States have similar legislation. In my opinion, it would have been far better if we had had more progress along this line in the past. We must take this opportunity to insure that everyone, regardless of color, race, creed, or national origin, shall be treated alike and have the same rights, privileges, and immunities throughout the Nation.

I am delighted that this bill came before the House under a rule from the Rules Committee. If it should have come up by means of a discharge petition, the bill would have been subject to points of order. It might have been thrown out entirely. As it is, the rule waived all points of order, thereby insuring a vote on the bill. Also, the hearings before the Rules Committee provided valuable information for my colleagues and me to consider in connection with the bill and the amendments which will be offered to it.

Since an orderly procedure has been followed, that fact will certainly be helpful in securing votes in favor of limiting debate when the Senate reaches the final showdown. All of us know that vote will really be the key vote on this whole matter. If the House had not followed this method, Members of the other body, who oppose cloture on principle, would certainly have used the House's departure from custom as a strong additional reason to vote against the imposition of cloture. No doubt some Senators would have been influenced by such an argument. Every vote will be needed when cloture is at issue, for two-thirds vote is required. As it is, I look forward with confidence to the passage of this bill by both Houses. I firmly believe that this measure, in basically its present form, will be enacted into law.

I have advocated civil rights legislation for many, many years. Progress has been slow, but I am happy that the final goal is now in sight.

Let me give this one word of warning. Legislation in itself is not the final cure. The final solution to the problem will take time, adjustment, and effort. In the last analysis, the answer can only be found in the hearts of men and women. May we all direct our thoughts to the great Christian principle of the equality of man. May the Divine Spirit instill in everyone the realization that their neighbors are all equal before God.

Mr. McCULLOCH. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. HALPERN].

Mr. HALPERN. Mr. Chairman, I rise in enthusiastic and vigorous support for this legislation with which I am privileged to be identified as a cosponsor.

This legislation represents the first step in righting the wrongs too long tolerated in our great country. True, it may not be as strong as I would like and as I have long advocated both before the Judiciary Committee and in other legislation I have introduced. But it is a reasonable, workable measure that is a long step forward in the progress of human rights. It is the very least we, in this Congress, should enact in keeping with our solemn obligation and oath of office to legislate always in the very highest interest of all the American people. I fervently plead that this measure now before the House will not in any way be watered down by amendment; and that any such effort will be resoundingly defeated.

I want to see the House approve the strongest, most effective, and workable civil rights bill. I am convinced that a majority of the American people are facing up to the issue of finally writing a historic chapter to the work started almost 100 years ago by adoption of the 13th, 14th, and 15th amendments.

Mr. Chairman, it is appropriate at this time of great decision that we reflect for a few moments on the fundamentals and historic ideas and ideals upon which our efforts to advance the cause of human rights and human dignity are based.

Such ideas and ideals have found lofty expression in many lands and at many times throughout history. For example, a Frenchman, Victor Hugo, almost a hundred years ago made an observation that is unsurpassed for a brief description of the power, idealism, and intensity that characterize the civil rights movement. He said:

> Nothing else in the world * * * not all the armies * * * is so powerful as an idea whose time has come.

Let me remind you, my colleagues, that almost two centuries ago, our forefathers sparked a democratic revolution whose intensity continues to produce repercussions even in this day and age.

The "shot heard 'round the world" had as its basis the two noblest ideas of all the ages. These immortal ideas—the keystone of our American democratic structure—are put forth with simple eloquence in the second paragraph of the Declaration of Independence:

> We hold these truths to be self-evident—

The Founding Fathers declared with majesty and conviction. Which truths? The first:

> That all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness.

The second:

> That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed.

The time for these ideas had come and, as Victor Hugo observed, the greatest armies of the world's outstanding military power—Great Britain—proved ineffectual against them.

The words of the Declaration of Independence are familiar—perhaps, overly familiar—to all Americans. Like a garment which has given many years service against the adversity of a cold and hostile environment, their security and comfort are too often taken for granted.

These ideas, deemed universal truths by the signers, were something less than universally recognized, much less universally applied in the 18th century. It is important today and in the coming days that as we listen to charges of radicalism and unconstitutional departures, that we recall that these same epithets were hurled at the likes of George Washington, John and Samuel Adams, James Madison, Thomas Jefferson, Patrick Henry, and others. The world of the 18th century—desperately clinging to the concept of divine right monarchs and of class distinctions—did not offer an optimum environment for such heretical notions as equal dignity and a government of laws.

Today, in this very House, we are being asked to reexamine these noble ideas and to determine whether they our lives. Our late President said much the same thing a few short months ago. On June 11, John F. Kennedy urged have any relevance in our times and in Congress—and I quote:

> To make a commitment it has not fully made in this century to the proposition that race has no place in American life or law.

Mr. Chairman, this is what lies at the heart of the proposal now under consideration; not, if you please, private rights and property rights, equal protection and State action, commerce power and burdens on business, States wrongs and legal niceties, and a whole host of strawmen. The only rights which concerned the drafters of the Declaration of Independence and the rights for which we are being asked to stand up and be counted are human rights.

Mr. Chairman, the events of 1963 make it abundantly clear that our civil rights chickens have come home to roost. The long-suppressed discontent over segregation and the frustration aroused by token racial integration have generated an upheaval of great intensity. Throughout the length and breadth of our land—in the North as well as in the South—Americans are demanding freedom now. This movement against discrimination has become a nationwide surge of protest. From a handful of sit-ins at segregation lunch counters and a score of freedom riders attempting to desegregate interstate travel facilities, the movement against racial injustice has grown into mass demonstrations by tens and yes, hundreds of thousands. These are peaceful protests and lawful petitions against an injustice that too many Americans have unawaredly been taking for granted all these years.

The fact that such protests have become necessary is a sad commentary for a nation which, in two world wars and in the past 15 years or so, has claimed the mantle of the world's leading democracy. In the forceful words of the columnist, Joseph Alsop:

> It is disgusting, not to say macabre, that American citizens should be driven to use the device of mass protest over 100 years since the Civil War began for the sole purpose of securing equal treatment with their fellows.

These manifestations of great social unrest are remarkable only in that they have taken 100 years to rise to the surface. To his everlasting credit, the American Negro has given his Government and his fellow citizens every opportunity to make good the promise of liberty and justice for all. This, Mr. Chairman, is the central tragedy of the present state of affairs—that it could have been avoided. The whirlwind of recent events was totally predictable. One hundred years ago, President Lincoln stated the proposition simply but forcefully:

> This Government cannot endure half slave and half free.

At a cost of a civil war and untold human misery we abolished the institution of slavery. But for the next 100 years, we left the Negro to flounder in a sort of limbo—a citizen in law, he exercised few of the rights and privileges of citizenship in fact. This, in brief, is the history of the last century. Omitted are the details of degredation, misery, and human indignities which attend second-class citizenship; squalid housing conditions; second-rate educational opportunities; employment at the lowest rung of the economic ladder. The list is virtually endless.

Time and events are beginning to outrun the legal processes and everywhere the same questions are being raised: Will the white man recognize in time his constitutional, moral, and spiritual commitments and live up to them? Will forces of moderation prevail or will they be

ground underfoot by extremists on both sides? We must seize the present opportunity and act boldly and with courage. Above all, we must act—out of the firm conviction that what we do is right. There are no insurmountable obstacles in our path—we have only our own inertia to overcome. To quote Justice Goldberg, the rights claimed by Negroes:

> Are present rights; they are not merely hopes to some future enjoyment of some formalistic constitutional promise. The basic guarantees of our Constitution are warrants for the here and now * * * they are to be promptly filled.

This transition must be a peaceful one within the law, not a transition of hatred and violence and destruction. Anyone who observed the Washington march for freedom on August 28 came away convinced that the Negro's quest for equal opportunity will be conducted in the American tradition, which is to say, peaceably and well within the law. But, the time for temporizing with the issue has long since passed. As I have already said, the present time affords us the most opportune moment in the history of this country for finally coming to grips with this problem. As pointed out by the NAACP in its annual report:

For the first time since the Civil War the American people as a whole have come to realize the desperate plight of the Negro, the basic justice of his demands, and the need for remedial action.

On the other hand, if we allow the present moment to escape us:

If—

In the words of Martin Luther King—

the Nation returns to business as usual.

Then a solution will again be sought in the streets. When the late President Kennedy pointed out this alternative, many in these halls cried out that he was attempting to pressure the Congress into action. We all know, however, that the President merely stated a truism. When governments turn a deaf ear to cries of injustice—whether by indifference or in some brutally callous "let them eat cake" fashion, the streets, not the parliaments, have become the arena for political action.

Naturally, I would prefer that the civil rights issue be resolved on a voluntary basis. Persuasion and commonsense have been instrumental in reducing the humiliating experience of segregated facilities in many areas. The voluntary form of behavior will, I hope, continue and grow. But the experience particularly of the last 100 years is evidence that persuasion alone will not suffice.

The only institution in American society that has the power to end this overly prolonged crisis is the National Government. Also, it is that factor in the situation with the widest gap between its expressed values and its actual performance.

Mr. Chairman, as I said in my opening remarks, I would have preferred an even stronger bill—one consistent with the recommendations of the subcommittee which, I should point out, were in line with my own proposals to the subcommittee for strengthening the titles of the bill guaranteeing equality in voting rights, job opportunities, public accommodations, public education, and authority to the Attorney General to institute suits in all cases involving violations of constitutional rights.

However, although H.R. 7152 is not as complete as many of us would like, there is no question in my mind that in the end the Nation will be the beneficiary. This was recognized by the full committee which in its report said:

> No bill can or should lay claim to eliminating all of the causes and consequences of racial and other types of discrimination against minorities. There is reason to believe, however, that national leadership provided by the enactment of Federal legislation dealing with the most troublesome problems will create an atmosphere conducive to voluntary or local resolution of other forms of discrimination.

It is, however, possible and necessary for the Congress to enact legislation which prohibits and provides the means of terminating the most serious types of discrimination. This, H.R. 7152, as amended, would achieve in a number of related areas.

H.R. 7152, as amended, is a constitutional and desirable means of dealing with the injustices and humiliations of racial and other discrimination. It is a reasonable and responsible bill whose provisions are designed effectively to meet an urgent and most serious national problem.

The bill is divided into seven major parts or titles. Title I deals with the subject of voting rights. It is ludicrous, to say the very least, that in the 1960's and in light of the 15th amendment's prohibition against denials of the right to vote because of race or color, we are still debating the merits of legislation aimed at securing the right to vote. Yet, in over 250 counties in the United States, less than 15 percent of the voting-age Negroes are registered to vote. Even more disgraceful is the fact that in certain counties while the white population is exceeded by the number of white inhabitants who are registered, Negroes are either totally or all but totally denied the right to vote. As pointed out by the Attorney General:

> If Negroes could participate fully in the electoral process in areas where racial discrimination is most prevalent, their grievances would secure attention and legitimate demand would be speedily met.

Title I attempts to remove artificial barriers created by continued use of literacy tests and similar performance examinations as a device for discrimination. It would make three vital changes in this regard:

First, in voting suits, it would raise a rebuttable presumption of literacy upon a showing that the applicant has completed six grades of schooling. This is in accord with the practice in my own State which administers a literacy test on the sixth grade level of difficulty.

Second, it would require that if a literacy test is used as a qualification for voting in Federal elections, such test shall be in writing and the applicant shall be furnished, upon request, with a certified copy of the test and his answers. The purpose of this provision is to prevent the all too prevalent practice of using questions of differing degrees of difficulty depending upon whether the applicant is white or Negro, or the greater evil of refusing to register even though oral questions were answered correctly.

Third, it would specifically forbid denials of the right to vote because of trivial errors of omissions on applications for registration. In brief, the failure to insert a period or a comma may not be used to keep a Negro off the voting rolls.

Title I also seeks to speed up the processing of voting rights cases in the Federal courts. It would amend the Civil Rights Act of 1957 so as to permit voting cases to be tried by a three-judge district court. An appeal from a three-judge district court goes immediately to the Supreme Court obviating the intermediate court of appeals.

Does this bill undermine or usurp State powers in the area of voting? Not in the slightest. It simply sees to it that the States play the game according to the rules which the States themselves prescribe.

Title II deals with the problem of equal access to public accommodations. In the words of the minority member of the Judiciary Committee:

> This is the opportunity for every individual, regardless of the color of his skin, to have access to places of public accommodations. This right is so distinctive in its nature that its denial constitutes a shocking refutation of a free society.

Let us listen to the testimony of Roy Wilkins, executive secretary, NAACP, before the Senate Commerce Subcommittee, on what it means to be a Negro American in the summer vacation period:

> For millions of Americans this is vacation time. Swarms of families load their automobiles and trek across country. I invite the members of this committee to imagine themselves darker in color and to plan an auto trip from Norfolk, Va., to the gulf coast of Mississippi, say, to Biloxi. Or one from Terre Haute, Ind., to Charleston, S.C., or from Jacksonville, Fla., to Tyler, Tex.
>
> How far do you drive each day? Where and under what conditions can you and your family eat? Where can they use a restroom? Can you stop driving after a reasonable day behind the wheel or must you drive until you reach a city where relatives or friends will accommodate you and yours for the night? Will your children be denied a soft drink or an ice cream cone because they are not white?

In response to a question as to what the Negro must do, Mr. Wilkins replied:

> Where you travel through what we might call hostile territory you take your chances. You drive and you drive and you drive. You don't stop where there is a vacancy sign out at a motel at 4 o'clock in the afternoon and rest yourself; you keep on driving until the next city or the next town where you know somebody or they know somebody who knows somebody who can take care of you.

Many of the demonstrations that took place in 1963 were sparked by refusals to allow Negro Americans equal access to restaurants, movies, and the like.

Title II declares the right of all citizens, without regard to race or color, to the full and equal enjoyment of the fa-

cilities of inns, motels, or other establishments designed to furnish lodging to transient guests, restaurants, cafeterias, lunchrooms, lunch counters, soda fountains, or other places engaged in selling food for consumption on the spot if either their customers or their merchandise have moved in commerce; motion picture houses, theaters, concert halls, sports arenas, stadiums, or other places of exhibition or entertainment.

This title would prohibit any deprivation or interference with the right to use the public facilities within its coverage. It would grant persons aggrieved the right to sue for an injunction. It would also authorize the Attorney General of the United States to bring suit whenever satisfied that the purpose of the bill would be materially advanced and when the aggrieved persons lack either the funds or legal representation to do so themselves.

This is the title that has provoked a veritable torrent of words. Are the fears which have been uttered about the public accommodations section justified? My own opinion is that the opposite is more nearly the case. That is, when we place property rights—incidentally no one has troubled to explain property rights and responsibilities—above human rights, then we shall truly have a fearful situation.

I will only add that my State goes much further in this area, and provides criminal and civil penalties, as well as injunctive relief and covers many more kinds of establishments serving the public.

Title III deals with discriminatory denials in connection with access to public facilities. Since facilities "owned, operated, or managed by or on behalf of any State or subdivision thereof" fall within the scope of the 14th amendment, the purpose of this title is to authorize the Attorney General to enjoin denials to such places, as well as the right to intervene in equal protection cases generally.

Title IV deals with the all-important matter of segregation in public education. Ever since the Supreme Court's decision of 1954 declaring segregation of races in the Nation's public schools to be unconstitutional and directing school authorities to desegregate the schools with all deliberate speed, our Nation has awaited with mounting impatience the carrying out of the Court's instructions. While there have been significant compliances in several States and in numerous communities, desegregation has, on the whole, progressed too slowly.

As the Supreme Court pointed out in one of the sit-in decisions of last June:

[These rights are] present rights; they are not merely hopes of some future enjoyment of some formalistic constitutional promise. * * * The decision in *Brown* v. *Board of Education* never contemplated that the concept of deliberate speed would countenance indefinite delay in elimination of racial barriers in schools.

Title IV of the bill has two basic purposes. First, it would authorize technical assistance to public school officials in preparing and carrying out desegregation plans. Second, it would grant authority to the Department of Justice to initiate civil suits in the Federal courts in cases involving discrimination in public schools and colleges.

Title V would make the Commission on Civil Rights a constituent agency of the Federal Government. This agency has performed a remarkable research service in the most trying circumstances. Since even the enactment of this bill will not solve all our racial problems we will continue to have need of this agency's invaluable service into the indefinite future.

Title VI deals with the serious and absurd problems of the use of Federal funds in programs which are administered so as to perpetuate racial discrimination. The Federal Government is under a moral and, as pointed out by the Fourth Circuit in connection with the Hill-Burton Act, a legal obligation to remedy this evil as soon as possible. The benefits of the programs and activities assisted by Federal funds are beyond question and should be available to all regardless of race or color. Title VI would enable Federal agencies to withhold Federal financial support from any program or activity administered on a segregated or discriminatory basis.

Title VII deals with the all important area of equal employment opportunity. I am proud of my own State's tremendous pioneering efforts in this area. Although this proposal has been denounced in terms merited solely by the infamous Star Chamber, its only purpose is to remove any standard in connection with securing and maintaining employment which is extrinsic to job qualifications. This is the whole of it—not socialism, communism, prostitution of free enterprise, and similar scarecrows designed to produce much heat and little light.

At the outset of my remarks, I alluded to the power of ideas, specifically the ideas of the American Revolution. In urging rapid passage of this sorely needed, long delayed legislation I would like to quote former Florida Governor, now head of the National Association of Broadcasters, LeRoy Collins.

Mr. Collins said that the principle "that all men are created equal" was not an empty cliche.

It is a mighty idea that is the keystone of our Nation's whole meaning and perpetual commitment—

He asserted—

It is the basic idea which supports the dignity of man as an individual. It is an idea that can never be stopped—not by custom, not by prejudice, not by hate, not by murder, not by armies, not by any mortal force.

It may be thwarted, it may be delayed, its triumph may be at great cost and sacrifice, but it will keep coming on and on, for it has the invincibility of simple truth, justice, and right.

It is the moral duty of our generation to plow under racial injustice everywhere in the United States, and to plant new opportunities for the generations which will come along after us and reside in this green part of our old planet.

Mr. Chairman, it is time to stand up and be counted in the ranks of those who would protect and promote our priceless heritage of equal rights, equal justice, equal opportunity, and an equal chance for the achievement of human dignity for all Americans.

Let us rise to the occasion. Let us meet the challenge of our ideals and the demands of our conscience by an overwhelming approval of this most meritorious legislation.

Mr. CELLER. Mr. Chairman, I yield such time as he cares to use to the gentleman from Alabama [Mr. ANDREWS].

Mr. ANDREWS of Alabama. Mr. Chairman, I am unalterably opposed to this pending bill—the so-called civil rights bill. If this bill is enacted into law then our system of constitutional government will come to an end. Our system of free enterprise will expire.

Have you thought, Mr. Chairman, what will happen to the business establishments of this country when the Federal Government—with all its power and might—steps into the internal affairs of a privately owned business, a restaurant, hotel, or motel—businesses that have been built up through years of hard work and frugal management by the owner—and says to the owner—you must operate your business in an entirely different way from that in which you have in the past.

You must accept any and all would-be customers regardless of the effect such customers will have on the future of your business, regardless of how offensive this might be to your other customers.

Mr. Chairman, the so-called public accommodations section of this bill stretches to the breaking point the interstate clause of our Constitution. Such a law was declared unconstitutional by the Supreme Court of the United States in 1873, and that decision has never been overruled. This section of the bill is clearly unconstitutional, but I share the opinion of many, many Members of this House, that the present Supreme Court will aprove it The last vestige of private ownership over private property will be wiped out if this section of the bill becomes law. Many Members of this House have expressed their apprehension over this section and their fear of the consequences if it becomes law, but they state they will have to vote for it. I only wish, Mr. Chairman, that a secret vote could be taken on this bill; if that happened I believe the bill would be defeated.

This FEPC section of the bill is just as bad as the public accommodations section. This section would subject every businessman in America to the constant harassment of the Federal Government. No longer could the owner of a business run it as he desired. The Government would be the overriding boss. The Government would determine who could work in the shop, store, factory or mill, and so forth. The Government would say who could be promoted, who could be fired. The owner's voice would be muted. And Mr. Chairman, this type of legislation is proposed for the United States of America, not Russia.

Mr. Chairman, I repeat, I am opposed to this bill in its entirety and I sadly predict that if this bill becomes law it will usher in another "Tragic Era" in the history of this country and will be viewed by future generations as one of the saddest days in our entire period of existence.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that the gentleman from Pennsylvania [Mr. NIX] may extend his 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. NIX. Mr. Chairman, I will, at the outset of my discussion of this legislation enumerate a number of cold, unavoidable facts:

First. The U.S. courts alone are vested with the authority to decide the constitutionality of acts of Congress; therefore, it seems to me a futile and meaningless exercise in argument when the issue of constitutionality is raised in opposition to this legislation.

Second. The century-old Emancipation Proclamation, the 13th, 14th, and 15th amendments to the Constitution were enunciated and confirmed to free the Negro from physical bondage and to bestow upon him the fulfillment of every constitutional guarantee enjoyed by other citizens of this country. However, the overwhelming weight of evidence establishes the fact that the Negro is not free, and that the privileges, immunities, and protection of the law are not accorded to him.

Third. It seems incredible that anyone in the United States is unaware or insensible to the fact that even now, February 1964, the Negro suffers intolerable discrimination in: one, voting rights; two, public accommodations; three, public facilities; four, education; five, federally assisted programs; six, employment opportunities; and generally in all phases of community life.

These facts are abundantly confirmed by the findings of every major religious denomination in the land; by the findings and reports of the President's Committee on Equal Employment Opportunity; by the findings and recommendation of the Commission on Civil Rights; by the reports and testimony of representatives of organized labor; by the admissions and commitments of 100 private firms associated with the plant-for-progress program; by the actions of the Governors of North and South Carolina and Georgia; by the testimony of the mayor of Atlanta, Ga.; by the published reports and pleadings of the American Civil Liberties Union, the NAACP, and the Department of Justice; and by the 58 percent favoring passage of this legislation as reported by the Harris survey on December 9, 1963.

When a Negro's income is only 60 percent of the income of a white worker; when a Negro has no place to sleep or eat on the highways in more than a third of the Nation; when the taxes of a Negro supports parks and playgrounds and hospitals from which he is excluded; when only 1,129 or 3,053 multiracial school districts are desegregated 10 years after Brown against Topeka; when a Negro is the last hired and the first fired in private employment; when virtually all Negro Federal employees are in grades 1–5; when labor unions exclude Negroes entirely; and when the State courts conspire to deny a Negro equal justice under law—then it is time for the National Government, through this body, to step in and make the promise of the Emancipation Proclamation a reality.

To correct the abuses of some 345 years' duration, the Committee on the Judiciary has proposed a bill which is a step in the right direction. While I can think of some improvements, I am unequivocally in favor of passing this measure. Its provisions covering: First, voting rights; second, public accommodations; third, desegregation actions; fourth, public education; fifth the Civil Rights Commission; sixth, Federal assisted programs; seventh, fair employment practices; and sundry other necessary matters, are as right as rain in a democratic community. They spell out a major portion of governmental responsibility for securing the blessings of liberty and equal protection of the laws for every American. A democracy can do no less.

Mr. Chairman, were I to attempt to improve upon the record which testifies to the urgency of this measure, I could not find the words. The record speaks for itself; the need is clear; the rights are present; the duty of this body cannot be abandoned. Therefore, I say this to you—enact this legislation so that American democracy may flourish and all of the Nation's citizens may enjoy equality of opportunity and treatment in accordance with the law of the land.

Mr. CELLER. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. GILBERT].

Mr. GILBERT. Mr. Chairman, I wish to commend the chairman of our Committee on the Judiciary, the gentleman from New York [Mr. CELLER], for his splendid presentation and his erudite explanation of the civil rights bill now before us. Without his courage and brilliant leadership, this strong civil rights bill would not have been written or approved in committee. We owe him a debt of gratitude.

This is one of the most gratifying and thrilling moments of my life. I am grateful and proud to be a Member of this Congress, the greatest deliberative body in the world, which now has the privilege and duty of assuring to Negroes and members of other minority groups in our country their constitutional rights, so long denied them. By passing this bill, the most far-reaching and comprehensive civil rights bill ever considered by the Congress of the United States, we shall achieve an honored place in the history of our Nation. The opportunity to give renewed hope, a brighter future, dignity, equality, and freedom, to millions of people, does not come our way often; I am thankful that I have been accorded that opportunity.

I have used the word opportunity, because I have been working faithfully toward this moment during all my years of service in the New York State Legislature and since coming to Congress. But let me say to the opponents of this bill, that it is the duty of this Congress to pass the bill; that failure to do our duty will invite terrible consequences too awful to contemplate. The most powerful social revolution in our history is gaining in momentum; the Negro is demanding his constitutional rights now. We must recognize the unshakeable determination of the Negro to escape from second-class status. The bill is entirely reasonable—it grants no special favors or privileges; it merely assures to Negroes and others now wrongfully discriminated against, the same rights and privileges which other citizens have forever taken for granted.

One hundred years have passed since the issuance of Lincoln's Emancipation Proclamation. One hundred years is a long time to suffer under the evils of discrimination, to be denied opportunities in education and employment, to be denied the right to vote, a decent place to live. One hundred years is also a long time to give human decency, moral persuasion, tolerance, love for one's fellow man, religious teachings, the chance to eliminate and to overcome the discrimination and injustices directed against generations of Negroes. Now patience is at an end; a strong law is needed.

This Nation has been pleased to assist people of other nations when they have thrown off the oppressive yoke of a dictator, and when they have sought a democratic form of government. Let us face the truth. Right here in our own country we have permitted a dictator called discrimination to inflict cruelties, death of spirit, and inhumane treatment upon millions of our people for a hundred years; they have been denied the rights guaranteed them under our democratic form of government. The image we present to the world's family of nations is not very attractive at this point; we cannot expect to have our words and pleas in behalf of democracy accepted abroad when we live a lie here.

The conscience of every right-thinking American has now been aroused. State and city officials, religious leaders, civic groups of all kinds, business organizations, labor leaders, educational leaders, millions of individuals, have given us a mandate to pass this civil rights bill. We, the representatives of the people, must obey that mandate.

It is admitted that some good progress has been made in the field of civil rights since 1948: the end of segregation in the Armed Forces; banning of discrimination in Federal hiring; enforcing of nondiscriminatory clauses in Government contracts; the U.S. Supreme Court ruling in 1954 that public school segregation is unconstitutional; the granting of power to the Attorney General to enforce voting rights; establishment of a Civil Rights Commission; the anti-poll-tax amendment to the Constitution. However, we have seen that these actions have not always accomplished the aim intended and that we are a long way from our desired goal of equality for all Americans.

The bill before us will not accomplish all our aims, but it will go far toward correcting present glaring injustices, and it represents a good start toward our final goal.

Think of this scene. A white father looks upon his new-born son. He is proud of his beautiful baby and says: "He'll be President someday." Now think of this. A Negro father sees his son for the first time and is equally proud of him. But immediately the fears and doubts come to his mind. He knows that as things now stand, his son will not have good schooling, he will not be able to achieve his full potential in education or in employment, he will be insulted when he tries to find lodging while on a journey, he will be prevented from voting, his ambitions and hopes will die, he will be prevented from establishing a home of his choice, he will forever suffer under the scourge of discrimination because of the color of his skin. These evils of discrimination exist throughout our Nation. Negroes today say that for many of them, the benefits provided by the bill before us come too late to change their lives to a great degree. But they demand, now, that this law be passed and its provisions faithfully carried out. They want their children to have the opportunities provided by the bill and the protection and true freedom and equality they have never known themselves. They want the stigma of "welfare" removed from their families; they want to know that their children will be able to find work commensurate with their ability, and to enjoy the dignity of equality with their neighbors. They want their children to face the world with hope and courage, not heartache and despair.

At this time, I wish to discuss title III in some detail. This provides for desegregation of public facilities. It authorizes the Attorney General, upon recept of a written complaint of an aggrieved individual, to bring suit to secure desegregation of public facilities—other than schools—owned or operated by State or local government. The Attorney General must certify that aggrieved persons are unable to initiate or maintain legal proceedings themselves because of financial limitations or potential damage to themselves. It authorizes the Attorney General to intervene in pending actions in the Federal courts seeking relief from discriminatory practices by State and local governments or officers, because of race, color, religion, or national origin.

The equal protection clause of the 14th amendment clearly forbids a State or municipality from segregating or discriminating on the basis of race or color in any of its activities. Notwithstanding this and the many decisions specifically applying this principle to such Government-owned or operated activities as public beaches, public golf courses, public parks and playgrounds, and others, racial segregation and discrimination remain rampant with respect to many such facilities. These unconstitutional and unlawful practices have resulted in the humiliation of many of our Negro citizens as well as deprivation of their rights. Negroes have sought by means of demonstrations and other forms of protest to secure the rights clearly guaranteed them by our Constitution. We should spare them from having to take such desperate measures.

Although private suits may be brought to secure such rights, many individuals are prevented from doing so because of lack of funds to finance lawsuits and because of fear of reprisal if they do so. This title seeks to meet these problems by empowering the Attorney General, upon receipt of a written complaint, to initiate suits to desegregate governmentally owned or operated public facilities whenever he finds the complainants unable to do so themselves and when the national policy favoring orderly desegregation of public facilities would be furthered materially by such a suit. The complainant must be unable, either alone or through interested persons or organizations, to bear the costs of litigation or obtain effective counsel; alternatively, he may be considered unable to sue, if to do so would result in economic or personal jeopardy to him or his family. Title III would authorize the Attorney General to bring suit for desegregation only of State or municipal facilities—other than schools or colleges—the limitation of access to, or use of which, would be a denial of equal protection of the laws under the 14th amendment.

To put it succinctly: The Attorney General may institute a suit to enjoin discrimination in any public facility which is owned, operated, or managed by or on behalf of any State or subdivision thereof, but not to enjoin discrimination in private facilities.

Under both sections 301 and 302 the jurisdiction of the district courts is mandatory, not discretionary, and the courts are not authorized to decline to exercise their jurisdiction. Specifically, neither the United States nor the persons discriminated against need exhaust any administrative or judicial remedies provided by the State prior to the institution of a suit by the United States or its intervention in private litigation.

When the Attorney General certifies, pursuant to section 301(a) that the signers of a complaint are unable to initiate proceedings or that the institution of an action will materially further the public policy of the United States favoring the orderly progress of desegregation of public facilities, his certificate is not subject to question in court.

The Attorney General may not be required to reveal the name or names of persons who signed such a complaint.

Under section 302 the Attorney General will be able to intervene in private lawsuits where local police officials are charged with denying equal protection of the laws by engaging in brutality or other improper conduct because of hostility to the race of the victims or to the goal of racial equality sought by the victims.

The term "action" as used in section 302 is not limited to suits for injunctive relief. It extends, for example, to a habeas corpus proceeding.

The right of private persons to sue is not affected by title III, nor is the validity of any State law or procedure which is consistent with, or designed to vindicate, constitutional rights.

Other titles of the bill are of equal importance. One of the gravest problems of the Negro today is job discrimination. Reports show that the income, per capita, of U.S. Negroes is $1,100, of U.S. whites $2,450. We know that Negroes are nearly always the last to be hired and the first to be fired. Also, most of the employed Negroes in this country are in the unskilled or semiskilled service trades, because they have been denied educational and training advantages enjoyed by the whites. It is important that we take prompt and effective action to end discrimination in employment, and title VII seeks to provide equal employment opportunity. It would make it an unlawful employment practice for employers of more than 25 persons, employment agencies, or labor organizations with more than 25 members to discriminate on account of race, color, religion, or national origin in connection with employment, referral for employment, membership in labor organizations, or participation in apprenticeship or other training programs. Provision for the Equal Employment Opportunity Commission is also important, and the Commission would have the right to bring a suit to enforce its view if it could not end discrimination by persuasion.

The right of all citizens to vote is fundamental and the Congress has taken steps to guarantee all citizens the right to vote without discrimination as to race or color. However, by devious and wrongful methods, the Negro has been prevented from voting in many areas of our country. The bill before us would prohibit the use of subjective literacy tests and other technicalities now utilized by registrars to bar Negro voters, in Federal elections. It would also expedite voting cases, and would create a rebuttal presumption in voting cases that an individual who has completed the sixth grade is sufficiently literate to vote in Federal elections.

The public accommodations section of the bill will give to Negroes all over the United States a measure of assurance against the ugly, cruel, destructive, and humiliating refusals of service which have made interstate travel a terrible experience for them.

Education of our youth—and all of our youth—is highly important to the future of our Nation. The Supreme Court decision regarding desegregation of schools has been ignored, flouted, and circumvented, in vast areas of our Nation. In many places, the condition is chaotic and children are receiving no education whatever because of the closing of schools by the authorities rather than obeying the law. This bill allows the Justice Department to bring school desegregation suits and authorizes Federal aid to school districts that are desegregating.

The Civil Rights Commission has done highly important work and it is necessary that it be given permanent status; this bill extends the life of the Civil Rights Commission permanently.

Another important section directs all Federal agencies to act against racial discrimination in any State or local program receiving Federal aid.

I wish to emphasize that it is imperative that we approve this bill in its present form; these are the minimum benefits we should provide and these reforms are long overdue. Any watering down of this bill would be entirely unacceptable to me.

It is an indisputable fact that the future and well-being of our Nation depends upon enactment of this civil rights bill. I sincerely hope and pray that this Congress will meet its responsibility and that we will now, finally, establish here in our Nation the true democracy of which we have boasted, and that all our citizens will be enabled to enjoy the equality and rights guaranteed them by our Constitution.

Mr. WILLIS. Mr. Chairman, I yield 20 minutes to the gentleman from Texas [Mr. DOWDY].

Mr. DOWDY. Mr. Chairman, because of limited time, my remarks will be directed primarily to title VII, but as there are little title VII's in other titles, particularly title VI, some of them will enter into my discussion. If time permits, I will briefly discuss an amendment I will propose to title I, and an example of Federal discrimination in employment.

There has been considerable comment one way and the other about how this bill got reported from the Judiciary Committee in this form. A subcommittee had been considering various so-called civil rights proposals for a number of months, and had finally written a bill and reported it to the full committee. Afterward, the full committee was adjourned from day to day, with no opportunity to debate or amend the proposal. Finally, on the morning of October 29, 1963, the committee did meet at shortly after 10:30 a.m. At approximately 10:45 a.m., a mimeographed 56-page amendment was placed before us by the chairman, at which time he stated that the 56-page document would be considered as a unit, that we would not be permitted to have an explanation of it, nor would we be permitted to debate, discuss, nor offer amendments to it, nor ask questions about it, and that it would be voted upon that day prior to 12 o'clock noon. Some of us sought to have a little time to study the proposal, to see what it contained, but this was denied. The Clerk was ordered to read the 56 pages, which he did in a hurried, mostly unintelligible tone, in order to complete the reading prior to the noon hour.

It is regrettable that a situation could arise, wherein Representatives of the people would be deprived of the opportunity to take deliberate action, after due discussion and consideration, upon such a far-reaching piece of legislation. It is totalitarian in its nature, and will affect the lives and property of all our people, regardless of their color, race, religion, or national origin, and yet a powerful committee of Congress, composed entirely of lawyers who should think higher of themselves, permitted itself to be compelled to act under duress, and a majority of them vote for this pending bill, without even knowing what was in it. The truth of it is that the proponents did not dare let the members know what the bill provided.

I want to commend the Rules Committee for at least holding hearings on the bill, even though it was probably before closed minds. It is unfortunate, and even a disgraceful thing, that when this bill comes to a vote here in the House Chamber several days from now, few of the Members who vote on the question will have read the bill, and none will understand its purport. I have read the bill a number of times, and studied it closely, and I must admit that every time I read it, I find another scorpion, I had not found before.

This bill was not written by the Judiciary Committee; it was written in the Department of Justice, and was delivered to the House Office Building during the dark hours on the night before it was presented to the committee on October 29.

I would not have known this, but for the fact we had been working in my office late the evening of October 28. I had left the office about 9 p.m. One of my secretaries stayed to complete some of her work. At 9:15 two men presented themselves with this envelope, containing these 56 pages, and identified themselves as being from the Department of Justice. This envelope was placed among the other material that regularly comes from the various departments, for attention following first-class mail. Consequently, I did not learn of its delivery, and the manner thereof, until following the meeting of the committee on October 29.

Those of us who studied the bill after it was reported began pointing out its unconstitutionality, and the totalitarian powers it grants to the executive departments. When the proponents of the bill appeared before the Committee on Rules to explain it, they found themselves unable to answer questions about it, and to give wrong and contradictory answers to questions.

Apparently, it was only then that the Department of Justice was asked to prepare an explanation of the bill, and particularly about the powers granted to the executive. This explanation, called a memorandum, is about an inch thick, and contains, altogether, more than 200 pages. It was delivered under date of January 21, 1963; at least, that is the date on the cover letter to my office.

In examining this memorandum prepared by the Justice Department, it will be found that it does not deny the fact that the pending bill grants totalitarian powers to the executive departments. To the contrary, it seems to admit that fact, and then say, "we do not intend to use those powers." If the Justice Department does not intend to use those powers, then why did the Justice Department write them into the bill.

There is language in this bill which will quickly illustrate the point of unwarranted, dictatorial, and tyrannical powers granted. I will use a couple of them. Section 701 states:

> Opportunity for employment without discrimination is a right of all persons within the jurisdiction of the United States.

I think nobody would disagree with that, and most would subscribe to it. But section 711(b) says:

> The President is authorized to take such action as may be appropriate to prevent—

Such from happening.

Section 601 of the bill states:

> No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Again, everybody ought to agree to that, because it is right. But section 602 states:

> Each department and agency which is empowered to extend Federal financial assistance to any program or activity, by way of grant, contract, or loan, shall take action to effectuate same by rule, regulation, or order.

Nowhere in the bill is the word "discrimination" defined, so each department and each agency could prescribe its own definition, and the President could prescribe a definition for his actions. And these actions are made mandatory in the bill; the agencies and departments have no choice.

Suppose some person in Texas should claim that he was denied old age assistance because of race, color, or national origin, and the Federal bureaucrat in charge should agree with him. He could terminate all of the old age assistance of the State of Texas—or whatever of the sister States that might be questioned.

This could apply in like manner to Veteran's benefits, highway construction, Small Business Administration, Farmers Home Administration, or any of the other hundred or so programs. It would involve farmers, bankers, businessmen, professional men, and everybody, because there is no one today that is not either himself involved, or involved with someone who has a grant, contract, or loan from the Federal Government. It involves life and death control over whole cities, counties, and States, it concerns the survival of savings and loan associations, the well-being of laborers, homeowners, depositors, blind persons, aged, retirees, abandoned children, millions of Americans and unavoidably bound up in their daily lives in Federal contracts.

But to talk specifically about title VII. This is one title that the Judicial Committee did not have any hearings on; in fact, our committee does not even have jurisdiction over this title, and only assumed it by inserting it in among provisions that the committee did have jurisdiction over. When Attorney General Robert Kennedy appeared before our committee, after this was placed in the bill, he advised against including it.

American citizens have probably talked more about the public accommodations part of this bill, and it is bad enough, but I am afraid has caused sections 602 and 711(b) to be overlooked. I consider these two sections which grant the powers of a tyrant, to be the most vicious of anything contained in the entire bill. They go further than appears on the surface. Just as in taking sticks of wood from a

woodpile, you look out for scorpions, here you find a scorpion under every word.

Any business or organization or individual could be used as an example, but I think we might take labor unions as an example of what can happen in the event this bill is enacted; and I have time to discuss only one effect on a union. Federal law protects representation rights and bargaining privileges granted to unions under the National Labor Relations Act, and the Railway Labor Act. Under the authority contemplated in the pending bill, the representation status of a union which fails to maintain a racial balance in its membership would be suspended or canceled. The suspended union would not have access to NLRB or the National Mediation Board procedures, and would lose its contract protections; it could not be placed on a ballot in any representation election; all of its rights under the law could be suspended, and its status would be similar to that of a union whose officers failed to file non-Communist affidavits under the law. Neither could it file any unfair labor practice charges.

The employer would be affected in that he would be required, in the face of the threat of jail and fine, to maintain a racial balance in his employees; in like manner, public and private schools would be affected in both faculty and student body. Even the individual would be affected down to the right he now has to rent, lease, or sell his home to whom he pleases, or who should build his new home, or repair his old one, and this is just a start of how this bill affects people and their property.

I do not believe the people of America are ready for this kind of regimentation, regardless of where they live, North, South, East, or West, or what their color, race, religion, sex, or national origin.

Now, I will mention an amendment I desire to propose to title I, the voting rights provision. Its purpose is to provide that none but living, eligible voters should be permitted to vote, and that they only vote one time, and that it be cast in the precinct of their residence.

This amendment might not have occurred to me, even though there was a voting box in Angelina County where the vote was 800 to 100 against me in my last primary. However, in August of 1962, following the primary, the CIO Committee on Political Education, which is the successor organization to the notorious CIO Political Action Committee, had a meeting in Chicago. This organization actively participated in the campaign that year, trying to defeat me. I had not thought much about it, but apparently the director of COPE had thought he had bought 100 percent of the votes at that box, because in his report, he complained bitterly about the 100 votes I got, out of the 900 cast there.

I made inquiry about the matter, and found that the opposition had paid poll taxes for more than 150 people, giving their residence as a small 2-room house. Subsequent to the election, an Angelina County grand jury investigated the matter and returned indictments.

One of the attorneys for the defendants in those indictments is the same person as the COPE-backed candidate in their campaign against me.

COPE s director accused the election judge of wrongdoing, but when the matter was adjudged by the grand jury, it was henchmen of the COPE-backed candidate who were indicted.

If we can guarantee the right of a person to vote, we certainly should guarantee that illegal votes shall not be permitted to offset those legal votes.

Now, the truth of the matter is that civil rights is merely a political slogan, nothing more nor less. The chest-beaters, themselves practice discrimination, and I will illustrate by a case of personal knowledge.

There has so much been said about discrimination by the self-righteous that perhaps I should not call attention to some of their own discriminatory action.

Let me say this—I believe in the full protection of the rights of everyone, regardless of color, race, religion, or national origin. I have practiced this, and have stood for the rights of a Negro any time I saw that he was being mistreated. I have done this, at times, to my political disadvantage, and certainly to my financial disadvantage. I will continue to do this, because it is a fundamental part of my life.

Downtown, the executive departments have been beating their chests for 2 years, accusing people of discrimination. I tell you they have themselves practiced discrimination because of color.

Year before last Frank D. Reeves, a Negro, was named by the Executive to be a Commissioner of the District of Columbia. It developed that he had been delinquent in paying his income tax in a total amount of $740. As a result, his appointment was withdrawn. Not long thereafter, Benton Musslewhite, a white boy, was appointed to a position with ARA, despite the fact that he had an income tax lien filed against him in the amount of $1,285.

I believe people ought to pay their taxes, and particularly those drawing salaries from tax funds; however, I do not believe there should be discrimination practiced by our Government—all should be treated alike—and if a white delinquent taxpayer is entitled to appointment, then a Negro should have the same entitlement—or, the converse, if the Negro is not, then the white should not.

To carry this a little further, if title VII of this bill is enacted, what is this House of Representatives going to do about the discrimination it is practicing. Down here in the House restaurant, there are only Negro men employed as waiters. Is that not discrimination against white waiters? You understand, I am not complaining about this, and have no objection to the system—the waiters are doing an excellent job—I am only asking—what are you going to do about it when these questions arise here, if this bill is enacted. Are you going to fire some of the present waiters, in order to obtain a racial balance in this employment? That will be the demand of the bill. It ought to be defeated, or drastically amended.

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

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

Mr. WHITTEN. With reference to what people in Government will do, I think the gentleman might be interested in this: Under the accelerated public works program where this kind of right exists in the executive department, a project was approved and, while they had approved it, the two Senators from the States voted against the accelerated program and the man was taken off the plane and recalled. That shows you how these things can be handled.

Mr. DOWDY. I thank the gentleman.

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

Mr. McCULLOCH. Mr. Chairman, I yield the gentleman 1 minute, so that he may answer a question to be asked by the gentleman from California [Mr. ROOSEVELT].

Mr. ROOSEVELT. Mr. Chairman, will the gentleman yield so that I may ask the question?

Mr. DOWDY. Will the gentleman yield to me 2 minutes?

Mr. McCULLOCH. I yield to the gentleman 2 minutes, provided the gentleman answers the question of the gentleman from California.

The CHAIRMAN. Does the gentleman from Ohio yield the additional 2 minutes?

Mr. McCULLOCH. I yield the additional 2 minutes, under the condition expressed.

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

Mr. ROOSEVELT. I should like to ask the gentleman if he does not realize, in characterizing section 711 as being such a terrible thing, that section 711 simply makes into law what has actually been the practice of the executive branch of the Government for many years now under the President's Commission? Therefore, it is nothing new. This involves a power which obviously has been exercised by the President. Certainly, therefore, it cannot be properly characterized as something pulled out of the Dark Ages or as giving new, horrendous power to somebody, since it already exists. It does not seem to me that could be true.

Mr. DOWDY. I referred to section 711(b). If that is being practiced, then it ought not to be; that is all I can say.

Mr. McCULLOCH. Mr. Chairman, I yield 5 minutes to the gentleman from Connecticut [Mr. SIBAL].

Mr. SIBAL. Mr. Chairman, I rise today with a deep sense of gratitude to support H.R. 7152. Since I first came to the Congress, 3 years ago, I have urged that we in the legislative branch assume the leadership in this battle for human rights under our Constitution. I am deeply gratified that at last we are meeting our responsibilities as a major branch of Government.

A year ago, in our efforts toward this end, many of us introduced a broad civil

rights bill, which was supplemented by further legislation introduced in June.

These bills sought to fulfill the solemn pledges made by the Republican Party in its 1960 platform. As the only member of that party now in Congress from my State, I have a special obligation to uphold my party's traditional position in defense of individual liberty.

As a Member from Connecticut, a State which has been a leader in defending civil rights, I have a special obligation to carry out the wishes of the fellow citizens who sent me here.

Lastly, I fight for this legislation from deep personal conviction. Laws alone cannot hope to solve this intensely human problem but without the laws, it is not going to be solved. Some ask that we assign the question to reason and they tell us that the passage of time will wear it away.

I disagree. Time is also an eroder of spirit. Time is often a destroyer of rights, a father of evil, a wrecker of souls. Time knows no morals and dispenses no justice.

We have had time. We have had, on this issue, a hundred years of evolution. Now is the time, and what we are about to do is being done in good time and follows the natural course of that evolution. Indeed, it is past time, but at last we are acting.

This is an historic moment in the history of our country. We are about to create another landmark in the fight for human rights. Perhaps only in America could this happen in this way. I believe this to be so. I believe that when we have completed our work and this bill is law we will be able to walk more proudly in the world. The world knows what a problem we have. Everything is in the open in this country. Nothing has been hidden. Violence, murder, and riot, repeated time and again, have been displayed throughout the world. Our soul-wracking troubles have taken place in full view of friends and foe alike.

Our enemies may laugh at us and our pretensions to human liberty, but their shallow triumph will be stolen away from them by what we, in this free assembly of reasonable men and women, are doing. Where in the world of our taunters can men so gather to resolve a grave human crisis that has grown up in the community? In Cuba? In the Soviet Union? In Communist China?

Let them first look to the rights of their own people; let them learn to feed and clothe their own oppressed populations; let them educate their people and endow them with liberties free men should have. Let them do these things before they point at us with scorn and laughter.

We are making history, Mr. Speaker, proud history, and all of us should be proud to be a part of it.

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

Mr. SIBAL. I yield to the gentleman.

Mr. WAGGONNER. Does the gentleman feel that this legislation should be enacted because the legislation was proposed in the Republican Party platform?

Mr. SIBAL. I am talking about my position on this. I feel honorbound to support my platform.

Mr. WAGGONNER. Does the gentleman realize the Communist Party platform in 1928 recommended this same legislation as part of their platform?

Mr. SIBAL. I do not think that kind of analysis is worthy of an answer. I refuse to yield further.

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

Mr. McCULLOCH. Mr. Chairman, I yield 5 minutes to the gentleman from Vermont [Mr. STAFFORD].

Mr. STAFFORD. Mr. Chairman, I rise in support of H.R. 7152, the Civil Rights Act.

My decision to support this legislation actively and enthusiastically was not arrived at lightly, or without study.

Recognizing the compelling necessity to advance the cause of equal opportunity for all Americans, I was among those on my side of the aisle who introduced civil rights legislation last June 3d.

Although not a member of the Judiciary Committee, I have followed its deliberations carefully with respect to this issue. I am convinced that through bipartisan action we have been given a civil rights bill which is legally and morally sound.

It is a bill which, within the framework of our Constitution, will allow many Americans presently unable to do so, to exercise in full the privileges of their birthright, in common with the great majority of their fellow citizens.

I do not want more Federal controls over our individual lives. But I submit that the emphasis in this legislation is not upon Federal controls. It is upon individual liberties.

It is legislation to protect the right to equal opportunities of all Americans—regardless of race—regardless of creed—regardless of color.

We do not give special rights. We seek to guarantee equal rights.

We do not attempt to solve problems which essentially belong to the States. We strive for the solution of a great national problem, urgently demanding national legislation.

The United States contains people of many racial backgrounds. Their intermingling has led others to refer to our country as the "melting pot." Their developing fusion has been a source of much of our national strength and vitality.

It is, therefore, of paramount importance that each American—of whatever race, creed, or color—have full access to every opportunity enjoyed by all of his fellow citizens.

In closing Mr. Chairman, let me frankly concede that even this legislation will not fully solve the problems which confront us. It will advance the solution of that problem significantly, but this bill is not a panacea.

Actually, the problem will not be solved in its entirety until there is a desire on the part of all Americans to see that every other citizen has full access to all of the opportunities available under his American birthright. It will not be solved until all of us in our actions as human beings, do unto others as we would have done unto us.

I would hope that we here, by passage of this bill, will set an example for such action on the part of all of our citizens.

Mr. Chairman, I am proud to join in wholehearted support of the Civil Rights Act now before us.

Mr. McCULLOCH. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts [Mr. CONTE].

Mr. CONTE. Mr. Chairman, as we assemble in these Chambers today to continue discussion of the civil rights bill, we also meet to pave a great new era in American life by reaffirming the essential dignity of man.

We are not in the process of creating this distinction, Mr. Chairman, because that has already been done for us in the great documents which lie at the foundation of our free, open democratic society.

For the issue at stake here is the issue of our very strength and unity in a Federal system of government.

It may very well be said that this legislation, as reported by the Judiciary Committee, will be the one single piece of legislation that will make the 88th Congress a historic one. In other areas —education, aid to mentally retarded, the test ban treaty, our unprecedented intervention to avert a nationwide rail strike—the Congress has moved forward, and accomplished much. But we will be rated, Mr. Chairman, on this legislation.

This bill, Mr. Chairman, is designed to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States and to provide injunctive relief against discrimination in public accommodations.

The legislation would also authorize the Attorney General to institute suits to protect constitutional rights in education.

Much has been said about the public accommodations clause.

It would establish a community relations service and extend for 4 years the Commission on Civil Rights.

It is also designed to prevent discrimination in federally assisted programs and would establish a Commission on Equal Employment Opportunity.

Taken together, these provisions are similar to the points made in the two civil rights bills I introduced during the first session of the 88th Congress, one in January and one later in June.

These two bills were designed to give the Attorney General additional authority to give the Negro the tools he needs in his valiant crusade for the freedoms that have been denied him.

My public accommodations bill would require that the Attorney General take action against any owner or operator of a business supplying accommodations, amusement, food, or services to the public—if such business is authorized by State or local subdivisions—where the business segregates or otherwise discriminates against customers because of race or color.

Under terms of the legislation, the Attorney General may also bring legal suit against any official who seeks to require or encourage segregation or discrimination.

These terms are almost similar to the administration bill which will be before the House and, for a Massachusetts resident, they are by no means unusual, since we have had similar laws on our books.

In fact, it is possible to go back to Colonial government in Massachusetts and find statutes dating 1710 which prohibit discrimination at inns and taverns and other places of public accommodations.

This legislation has been continually improved upon in Massachusetts and laws passed by the legislature in the early 1930's and later improved upon in the fifties are public accommodations law similar to the provisions under consideration at this time in the House.

I had the great privilege and honor of serving on the Republican platform committee in 1960 and finally chaired the subcommittee which wrote the final plank on civil rights legislation and I have believed that equality and dignitv of every man must be part and parcel with our American democratic system.

This had been my position at the convention of 1960—it had been my position as a young student, as a serviceman, and later as a State and National officeholder. And then an amazing thing happened in 1963.

The race problem in the United States took on a dimension that shook every single American because it directly concerned everyone of us.

The Birmingham riots did not add this dimension, but they merely supplied proof that it already existed.

The Negro's fight for equality achieved powerful new thrust which could be summarized by the word "now."

The word "now" had more immediate meaning for him that it did 2 years ago, or 9 years ago when the Supreme Court desegregated the schools in law.

A new impatience swept through the land, and the Birmingham dogs who were let loose upon citizens who did nothing more than assemble in the street gave new impetus to a situation which—from that day onward—would never be the same again.

Now it has been approximately 188 years since the signing of the Declaration of Independence and it might be well to pause a moment and consider that great document which stated explicitly:

> We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuant of happiness.

And immediately after these words we find that the Declaration goes on to state:

> That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed, and that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it, and to institute new government, laying its foundation on such principles.

And the key words here are "the right of the people to alter it"—a phrase that the Congress is now reconsidering. Therefore, 188 years after the Declaration of Independence—the Congress of the United States will be voting on an issue which is already stated as being a "self-evident truth" in one of the great documents which lies at the very foundation of our system.

But in all the words that will pour out of Washington in the next few weeks, all of us must realize that there is something a great deal more important than words that are at stake.

We can no longer tranquilize the Negro by words like "tolerance" and "token integration" because at this perilous stage in world history, there is the pressing need that all men come together once again in unity and purpose. It is time, clearly, for positive action.

And the first order of business here in the House is to insure that the Negro be given the basic rights of citizenship already stated in the laws of the land. This is the clear obligation placed upon all of us who have the responsibility of representing the U.S. Government in the year 1964.

And beyond these laws, the Negro needs to have his essential human dignity confirmed once again, at a time almost 100 years after Abraham Lincoln said:

> With malice toward none, with charity for all—let us strive to finish the work we are in.

In striving to finish the work we are in, Mr. Chairman, I am prepared to give my complete and continuing support in the House for the passage of the bill which will once again affirm our right to declare our independence and greatness as a nation. I enthusiastically endorse this legislation.

Mr. Chairman, I would like to finish my statement with a story because the men from the southland are elegant men, men who have made persuasive arguments. They have told many stories on the floor of the House during the last 2 days. But the story they failed to tell is the story about the Negro who went in to register to vote in a town in the Deep South that had a literacy test.

He said to the registrar, "I want to register to vote." The registrar said, "Can you read?" He said, "I certainly can read." The registrar took out a newspaper, which was written in Japanese, and he says "Can you read that headline?" He said, "No."

The registrar said, "I want to give you every opportunity to vote. Can you read that subheadline?"—which was written in Japanese. He said, "No, I cannot."

The registrar said, "Man, we love you people, so I will give you one other chance. Can you read this subheadline?"

The Negro studied it intently and said, "Yes, I can. It says 'No Negro is going to vote in this county.' "

I hope we can put a stop to that by this legislation.

Mr. McCULLOCH. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. REID].

Mr. REID of New York. Mr. Chairman, in this historic debate we must keep faith with the promise of our heritage.

We must make equality of opportunity and equal protection of the laws a present reality—not keep it a pious principle; nor a future hope.

One of the cornerstones of this bill is the FEPC title. It goes to the heart, Mr. Chairman, of human dignity and self-respect.

Without an opportunity to qualify for or obtain a job on merit—a man's horizons are dimmed and America's robes of democracy are dragged in the dirt and the cause of liberty—which should stand forth peerless—is soiled and sadly tarnished.

Discrimination against qualified men, whether it be by an employer, a labor organization, an employment agency, or in an apprentice or on-the-job training program—is morally reprehensible. It cannot be condoned. It is a tragic waste of America's human resources.

It is my hope that the FEPC title in this bill will be strongly supported in both this House and in the other body.

For if a man on merit be denied a job and a decent wage, all else of his family's future is imperiled; his house or apartment may be substandard and in rundown areas of our core cities—and this impinges directly on our schools and his children's opportunity for academic competition and excellence.

As a former chairman of the New York State Commission for Human Rights, the first such State body, created in 1945, perhaps you will permit me to say that an equal employment commission works and works well.

Results in human terms underscore this, and the figures further confirm it. From 1945 to 1963—10,869 total complaints were filed—over 8,000 of these on employment—and the vast majority were settled voluntarily by conference, conciliation, and persuasion. Of the some 1 percent that finally went to public hearings, only 12 today are still pending. The New York State Commission for Human Rights has pioneered effectively and it has now been copied in 22 States of the Union with fair employment laws covering some 64 percent of the American people.

Therefore, from conviction and from a little experience, I strongly support this title and the overall bill—H.R. 7152.

Now, in Lincoln's phrase, let the news go forth from this great House that America recognizes its responsibilities and, above all, that the American people—through this body—will make hope, human dignity, and equal opportunity a reality now for all Americans. Let it be said we kept covenant with the American dream.

I insert the following table of the disposition of complaints filed with the New York State Commission for Human Rights, 1945–63—for the information of the Members.

APPENDIX B

Complaints filed with the New York State Commission for Human Rights, 1945–63

Disposition	Total	Employment		Public accommodations	Housing	Education
		Age	Other			
Probable cause, specific complaint sustained:						
Adjusted after conference and conciliation	2,221	120	1,351	350	399	1
Ordered for hearing or consent order issued	[1] 123	----------	73	17	33	----------
No probable cause found as to specific complaint but other discriminatory practices or policies found and adjusted	1,739	74	1,600	38	27	----------
No probable cause found, specific complaint dismissed and no other discriminatory practices or policies found	4,941	233	3,913	433	349	13
Withdrawn by complaint	285	14	172	47	50	2
Lack of jurisdiction, specific complaint dismissed	[2] 880	41	368	53	405	5
Total closed	[2] 10,189	482	7,477	938	1,263	21
Open, Dec. 31, 1963	680	36	378	42	221	3
Total filed	[2] 10,869	518	7,855	980	1,484	24

[1] 29 of these complaints were settled by a consent order without being ordered for public hearing. Of the remaining 94, their status as of Dec. 31, 1963, is as follows:

Settled or discontinued before hearing	49
Settled during hearing	23
Hearing completed	14
Pending (hearing started for 7)	8

A hearing is sometimes concerned with 2 or more similar complaints. The 94 complaints ordered for hearing were equivalent to 51 hearings, as follows:

Settled or discontinued before hearing	28
Settled during hearing	7
Hearing completed	12
Pending (hearing started for 3)	4

[2] Includes 8 complaints not related to employment, public accommodations, housing, or education.

Mr. McCULLOCH. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. DEL CLAWSON].

Mr. DEL CLAWSON. Mr. Chairman, to remain silent during the course of debate poses a difficult problem for a junior Congressman, and the time finally arrives when inner forces combine and impel even a freshman to speak out.

Within 2 months following my election last June, it was evident that legislation involving one of the most comprehensive and controversial subjects ever to face this Nation would be on the floor of the House during the 88th Congress. My examination of the proposed legislation convinced me that it was not in the public interest and would not meet the basic economic needs that are so vital to achieve the humanitarian goals that all of us desire.

A questionnaire was mailed to every residence in the 23d Congressional District in California in which a registered voter resided. This questionnaire contained only seven questions, all on the subject of civil rights and the administration's proposals at that time. Of the 102,000 people who received questionnaires, over 26,000 replied—a return of more than 25 percent, which, I am told, far exceeds the usual participation.

The 23d is a multiracial district in the center of Los Angeles County, about equal distance from the city of Los Angeles on the north and the city of Long Beach on the south. Politically, the registration is about 65 percent Democrat to 35 percent Republican. The people are a cross section of industrial America living in 13 incorporated cities ranging in size from a few hundred population in Vernon to about 90,000 in Downey. Without exception, each city was well represented in the returns, and almost 99 percent of the people provided names and addresses.

Californians are well aware that the proposed civil rights bill contains no provisions that offer more to minorities than laws already in effect in California. With this awareness, their answers revealed a keen cognizance and insight into the consequences of this legislation in their personal lives and activities. Of course, this Federal legislation in no way involves Californians' voting rights, public accommodations, desegregation of public facilities, school integration, FEPC or other areas of civil rights proposals. Such civil rights are a matter of law in California.

The tabulation of the returns is provided for the RECORD.

[In percent]

Civil rights survey	Replies		No reply
	Yes	No	
1. Should the U.S. Attorney General be given authority to file suit to desegregate local public schools and colleges?	23.1	76.6	0.3
2. Should discrimination be unlawful in any program or activity receiving Federal funds?	49.1	49.4	1.5
3. Should "any establishment where goods, services, facilities, privileges, advantages, or accommodations are held out to the public for sale, use, rent, or hire" be compelled to serve all persons, regardless of race, color, religion, or national origin?	25.3	74.4	.3
4. Do you favor creation of a Federal agency to supervise the solution of racial disputes in local communities?	15.1	84.3	.6
5. Do you favor changes in laws to increase job opportunities for Negroes and to provide better education and job skills?	37.3	61.3	1.4
6. Do you favor establishment of a Federal Fair Employment Practices Commission to outlaw job discrimination in private business?	15.1	84.0	.9
7. Should the Government, State or National, regulate the sale of your home or personal property? [1]	3.0	96.8	.2

[1] Of State and local interest.

Mr. Chairman, the people of the 23d District spoke with a voice loud and clear. This opinion survey was not a spot check, nor a sampling, nor worded in such a way as to solicit predetermined replies. Objective in nature, simple in approach, and honest in effort to obtain the attitudes of the people whom I have the honor to represent, the survey provided the vehicle for the individual expression of convictions by constituents. Hundreds and hundreds of letters were received, augmenting the "yes" and "no" answers recorded on the survey form.

Mr. Chairman, the comments and observations expressed by the people correspond closely to the objections that I have. We heard testimony yesterday stating that existing liberal civil rights statutes will not be affected by this legislation. This statement is just not true. The people of America vigorously protest further centralization of governmental power in Washington. In this proposed bill, the right of local government to resolve local problems is placed in jeopardy.

Few areas of our private or public life in the United States today are so remote or so insignificant that the groping tentacles of Federal authority have left them untouched. With this legislation, the Federal Government and its agencies are authorized to exercise almost complete control over the private sector of our economy and over local jurisdictions where any Federal aid or assistance is provided. Constitutional guarantees of personal ownership and control of private property are seriously imperiled in this proposed bill. No nation can extend the freedom of one group of its people by restricting the liberties of another.

Mr. Chairman, I urge my colleagues to support every constitutional civil rights proposal and oppose any further extension of the Federal Government into the private and local affairs of our people.

Mr. McCULLOCH. Mr. Chairman, how much time remains on this side?

The CHAIRMAN. The gentleman from Ohio has 28 minutes remaining. The gentleman from New York has 10 minutes remaining.

Mr. McCULLOCH. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. CELLER].

Mr. RODINO. Mr. Chairman, I yield such time as he may require to the gentleman from Ohio [Mr. VANIK].

Mr. VANIK. Mr. Chairman, I want to take this opportunity to reiterate my support of the provisions relating to equal employment opportunities.

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.

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 are being made today are a step in the right direction.

When President Lyndon B. Johnson headed the Equal Employment Opportunities Commission, he vigorously pursued the voluntary program to the limit of its mandate. While this experience in voluntary action vigorously pursued by President Johnson has achieved great success, it became evident that the high purposes of the Commission could not be fully achieved without the enactment of this proposal. The need for this legislation is clearly supported by the case experience of the voluntary program.

Through his leadership of the Equal Employment Opportunities Commission, President Johnson provides expert counsel when he urges the Congress to adopt this proposal along with the other proposals in the committee bill.

I urge the full support of this program to permit our country to thrive in the atmosphere of full and meaningful equality.

Mr. RODINO. Mr. Chairman, I yield 5 minutes to the gentleman from Connecticut [Mr. ST. ONGE].

Mr. ST. ONGE. Mr. Chairman, civil rights has been a subject of concern to Congress and to the entire Nation for 100 years. The 13th, 14th, and 15th amendments to the Constitution plus numerous statutes enacted as early as 1861 show the great national interest in this matter.

In recent years, as the Negro citizens of our country have pressed their legitimate demands for full equality, the subject matter of civil rights has expanded from guarantees of the right to vote to include education, housing, and access to the marketplace—jobs and public accommodations. Today the problems of civil rights are nationwide. They are found in urban and rural areas in every section of the country.

Congress recognized the scope and complexity of civil rights problems in 1957 when it created the Civil Rights Commission. Knowledge and understanding are basic to the wise solution of a problem. The Commission was given the job of ferreting out the facts on denials of the right to vote and of the equal protection of the laws assured each citizen by the Constitution.

The Commission and its advisory committees in each State fulfill an important need by gathering the information required for intelligent action by Congress and the executive branch of Government. There is no other body in Government with this task. Its inquiries are not included within the jurisdiction of the FBI, the Justice Department, or other law-enforcement agencies.

During the 6 years the Commission has been in existence it has investigated denials of the right to vote, equal protection of the laws in public education, employment, housing, and in the administration of justice. Hearings have been held in all parts of the Nation—New York, Chicago, Los Angeles, Memphis, and New Orleans, to name just a few. The Commission's annual education conferences have promoted orderly school desegregation. All of these actions of the Commission, by bringing the facts to light, tend to reduce tensions and bring about rational solutions to racial problems. Once the facts are understood, men of good will can often resolve their differences amicably.

The Commission's findings and reports have provided the basis for Executive orders and legislative proposals. President Kennedy's order prohibiting discrimination in federally assisted housing was the result of recommendations made by the Commission in its 1959 and 1961 reports. The Commission's investigation of denials of the right to vote provided the impetus for the 1960 Civil Rights Act and formed the basis for several successful voting suits brought by the Justice Department. Much of the legislation we are now considering had its genesis in Commission reports. The 1963 report contains an impressive 17-page appendix listing all of the governmental actions taken as a result of Commission activity. In just a few short years the Commission has made a truly fine record. Congress can be justly proud of its wisdom in creating this agency.

Much of the credit for the accomplishments of the Commission must go to its distinguished members from both parties and every section of the Nation. The Chairman of the Commission is John A. Hannah, president of Michigan State University. Other members of the Commission are Erwin N. Griswold, dean of Harvard Law School, Rev. Theodore M. Hesburgh, president of Notre Dame University, and Robert A. Rankin, professor of political science at Duke University. Other members of the Commission have been Robert G. Storey, head of the Southwestern Law Center, former dean of Southern Methodist University Law School and past president of the American Bar Association, John A. Battle, former Governor of Virginia, and Spottswood W. Robinson III, former dean of the Howard University Law School.

Credit also must go to the 487 members of the 51 State advisory committees. These committees are composed of lawyers, businessmen, labor leaders, clergymen and civic leaders in all 50 States and the District of Columbia. The members of these committees serve without compensation and make a valuable contribution to racial harmony at the local level through surveys, public meetings and conferences with Government officials. These committees have no subpena powers, but in most areas those concerned with civil rights problems have cooperated voluntarily with the committees and much progress has been made by them.

Recently, these committees have inquired into equal opportunity in apprenticeship training, relocation under urban renewal and police-community relations. The information gathered by these committees is sent to the Commission and forms part of the basis for its reports.

All of this has been done with a staff of just 72 people and on an annual budget of less than $1 million—the appropriation for fiscal 1963 was $950,000. This is not a large sum when compared to the Commission's outstanding record.

The Commission's performance is all the more remarkable in view of the fact that it has done all this in spite of ever-present uncertainty over its future. The life of the Commission, originally 2 years, has twice been extended for an additional 2 years by riders to appropriation bills, and most recently for 1 year by an amendment to a private bill. This uncertainty has prevented the recruitment, training, and retention of top quality personnel and prevented the undertaking of extensive investigations and long-term projects.

After careful review of the entire record, it is the judgment of the committee that the Commission's operations will be strengthened and made more efficient and effective if it is put on a stable, permanent basis. This is particularly desirable if the Commission is to serve as a national clearinghouse for information on civil rights problems, as the bill proposes, and as President Kennedy recommended.

In view of its background and experience, the Commission is in a unique position to make available to those public and private institutions desiring it, information on how to resolve racial issues in a constructive manner. By advising communities and groups of the ways in which others have successfully dealt with their problems, the Commission can promote the speedy and orderly settlement of grievances.

In making the Commission permanent, Congress would be casting the Commission in a postive role and providing a much-needed service to the American people. By this action we will be facing up to the reality of the present racial situation.

There is no easy solution to our racial problems. They will be with us for a long time to come. Race relations is the No. 1 problem in our society. It can be solved only by reason and good will on the part of everyone. It is the firm belief of our committee that we can take a long step toward a solution of these problems by making the Commission permanent and expanding its functions to permit it to act as a national clearinghouse for civil rights information.

The principal amendments in title V would make the Commission a permanent agency and broaden the scope of its authority. By establishing it as a national clearinghouse for matters of civil rights, particularly denials of equal protection of the laws, this title would also give the Commission the power to investigate voting frauds or discrimination in Federal elections and makes technical and procedural changes. I want to make brief references to some of the sections under title V:

Section 501 makes minor amendments to section 102 of the Civil Rights Act of 1957—42 U.S.C. 1975a—which sets forth the rules of procedure for hearings held by the Commission.

Section 103(e) is amended to conform to the fairplay rules of House committees. It provides that where the Commission decides to take evidence in public which may tend to defame, degrade, or incriminate any person, that person must be given an opportunity voluntarily to appear as a witness.

Section 102(g), which relates to evidence taken in executive sessions, is amended to conform to the modifications in 102(e).

Section 102(J) is amended to increase witness fees and mileage reimbursements and decrease subsistence allowances to bring them into line with amounts generally allowed witnesses in other proceedings.

Section 102(k) is amended to grant the Commission power to subpena a witness who is domiciled in a State or who resides outside the State, if the hearing to which he is subpenaed is within 50 miles of the place where the witness is found or resides, or has appointed an agent for receipt of service of process. The purpose of this amendment is to allow the Commission to subpena a person who lives outside a State but within a metropolitan area and whose business or conduct affects conditions in the area. For example, when the Commission held a hearing on housing in the District of Columbia, the scope of its inquiry was restricted by its inability to subpena those who lived or did business in the surrounding area. The granting of this power is in no way unusual. Most other Government agencies have nationwide jurisdiction. The Tariff Commission, also an investigatory body, has the broadest jurisdiction, *Hannah* v. *Larch* (363 U.S. at 472).

Section 502 amends 103(a) of the act to increase the compensation paid nongovernmental members of the Commission to $75 per day and provide payment for their travel expenses and per diem in accordance with the Administrative Expense Act of 1946, in lieu of a subsistence allowance. This change is made to conform with the practice of other agencies.

Section 503 amends 103(b) to provide travel expenses and per diem for governmental members of the Commission, according to the Travel Expense Act of 1949, in lieu of subsistence allowances. This change is also made to conform to the practice of other agencies.

Section 504(a) amends 104(a) by enlarging the functions of the Commission in the manner described above.

Section 504(b) repeals 104(c) to make the Commission a permanent body, as stated above, and prescribes its duties and functions.

Section 505 amends 105(a) to increase the maximum fee to consultants to $75 per day. This change conforms to the practice of other agencies.

Section 506 amends 105(g) by providing for the issuance of an order for compliance with the Commission's subpenas to conform to the enlarged jurisdiction granted the Commission in 501.

Section 507 grants the Commission power to establish rules and regulation. This power is possessed by most other agencies.

Mr. McCULLOCH. Mr. Chairman, I yield 15 minutes to the gentleman from New York [Mr. LINDSAY].

Mr. LINDSAY. Mr. Chairman and members of the committee, yesterday in the brief period that I spoke I analyzed title VI of the bill to some extent, and then the gentleman from Minnesota [Mr. MACGREGOR], and I spent some time on the public accommodations section, title II. I stated then, that today I would spend as much time as would be permitted me on aspects of title VII, the controversial FEPC part of this legislation. I would like to begin that by saying a few words about how title VII happens to be in this bill.

Any number of speakers in opposition to the legislation have said that the Judiciary Committee did not consider the subject. Let us set the record straight and put the matter back in context. The first criterion for bringing legislation on the floor to be debated and discussed is whether or not a legislative committee has considered the facts, which is the basis for proposing a revision of the laws of the United States. Secondly, whether or not a legislative committee has considered proposed changes to those laws in order to adjust the laws to the facts. Well, now, there is no doubt not only has one committee but two committees of the House have examined this question. As the chairman of the Judiciary Committee pointed out, the Committee on Education and Labor has reviewed extensively this question of proposed FEPC legislation and job opportunities. That committee reported out a bill which remained in the Committee on Rules. I would like to remind the Members today, that that bill, as I read the report of the Committee on Education and Labor, had the support of an overwhelming majority of the Committee on Education and Labor on both sides of the aisle. The report of the committee shows that those who signed separate or minority views did so only because they wanted an important amendment which would make the test of charges about discrimination in unions, in management, or in employment agencies—to take place in the courts. They wanted trials de novo, as the lawyers call it, in the courts.

In other words, they wanted to avoid a commission of the U.S. Government which would make the charge and also conduct the hearings, with court review of the record later on. That change was made. That major amendment was made by the Committee on the Judiciary, and on that basis I cannot see that the overwhelming majority of the Committee on Education and Labor on both sides of the aisle can have substantial argument to make against the FEPC title in this bill.

Secondly, as to the facts, that same committee has examined the facts from top to bottom, and we, the Committee on the Judiciary, have the hearings. I think that the record ought to be made clear as to what the Judiciary Committee of the House of Representatives did on this subject, too. All Members have to do is to take a look at the hearings. They are in 4 volumes, over 2,600 pages, and if Members will turn to the index at 2651, they will see page after page of reference in the Judiciary Committee hearings to the question of discrimination in the labor market; they will find these under subtitles of "Employment," "Employment Practices," "Equal Employment Opportunity," "Unions," et cetera. There are references throughout. It may take Members who have not taken the trouble to read the hearings quite a bit of time to wade through the testimony that was elicited in the House Judiciary Committee on the question of jobs.

We have appropriated quite a bit of money and gone to quite a bit of effort in the past to equip a Civil Rights Commission with powers, staff, and time in which to examine this question throughout the country. We instructed the Civil Rights Commission to report to the President and to us, and it has been reporting to us quite regularly. I wonder how many Members of the House took the trouble to read, for example, this particular document that I have in my hand, which is volume 3 of the 1961 Civil Rights Commission report on the question of employment. This is a document which was given to us as legislators on the basis of which we are supposed to act or at least have the facts and figures that will enable us to draft legislation. It is a very interesting and very comprehensive report. No one can doubt, after reading it, that we have an enormous problem in this country.

Lastly, I think it has to be noted that we members of the Judiciary Committee even received a letter signed by majority and minority members of the Committee on Education and Labor pleading with us to bring out FEPC from the House Judiciary Committee because of their inability to get the bill onto the floor of the Rules Committee.

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

Mr. LINDSAY. I yield to the gentleman.

Mr. ROOSEVELT. Mr. Chairman, I simply want to say that not only is what the gentleman has said absolutely true, but on top of that we appeared before the gentleman's committee and made a part of his record all of the hearings that we held in the Committee on Education and Labor.

Mr. LINDSAY. I thank the gentleman. I hope Members will take the trouble to study title VII with some care, particularly the procedures that are spelled out at page 74 of the committee print. The procedures are carefully spelled out at page 74 of the committee in the event that there is a charge of discriminatory practices in a labor union, in an employment agency or in management. Those procedures are designed to give due protection to everyone. They command that there first be voluntary procedures. They yield to the States. In fact, the whole scheme of this legislation is designed to yield to the States wherever and whenever possible.

And with the exception of the section in the bill quite appropriately pointed out by the gentleman from Virginia [Mr. POFF], this is a civil procedure. In fact, as I mentioned yesterday this whole bill is a civil act, not a criminal piece of legislation.

I would urge Members also to read with some care the supplemental report that was written by seven of the minority members of the House Judiciary Committee, led by the distinguished ranking minority member, the gentleman from Ohio [Mr. MCCULLOCH]. To give the report further distribution than

it received at the time, this morning under the 1-minute rule I inserted the entire report in the CONGRESSIONAL RECORD. It is brief and will be easily read. We tried to emphasize in that report that title VII concerns economic waste; the economic waste that is caused by denial of job opportunities to citizens in this country. The figures are hardly believable.

Unemployment rates, for example, range from two to three times higher for nonwhites than for whites. The table which appears on page 27 of the supplement report demonstrates that nonwhites made up 11 percent of the civilian labor force in 1962 and 22 percent of the unemployed. Approximately 900,000 nonwhites were without jobs constituting an unemployment rate of 11 percent.

This retardation of economic standards is in nonwhite groups where we find hard-core unemployment today. It is made worse day by day by the upgrading of job skills associated with automation. It is a vicious cycle. Jobs and training go hand in hand. The widening difference in unemployment rates between whites and nonwhites will be, in 10 years, 4 to 1, unless adjustments are made.

Look at table 2 on page 27, if you will, on the question of unemployment by groups. Then take a look at page 28—comparisons of minimum annual income of whites and nonwhites—where you will see ratios of 2 to 1. The chasm gets wider instead of narrower.

Look also at page 1791 of the committee hearings before the Committee on the Judiciary, and you will see a very remarkable statement by George Meany, president of the AFL-CIO, when he was pleading for FEPC legislation. Here is what he says:

> We need the force of law to carry out our own principles. We need a Federal law to help us to do what we want to do, which is to mop up those areas of discrimination which still persist in our own ranks.

What Mr. Meany was saying was that in the ranks of labor the labor leaders in this country have not been able to eradicate Jim Crowism.

He went on to say that it was impossible to dictate to local unions around the United States that job opportunities and the opportunity to be a member of a labor union with all the benefits that go with membership should be opened up to Negroes as well as to whites. He was saying that he needed the backing of Federal law.

Mr. REID of New York. Mr. Chairman, will the gentleman yield?

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

Mr. REID of New York. Is it not a fact, in furtherance of the point the gentleman has just made, that in apprentice training where the need is greatest in the employment area, only something like 2 percent that undergo apprenticeship training nationally are Negroes?

Mr. LINDSAY. That is correct. Apprenticeship training is probably the most immediate area of effort that has to be made in the United States today if we are going to conquer this problem of hard-core unemployment.

I hope the Members will take a look at page 30 of this same report, where you will see projections laid out for the future indicating the number of job skills that will be in short supply by 1975. These skills must be found if America is going to meet the demands and challenges of the technological age.

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

Mr. LINDSAY. I yield to the gentleman from Iowa.

Mr. GROSS. Speaking of the future, page 84, top of the page, section 706 provides after the first year title VII of the bill will cost $10 million a year. Can the gentleman project over the future the total cost to put this program into effect?

Mr. LINDSAY. As the gentleman knows, and I am sure he has read the bill carefully, as he always does, after the first 3 years the bill will be in full swing and effect. The bill allows 3 years to bring within its scope those labor unions and those industries which are in interstate commerce, and only those are affected by this bill. At that time it is estimated that the cost will be $10 million. This cost is far lower than what it would be if the old FEPC bill, which would have provided for the administrative process to be carried on in the commission instead of in the courts, had been adopted by our committee.

Mr. GROSS. The $10 million applies to title VII?

Mr. LINDSAY. That is correct.

Mr. GROSS. There are six other titles. What is going to be the cost to finance the rest of the titles?

Mr. LINDSAY. I am sure that the gentleman will not object to the saving of possibly hundreds of millions of dollars and maybe going on into the billions ultimately in this country by the gross national product rising, by less unemployment, by hard-core unemployment reduced, by the fact that the labor market is opened up to all citizens of this country regardless of race.

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

Mr. LINDSAY. I yield to the gentleman from New Jersey.

Mr. RODINO. In a letter from Mr. Katzenbach, Deputy Attorney General, appearing on page 2772 of the hearings, the statement is made that:

> For the convenience of the committee, the estimates have been broken down by title and represent the expected average annual cost over a 5-year period.
>
> TITLE VII, EQUAL EMPLOYMENT OPPORTUNITY:

Equal Employment Opportunity Commission	$5,760,000
Department of Labor (special study)	75,000
Total	5,835,000

Mr. LINDSAY. I thank the gentleman.

Mr. CELLER. Mr. Chairman, I yield 5 minutes to the gentleman from Arizona [Mr. SENNER].

Mr. SENNER. Mr. Chairman, within fairly broad limits I have carefully observed the time-honored adage that freshman Congressmen should be seen and not heard on the floor of this House. I would certainly recommend the practice to all future freshmen because it permits the accumulation of a most excellent and liberal education from our more seasoned and knowledgeable colleagues.

I had hoped to continue maintaining a golden silence at least until the close of the 88th Congress. But such hopes did not take into account the issue of civil rights, nor the plans of the brilliant and distinguished chairman of the House Judiciary Committee on which committee I am privileged to serve. As a result of both factors, it is my assigned task to discuss titles II and VIII of H.R. 7152 which, pending the will of Congress, represents one of the truly great advances in the cause of individual liberty in American history.

Mr. Chairman, let us take careful note of the fact that H.R. 7152 is not a one-man bill, an administration bill, a Democratic bill, or a Republican bill. In every sense of the expression, it is everybody's bill. It is truly the conscience of the American people speaking.

My Democratic and Republican colleagues on the Judiciary Committee deserve the highest praise and commendation for the long, troubled hours spent blending divergent ideas into a unified whole.

Permit me here to interject in advance, my humble apology for any feelings I may inadvertently offend. If my colleagues will attribute such an incident to the unintentional blundering of a freshman totally dedicated to the task before him, I will be most grateful.

By all that is reasonable, logical, and—yes—holy, we should not be here today. There should be no need to reaffirm what is basic truth. We may quote God himself—

> And God said, let us make man in our image, after our likeness—and let them have dominion over the fish of the sea, and over the fowl of the air, and over the cattle, and over all the earth, and over every creeping thing that creepeth upon the earth.
>
> So God created man in His own image, in the image of God He created him—male and female created He them.

Who then will say that Negro, Indian, Jew, or Greek is not of the race of man. For in our faith these distinctions have long since been abolished, not by act of man or by legislative fiat, but by God's own action. St. Paul assured us:

> There is neither Jew nor Greek, there is neither bond nor free, there is neither male nor female—for ye are all one in Christ Jesus.

Unfortunately, raw emotionalism has proven to be more powerful than reason and logic, and remedial legislation has become not only essential, but inevitable.

More than a hundred years ago, in the midst of a war whose roots grew in the first slave ship which discharged its cargo in the new world, President Lincoln issued the Emancipation Proclamation announcing that slavery in America was ended. The outcome of the war in 1865 constituted the ratification of that historic document. And the 13th, 14th, and 15th amendments to the Constitution wrote the essence of the proclamation into the highest law of the land.

The proclamation and the pronouncements of the Constitution gave promise that all Americans would have a position of equality under the law. Just as important, those great writings also held

out the promise that the Negro would be able to make his way into the mainstream of national life—free of the civil disabilities which slavery had imposed on him. Yet here and now, a century later, those pledges remain unfulfilled.

Discrimination and segregation in any form are festering sores on the face of humanity. And the most galling form of all in this country, which was created by a struggle for freedom and equality, is for a man to be told openly and shamelessly that he is not entitled to equal treatment in places of public accommodation.

To be rejected as an individual because one is ill-mannered, improperly dressed or the like, is a rational, understandable act. But to be turned away because of the color of one's skin is an act of such irrationality as to be impossible of explanation in personal terms.

The Federal Government has been slow in coming to the assistance of those who are insulted and inconvenienced by racial discrimination in public establishments. Thirty States have enacted legislation to prevent this. The need for Federal intervention would never have come about had others followed.

Title II is designed to open to our citizens on a nondiscriminatory basis the major public facilities of this Nation. Title II is moderate legislation. It invades no man's privacy and compels no personal or confidential relationships. It deals only with places which have traditionally held out services and facilities to the general public. It simply makes plain that the general public consists of all the people throughout the whole of this great country, without regard to race, creed, color, or place of origin. And most important of all, it would advance the Nation along the paths of liberty and equality on which it was set by the events of its birth.

The places of public accommodation specifically designed in title II for coverage are set forth in section 201.

SEC. 201.

(b) Each of the following establishments which serves the public is a place of public accommodation within the meaning of this title if its operations affect commerce, or if discrimination or segregation by it is supported by State action:

(1) Any inn, hotel, motel, or other establishment which provides lodging to transient guests, other than an establishment located within a building which contains not more than five rooms for rent or hire and which is actually occupied by the proprietor of such establishment as his residence;

(2) Any restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or other facility principally engaged in selling food for consumption on the premises, including, but not limited to, any such facility located on the premises of any retail establishment, or any gasoline station;

(3) Any motion picture house, theater, concert hall, sports arena, stadium, or other place of exhibition or entertainment; and

(4) Any establishment (a) which is physically located within the premises of any establishment otherwise covered by this subsection, or within the premises of which is physically located any such covered establishment, and (b) which holds itself out as serving patrons of such covered establishment.

(C) The operations of an establishment affect commerce within the meaning of this title if (1) it is one of the establishments described in paragraph (1) of subsection (B); (2) in the case of an establishment described in paragraph (2) of subsection (B), it serves or offers to serve interstate travelers or a substantial portion of the food which it serves, or gasoline or other products which it sells, has moved in commerce; (3) in the case of an establishment described in paragraph (3) of subsection (B), it customarily presents films, performances, athletic teams, exhibitions, or other sources of entertainment which move in commerce; and (4) in the case of an establishment described in paragraph (4) of subsection (B), it is physically located within the premises of, or there is physically located within its premises, an establishment the operations of which affect commerce within the meaning of this subsection. For purposes of this section, "commerce" means travel, trade, traffic, commerce, transportation or communication among the several States, or between the District of Columbia and any State, or between any foreign country or any territory or possession and any State or the District of Columbia, or between points in the same State but through any other State or the District of Columbia or a foreign country.

The foregoing finds its constitutionality based on the commerce clause—article I, section 8, paragraph 3 of the U.S. Constitution.

Section 201(d) defines additional categories of public accommodations as follows:

201(d) 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.

The constitutionality of this provision stems from the 14th amendment to the U.S. Constitution.

Certain exemptions, with modifications, are made to the provisions of title II and these are explained in section 201(e):

201(e) The provisions of this title shall not apply to a bona fide private club or other establishment not open to the public, except to the extent that the facilities of such establishment are made available to the customers or patrons of an establishment within the scope of subsection (B).

While the primary purpose of section 201 is to list those businesses expressly covered or exempted by title II, sections 202 and 203 specifically prohibit the practice of discrimination or segregation.

Section 202 declares:

SEC. 202. All persons shall be entitled to be free, at any establishment or place, from discrimination or segregation of any kind on the ground of race, color, religion, or national origin. If such discrimination or segregation is or purports to be required by any law, statute, ordinance, regulation, rule, or order, of a State or any agency or political subdivision thereof.

Section 203 further provides that—

SEC. 203. No person shall (a) withhold, deny, or attempt to withhold or deny, or deprive or attempt to deprive, any person of any right or privilege secured by section 201 or 202, or (b) intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person with the purpose of interfering with any right or privilege secured by section 201 or 202, or (c) punish or attempt to punish any person for exercising or attempting to exercise any right or privilege secured by section 201 or 202, or (d) incite or aid or abet any person to do any of the foregoing.

To enforce the prohibitions of title II, as contained in section 203, section 204 provides that an aggrieved person will be able to file a civil action for preventative relief. In addition, the Attorney General would have the authority to bring suit whenever he is satisfied that such an action would materially further the purposes of this title.

However, in the event there is a State or local law forbidding the act or practice involved, the Attorney General would first be required to notify the appropriate State or local officials and, on request, allow them a reasonable time to act before he filed suit. In addition, he would be authorized in any case to use the services of available Federal, State, or local agencies to attempt to secure voluntary compliance with the provisions of title II.

The prohibitions of the title would be enforced only by civil suits. Neither criminal penalties nor the recovery of money damages would be involved. Of course, any person violating a court injunction under the provisions of title II would be subject to contempt proceedings, but any criminal contempt proceedings would be limited under section 205(c), by the jury trial provisions of the Civil Rights Act of 1957.

Much has been said that such contempt proceedings would represent trial without jury. This is true. However, if tried without a jury and convicted and sentenced to a fine greater than $300 or imprisoned for more than 45 days, the accused would have a right to obtain a new trial de novo before a jury.

Further, under section 204(b), the court may award costs, including a reasonable attorney's fee, to the winning party—whether plaintiff or defendant, in an action brought under section 204 (a). The United States, however, could not recover any amount for attorney's fees if it won, but might be required to pay costs if it lost.

Turning to title VIII, we find that the Secretary of Commerce would be directed to conduct a survey to compile registration and voting statistics by race, color, and national origin.

In order to avoid unnecessary burden and cost, however, the required survey would be made only in those geographic areas specificed by the Commission on Civil Rights.

In addition to requiring a count of persons of voting age by race, color, and national origin, the Commission could also call for data setting forth the extent to which such persons are registered to vote, and have voted, in any statewide primary or general election in which Members of the U.S. House of Representatives are nominated or elected, since January 1, 1960.

It is pertinent to note section 2 of the 14th amendment to the U.S. Constitution, that section generally provides that

the number of Congressmen in the House of Representatives from States which deny or abridge the right of any of its citizens to vote shall be reduced in proportion to the number of persons so treated. Section 22 of the Revised Statutes—2 United States Code 6—repeats this provision of the 14th amendment.

Mr. Chairman, the Arizona congressional district I am privileged to represent here still retains a strong flavor of the old pioneer West. My constituents are rugged individualists. They welcome Federal participation in those areas where need exists, but they will vigorously resist anything that smacks of Federal intervention.

I believe their reaction to a questionnaire I circulated last year concerning civil rights legislation holds particular significance for this body. The question I posed was, Are you in favor of legislation that would prevent discrimination because of race, creed, or color in the following areas?

First. Right to vote; 86.8 percent said "Yes."

Second. Schools; 71.4 percent said "Yes."

Third. Employment; 69.9 percent said "Yes."

Fourth. Eating and sleeping facilities; 60.5 percent said "Yes."

Fifth. Common carrier travel; 76.2 percent said "Yes."

Mr. Chairman, history has a way of calling upon a nation to live up to the best in its creed. If it fails to respond, if it falls short of its moral responsibilities, it must surely pay the price either in human struggle or decline—or both. The call of history is now loud and unmistakeable. We cannot ignore it.

Mr. CELLER. I yield 5 minutes to the gentleman from California [Mr. EDWARDS].

Mr. EDWARDS. Mr. Chairman, I am going to discuss title IV of the civil rights bill, the section that is concerned with the desegregation of public schools.

It is the law of the land that separate education is not equal education and that desegregation must proceed "with all deliberate speed."

This law was clearly stated by the Supreme Court of the United States 9 years ago in Brown against the Board of Education.

And yet there are still at this date over 2,000 school districts which require separate schools for Negro and white children. As Chairman CELLER pointed out yesterday, at the present rate desegregation of these school districts would not be completed for a hundred years.

I do not think that any democratic country can long tolerate the deliberate flouting of its laws. And so this civil rights bill in title IV will provide the machinery to peacefully proceed with the desegregation of these school districts.

Title IV creates no new substantive law. It merely will assist these Negro children to gain the protection of their constitutional rights. There are two main provisions, each of which is designed only to give governmental aid in the actual achievement of rights clearly assured by law but denied in fact.

The first provision authorizes the U.S. Commissioner of Education to offer assistance to school boards which are seeking to implement desegregation.

The Commissioner will have no powers of coercion under these sections. His role will be restricted to one of technical advice, if asked for, and financial assistance for the purposes of training personnel in dealing with problems incidental to desegregation.

The Commissioner will have authority to arrange with colleges and universities for the training of personnel to enable them to deal effectively with the special problems occasioned by school desegregation.

Upon application of a school board, the Commissioner of Education will be able to provide money to pay for the training of these teachers and for the hiring of specialists on these problems.

The other provision confers authority on the Attorney General to institute civil suits in Federal district courts to achieve desegregation. He may only do so when certain conditions are met. There must be a written complaint, and the Attorney General must certify that the complainants are "unable to initiate and maintain appropriate legal proceedings" for relief, and that the institution of an action would materially further the public policy favoring the orderly achievement of desegregation in public education.

Under these provisions the Attorney General will be able to bring suit when he has received a written complaint from parents that the school board in their district has failed to achieve desegregation, or from a student that he has been denied admission or continued attendance at a public school by reason of race, color, religion, or national origin.

The Attorney General could only file the action if he determined that the complainant could not bear the expense himself, or could not obtain effective legal help, or that the legal action by the person himself might result in injury or economic damage to his family.

There can be no question of the constitutionality of giving this authority to the Attorney General. Under the Civil Rights Act of 1957 the Attorney General was given a similar power in cases of discriminatory denial of the right to vote, and that provision was held constitutional in 1960 in *United States* v. *Raines* (362 U.S. 17, 27). Other precedents on this point are evident in the Sherman Act, Taft-Hartley Act, and the Fair Labor Standards Act, in which the Government is empowered to bring suit to enforce rights held by individuals.

Other sections of title IV are auxiliary to the provisions I have just outlined and I will not take your time to go into them. Let me conclude by saying that while I have devoted most of my attention to title IV in these brief remarks, I am equally concerned about every section of this bill. No part of this bill is expendable if we intend to make an honest effort to cure the gross inequities of life in these United States which have been the common lot of our Negro citizens.

There are those who will urge that in seeking to protect those who have been denied the protection of our most fundamental source of law, our Constitution, we are endangering the freedom of the majority to exercise their constitutional rights. I believe that the freedom of the majority is endangered, and seriously so, when we permit the denial of freedom to a minority.

Our Negro citizens are not free today, and until they are truly free, everyone's freedom is in jeopardy.

Let us change that old saying which has long been the symbol of freedom from "free, white and 21" to "free, American and 21".

Mr. CELLER. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. RYAN].

Mr. RYAN of New York. Mr. Chairman, I rise in support of H.R. 7152—the civil rights bill. As I do so, I am reminded of the traveler who has come to the end of a very long road, only to discover that the journey is not yet complete. The bill before us is the most important legislation before the Congress. As a milestone toward the fulfillment of the principles upon which our Nation was founded and the guarantees of our Constitution, it presages the beginning of the end of racial discrimination in our country. I commend the distinguished chairman of the Judiciary Committee for having stated throughout the debate, the great moral issue which confronts us.

The bill commands our vigorous support. However, in passing this bill, we must not consider the subject closed or the goal of freedom for all our citizens achieved. We must also remember that in a very real sense this bill is before us now because of the courageous dedication of thousands of American citizens who have sacrificed their freedom, and in some instances their lives, to translate freedom's rhetoric into freedom's reality. The fight is not finished and will not end with the passage of this bill. But its enactment will hasten the day when the fight will finally be won.

By emphasizing the fact that the fight for equality must continue, I do not intend to minimize the importance of this all-important bill but rather to make clear the imperative need to establish equal treatment and equal opportunity for all our citizens. It is perhaps a sad testimony that 100 years after the Emancipation Proclamation we find ourselves as an institution and as a nation still debating the constitutional rights of our Negro and other nonwhite citizens. It is obvious that the conditions which this bill will ameliorate have been with us a long time. The grievances covered by this bill should have been redressed a long time ago. Some of us have been demanding substantial civil rights legislation for years. When I became a Member of the House, I added my voice to those who had been carrying on the fight for civil rights in the Congress, and I called for "a legislative war on discrimination." Among the civil rights bills which I advanced, I introduced a comprehensive bill to establish the Civil Rights Commission as the permanent governmental body to act in this area. Under my proposal the Commission would have the power to issue cease

and desist orders against discrimination in housing, employment, public accommodations, labor union membership, and other areas affecting commerce.

Unfortunately, it took bus burnings, church bombings, and mass jailings to awaken the Nation to the desperate need for civil rights legislation. Now that civil rights is on top of the priority list, we at last have the opportunity to take a significant step toward redressing the wrongs of so many years by voting for the passage of H.R. 7152. This will be more than a symbolic act, for we will be making a substantial contribution to freedom and will be hastening the day when all our citizens will be able to participate fully in the American way of life. How does this bill contribute to that goal?

Mr. Chairman, the bill before us is a comprehensive one with 10 titles and many provisions. In order to answer that question I would like to discuss briefly each title of the bill.

TITLE I—VOTING RIGHTS

In a democracy the right to vote is fundamental. Yet today, in 1964, a large number of our citizens are denied this basic right. The 1963 Report of the Civil Rights Commission reveals the following statistics which show the need for title I of H.R. 7152.

In Louisiana, in 1962, 64 percent of white people of voting age were registered, while 6.9 percent of Negroes of voting age were registered.

In Mississippi, in 1962, 69 percent of white people of voting age were registered, while 1.1 percent of Negroes of voting age were registered.

In South Carolina, in 1962, 83 percent of white people of voting age were registered, while 7.4 percent of Negroes of voting age were registered.

In eight southern States, in 1962—in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee—89 percent of white people of voting age were registered, while 8.3 percent of Negroes of voting age were registered.

Mr. Chairman, how can Members of Congress, who are bound to uphold the Constitution, remain passive in the face of such obvious and outrageous violation of the 15th amendment and of the equal protection clause of the 14th amendment? Must we not act to protect the voting right of every American citizen?

Title I of H.R. 7152 is directed against specific practices by means of which voting officials have denied Negroes the right to register and vote.

The 1961 Report of the Civil Rights Commission points out:

> A common technique of discriminating against would-be voters on racial grounds involves the discriminatory application of legal qualifications for voters. Among the qualifications used in this fashion are requirements that the voter be able to read and write, that he be able to give a satisfactory interpretation of the Constitution, that he be able to calculate his age to the day, and that he be of "good character."

The civil rights bill aims at this kind of discrimination by forbidding differences in application among individuals of standards, practices, or procedures used to determine voter qualifications for Federal elections.

The Civil Rights Commission has also reported in its 1961 report:

> The rejection of applicants for registration, or the removal of voters from the rolls, on grounds of minor technical errors in the completion of required forms.

The bill forbids voting officials to reject any registrant merely because of errors or omissions in the filling out of forms when such errors or omissions have no real bearing on the question of whether or not the registrant is qualified to vote in any Federal election.

The bill requires that literacy tests, as a qualification for voting in any Federal election, be given in writing and that a copy of the test and answers be given to the applicant upon request. A literacy test includes "any test of the ability to read, write, understand, or interpret any matter." Literacy tests are widely used for the deliberate purpose of disfranchising Negroes, so written tests will help insure that all applicants are tested in the same way.

Title I also creates a rebuttable presumption in voting cases that an individual who has completed the sixth grade possesses a sufficient literacy to vote in Federal elections.

One of the greatest difficulties which the Justice Department has met in attempting to enforce the Civil Rights Acts of 1957 and 1960 is the length of time it takes to carry a voting suit to a successful conclusion through court. President Kennedy, in his civil rights message of February 28, 1963, cited as an example one case which took 19 months. As President Kennedy said:

> The legal maxim, "justice delayed is justice denied," is dramatically applicable in these cases.

H.R. 7152 directs the appointment of a court of three judges by the chief judge of the circuit upon request of the Attorney General to hear and determine voting rights cases. The bill also requires that voting rights cases be expedited.

The voting sections of title I will aid in the continuing fight for universal suffrage and deserve our support. However, it must be pointed out that these provisions are limited to Federal elections. I believe that under the 14th and 15th amendments to the Constitution the Congress has the power to apply these provisions to all elections. I also believe that it is essential that State elections be covered in the future. In the South particularly, the election of local officials—the mayor, the sheriff, the prosecutor, the city council—directly affects the civil rights of Negro citizens.

While I have introduced legislation to eliminate literacy tests, I believe that the completion of a sixth-grade education—in an English or Spanish language school—should be sufficient to satisfy any literacy requirement—and not merely create a rebuttable presumption as provided in this bill. Nevertheless, the provisions of title I are an important step forward in enfranchising the disenfranchised.

TITLE II—PUBLIC ACCOMMODATIONS

Racial and religious discrimination in places of public accommodation is an affront to our democratic principles. Title II of H.R. 7152 is designed to remove the daily humiliation inflicted upon American citizens by the denial of access to lodging, eating facilities, and the recreational, cultural, and entertainment offerings of their communities. Mr. Chairman, the Negro in a segregated city is excluded from the mainstream of community life.

For the white person traveling from State to State, the road is a series of familiar landmarks. Frequently his most difficult problem is to choose among the array of establishments offering food, lodging, and respite. But for the Negro traveler, the road may be more like a desert and each inviting sign a mirage or, worse yet, a humiliating rebuff to him, his family or companions.

Let us look at the plight of the Negro who is a member of the Armed Forces. He travels wherever ordered to serve his country—but once there he may be excluded from the surrounding community and virtually restricted to the base. For the American serviceman, neither his uniform nor his birthright entitles him to equal treatment.

Title II prohibits discrimination in specific places of public accommodations whose operation affects interstate commerce or whose racial practices are supported by State action, such as local segregation laws.

The places of public accommodation included within the coverage of title II are:

First. Hotels, motels, and other places offering lodging to transient guests. Facilities which are actually occupied by the proprietor and which offer no more than five rooms are excepted.

Second. Restaurants, lunch counters, soda fountains, and other facilities engaged mainly in the business of selling food to be eaten on the premises. Specifically included in this category are eating places located within retail stores.

Third. Gasoline stations.

Fourth. Theaters, sports arenas, and other public places of exhibition or amusement.

Fifth. Establishments which are either located within or contain a business listed above and hold themselves out as serving the patrons of such business.

Although these categories cover a wide range of activities under the 14th amendment and the commerce clause, the Congress can outlaw racial discrimination in all facilities which affect interstate commerce. This section should be expanded to the limit of Congress constitutional authority.

Title II provides for enforcement through preventive relief actions on the initiative of an aggrieved person or by the Attorney General whenever he is satisfied that the filing of an action would materially further the purposes of the title.

President Johnson, in his state of the Union message on January 8, 1964, stated the case succinctly:

> Today Americans of all races stand side by side in Berlin and in Vietnam. They died

side by side in Korea. Surely they can work and eat and travel side by side in their own country.

TITLE III—DESEGREGATION OF PUBLIC FACILITIES

Under title III of the bill the Attorney General is authorized to initiate court action, or to intervene in suites, in order to bring about desegregation in public facilities owned or operated by governmental bodies. Discrimination in State or municipal facilities is a direct violation of the guarantee of "equal protection of the laws" in the 14th amendment of the Constitution.

TITLE IV—DESEGREGATION OF PUBLIC EDUCATION

Title IV of the bill is addressed to the desegregation of public education. Almost 10 years ago the U.S. Supreme Court declared segregated schools inherently unequal and in violation of the Constitution. Yet there are still more than 2,000 segregated school districts. School desegregation in the 11 States of the South has been no more than token. In December 1963, there were 2,901,671 Negro students living in school districts having both white and Negro students. Of this number, only 30,798 Negro students, or 1.06 percent, were in schools with white students.

Title IV authorizes the Attorney General, after receiving a written complaint, to bring an action to compel desegregation of public schools where he determines that individuals are unable to obtain such relief on their own and that a suit would further the goal of desegregation.

If the Attorney General had had this authority 10 years ago, real progress toward equal opportunity in education might have been made by this time.

Instead, court orders for school desegregation have been issued only as the result of actions initiated by private citizens or groups, with the means and determination to bear the costs of litigation and with the courage to face the possibility of economic and physical reprisals.

In addition title IV authorizes the U.S. Commissioner of Education to aid school districts throughout the country to achieve desegregation by providing technical assistance in the development and implementation of plans and grants for special training institutes for teachers.

It is imperative, Mr. Chairman, that the executive branch have the authority to open a twofold attack on inequality in educational opportunity: By assistance and cooperation, and by legal enforcement.

TITLE V—COMMISSION ON CIVIL RIGHTS

Title V makes the Civil Rights Commission permanent. Besides additional authority to investigate fraudulent or discriminatory election practices, the bill authorizes the Commission to:

> Serve as a national clearinghouse for information in respect to equal protection of the laws, including but not limited to the fields of voting, education, housing, employment, the use of public facilities, transportation, and the administration of justice.

The Civil Rights Commission is not an administrative or enforcement agency. It investigates, studies, and collects information about denials of the equal protection of the laws; it is also authorized to:

> Appraise the laws and policies of the Federal Government with respect to equal protection of the laws under the Constitution.

The Civil Rights Commission has made a monumental contribution to the cause of civil rights since it was set up in 1957. It has investigated particular practices which deny citizens their rights and recommended corrective legislative and executive action. As the eyes and ears of the Government in the field of civil rights, it deserves our continued support.

TITLE VI—NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS

Mr. Chairman, on a number of occasions I have urged congressional action to prohibit the use of Federal funds for programs in which discrimination or segregation is practiced. I have offered antidiscrimination amendments to bills appropriating funds for the Hill-Burton hospital construction program and the impacted areas school assistance program. I have introduced H.R. 5741 which would prohibit the furnishing of financial or other assistance by the Federal Government for any program or activity in the course of which any individual is discriminated against on the ground of his race, religion, color, ancestry, or national origin. As I said in testifying before the House Committee on the Judiciary, "Federal funds should not be used to underwrite segregation."

Title VI of the bill before us sets forth the policy that:

> No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Each Federal department and agency which extends financial assistance by way of grant, contract, or loan is directed to take action to effectuate the declaration of policy by eliminating discrimination in its assistance program. Where there is a failure to comply by the recipient, assistance may be terminated or withheld. The bill also provides for judicial review of such action.

Every Federal department and agency should have both the moral determination to eliminate discrimination and the authority to do so by withholding further assistance. I hope that this bill will finally end Federal underwriting of segregation.

TITLE VII—EQUAL EMPLOYMENT OPPORTUNITY

Mr. Chairman, racial discrimination pervades our social and economic life. It is particularly acute in the field of employment. Without equal opportunity for employment, citizens from minority groups will remain at the bottom of the economic ladder ghettoized in slum housing and segregated schools. While the unemployment rate hovers around 6 percent, the nonwhite labor force experiences over twice as much unemployment.

The comparatively low rates of employment of Negro professional and skilled workers, and the comparatively high rate of Negro unemployment, indicate the degree of employment discrimination which Negroes suffer.

In 1962, 12.3 percent of employed white men were doing professional or technical work. In the same year, only 4.4 percent of employed Negro men were engaged in such work.

In cities like Detroit and Pittsburgh the unemployment figures for Negro males hover around 17 percent, and consistently Negro workers stay unemployed longer than their white counterparts. The same sad story is reflected in the statistics on poverty. Sixty percent of all Negro families in this country still have incomes of less than $4,000 a year, compared with 25 percent of all white families.

Discouraged by job discrimination, minority group members are more likely to abandon vocational goals. Job discrimination is a most important factor in accounting for the high rate of school dropouts. Certainly the demoralizing effect of job discrimination is one cause of juvenile delinquency and adult crime.

Under title VII the civil rights bill sets forth a declaration of congressional policy:

> The Congress hereby declares that the opportunity for employment without discrimination * * * is a right of all persons within the jurisdiction of the United States, and that it is the national policy to protect the right of the individual to be free from such discrimination.

Title VII prohibits, and makes an unlawful employment practice, discrimination by employers, labor unions, employment agencies, and by those who control apprenticeship training programs. It covers employers affecting interstate commerce who have at least 100 employees during the first year after the law becomes effective, 50 employees during the second year, and 25 thereafter. The title also covers labor organizations which are in industries affecting interstate commerce, and which have at least 100 members during the first year after the law becomes effective. Fifty members during the second year, and 25 thereafter.

An Equal Employment Opportunities Commission consisting of five members is created to administer this title. Unfortunately, the Commission has not been given the power to issue cease-and-desist orders. The Commission can, however, seek to obtain voluntary compliance. If that fails, the Commission may seek relief in the Federal district court where the judge will hear the matter de novo.

I am disappointed that title VII is not as effective as it should be. In fact, the Equal Employment Opportunities Commission does not have as much power as some State fair employment practices commissions such as the one in New York. However, this represents an important first step in an area where the Federal Government previously has refused to intervene.

I should also point out that title VII provides a statutory basis for the President's Committee on Equal Opportunity to insure nondiscrimination in Federal employment and in work done on contract with Federal agencies.

Title VIII provides for compilation of registration and voting statistics by race. Such statistics should serve as an index

of the protection of political rights and could be used as a basis for enforcing section 2 of the 14th amendment.

Title IX provides for appeal of a Federal court order remanding to a State court a civil rights case which has been removed to the Federal court. Experience in civil rights actions during the past few years has demonstrated the need for this protection.

Finally, title X provides that nothing in this act shall affect any authority which the Attorney General now has. It authorizes necessary appropriations, and has a separability clause.

Mr. Chairman, I have outlined the provisions of the civil rights bill to show how it will ameliorate racial discrimination in many areas. I have also pointed out some of its deficiencies and areas where it might be strengthened. The bill is not perfect or even, in some respects, wholly adequate. Nevertheless, it is the broadest civil rights bill ever brought to the floor of the House. That fact alone shows how late we are in our efforts to square our practices with our principles. We are late, but we now have a historic opportunity, in the words of President Lyndon B. Johnson, to "let this session of Congress be known as the session which did more for civil rights than the last hundred sessions combined." Let us move forward to renew the faith that this Nation is indeed "mankind's best hope," to quote Thomas Jefferson.

Mr. McCULLOCH. Mr. Chairman, I yield such time as he may desire to the gentleman from New Hampshire [Mr. CLEVELAND].

Mr. CLEVELAND. Mr. Chairman, I rise in support of H.R. 7152. Last year, with others, I introduced civil rights legislation similar in many respects to this bill. As a State senator in New Hampshire, I voted for legislation which enacted much of this bill into the laws of the Granite State. The fact that much progress has been made by many of the States, such as my own, should be stressed in this debate more than it has been. What disturbs me most about this legislation is that it may not sufficiently recognize the important role that must be played by State and local government—not to mention the even more important role that must be played by individuals and private organizations—if the battle for full civil rights is to be truly won. Too many people in this country are under the impression that all you have to do with a complex problem is to get Congress to pass a law. This dangerous illusion is fostered by the demagog and pleader for special interests. It is aided and abetted by wishful thinking and laziness of mind and spirit.

Mere passage of this law or any law cannot definitively settle the tortured problems of discrimination and second-class citizenship. The very fact that, in a great democracy such as ours, with its vaunted freedoms and equality of opportunity, we need such a law is a poignant commentary.

Mr. Chairman, it is my hope that amendments to this bill will be offered and adopted which will further reflect and underscore the important role that must be performed by State and local governments and by individuals and private organizations if this legislation is to be truly meaningful. The provisions of this legislation, its reason and its need, have been expressed articulately and well, as have the arguments against it. I will not repeat them again. My basic reason for supporting this legislation can best be expressed, briefly, in the words I used in reporting recently to my constituents.

> There can and will, of course, be arguments and disagreements on details of civil rights legislation. There can be no question that this Nation, conceived in the spirit of 1776 and reconsecrated by Lincoln at Gettysburg a century ago, must and will insure to all its citizens the rights and freedoms of which we are justly proud and for which so many have sacrificed.

While many States have undertaken effective action on civil rights, unfortunately others have not. It must be the responsibility of the Federal Government to act where discrimination exists when State and local governments have not acted and have refused to act. When human rights are involved we cannot ignore entire groups of our citizens who live in States where they are denied these rights. Our National Government has the duty to protect the constitutional freedoms of all its citizens. Our Nation cannot afford, either morally or economically, to have a large number of second-class citizens.

The Federal Government will not be imposing radical new standards upon us by enactment of H.R. 7152. Thirty-two States now have public accommodations laws and 25 have fair employment legislation. Court decisions indicate that the carefully drawn titles embodied in this civil rights bill are constitutional.

Many opponents of this bill seem to take a pre-14th amendment interpretation of the Constitution. But the 14th amendment to the Constitution clearly states:

> No State shall make or enforce any law which shall abridge the privileges or immunities of the citizens of the United States, nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws. * * * The Congress shall have the power to enforce by appropriate legislation the provisions of this article.

This civil rights bill does emphasize voluntary approaches to civil rights problems before legal remedies are taken. With one exception, it does not impose criminal penalties. It will, of course, be many years before discrimination is eliminated because the total elimination of racial prejudice depends upon the minds and the hearts of men. But this legislation should take this problem out of the streets and into the courts. It will help diminish the role of the demagog and thus strengthen democracy.

Mr. REUSS. Mr. Chairman, I support H.R. 7152, the omnibus bipartisan civil rights bill, in its entirety, including the sections on voting rights, nondiscrimination in public accommodations, desegregation of public education, and equal employment opportunity.

The principle of equality is clear. Our consciences feel it, our reason confirms it, the Constitution demands it. We are not here now to debate the principle, but to apply it. Equality of opportunity for all Americans must be the law of the land.

I am proud to add my affirmative vote to this long-delayed vindication of human rights. Let us pass this bill, undiluted and unweakened. Let us then move forward as Americans united—northerner and southerner—Negro and white—for the great battle against poverty and ignorance and injustice and war that confronts us in the world of today.

Mr. FOREMAN. Mr. Chairman, 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 would like to briefly discuss 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 security 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 products 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 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 the 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. Thank you.

Mr. GALLAGHER. Mr. Chairman, in the century since President Lincoln issued his Emancipation Proclamation, this country has not done nearly enough to assure that the intent of that historic document was carried out.

Too many Negroes to this day are denied the full rights of citizenship guaranteed to every American by the Constitution.

The responsibility, the privilege of correcting that injustice, of assuring that no American is nor will ever again be denied these rights because of race, color, or creed, rests with this Congress. We have inherited this duty by virtue of failures of the past.

Each of us knows that we can no longer shirk our responsibility to shape the legislaiton that will best accomplish this task.

Late as it is—a century past—now is the time. It is inconceivable that any American in this mid-20th century is denied the right to vote, the right to attend school with his neighbor whose skin may be a different color, the right to be served in a public restaurant, the right of travel accommodations.

But such situations do exist in many parts of this land 100 years after a great President reminded all Americans that "All men are created equal."

We hail Lincoln's remarks of that date as one of the great public addresses of all time, but a century later his words go unheeded by so many.

We seek nothing more than the American was promised 100 years ago. We seek nothing more than what our colonial forefathers guaranteed in the document which is the foundation of our Government—the Constitution of the United States.

The arguments have been stated. We must act now in this 88th Congress to correct the abuses of the past 100 years.

We cannot delay for a single year or for another century, to guarantee that every American will have the human rights that are provided for in this legislation—the right to vote, to attend the school of his choice, to be employed on merit, to public accommodations and to the full dignity of the individual. It is in our power to provide all this and I urge that we do so.

Mr. ALGER. Mr. Chairman, I rise to oppose this bill and to point out briefly one or two principal objections.

First, I would like to make it clear that few, if any, and certainly not this Member, are opposed to the rights of all citizens as guaranteed by the Constitution. Every man, under our system of Government, should be able to attain his goal in life according to his initiative, ability, willingness to strive and work and do and dare. But each man must accomplish for himself. The Government cannot guarantee that it will provide for each individual food, clothing, housing, jobs, medical care, and other basic necessiities, whatever the color of the individual.

A man's right to a job, to a decent home, to be able to provide for himself and his family, to enjoy extra luxuries in life, must be earned. He will never achieve these goals by the mere passing of a Federal law.

Neither can man's relationship with his neighbors be legislated. Understanding, tolerance, love, come from the heart of man. Good neighbors must attain that state by choice; friendship cannot be legislated nor forced on those unwilling to associate with one another whether it be between those of different races or even among groups within a single race.

So much for the general reasoning as to why the emphasis behind a so-called civil rights bill is wrong. Now, for a moment, let us consider at least two sections of this bill which, in my opinion, are unconstitutional and will, in fact, bring about discrimination in reverse by establishing the principle of special privilege for some Negroes at the expense of the rights of the overwhelming majority of our citizens of all races.

The first of these sections is the public accommodations section. If we adopt this section as part of the bill we will take a long step toward abolishing the right of ownership and management of private property. Under this section a man cannot operate his business according to his own ideas of what will make it successful, nor may he choose his customers and those whom he feels he will be able to serve best. On the contrary, he will be forced by law, backed up by the power of the Federal Government, to accommodate any who make demands upon him even though it means he will lose his business, the results of his own investment and sweat. Where is the justice there? How long can we maintain private enterprise with the management of private property taken out of the hands of those who own it and made subject to bureaucratic decisions based on concepts of social behavior?

Equally dangerous to the freedoms of all Americans, including those this bill professes to help, is the section which will force employers to hire workers on the basis of color rather than ability.

Mr. Chairman, this section not only subverts the right of an employer to hire those who can best do the job, who can fit into his organization, and who will be able to work alongside their fellow-employees in harmony and respect, but it shatters completely the concept of States rights by abolishing State laws now in operation by the will of the people of the individual States.

I would like to remind you, too, that here again we are being asked to legalize, in fact demand by law, special privilege for Negroes. The Negro represents about 10 percent of the population of the United States and it cannot be said he is being kept from opportunity if he is represented in 10 percent of the working force. Now we are asked to ignore population ratios and force the hiring of Negroes even when it will mean, as in Government, that they are given preferential hiring far beyond the 10 percent of the population they represent. Indeed, in the Post Office Department alone, the figure is all out of proportion with the Negro population.

Here again, I believe that Federal jobs as well as those in private industry should be earned as a matter of merit. Negroes will be able to take advantage of job opportunities according to the same rule that applies to each of us—we get better jobs, higher paid jobs, when we earn them through our willingness to learn, to apply ourselves, to show our initiative, and to convince our employer that we are worthy of his hire and his consideration for promotion.

We cannot enforce preferential treatment for the Negro by making jobs available to him for which he is not qualified because of injustices practiced upon his forebears, without doing violence to the rights and freedoms of all our other citizens.

Mr. Chairman, it is no secret that the real motivation behind civil rights legislation is political. The Negro has been used as a pawn to keep some officials in office and to insure the success of a single party in large sections of the Nation. Certainly all of us should continue to strive for a better country and a better world wherein all men may enjoy the full blessings of liberty. We can do that best in America by adhering to the Constitution, not by destroying it for political purposes or even in an attempt to make our relationships with each other more humanitarian.

No, we cannot guarantee the Negro greater opportunity by passing another law. We can best protect his rights and the rights of all Americans, by returning to constitutional, limited government which will strengthen our capitalist, free enterprise system and, in turn, create more jobs and better jobs for all our people. A strong private enterprise system creates better opportunity under the impetus of a free society, and will mean a better living for all those who want it and are willing to do what it takes to achieve success.

For these reasons, I am opposed to this bill. It will not do what it is hoped it will do for the Negro and it will further erode the rights and freedoms of all our people.

Mr. LANGEN. Mr. Chairman, we are gathered here to consider the inalienable rights of American citizens. It is a most worthy subject for this deliberative body.

That there is a national concern for the rights of citizens cannot be denied. That there have been grievous instances of discrimination against some of our

people because of race, color, or creed is an accepted fact.

This same concern for the rights of our citizenry was felt and ably expressed by our forefathers when they drafted our Constitution. They wanted to make sure that this great country did not develop a caste system whereby we would have first- and second-class citizens. If a man was to be inferior, it would be by his own choice, not fostered on him by majority rulings.

If we are gathered today to reaffirm the basic American belief of equal opportunity and equal protection for every individual, then we are on the right track. But it occurs to me that the hysteria that has surrounded this legislation during the past months has caused us to lose sight of the goal we should want to accomplish.

In this discussion we must be aware of the pitfalls encountered with legislation of this type. Our thinking must stick to the subject at hand and not wander so far afield that we in reality become meddlers in the lives of Americans in the name of "rights." We can ill afford to grant rights to any group if we destroy existing rights in the process.

If this bill is to do what it ought to do, it should provide equity but not preference. We must relate our thinking to all of our citizens, regardless of race, color, national origin, or religious affiliation and not become so limited in our thinking that we consider but one particular group.

Equality is a state of being, not of law. The statutes we enact can protect our people, but they cannot achieve equality through force. The law can provide an atmosphere of opportunity, available to all on an equal basis, but it cannot force "rights" on a free people without destroying that freedom in the process. Force is, in such circumstances, the antithesis of freedom.

Once we have created an atmosphere of equality for all citizens, the actual fulfillment of that equality is up to the individual. He must accept the responsibilities that go with freedom. He must take his precious right to vote, for instance, and use it. Here today we can create the proper atmosphere, permitting every person to exercise his freedoms as his conscience dictates within the confines of that atmosphere. Thus he has the freedom to do, to choose, to decide, which is the force that provides individual initiative. It is the right of decision that gives his life its impetus.

The same situation is true when we provide every student in our Nation with the opportunity of attending public schools, regardless of race, color, or creed. We can provide him with the opportunity, but he must decide for himself to go. His initiative is not kindled by force. The desire to participate in this opportunity must exist if freedom is to be truly realized.

There is one force of democracy that has made this Nation the envy of the world. That force is the sum total of individuals who, in an atmosphere of free decision, gain initiative by the exercising of their freedoms. That is why our democracy is so superior to the forms of government that dictate to the people and maintain their existence through force.

To sell democracy to the world we must develop it in its purest form in this country. We have a great opportunity to move further toward this goal today by enacting legislation that will ensure every American of being free and equal so that he may stand alone or in a crowd, as he chooses, with the assurance that justice prevails.

Let us then proceed to exercise our responsibilities as Members of this House in accordance with the freedoms that brought us here—that the inequalities of freedom which have prevailed may be eliminated and the full quality of our Constitution restored. To do so will not only strengthen our own Nation and society but will raise the prestige and stature of democracy throughout the world.

Mr. FRASER. Mr. Chairman, I urge passage of the civil rights bill, in its present form. My plea is backed by overwhelming sentiment from my district—Minneapolis, Minn.—in favor of decisive action now to bring equality of opportunity to America.

Minneapolis was well represented in the large delegation from Minnesota that joined 200,000 other Americans in the August 28 March for Jobs and Freedom. Minneapolis' Mayor Arthur Naftalin marched with religious leaders, civic leaders, and other determined citizens from our city in that impressive display of support for President Kennedy's proposed Civil Rights Act of 1963.

Minnesota's Gov. Karl F. Rolvaag came to Washington last August to urge support for Federal civil rights legislation. As he told the Senate Commerce Committee:

> Unless those of us at all levels of government provide constructive and intelligent leadership in sustaining the rights of all citizens, this time of agony for our Nation will leave scars which will not heal for generations.

The mail I have received in the past few months is ample evidence of the support of the people for H.R. 7152. Long lists of members of churches and labor unions have arrived on petitions supporting the civil rights bill. Letter after letter asks for my vote for the Civil Rights Act of 1964. They urged me to sign the discharge petition last December to speed action on this bill, and I did sign it on the first day.

The Minnesota poll—an accurate poll taken by the Minneapolis Star & Tribune Co.—shows overwhelming support for civil rights legislation. Returns from a poll of Minneapolis citizens I have just conducted by mail show the same broad support for Federal action on civil rights.

I cosponsored President Kennedy's original bill for a Civil Rights Act of 1963. I have read the entire revision as recommended by the committee. The revision is sound. Each of the eight titles in the bill is needed to correct well-known abuses arising from the denial of civil rights and privileges to our citizens.

Intolerance is corrosive. It eats away at the heart and soul of our communities. When men who hold the positions of esteem and honor in government, in business, in organized labor are mute, prejudice spreads. The good citizen without personal prejudice finds himself motivated by his belief that others are prejudiced.

The greatest tragedy of all comes with our innocent children who, born without prejudice, quickly pick up on the playground the prejudices of the few, while the parents remain silent. We must act now to attempt to stop this perpetuation of prejudice.

Intolerance is not sectional. Intolerance exists in the North as well as the South, in the West as well as the East. There are few places in America today where full equality is a reality. Every part of our country suffers from irrational prejudice, the failure to measure a man for his individual worth and merit.

I come from a State which has adopted laws similar to those under consideration today. Not only do we have a public accommodations law, a public education law, and an FEPC law, but within the past several years we adopted a fair housing law. I had the honor of being the principal author of the housing bill in the Minnesota Senate. Minnesota is in the vanguard of the States which recognize the public character of racial and religious discrimination and the public responsibility to deal with this discrimination.

Some argue you cannot legislate morality.

The truth, however, is that law can and usually does change attitudes. Law is not only an injunction toward the individual to conform to its provisions, but just as important, it is a declaration of public policy in its clearest, most unmistakable terms. And even the process of enacting a law, such as the debate which we are having on this bill, contributes to wider public acknowledgment of the moral standards which must prevail in this Nation.

I have not heard anyone defend the morality of racial or religious discrimination. I have not heard anyone assert that segregation is right or proper. Everyone in this body knows in his heart that racial and religious discrimination is wrong—that it is evil. This debate centers only on the wisdom of the provisions of this bill which authorize sanctions against discriminatory conduct.

We need this law, not to make people like each other, but to prohibit overt actions of discrimination and abuse. My neighbor may not like me, but I feel much more secure in the knowledge that an assault upon me is prevented by law. And so it is with laws dealing with discrimination. The law deals with conduct. The Negro turned away from a restaurant, or denied the right to vote, or forced into a segregated school, suffers the injuries inflicted by the overt acts of others.

Congress has not hesitated to outlaw discriminatory conduct in the business world. Business competitors have good reason not to like one another, yet we prohibit certain types of discrimination which tend to impair competition. The Robinson-Patman Act prohibits price

discrimination. Laws protect insurance companies, warehouses, airlines, and many other businesses from discriminatory business practices. We have enacted these laws to preserve the concept of free enterprise. Is it not about time that we act to preserve the spirit of freedom in our society?

Mr. Chairman, I am confident that when we finally act on this bill, the vote will be overwhelming. The vote will reflect the conscience of America. This conscience has been awakened by the Negro who acted after others had failed him. This conscience has been kept awake by the magnificent work of the churches and our church leaders in America and civil rights groups.

There can be no finer tribute to the memories of two great martyred Presidents—Lincoln and Kennedy—than the speedy passage of this important law. It is especially fitting that we should be engaged in the battle to enact President Kennedy's civil rights bill on the eve of Lincoln's Birthday. As a cosponsor of the original bill, I can think of no finer way to honor the work of President Kennedy than by the passage of a bill which will grant all Americans the basic rights of our Constitution.

Mr. Chairman, let us vindicate that ennobling declaration issued during the formation of this great Republic. Let us reaffirm our belief "that all men are created equal."

Mr. McCULLOCH. Mr. Chairman, the legislation which we have been discussing for 2 days is, I repeat, good legislation and it needs be passed with all deliberate speed. When the House has worked its will on this bill and it finally becomes law, which it certainly will, millions of Americans for the first time in their lives may dream new dreams and see nearly all of them come true.

The CHAIRMAN. All time has expired, and pursuant to the rule, the Clerk will now read by titles the substitute committee amendment printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as "The Civil Rights Act of 1963".

TITLE I—VOTING RIGHTS

SEC. 101. Section 2004 of the Revised Statutes (42 U.S.C. 1971), as amended by section 131 of the Civil Rights Act of 1957 (71 Stat. 637), and as further amended by section 601 of the Civil Rights Act of 1960 (74 Stat. 90), is further amended as follows:

(a) Insert "1" after "(a)" in subsection (a) and add at the end of subsection (a) the following new paragraphs:

"(2) No person acting under color of law shall—

"(A) in determining whether any individual is qualified under State law or laws to vote in any Federal election, apply any standard, practice, or procedure different from the standards, practices, or procedures applied under such law or laws to other individuals within the same county, parish, or similar political subdivision who have been found by State officials to be qualified to vote;

"(B) deny the right of any individual to vote in any Federal election because of an error or omission of such individual on any record or paper relating to any application, registration, payment of poll tax, or other act requisite to voting, if such error or omission is not material in determining whether such individual is qualified under State law to vote in such election; or

"(C) employ any literacy test as a qualification for voting in any Federal election unless (i) such test is administered to each individual wholly in writing except where an individual requests and State law authorizes a test other than in writing, and (ii) a certified copy of the test whether written or oral and of the answers given by the individual is furnished to him within twenty-five days of the submission of his request made within the period of time during which records and papers are required to be retained and preserved pursuant to title III of the Civil Rights Act of 1960 (42 U.S.C. 1974–74e; 74 Stat. 88).

"(3) For purposes of this subsection—

"(A) the term 'vote' shall have the same meaning as in subsection (e) of this section;

"(B) the phrase 'literacy test' includes any test of the ability to read, write, understand, or interpret any matter."

(b) Insert immediately following the period at the end of the first sentence of subsection (c) the following new sentence: "If in any such proceeding literacy is a relevant fact there shall be a rebuttable presumption that any person who has not been adjudged an incompetent and who has completed the sixth grade in a public school in, or a private school accredited by any State or territory or the District of Columbia where instruction is carried on predominantly in the English language, possesses sufficient literacy, comprehension, and intelligence to vote in any Federal election."

(c) Add the following subsection "(f)" and designate the present subsection "(f)" as subsection "(g)":

"(f) When used in subsections (a) or (c) of this section, the words 'Federal election' shall mean any general, special, or primary election held solely or in part for the purpose of electing or selecting any candidate for the office of President, Vice President, presidential elector, Member of the Senate, or Member of the House of Representatives."

(d) Add the following subsection "(h)":

"(h) In any proceeding instituted in any district court of the United States under this section the Attorney General may file with the clerk of such court a request that a court of three judges be convened to hear and determine the case. A copy of the request shall be immediately furnished by such clerk to the chief judge of the circuit (or in his absence, the presiding circuit judge) of the circuit in which the case is pending. Upon receipt of the copy of such request it shall be the duty of the chief judge of the circuit or the presiding circuit judge, as the case may be, to designate immediately three judges in such circuit, of whom at least one shall be a circuit judge and another of whom shall be a district judge of the court in which the proceeding was instituted, to hear and determine such case, and it shall be the duty of the judges so designated to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited. An appeal from the final judgment of such court will lie to the Supreme Court.

"In the event the Attorney General fails to file such a request in any such proceeding, it shall be the duty of the chief judge of the district (or in his absence, the acting chief judge) in which the case is pending immediately to designate a judge in such district to hear and determine the case. In the event that no judge in the district is available to hear and determine the case, the chief judge of the district, or the acting chief judge, as the case may be, shall certify this fact to the chief judge of the circuit (or in his absence, the acting chief judge) who shall then designate a district or circuit judge of the circuit to hear and determine the case.

"It shall be the duty of the judge designated pursuant to this section to assign the case for hearing at the earliest practicable date and to cause the case to be in every way expedited."

Mr. MEADER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MEADER. Mr. Chairman, I would like to ask, now that the first title of the bill has been read, whether that means that when we resume sitting in Committee of the Whole on Monday next it will be in order to offer amendments to this title.

The CHAIRMAN. It will be.

Mr. MEADER. I thank the chairman.

Mr. CELLER. Mr Chairman, I move that the Committee do now rise.

The motion was agreed to.

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, had come to no resolution thereon.

GENERAL LEAVE TO EXTEND

Mr. CELLER. Mr. Speaker, I ask unanimous consent that all Members have permission to extend their remarks in the RECORD on the current bill.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

EXTENSION OF REMARKS

Mr. MEADER. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I made during the general debate today on H.R. 7152 and to include extraneous matter; and that in the colloquy that occurred during my remarks with the gentleman from Missouri [Mr. CURTIS] he have permission to insert extraneous matter in connection with his remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

RIOTS IN PANAMA

Mr. CRAMER. 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 Florida?

There was no objection.

Mr. CRAMER. Mr. Speaker, we in this body are today debating a civil rights bill. I think that it would be appropriate to raise at this time a serious question about other civil rights than those under discussion at the moment.

I refer specifically to two areas in the field of civil rights: First, the right of American citizens to be protected by their Government from bodily harm or from hindrance of any kind in the pursuit of their legitimate aspirations, no matter where in the world they might be pursued and; second, the right of the American people to know when this right has been infringed upon.

The La Crosse, Wis., Tribune, on January 30, carried a lengthy article written by a Mr. Don Athnos, a radio-TV personality, of that city, who was present in Panama during the recent riots there. He makes the most serious charges, including the murder and mutilation of Americans by Communist-directed terrorists and the suppression of facts surrounding these murders. I cannot vouch for the accuracy of these charges, but I feel that a thorough investigation of all the facts in this matter with the continuing accumulation of similar facts is called for. I have asked for such an investigation.

As chairman of the Republican policy committee's task force on Latin America I can promise this body that our group will, to the best of our ability, examine this matter thoroughly. But I believe that a full investigation by the Foreign Affairs Committee is not only in order but desperately needed.

The article follows:

LA CROSSE MAN, CAUGHT IN PANAMA RIOTS, WRITES HOME: "U.S. STILL DOESN'T HAVE TRUTH"—ATHNOS

(EDITOR'S NOTE.—Our readers have seen plenty in the papers about United States-Panama troubles at the government level since the riots earlier this month. They have heard much less about how it was for U.S. nationals and other non-Panamanians caught there, particularly outside the Canal Zone.

(The graphic and chilling account that follows is by Don Athnos, son of Mr. and Mrs. Louis Athnos of 451 North 23d Street, La Crosse. It is a part of the log Don and his wife have been sending home from a scooter trip that began last June, taking them to Alaska and more recently through Mexico and Central America. They were in Panama City, outside the Canal Zone, when the trouble broke out, and were trapped in a hotel for 3 days.

(Don (his radio-TV name was Don Lewis) worked for WKBH and WKBT in La Crosse until last summer.)

(By Don Athnos)

PANAMA CITY, PANAMA, January 9.—Back to the visa rat race today. We finally got a visa from Colombia, but Peru never showed up.

In the afternoon we sent out our mail and film and took a couple of pictures of the piers and the canal. We got our AAA book and map for South America, and listened to American complaints in the Canal Zone about the zone government putting a Panamanian flag next to the U.S. flag in the totally American Canal Zone.

The high school and college students there (in the zone) are making protests, coerced by U.S. TV networks and magazines. They had a flag parade in the zone today.

Panama wants the canal back. If they got it back it would be as screwed up as the rest of their country in 5 days. They took over garbage collection in Panama City a few months ago (the Americans had been doing it) and the streets are loaded with refuse now. A filthy place here; in the United States even the most lax health officer would be compelled to do something about conditions like this. The best thing would be to burn down the town, or evacuate it.

Tonight, something happened—we are in the hotel and a lot of commotion is reigning outside.

Shouting—aircraft—Panamanian students—loudspeakers—of Spanish radio stations—are yelling and hollering.

We've been warned not to go on the streets as I think (not sure right now) that Panamanian students invaded the Canal Zone on this flag business and at least three got killed in the rioting. The U.S. airplane loud speakers are demanding that nonresidents of the Canal Zone evacuate—immediately.

Spanish stations are screaming in a frenzy and playing martial music. The English stations are playing tape-recorded sermons, and we can't get an English broadcast.

Mobs in the street are shouting, and looking for trouble. Guess we'd better stay home tonight—but I wish I knew what it was all about. We're living downtown, outside the zone, and must be the only Americans in at least 2 miles in any direction.

FRIDAY, JANUARY 10

Wow. I guess we're in it.

Bullets wanging away all night. The Canal Zone radio went off the air at 11 last night—no more news until this morning, and all was bad. The radio announcers are screaming at the top of their lungs, on all the Spanish stations, "to kill all the Americans you see."

Thelma King, a deputado (congresswoman) and Communist, screaming for 2 hours on the radio and loudspeakers in the city—to hunt out all the Americans and butcher them in the street.

The Panamanian students, yesterday, "invaded" the zone to put their flag next to the U.S. flag at Balboa High School—and were allowed to, but the U.S. students didn't like it and interfered, tearing the flag.

The Canal Zone police stopped the scuffle. They then escorted the Panamanians out of the zone. But on the way the students broke some zone streetlights and tipped over some trash cans.

That was it. The students then regrouped with a new flag and returned.

The Commie agitators then went into action and raised a mob of bums and no-goods and tried again to crash the zone with the students, after the sun went down (about 8 p.m.).

There were students in that mob, but it was only a small percentage. The "students" were between 20 and 60 years old—probably had never seen the inside of a classroom—and never worked a day in their lives (unless pickpockets, murderers, drunk rollers, thieves, and pimps are workers). Ninety-five percent of this mob was the bad element of this rotten town, and 3 percent were students—the other 2 percent were Commie agitators using the same line and methods used in Cuba. (I was told this later by an American who lived through the Cuban revolution.)

There isn't a loose rock within a mile of the fighting zone, so I suppose the crowd was instructed to bring them along—and they did—by the ton.

The Canal Zone police held off this rock-throwing mob with tear gas and clubs for 2 hours—30 police to 3,000 or 4,000.

The first group of 300 to 400 demonstrators were driven back with tear gas—then another group would attack.

The police were being heavily stoned and beaten around. Finally, to drive this mob out of the zone, they fired their riot guns (shotguns) over the heads and at the feet of one of the advancing groups. The ricochets killed six of the mob—five were not students.

Before the action inside the zone took place, all the American cars in the area were stoned.

Four of these cars were turned over and burned—so it was not a "peaceful," or orderly demonstration, as the Commies said it was. These people were violent.

As the police fired on the crowd—suddenly, all kinds of armament appeared in the hands of the mob: pistols, clubs, Molotov cocktails. They were put into immediate use—and snipers previously posted on the surrounding rooftops opened fire with rifles at the police.

The zone police then called for help from the Army and U.S. Gen. Andrew P. O'Meara called out the troops to form a cordon inside the fence to keep the mob out. These troops had instructions not to shoot.

After 3 deaths and 18 gunshot wounds were registered on our soldiers by the mob, the general called out 9 sharpshooters, who fired exactly 9 well-placed shots into the mob. They hit only those firing weapons.

About the same time prepared tirades against the United States were being shouted at the mob from loudspeakers and over all the Panama radio stations, further exciting the violence.

"Kill the Yankees. Butcher them in the streets. Down with the U.S. murderers. Hunt down all the North Americans and fill the gutters with their blood. Viva Castro. Viva Fidel."

All this was being screamed over the radio stations and piped out into the streets. Immediately, out came the wirecutters, and the cyclone fence around the canal was attacked.

Preinstructed groups of students marched through town—boys and girls 5 to 13 years old—goosestepping—and shouting in unison: "Viva Castro."

Part of the mob moved down Fourth of July Avenue to the brandnew Pan American Airlines building, apparently shooting down five Panamanian employees and setting fire to the $450,000 structure, destroying adjoining buildings in the process, including the back end of a nearby church. Sniper fire then began from the Panamanian Government assembly building.

The Guardia Nacional were standing around watching the action, doing nothing—but some of them mysteriously "lost" their weapons, which appeared in the hands of the mob. While the Nacional Guardia was busy doing nothing the looters went into action—first looting the big Kodak Panama store of $200,000 worth of merchandise.

Then the whole downtown began walking away. Tires, plate glass, spark plugs, clothes, jewelry stores, everything. The violence continued all night and we were warned by our friends at the hotel not to go into the streets (as if we would).

All day today from our windows we saw these bums walking the streets carrying away their loot.

Running in mobs toward the scenes of action, looking in the streets and in windows for Americans to kill.

We were left listening to the rising and falling tides of gunfire, smelling the drifting tear gas—and listening to Spanish newscasts and tirades. We tried in vain to get a news cast from the zone station about what was going on.

Then they attacked the U.S. Embassy. We called (phoned) there, and were told to hang up as "they were busy evacuating." So,

there we were—no protection and it appeared the United States didn't give a damn about us—the 4,000 or 5,000 Americans in the city, and thousands of others in the outlying areas.

In other words, "Protect yourselves." How?

We are in the Hotel Ideal in the city near the central area—only 4 blocks from the fighting zone.

Four Americans: Lucille and me, "King" David Shaffer, and Michail Uva, an Italian-American born in Boston, who talks and reminds me of Dad. There are two Venezuelans, three Cubans, one Panamanian male, and two Colombians—and four or five Panamanian prostitutes who keep bringing their boy friends in and out.

The staff is Panamanian (four of them) and the place is owned by two Greeks. Shaffer is a nut. He keeps going out to take pictures—twice he came back with a mob behind him.

Our friend Mike and his friend and the Panamanian girls managed to find food in town and so we are eating crackers and cheese anyway. We have a Pepsi machine—hope they hold out.

We're not really worried—but you won't catch me on the street. Heard two American Government workers were hung in Chiriqui Province in northern Panama.

Out of the 20 Panamanian dead, five were killed by the rioters in the Pan Am sacking. Two were killed by their own Molotov cocktails. One was killed by a Panamanian hit-and-run driver and the blame has been placed on the United States.

A steel grate door keeps the mob out of our hotel. No police at all.

SATURDAY, JANUARY 11

Gunfire all night and all day today. Mike went out—he doesn't look American—and speaks perfect Spanish, so he gets away with it—and was offered two machineguns for $100 (to kill Americans with).

He brought back more crackers and sardines. There's going to be a big food shortage pretty quick.

No bread baked since last Thursday, no restaurants open, grocery stores looted or closed—or open with double prices. No one is working. They're either watching the violence or in it, or staying home.

The mob beat up some Peruvian sailors today thinking they were Americans. They chase British, Dutch, Norwegians, everyone. No law at all. We hear they beat up an elderly American couple walking into the zone today. They think the man was dying and the woman badly injured. Also hear two more Americans were hung in the provinces.

Typewriters for sale for $5; spark plugs for a nickel; a suit for $3. It's all loot. They even have stolen doors off the stores, cut the plate glass windows out and carried them off, stripping plywood paneling off the walls.

They're even robbing and beating each other and stealing each others watches—and money. Commies still tirading on loud speakers and radios, the same line—"Butcher the murdering assassins in the streets."

They buried one of their dead today, a patriot. Phony bloody flag and all. I was on the sidewalk for a while. Much tear gas in the air.

SUNDAY, JANUARY 12

Quiet most of the day. Still ranting on the loudspeakers and radios.

The whole town turned out for the funeral of five "patriots"—A loudspeaker system connected to the mike at the university blasted all over town from 11 a.m. until 4 p.m.: "Kill all the Americans—attack the national guard—Viva Fidel—Viva Cuba—Russia and Red China are our friends and protectors against the American assassins."

The president of the university is believed Communist—and many of the professors, too. Nobody paid much attention, though—they seem to be tired of the violence (I hope). But it looks like a revolution and if the other party gets in, we're in for it because they're really anti-United States.

About 2,000 Americans have gotten to the zone. Lucille wants to go—so do our Venezuelan friends and even Mike. "King David" found a cab—impossible task, as they're all on strike. But he did it—hired a bodyguard and drove out to the airport 20 miles away—out the Trans-Ispian Highway and south toward Chepo, which is dangerous as hell.

He got a flight out last night—how—I don't know.

I told Lucille to go to the zone as I didn't want to leave the scooter—but when it got quiet, I decided to drive it out behind the paddy-wagon the Guardia Nacionals was going to send for us.

Just before the wagon got to the hotel at 5 p.m., the sniper fire started again, and instead of making a beautiful target of myself on Fourth of July Avenue, I decided to leave the Vespa scooter at the hotel under cover of boards and junk and ride out in the Panamanian paddy-wagon.

We loaded up and left for the zone, but on the way they stopped in five other parts of town to pick up more Americans who weren't there. These stops were in very bad sections of the city, too, and the crowds were very ugly.

Lucille and the Venezuelan's wife were in front with the Panamanian Guardia driver and Mike, the Venezuelan and myself were in the back with an armed Panamanian guard. (I don't trust them—they vacillate freely.) When the crowds would move in, the Venezuelans would tell them we were all from his country, including our light-skinned wives in the front.

We had two machetes and two hunting knives and one tear gas pen. If they had jumped us we would have been goners, but a few of them would have come with us. We were really worried about the Castro-trained snipers on the roofs.

Finally got into the zone at Fort Clayton and heaved a great sight of relief as we met two Swedish Salvation Army officers. There was hot coffee, and well-armed U.S. soldiers. We were put on a big bus and taken to a reception area, signed in and given cots.

Lucille is across the street in the Fort Clayton Service Club with the women and children, and Mike and I are in the Fort Clayton Teen Club, otherwise known as "The Clayton Hilton" with 75 other "refugees." There are about 3,000 of us bedded down in the zone, with 25,000 workers and 10,000 soldiers.

In retrospect—I never was scared—I was too damn mad.

I got angrier every minute. Very angry with the Commies—and just as angry with our State Department foreign policies.

Teddy Roosevelt would have never let this happen to American citizens. Now I know what a mouse feels like in a den of snakes.

How can you fight them? Ten thousand to one.

You stay off the streets like rabbits hiding from the wolves.

I am not ashamed of being an American. If the mob had asked me if I was a "gringo" I would have admitted it and been torn to pieces because of it.

But I am embarrassed as an American, embarrassed for my Government—and for the "lace panty" crowd in the U.S. State Department who are so afraid of world opinion they let innocent Americans be slaughtered by howling foreign mobs in foreign lands—lands who accept American dollars and spit in our faces for it.

A show of force any time during this anti-American Red-inspired riot would have brought a quick end to the disturbances, and saved how many American lives?

How many Americans are now dead in their apartments, or torn to pieces and hacked to bits?

How many are dead in the outside villages hanging from trees and lampposts? How many?

Why hasn't the outside world heard of these atrocities perpetrated by the Panamanians?

Why are we so worried about what some ignorant bushlander thinks of the United States? What is world opinion? Did Russia worry about world opinion when they raped Hungary?

P.S.—We kicked a slogan-spouting big-Red-lie-bearing Commie out of the hotel today. He really ran. I guess he thought he was going to get his throat cut, and he might have.

MONDAY, JANUARY 13

FORT CLAYTON, THE CANAL ZONE.—Sat around here all day. Mailed out some stuff and listened to more atrocity stories about lynched and chopped-up Americans.

We know for sure the Panamanians hanged five Americans. Cut one more up in little pieces with machetes.

This news—plus many more we haven't heard about—has been classified as secret and the United States isn't hearing about it. This classifying is being done by our own Government.

Found out today from a civilian who saw the whole thing, that—even before the Panamanian students got to the flagpole the first time in their peaceful parade—Commie-inspired taxi drivers were smashing their cabs into U.S.-owned cars on Fourth of July Avenue and then jumping out and fighting with the American drivers, thus trying to draw a crowd they could turn into a howling mob.

This was more or less unsuccessful. But when the second assault on the zone was in progress—before the shooting started—the agitators had 8-year-old children carrying cases of whisky bottles filled with gasoline (Molotov cocktails) to the site where they knew the disturbances were about to take place. Also, pickup trucks and cars, loaded with rocks, were on hand waiting for the first shots to sound. When they did, the gasoline and rocks and pistols that these bandits had on hand were put into immediate action. A list and pictures of the dead Panamanian "students" was published today in a Panama paper—one or two were students—but the rest were not.

In this list were three well-known Commie agitators, including a 28-year-old student who hadn't been to school for years. He was "Chepi" Gonzalez-Meneses, otherwise known as "the Courier," an active Castro-trained Communist who carried secret documents between here and Cuba.

He also worked for Thelma King, the Communist deputada in the Panamanian Government. This Gonzalez was also the leader of the Communist-led mob that marched on the Canal Zone with the Panamanian flag in 1959.

The government is housing us here at Fort Clayton, but so far we're responsible for our own food. The U.S. news media must be getting their reports from the Panama Government. We still haven't heard the truth of this situation on New York broadcasts.

TUESDAY, JANUARY 14

This afternoon I took my camera downtown and got some slides of the damage.

On the surface it's quiet, but below it's still very hot. Went for a walk in the tough district and was approached five times by punks, asking if I was a "gringo." I told them: "I'm not gringo—I'm a Yankee."

They backed down. They aren't so tough in groups of 5 or 10, but when the odds are 5,000 to 1 they are.

Got the scooter, and now everything we own is in the zone. Still more atrocity reports coming in about killed and beaten Americans—has the U.S. public heard about them yet?

One soldier caught downtown had his head caved in by the mob. When they got him here his brains were showing through a gigantic hole in his skull. He's still breathing, but that's all.

The mob on the first night was attacking civilians in their cars headed for the safety of the zone—trying to burn them in their tipped-over automobiles.

WEDNESDAY, JANUARY 15

Sat around all day, doing nothing. The situation is getting hotter downtown again.

THURSDAY, JANUARY 16

Still nothing doing. But the U.S. public still doesn't have the truth of this situation.

Did I say before that the U.S. Embassy is vacant, with all its windows smashed last Thursday night?

And the U.S. Information Agency, next to the Embassy, was thoroughly ransacked and then completely gutted by fire?

The Panamanians are supposed to hold a huge demonstration parade tomorrow so it could get pretty hot again.

The DENI (secret police of Panama) are busy rounding up Commies and looters and have the jails full. It's a little like locking the barn door after the horse has been stolen. This country is about to go up in the flames of revolution—and it's going to be a good one.

FRIDAY, JANUARY 17

Not much doing all day. The word is that it's not safe to leave the zone and return to live in Panama at present. But I guess we'll leave tomorrow for Colombia.

I don't really look forward to the 20-mile scooter ride to the airport, though. They (the Panamanians) had a big rally downtown tonight—and the President of Panama vowed "there would be no retreat on Panama's part." No violence, at least.

The army began giving us our meals today—before, we were buying them.

SATURDAY, JANUARY 18

We are still holed up here at Fort Clayton in the Canal Zone.

We'll probably leave for Colombia in the next day or two. This log will fill you in on the situation—and it's bad.

This log contains the God-honest truth of the situation—something the U.S. public no longer receives from our Government agencies.

PANAMA RIOT INVESTIGATION

Mr. CEDERBERG. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include an article.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CEDERBERG. Mr. Speaker, I rise in support of the demand by the gentleman from Florida for a full and complete investigation of the charges made in the article written by Mr. Don Athnos and which appeared in the La Crosse Tribune of January 30.

According to that paper, Mr. Athnos has a background on two La Crosse television and radio stations of sufficient dimensions to entitle him to a full hearing in relation to the charges he has made.

Two of the charges, as the gentleman from Florida has already pointed out, are of extreme importance—the murder of Americans during the riot and the suppression of facts by the administration.

I believe it appropriate also to mention an edition of "Spillway," the Canal Zone publication dated Monday, January 20, 1964, which gives a full picture of the riots.

I commend it to the attention of my colleagues.

The articles referred to are as follows:

THANKS EMPLOYEES FOR LOYALTY, RESTRAINT, FORBEARANCE, DEDICATION: GOVERNOR HAILS "MAGNIFICENT RECORD"

Fellow Employees:

With sc much bad news reaching us these troubled days, it is cheering to have one positive report of good news each day. This good news is that the employees of the Panama Canal are continuing to transit ships expeditiously and safely. A magnificent record of sustained service to shipping is being maintained during this troubled period.

I thank the employees of the Panama Canal for their loyalty, restraint, forbearance, and dedication to duty. The lack of communication with our employees has kept them in a state of confusion and perhaps frustration. Conflicting reports and rumors have created tension and excitement.

My message to employees is this: Don't get excited about what you read in the local papers. English language newspapers printed in Panama are Panamanian papers and in all recent reports have been slanted. News favorable to Panama is highlighted. One of these papers for months has been dedicated to encouraging the controversy between Panama and the United States. And when the chips were down and all of us, Panamanians and Americans alike, needed objective reporting, the other one was not much better.

When you read the local newspapers, keep cool and remember that the items you read are calculated to stir you up and get you excited. Now you may ask about the United States press. The first batch of newspapers from the States really clobbered the Zonians. I have been working with correspondents and I believe the tide is changing. The next few days should bring stories from the United States which will be more objective. It is essential that we get the true story before the American public but it takes time and we couldn't do it during the first few days.

During the time of crisis along the borders, the Panama Canal administration could not publish, print, or disseminate news to its employees directly. It was necessary, and I am sure you know why, that only one voice should speak for the United States. Later the Peace Commission of the Organization of American States requested the Governments of the United States and the Republic of Panama to refrain from discussing the events starting Thursday, January 9, in an effort to improve the climate for resumption of relations. The United States has scrupulously observed this request. Our forbearance will earn us allies in the long term.

I do not need to tell you that the American employee of the Panama Canal has been singled out for special attack by many individuals and much of the press and radio media. I have been telling, and most emphatically, representatives of the press and radio that the American employee was not responsible for what has happened. The current conflict springs from something bigger, more basic, than we Americans in the Canal Zone.

Before the existing crisis is completely resolved an examination will be made of the basic causes of United States-Panama differences. To the extent that I am permitted to do so, I will keep the Panama Canal employee informed of what is going on. You can depend on this.

Panama Canal employees may receive more unwarranted criticism before the true facts are established and the United States public better understands the situation. In the meantime, keep your blood pressure down, ignore unfair and slanted publicity, and continue to do your work to the best of your ability. This will be a major contribution from each of you. Again, I thank you for your loyalty and steadfastness.

ROBERT J. FLEMING, Jr.,
Governor.

WHAT REALLY HAPPENED

(NOTE.—This is a factual summary of the events of Thursday, January 9, plus some supplementary information, prepared and written by an experienced professional newspaperman, and printed in the Spillway as a service to its readers. It is not an official report of either the Panama Canal enterprise or of the U.S. Government.)

At about 4:40 p.m. on January 9 an estimated 200 Panamanian high school students, boys and girls, from the Instituto Nacional in Panama City entered the Canal Zone and proceeded up Gorgas Road carrying small Panamanian flags, the Panama National Institute Student Federation banner and the school flag. They also carried several provocative signs such as "Panama Is Sovereign in the Canal Zone." They proceeded in a peaceful manner to the Canal Zone Governor's residence, where they paused and sang the Panamanian national anthem and then went to the Panama Canal Administration Building, down the stairs and past the Goethals Memorial to an area one block from the Balboa High School, shouting "Yankee Go Home" and similar slogans. Here, they were halted by a squad of 10 Canal Zone police officers who had instructions from the Acting Governor, Col. David S. Parker, to stop the students at this point. The Canal Zone police were instructed to use no violence, but to halt the students, so as to avoid an incident.

(Governor Fleming had left the isthmus via Tocumen by air on January 9, 1964, at 5 p.m. en route to Washington for an official appointment with Thomas Mann, Assistant Secretary of State for Inter-American Affairs, and Stephen Ailes, Under Secretary of the Army. On arrival in Miami, he was informed by Balboa Heights of the situation in the Canal Zone and Panama. After consultation with Washington, Governor Fleming returned to the Canal Zone by the first available flight to Panama. He arrived at Tocumen about 3:20 a.m. January 10, 1964, and reached the Canal Zone shortly thereafter.)

The leaders of the Panama student group informed Capt. Gaddis Wall, district police commander, Balboa, that they wished to go to the Balboa High School flagpole for the purpose of raising the Panama National Institute flag (a Panama flag with the school emblem and name in the flag's center) on the pole beside the U.S. flag, which was flying at the time, and to sing their national anthem. After some discussion among and with the students, the group was informed that five Panama students would be escorted by police to the Balboa High School flagpole, where they would be able to have their ceremony and display this flag in front of the flagpole, if they wished. Although the leaders of the group agreed to this proposition, there was considerable opposition to the proposal among the group. The opposition was led by an adult Panamanian, reportedly a Panama schoolteacher.

The five Panamanian students were escorted by the Canal Zone police to the Balboa High School flagpole. A number of Balboa High School students were gathered about the flagpole base. The Balboa High School students and a large group of adult U.S. civilians on the school grounds, who had

gathered from nearby residential areas, joined in the singing of the U.S. National Anthem.

The Panama delegation refused to have a ceremony unless they could have it on the spot occupied by the Balboa High School students, who would not move. The Panama delegation then wanted to raise the Panama school flag on the flagpole where the U.S. flag was flying, and Police Captain Wall refused permission. The Panamanian and Balboa students at the flagpole began exchanging insulting remarks.

Recognizing the tense atmosphere, the Canal Zone police endeavored to convince the five Panamanian students to rejoin the remaining members of their group before an incident could occur, but the students resisted violently. It was necessary for the police detail to forcibly push them from the flagpole. The flag was carried by four Panama students holding it at the top edge. Capt. Gaddis Wall, an eyewitness, made these two statements based on his own observations. No Canal Zone policeman tore or ripped the flag. No U.S. student tore or ripped the flag. There was a tight cordon of Canal Zone police surrounding the Panama students and separating them from the U.S. students. Since there was scuffling, pushing, and physical struggle between the Canal Zone police and the Panamanian students, the four Panama students holding the flag apparently tore it themselves during the scuffle.

The five students with the flag and a Panama National Institute Student Federation banner joined their waiting group, which was surrounded by a cordon of police to keep them separated from the Canal Zone high school students and adults in front of the Balboa High School. The Panamanian group shouted at the police for several minutes. At no time was there any encounter between the large group of Panama students and the students of the Canal Zone, as O'Connor Place Road separated them.

Canal Zone officials had requested the motor transportation division to send buses to the vicinity of Balboa High School, to stand by and provide shuttle transportation to the Republic for the Panamanian student demonstrators. At 5:45 p.m. three large buses were dispatched from the Ancon garage. The buses were parked on Gorgona Road alongside the Balboa High School Activities Building. The Panamanian students were offered this transportation but refused it.

The Panama students, after shouting insults, turned and started up the steep bank and 129 stone steps to the Panama Canal Administration Building. They halted near the dual flagpoles from which the U.S. flag flies beside the flag of the Republic of Panama. At 6:25 p.m., a group of the Panama students made an effort to lower the U.S. flag but were prevented from doing so by several U.S. civilians. With considerable shouting, the Panama students left the area and headed back to Panama City.

As the Panama students passed the Panama Canal Administration Building, they began damaging property. The group proceeded back over Gorgas Road, and en route threw stones. Five windowpanes of glass were broken on the east wing of the Panama Canal Administration Building. Twenty street lights were broken, a sign was torn off the pole in front of the Gorgas Laboratory Building, and approximately 40 louvers were broken in the Panama Canal treasurer's office. All the trashcans along the road were overturned. Many automobiles were stoned and car windows were broken.

The Canal Zone police refrained from making any arrests of the students in order to get the group out of the Canal Zone as quickly as possible.

While this Panama student group was en route to Fourth of July Avenue, the Canal Zone police contacted the Panama National Guard headquarters, and informed them of the situation.

From 6:45 until about 7:15 p.m. the Panama students milled around on Fourth of July Avenue, opposite the Panama National Institute, and large crowds started forming and increased rapidly.

By 7:30 p.m., the Panama mob, now grown to an estimated 2,000, moved north on Fourth of July Avenue and Kennedy Avenue to a point between the Tivoli Guest House and Shaler Triangle. Many of the demonstrators attempted to climb the fence between Kennedy Avenue and the Tivoli Guest House. A Canal Zone police detail at that location repelled them by laying a screen of tear gas along the fence. Three automobiles were turned over and burned by the demonstrators in their march from the Panama National Institute.

Only 19 Canal Zone police were on duty on the whole Pacific side when the Panamanian students entered the Canal Zone. By 7:30 p.m. practically the entire Canal Zone police force, totaling about 85 men, was deployed along the Canal Zone border and by 7:30 p.m. it was apparent the police could not hold the crowds. The police were authorized to use tear gas, and firearms if necessary to protect life.

At about 8 p.m., the Panama mob across from the Tivoli Guest House started to move along President Kennedy Avenue, heading for the Ancon Railroad Station and the freight house. Two Canal Zone police sergeants and eight Canal Zone policemen on duty in this vicinity fell back from the intersection of Frangipani Street and Roosevelt Avenue before the onslaught of at least 3,000. They took up positions between the Panama Canal Sanitation Office and the civilian homes on Frangipani Street.

The mob upset and burned an unoccupied automobile at the intersection of Roosevelt Avenue and Frangipani Street and some of the Canal Zone police advanced and threw all the tear gas they had. The mob was stopped temporarily at this point from advancing further into the Canal Zone and the homes were saved from being overrun.

About 2 or 3 minutes later, part of the mob started to burn and sack the Ancon freight house. Railroad passenger cars were set on fire and windows in the passenger railroad cars were broken. Other elements of the mob started breaking windows as they forced their way into the Ancon Laundry across the street from the railroad station. Several hundred of the mob started toward the Ancon Little Theater, where a rehearsal was in progress, and toward the Ancon housing area. One policeman with a shotgun and three other policemen were sent to protect life and property in that area.

As the mob headed for the residential area on Manzanillo Street in Ancon, the police were authorized to open fire with shotguns and revolvers, shooting over the heads of the mob and on the ground in front of them.

This action, at 8:20 p.m. as nearly as can be determined, was necessary to save lives. It was the first actual firing by Canal Zone police, although by that time seven Canal Zone policemen at that location had been injured in the hail of stones and flying objects directed against them.

For the next 10 minutes, the mob surged back and forth and made several efforts to penetrate the Frangipani Street residential area, but were turned back by tear gas and shots fired over their heads. Small arms fire was heard coming from Panama during this time. Considerable damage was done to the Shaler bus terminal.

The Canal Zone police received numerous reports that Molotov cocktails were being thrown against the U.S. District Courthouse in Ancon. A wire fence within the zone was torn down in front of the U.S. District Court and along Fourth of July Avenue.

Acting Canal Zone Gov. David S. Parker made a personal inspection of the Canal Zone-Panama border in the vicinity of the Tivoli guest house shortly before 8 p.m. His car was stoned twice in the vicinity of the Tivoli guest house. By that time a crowd estimated between 5,000 and 6,000 was gathering along Fourth of July Avenue. Molotov cocktails were being thrown against buildings in the Canal Zone, and a number of cars had been set on fire. The Canal Zone police were having difficulty in holding back the crowds which had penetrated several hundred yards into the Canal Zone, and it was apparent that life and property were in serious jeopardy.

At 7:59 p.m., Acting Governor Parker reported to Gen. Andrew P. O'Meara, commander in chief, U.S. Southern Command, that he was unable to maintain law and order in the Canal Zone with only the police and other civilian authorities. Acting Governor Parker requested General O'Meara to assume command of the Canal Zone.

Within 40 minutes from the time the first shots were fired by the Canal Zone police, U.S. Army personnel arrived at Portobello Street in Ancon. Complete Army control in that area was assumed about 20 minutes later after Brig. Gen. G. L. Mabry, Jr., Director J–3, Plans and Operations, U.S. Southern Command, had completed an assessment of the situation. He directed that no further firing be done unless an attack was made, as the Army was ready to move into that position and take over. Sporadic small arms fire was heard coming from Panama City.

A small group of policemen, sent to the Ancon freight house after the Army arrived, dispersed a mob armed with Molotov cocktails, which were being thrown at the freight house. A Canal Zone fire rig arrived in time to put out the fire at the freight house, caused by the fire bombs.

A Molotov cocktail was thrown through the windshield of an automobile that came out of Panama into the Canal Zone at Frangipani Street, Ancon. The car burst into flames, but the two passengers escaped.

At 9:15 p.m., upward of 1,000 Panama demonstrators proceeded from the Canal Zone-Panama limits into the Canal Zone toward Balboa on Balboa Road. They were stopped initially by an eight-man detail of policemen. The mob threw stones at the police and gunshots were heard. The Canal Zone police fired over the heads of the mob and onto the roadway in front of them in an attempt to stop them. The demonstration continued and was still in progress when the Canal Zone police detail (which had been increased to 30 men) was relieved by a U.S. Army platoon about 10:30 p.m., after the mob had penetrated about 400 yards into the Canal Zone.

The large crowd on Fourth of July Avenue in the area of the H Street intersection in Panama City commenced coming across Fourth of July Avenue at about 9:35 p.m., throwing stones at the home of U.S. District Court Judge Guthrie F. Crowe. The stones broke through the screens and entered the house and were followed by three Molotov cocktails. One fire bomb landed underneath the house, against the wooden latticework, another landed on the front porch, and the third, upstairs inside the house. Despite the continuous hail of rocks thrown by the mob, Judge Crowe and Canal Zone police personnel at the scene succeeded in throwing the Molotov cocktails out of the house and extinguished one burning underneath the house.

Shortly afterward, several more Molotov cocktails were thrown and landed about in the same places as the first. The hail of rocks now was so thick it was extremely dangerous to go anywhere near the fire. Canal Zone firefighters appeared on the scene, but were unable to approach the

house due to the continuous shower of rocks. A small Canal Zone police detail, reinforced by a squad of policemen who fired a number of shots into the air and into the ground, dispersed the rioters, who took cover in buildings across Fourth of July Avenue and down H Street in Panama City. Canal Zone Fire Division personnel went into action and extinguished the blaze at Judge Crowe's home, where only minor damage was done.

The rioters reappeared at 9:55 p.m. and demonstrated for about 2 hours. They burned automobiles they brought out of Panama, as well as cars that had been parked on the side of the road and in garages of the apartment houses in the vicinity. All these cars were pushed onto Fourth of July Avenue after they had been set on fire.

Sporadic shots were heard, apparently coming from buildings in Panama City near the Canal Zone border. From 12:45 a.m. to 3 a.m., January 10, the Canal Zone police furnished support to the military. After 3 a.m., the Canal Zone police were removed from the border and resumed zonal police patrols. At no time during the above events did Canal Zone police enter the Republic of Panama.

During the period of attempting to control the Panama mob at various locations, many Canal Zone police officers received injuries, but none were serious.

The Atlantic side of the isthmus was fairly quiet until 9:05 p.m., Thursday, January 9. When information was received by the Cristobal District Canal Zone police that rioting had broken out in the Balboa district, available personnel were called out and placed at strategic points along the boundary.

At 9:05 p.m. information was received that about 20 Panamanians were proceeding toward the Canal Zone-Panama border at Colon, carrying a Panamanian flag and shouting anti-U.S. insults. In little more than 15 minutes, the group grew to about 1,500 men, women, and children. They marched down Roosevelt Avenue to the Cristobal Administration Building, where, during the day, the Panama flag flies alongside the U.S. flag on dual flagstaffs. Some of the mob went to the second floor of the building and raised the Panama flag, under the surveillance of a riot squad of police.

During the flag raising, Daniel Delgado Duarte, mayor of Colon, accompanied by several members of the Colon Municipal Council, talked to the crowd and aided in averting violence at that time. Several agitators in the mob tried to incite the crowd, but were restrained.

At 9:30 p.m., the mob removed the Panama flag they had previously placed on the Cristobal Administration Building and started dispersing, many shouting insulting remarks as they passed the Cristobal Police Station. The crowd went back to Roosevelt Avenue and, on the way back to Colon, broke windows in two cars parked on the street and the lower windows of buildings along Steamship Row. The mob broke windows on the 11th Street side of the former Cristobal Commissary Building and windows in the Masonic Temple.

National Guard headquarters in Colon was advised that elements of the mob were heading for the U.S. Consulate in Colon, and National Guardsmen were dispatched to that location.

The Colon mob grew in size but was contained by the Colon National Guard until about 10 p.m., when some of the mob broke past and moved up to Balboa Avenue.

Part of the mob moved south on Balboa Avenue into the Canal Zone, breaking windows in the Canal Central Employment Office, License Office, and in the Cristobal Railroad Station. Police held them at that location until troops arrived.

It was reported that windows were being broken at the Cristobal YMCA and that it was being looted. A riot squad of about 10 Canal Zone policemen routed some 50 looters. Four Panamanians arrested inside the building were brought to Cristobal Police Station and charged with participating in a riot. Several policemen were injured by brickbats.

Some Atlantic-side Canal Zone police officers had been injured during the rioting prior to the time the military assumed control.

After the U.S. military assumed command in the Canal Zone, most of the action on the Pacific side of the Isthmus was contained along the Panama-Canal Zone border. On the Atlantic side, the Colon mobs did intense damage. Canal Zone police and U.S. troops were subjected to rock throwing and other attacks. Persistent sniper fire killed three American soldiers and wounded many others, including civilians.

No Americans were involved, except as victims, in the burning, looting, and other violence in Panama. No Canal Zone police or U.S. troops entered the Republic of Panama. Canal Zone residents remained at their residences and did not participate in nor provoke any violence.

Major damage on the Pacific side of the Canal Zone, as of Saturday night, included the following: Tivoli Guest House extensively damaged (persistent sniper fire forced evacuation of Tivoli Guest House Friday night); Ancon School damaged; one flagpole razed at Shaler Triangle, the first Canal Zone site where the Panama flag was raised to fly alongside the U.S. flag; Ancon Laundry damaged; and Canal Zone police booths at Balboa Road, the Limits, and the Ancon Gymnasium destroyed. The fence on Fourth of July Avenue was torn down at numerous places. The Shaler Bus Terminal was wrecked and street light standards on Fourth of July Avenue and Thatcher Ferry Bridge approach were damaged.

In addition, windows were broken in railroad coaches at Panama Railroad Station in Ancon and one coach set afire; all light fixtures on Panama Railroad Station platform were broken; station office records were scattered in the station and on the tracks, shipments in baggage rooms were pilfered; drug shipments were strewn along the tracks; office furniture and files in station office were overturned and scattered; lockers were broken open and vandalized; houses in Gavilan area were stoned; street signs were torn down on President Kennedy Avenue; some outside lights were broken at Gorgas Hospital and ambulances at Gorgas were dented by rocks; and windows were broken in the sanitation division's Ancon office.

The major damage in the Cristobal area included: the Cristobal YMCA, which was gutted by fire; the Masonic Temple, which was abandoned to fire; the sanitation office, which was destroyed by fire, and the Cristobal warehouse which was burned. The Panama Canal personnel bureau offices, the driver license examiner's office, and the nurse's office in the former Cristobal commissary building were left a shambles with all glass broken, furniture and typewriters thrown in the street, and papers strewn about the floor. The baggage room, ticket seller's office, dispatcher's office, yardmaster's office, car inspector's office, shop area, and toilet facilities were destroyed by fire and a shelter in the dock yard 9 outside fenced area was destroyed by fire. A dozen or more ties in the main line track in Colon and an equivalent number of ties on the ladder track also were burned out. As a result of this damage, railroad trains were unable to operate into the Cristobal pier area.

In Panama, within sight of the Canal Zone boundary, rioting mobs, partly students but with many adults, overturned and burned cars, and burned and damaged a number of buildings in Panama, especially those occupied by U.S. firms.

By taking emergency measures the transit operations of the Panama Canal continued uninterrupted. Thirty-one ships transited on Friday; 26 transited on Saturday, and 34 were scheduled to transit Sunday.

Canal Zone Gov. Robert J. Fleming, Jr., commended the outstanding performance of duty by the police officers and the personnel of the fire division, who loyally and courageously served long hours without relief. He spoke of the maturity displayed by nearly all Panama Canal employees, both United States and Panamanian, who stayed with their jobs and kept ships transiting and other essential supporting operations on schedule. Governor Fleming mentioned what a welcome sight the morning train was when it arrived at Balboa Heights Friday morning, as evidence of the organization's determination to continue on.

Background information on the Panamanian student march to Balboa High School on January 9 is given below:

On December 30, 1963, Governor Fleming issued a press release stating that commencing January 2, 1964, the Panamanian flag would be flown alongside the U.S. flag on civilian land areas in the Canal Zone wherever the latter flag was flown by civilian authorities.

This plan was described as implementing an agreement reached earlier in 1963 between the Government of the United States and the Republic of Panama.

The press release of the Governor was printed both in English and Spanish in local newspapers. It stated that both flags were flying at 11 different sites, including Shaler Plaza (near the Panamanian boundary at Ancon, Canal Zone) and at the Thatcher Ferry Bridge, and that 6 additional sites had been selected. It was also indicated that the U.S. flag would not be officially flown alone at certain other sites in civilian communities.

Among the places where the flag would no longer fly was outside Balboa High School. Some students, encouraged by their parents, resented the removal of the U.S. flag from their school.

On the morning of Tuesday, January 7, students ignored the Governor's directive and raised the U.S. flag at the flagpole on the lawn of Balboa High School. An hour later, Civil Affairs Director Bernhard I. Everson, and High School Principal David A. Speir took down the flag and removed it.

A short time later, Balboa High School students gathered outside the school and massed for a demonstration. Some students raised a smaller flag on the flagpole and it was not removed the second time by school officials.

Students who feared the Panama Canal officials might remove the flagpole stood vigil during the night. The next day, students at several other schools also raised American flags.

The student activity with its controversial aspects was printed in detail. The majority of the Spanish language news media twisted the story to make it appear that the Balboa High School students objected to the flying of the Panama flag.

This was the situation which led to the visit to Balboa of the students from Panama's Instituto Nacional on the afternoon of Thursday, January 9, which, as it later turned out, was the catalyst for the violence which started that night.

POLICE COURAGE, RESTRAINT, PRAISED HIGHLY BY JUDGE

JANUARY 13, 1964.

CHIEF E. S. SHIPLEY,
Police Division, Box M,
Balboa Heights, C.Z.

DEAR CHIEF SHIPLEY: I am writing to express my appreciation for the fine work that was done by the courageous men under the direction of Lieutenant Richards at my home

and the courthouse on Thursday night, January 9, when the rioting took place on the border between the Canal Zone and Panama City.

The rioters succeeded in breaking down the storm fence which separated my house and the courthouse from Fourth of July Avenue, and a howling mob of four or five hundred were storming up the hillside and burning my house when a small group of your men came down and went in the house with me and fought the fire and assisted the fire department in extinguishing it.

At the time the mob was attacking the house, it was impossible to get the firetruck and equipment up to the front because the rioters were shooting and throwing rocks, and your men repelled the mob by opening fire and shooting a few bursts of ammunition over their heads. This permitted the firetruck to operate in the house and all of our personal effects were saved. The men performed with the greatest of courage as they were hopelessly outnumbered and very lightly armed.

I have had many years of experience with police officers, first as Commissioner of the Kentucky State Police and later here in the Canal Zone as judge of the district court, and I have never seen men act with more restraint and composure in the face of extremely hazardous duty than the group of men assigned to this area Thursday night. I think you should be extremely proud of them and so should the civil authorities of the Canal Zone. I am forwarding a copy of this letter to the Governor of the Canal Zone and to the Director of Civil Affairs so they may be apprised of the splendid work that you and your men performed.

With kindest personal regards and again expressing my great appreciation, I am,

Yours sincerely,

GUTHRIE F. CROWE,
U.S. District Judge.

PANAMA RIOT INVESTIGATION

Mr. WEAVER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WEAVER. Mr. Speaker, I, too, support the call for an investigation of the Panama riots made by my colleague, the gentleman from Florida.

The article by Mr. Athnos, in the La Crosse, Wis., Tribune, January 30, 1964, if accurate, paints a sordid picture of the position of the United States in Panama. Statements in this article that Panamanians "hanged five Americans" and "cut one more up in little pieces with machetes" cannot be ignored or brushed aside without careful investigation.

Mr. Speaker, I strongly recommend that the House of Representatives take action to investigate these allegations. There have been instances in the past where such acts against U.S. citizens have been minimized or covered up under the guise of peaceful coexistence.

Many of us in the Congress have been concerned with a growing problem—the placing of a secret classification on matters that do not warrant that classification. This device has been used to spare the administration embarrassment. Let us seek the truth and thus strengthen our respect in the eyes of the world.

STATE DEPARTMENT AND ADMINISTRATION GUILTY OF NEWS MANAGEMENT ON PANAMA SITUATION

Mr. HALL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. HALL. Mr. Speaker, I, too, have examined the article written by Mr. Athnos. I am appalled.

If these charges are true the State Department and the administration which directs it, are both guilty of the worst form of news management—that which seeks to keep from the American people facts which would enable them to see firsthand and for themselves the total and complete failure of our weak-kneed foreign policy, or lack thereof.

I join with my colleagues in demanding a complete and thorough investigation of the entire incident of January 9. If Americans cannot live or travel abroad with reasonable guarantees of their safety, then this fact must be made known.

The following, which is taken from Mr. Athnos' article and purports to be a quote from "all" Panamanian radio stations indicates the seriousness of the situation:

Kill the Yankees. Butcher them in the streets. Down with the U.S. murderers. Hunt down all the North Americans and fill the gutters with their blood. Viva, Castro. Viva Fidel.

Mr. Speaker, where is the "will" of our U.S. people? Where is our "gunboat diplomacy" or "big-stick policy"? Where are the U.S. Marines?

PRESIDENT PROPOSES AGRICULTURAL MARKETING COMMISSION

Mr. EVINS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. EVINS. Mr. Speaker, the President's proposed Agricultural Marketing Commission deserves support.

Mr. Speaker, I wish to commend President Johnson on his farm message, delivered to the Congress on yesterday. After having had an opportunity to study this message most carefully, I am convinced that the President is moving in the right direction and on sound ground. The strengthening of our economy and American agriculture and our rural areas, along with urban areas, is important and must go hand in hand.

Mr. Speaker, the President rightly recognizes that our task in agriculture is three fold—to maintain and improve farm income—to use our food abundance to raise our standard of income at home and abroad—and to accelerate the development and conservation of both material and human resources in rural America.

I have long felt that the key to the solution to much of America's agricultural problem is in the marketing process, and I certainly commend especially the President for his proposal to establish a commission to study changes in the marketing system for farm products.

The President's proposal for the establishment of a Agricultural Marketing Commission deserves support.

Changes in agricultural marketing since the end of World War II have been phenomenal. The number of marketing firms at the processor, wholesale and retail levels has declined sharply, while the size of marketing firms has increased. Traditional buyer-seller relationships have been replaced by horizontal and vertical integration of production and marketing functions, contract farming, specification buying and all sorts of new market relationships.

There has been uneasiness on the part of both farmers and consumers concerning changes which have been taking place in the marketing system. The bargaining position of farmers has been seriously weakened in many areas. And consumers, despite the wondrous variety and availability of food products in the modern supermarket, have been concerned about a system dominated by ever fewer large marketing firms.

In terms of complexity and operating efficiency today's marketing system is a marvel of our age. But it has grown so fast and become so complex that our knowledge and understanding have not kept pace with it.

We need a thorough study by a group of competent and impartial experts to help us get answers to some of the questions which perplex us. We need to understand what is taking place in our marketing system so that we can devise public policies and programs to guide it in serving the public interest.

The President's proposal is an important first step in getting this job done. I repeat, there are many salient proposals in the President's message, but I especially would like to emphasize the importance of speedy approval of the President's proposed Agricultural Marketing Commission.

I hope that my colleagues will support this proposal which will benefit not only farmers, consumers, small businessmen, and others—but all segments of our population as well.

THE CIVIL RIGHTS BILL

Mr. LINDSAY. 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 New York?

There was no objection.

Mr. LINDSAY. Mr. Speaker, in certain propaganda being circulated around the country serious charges have been leveled at the pending civil rights bill. The measure has been called unconstitutional. It is said to destroy private property. It has been referred to as a

"blueprint for Federal regimentation." It has been attacked as the "most drastic and far-reaching proposal and grab for power ever to be reported out of a committee of the Congress in the history of our Republic."

Mr. Speaker, these charges are patently untrue. They are such outrageous misrepresentations of the nature of the civil rights bill that they deserve full refutation. The best reply to these unfounded assaults on the bill is contained in part 2 of the committee report accompanying the civil rights bill (H. Rept. No. 914, pt. 2). The additional views on H.R. 7152 by Republican members of the committee, the gentleman from Ohio [Mr. MCCULLOCH], myself, the gentleman from New Jersey [Mr. CAHILL], the gentleman from Kansas [Mr. SHRIVER], the gentleman from Minnesota [Mr. MACGREGOR], the gentleman from Maryland [Mr. MATHIAS], and the gentleman from Iowa [Mr. BROMWELL].

I commend our additional views on H.R. 7152 to the attention of my colleagues and to all Americans interested in a detailed documentation of the reasons for the civil rights bill. In order to give wide circulation to our report and to complete the record on the civil rights debate, I am inserting the report at this point in the RECORD. It is brief and will not take long to read:

ADDITIONAL VIEWS ON H.R. 7152 OF HON. WILLIAM M. MCCULLOCH, HON. JOHN V. LINDSAY, HON. WILLIAM T. CAHILL, HON. GARNER E. SHRIVER, HON. CLARK MACGREGOR, HON. CHARLES MCC. MATHIAS, HON. JAMES E. BROMWELL

GENERAL STATEMENT

No legislation of greater significance to the Nation has come before this Congress in our lifetime than the civil rights bill which the Judiciary Committee now presents to the Members of the House.

The 14th amendment to the Constitution of the United States declares:

"No State shall make or enforce any law which shall abridge the privileges or immunities of the citizens of the United States, nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws" (sec. 1).

"The Congress shall have the power to enforce by appropriate legislation the provisions of this article" (sec. 5).

Almost a century has elapsed since its ratification, yet not since Reconstruction has Congress enacted legislation fully implementing the article. A key purpose of the bill, then, is to secure to all Americans the equal protection of the laws of the United States and of the several States.

The majority report sets forth the purpose, history, and content of the legislation. It spells out the provisions and delineates their scope and application. We subscribe in substance to that report.

There is, however, a need for fuller documentation of the reasons for the bill. The urgency of the measure makes it imperative that its supporters state why it is so important. The omission in the majority report of summary statements on policies and practices which have led to this legislation is an unnecessary distillation of the report.

In these additional views we will point to the need for this civil rights bill. In so doing we are mindful that there are many areas of national concern entirely outside the scope of this legislation.

The bill is a comprehensive measure, but it cannot, nor should we expect it to, be a panacea for all our ills. It will not end racial turmoil. No legislation could do this. Nor can legislation relax all the tensions of our troubled times or wipe clean the blot of racial discrimination from our national conscience.

But this bill can and will commit our Nation to the elimination of many of the worst manifestations of racial prejudice. This is of paramount importance and is long overdue. The practice of American democracy must conform to the spirit which motivated the Founding Fathers of this Nation—the ideals of freedom, equality, justice, and opportunity. The entire Nation must meet this challenge, and it must do it now.

TITLE I—VOTING

More than a hundred years have elapsed since the Negro has been freed from the bonds of slavery. Yet, to this day, the Negro continues to bear the burdens of a race under the traces of servitude. In employment, education, public service, amusement, housing, and citizenship, the Negro has faced the barrier of racial inequality. In other titles of this legislation, we have sought to fashion workable tools to correct this inequity. But perhaps no right is more essential to citizenship than the right to vote.

The secret ballot is the touchstone of representative government. Without it, no other benefit or achievement can be considered secure. This is not to imply that the grant of the franchise will automatically equalize job or other opportunities. But, the ability of the Negro to obtain material benefits and social and political advancement will long be retarded in those communities where he is dispossessed of the right to vote.

In over 250 counties in the United States, less than 15 percent of the voting-age Negroes are registered to vote. What is more shameful is the fact that in certain counties while the white population is exceeded by the number of white inhabitants who are registered, Negroes are either totally or all but totally denied the right to vote. The figures below from sample areas illustrate this problem:

Counties illustrating denial of Negro right to vote

County and race	Population over 21	Registered voters	Percent
A:			
White	2,624	2,810	107.1
Negro	6,085	0	0
B:			
White	1,900	2,250	118.4
Negro	5,122	0	0
C:			
White	1,649	1,979	120.0
Negro	5,001	275	5.5
D:			
White	2,648	3,500	132.1
Negro	1,255	29	2.3
E:			
White	4,116	6,130	148.9
Negro	909	56	6.1
F:			
White	1,974	2,437	125.4
Negro	1,336	3	.2
G:			
White	6,415	5,212	81.3
Negro	5,032	34	.7
H:			
White	2,287	1,571	68.7
Negro	3,533	0	0
I:			
White	1,632	1,070	65.6
Negro	2,235	0	0
J:			
White	2,997	2,225	74.2
Negro	5,172	0	0
K:			
White	640	621	97.0
Negro	1,081	0	0
L:			
White	3,113	3,232	103.8
Negro	3,221	10	.3
M:			
White	3,324	4,025	121.1
Nonwhite	125	0	0

NOTE.—Since a number of other counties could illustrate the problem with equal force, the counties selected have been designated by letters of the alphabet.

Source: U.S. Commission on Civil Rights; 1963 report

In examining the economic, political, and social attainments of Negroes who live in voterless counties, the picture of present-day inequities is glaringly apparent. Educational achievement is pathetically low; jobs are allocated in discriminatory fashion; libraries, playgrounds, and other places of amusement are segregated or nonexistent for the Negroes; access to good restaurants, hotels, and other places of public accommodations are denied to Negroes; treatment of Negroes by police officials and other public servants is frequently hostile, if not brutal.

We do not maintain that these unsatisfactory conditions are laid directly at the door of vote denial. We do say that experience reveals that elected officials strive to aid and protect those who elect them. Strengthened measures to enfranchise the voterless Negro stand to benefit Negro and white together.

In 1957 and 1960 Congress enacted the first civil rights legislation since the Reconstruction era. The primary thrust of this legislation was to guarantee and enforce voting rights. The principal feature of the 1957 act authorized the Federal Government to bring civil injunctive suits to end discrimination in voting practices. The 1960 act permitted the appointing of Federal referees to speed up registration after a pattern or practice of discrimination had been found by a court.

After 5 years of experience, it is clear that these statutes have not been sufficient to end wholesale voter discrimination in many areas.

Part of this failure must be placed upon the Department of Justice. While recognizing that some 40 lawsuits have been instituted by the Department, success has been extremely limited. Some 13,000 additional Negroes have been placed on the rolls in Alabama and about 5,000 in Tennessee. But barely 2,000 in combined total have been added in Florida, Georgia, and North Carolina; and during the same period, about 3,500 Negroes were eliminated from the voting rolls in Louisiana, while Mississippi and South Carolina each succeeded in disenfranchising 500 more Negroes than were registered. In 5 years, then, except for Tennessee, we are presented with the same picture of marginal Negro registration which we faced in 1957.

The entire blame cannot be placed on the Department of Justice. The cost of litigation is high. The nature of the judicial process permits recalcitrant State and county officials to promote delay through the use of legal redtape on both the trial and appellate levels. The employment of involved registration techniques makes proof difficult and evidence hard to obtain. The appointment of a few judges whose public records demonstrate a lack of urgency has heightened the occasions for legal entanglement.

In spite of these factors, we do not believe that enough has been done in the field of voting rights. The Department rightly

maintains that it takes thousands of man-hours to gather the evidence for each case. Yet, it only has about 20 lawyers assigned to voting cases in its Civil Rights Division as opposed to many times this number in other fields. We believe a greater effort should be made to request an increased appropriation for this Division. Meanwhile, the Department should create a task force to do the job. Attorneys must be loaned from other divisions and assigned to work with the Civil Rights Division until more permanent arrangements are made. Assistant U.S. attorneys in the affected districts should also be employed, together with such law students who might be attracted on a voluntary basis to participate in this program.

Certainly, the present situation is most unsatisfactory. Four counties in Florida have less than 3 percent Negroes of voting age registered. Yet, not one voting case has been instituted in the entire State of Florida. Alabama, Louisiana, Georgia, and Mississippi have counties with no registered Negroes but which have not been faced with a suit. Similarly, North and South Carolina have disproportionately low Negro registration in some counties and, yet, suits have been brought in neither of these States.

New means are to be granted in title I to assist the Federal Government in franchising qualified Negroes. But a law without a will to enforce it is a subterfuge. The Department must eliminate the last vestiges of voter discrimination in every county in the country.

The primary method by which title I is intended to assist in voting cases is through the authority granted to the Attorney General to request a three-judge court to hear voting cases. The testimony before the Judiciary Committee substantiated the fact that certain district court judges have been less than enthusiastic in their enforcement of the 1957 and 1960 acts. Evidence was presented that 2 or more years have elapsed in some cases before a decision could be obtained. Many of these decisions must be considered less than victories. Single judges have in some instances refused to act in the face of convincing evidence. We don't wish to argue the merits of those cases here. But we do say that the test of appeal should be expedited. Appeals can and have been taken to the courts of appeals and Supreme Court, but the process is slow and the prolonged denial of constitutional rights is discouraging to those whom the law is supposed to protect.

The committee concluded then that a means should be created to overcome this impasse which, while fully protecting the rights of all parties involved, would speed up the process. The vehicle chosen was the three-judge district court which has been authorized for many forms of action under the Judicial Code since 1903. A three-judge court is composed of, at least, one circuit court judge and at least one district court judge who resides in the district where the action is commenced. The balance and broad range of views that three judges can bring to bear upon a voting case should assure fewer instances of delay and a greater willingness to safeguard the individual's right to vote. In addition, the decisions of three-judge courts are appealable directly to the Supreme Court. By cutting down a layer of appeal, it is our hope that the time will not be long distant when the issue of voter discrimination is behind us.

Closely related to the delays in justice are the intricate methods employed by some State or county voting officials to defeat Negro registration. Among the devices most commonly employed are: (1) the application of more difficult literacy tests to Negroes than whites; (2) dilatory handling of Negro applications and failure to notify applicants of results; (3) employment of subjective character tests such as "good character"; and (4) applying more rigid standards of accuracy to Negroes than whites, thereby rejecting Negro applications for minor errors or omissions.

Testimony shows that Negroes will be given long and difficult parts of the Constitution to read, transcribe, and analyze, while whites will be assigned easy sections. Registrars have been known to aid white registrants but ignore the Negro applicant. Similarly, registrars will overlook minor misspelling errors or mistakes in age or length of residence of white applicants, while rejecting a Negro application for the same or more trivial reasons.

Here, then, is the crux of the problem. For the basic troubles come not from discriminatory laws, but (as the Civil Rights Commission so well expressed in its 1959 report, p. 133) "from the discriminatory application and administration of apparently nondiscriminatory laws."

It is for these reasons that the committee has amended the 1957 and 1960 Civil Rights Acts to provide that, in Federal elections State registration officials must: (1) apply standards, practices, and procedures equally among individuals seeking to register to vote; (2) disregard minor errors or omissions if they are not material in determining whether an individual is qualified to vote; (3) administer literacy tests in writing. If properly enforced, these provisions could close many loopholes in existing laws.

Furthermore, this legislation would put an effective end to the discriminatory use of literacy tests in Federal elections. Where such tests would be used to determine an individual's qualifications to vote, there would be created a presumption that an individual who had completed the sixth grade of school and has not been judged an incompetent shall be presumed to be literate to vote in Federal elections. The literacy presumption, however, is made rebuttable in a court action.

There are those who maintain that the enactment of these provisions conflicts with article I, section 2 of the Constitution and the 17th amendment. Under these, the States are given the right to establish voter qualifications in congressional elections. Similarly, article II, section 1 places the qualifications of presidential electors under the State authority.

In the case of congressional elections, however, article I, section 4 authorizes Congress to regulate the time, place, or manner of holding elections. A review of historical authority reveals that it was intended by this section to extend broad authority to Congress to control the substantive and not merely the mechanical aspects of elections. Furthermore, the Supreme Court has long held that the right to vote in Federal elections is derived directly from the Constitution of the United States and not through the State laws (*U.S.* v. *Classic*, 313 U.S. 299 (1941); *Ex parte Yarbrough*, 110 U.S. 651 (1884)).

Since the restrictions on State voting proceedings in the bill are limited to Federal elections, ample authority exists under section 4 to sustain these items in congressional elections.

In addition, the 15th amendment prohibits a State to deny a citizen the right to vote because of his race or color. State laws which attempt to do so are a direct infringement upon this amendment (*U.S.* v. *Raines*, 362 U.S. 17 (1960)).

Aside from direct infringements, such as through legislative means, the amendment also prohibits contrivances by States or State officials to deny the equal voting rights of all citizens. "Sophisticated as well as simple-minded modes of discrimination" are forbidden, and the use of "onerous procedural requirements" which handicap the exercise of the franchise are also prohibited (*Lane* v. *Wilson*, 307 U.S. 268 (1939); *Guinn* v. *U.S.*, 238 U.S. 347 (1915)).

Through the use of the 15th amendment, Congress is vested with the authority in section 2 to enact appropriate legislation to enforce the provisions of the amendment. Under standard constitutional interpretation, Congress has the power to enact necessary legislation to remove obstructions to the fulfillment of the intent and purposes of the amendment (*James Everard Breweries* v. *Day*, 265 U.S. 545, 1924). Since wide-ranging evidence has been produced before Congress and other executive agencies of Government that literacy tests and other State voter-qualification standards and procedures have been regularly used by some States to deny people the right to vote because of their race or color, Congress has the authority to eliminate such denials through legislative means. This, moreover, would not only cover congressional elections, but elections for presidential electors and State elections. The fact that, in title I, Congress is limiting its action to Federal elections can only be interpreted to mean that it has not chosen to exercise its full authority in the field of voting at this time.

Under the "equal protection" clause of the 14th amendment, Congress also has the authority to enact the voting provision of title I. Actions by State registrars to use literacy tests and other qualification standards in a manner which disenfranchises Negroes, while the same tests and standards are applied to white citizens in a different and more lenient manner, constitutes a denial of equal protection (*Davis* v. *Schnell*, 81 F. Supp. 872 (S.D. Ala., 1949), aff'd 336 U.S. 933 (1949); *Cooper* v. *Aaron*, 358 U.S. 1 (1958)). In this regard, Congress can, under section 5 of the 14th amendment, enforce the clause by appropriate legislation (*Virginia* v. *Reves*, 100 U.S. 313 (1879), *Ex parte Virginia*, 100 U.S. 339 (1879)). Faced with the same findings of denial of voting rights to Negroes, as was indicated above, Congress may properly enact the provisions contained in title I.

Finally, article I, section 8 affords Congress wide scope to devise "necessary and proper" means for carrying out the purposes of the Constitution. Since the 14th amendment forbids disenfranchisement on racial grounds, and the 15th amendment commands equal protection of the laws, Congress can under this section fashion reasonable tools for protecting the constitutional rights of American citizens.

It is our hope that the enactment of these provisions and the three-judge court proposal will insure speedy and effective remedies for the ills of voter discrimination.

TITLE II—PUBLIC ACCOMMODATIONS

Another signpost of freedom must be extended to the Negro if he is to overcome racial inequality and if our country is to live up to its national ideals. This is the opportunity for every individual, regardless of the color of his skin, to have access to places of public accommodations. This right is so distinctive in its nature that its denial constitutes a shocking refutation of a free society.

The impact of this inequity is not confined to our citizens and our shores. Many representatives of foreign governments have experienced at first hand this condition. Secretary of State Rusk, in testifying before

a Senate Commerce Subcommittee, described the case of an ambassador of an African country, who, when taking a trip, was confronted with a canceled hotel reservation because of his color. Several other Ambassadors and lesser diplomatic officials have been denied service at restaurants while traveling about the country. Beaches, swimming pools, theaters, and similar places of accommodation and amusement have similarly been closed to foreign officials.

This form of discourtesy, if not hostility, has not been confined to diplomatic personnel. Students, representatives of private organizations, and other guests to this country have been equally insulted.

Our Nation is engaged today in cold war combat with an alien ideology. On every front—military, economic, political, and social—we must demonstrate the worth of our system. To do this, we need every ally we can obtain. Therefore, when representatives of other nations meet enmity and rejection from operators of public establishments on our soil, they carry away feelings of enmity and rejection themselves. There is little doubt that American citizens would react the same way if confronted in like manner in a foreign land. The result of this cannot but undermine our foreign policy.

We do not intend, however, to rest the need for public accommodations legislation on foreign policy. As stated earlier, the badge of citizenship—extended to Negro as well as white by the 14th amendment—demands that establishments that do public business for private profit not discriminate on grounds of race, color, national origin, or religion.

An official of the National Association for the Advancement of Colored People testified before the Senate Commerce Subcommittee as follows:

"For millions of Americans this is vacation time. Swarms of families load their automobiles and trek across country. I invite the members of this committee to imagine themselves darker in color and to plan an auto trip from Norfolk, Va., to the gulf coast of Mississippi, say, to Biloxi; or one from Terre Haute, Ind., to Charleston, S.C., or from Jacksonville, Fla., to Tyler, Tex.

"How far do you drive each day? Where and under what conditions can you and your family eat? Where can they use a rest room? Can you stop driving after a reasonable day behind the wheel or must you drive until you reach a city where relatives or friends will accommodate you and yours for the night? Will your children be denied a soft drink or an ice-cream cone because they are not white?"

In response to Senator PASTORE's question as to what the Negro must do, there was the reply:

"Where you travel through what we might call hostile territory you take your chances. You drive and you drive and you drive. You don't stop where there is a vacancy sign out at a motel at 4 o'clock in the afternoon and rest yourself; you keep on driving until the next city or the next town where you know somebody or they know somebody who knows somebody who can take care of you.

"This is the way you plan it.

"Some of them don't go."

Daily we permit citizens of our Nation to be humiliated and subjected to hardship and abuse solely because of their color.

Equally unendurable is the knowledge that this treatment is not limited to travelers. In habitants in local communities—citizens who are longtime residents, taxpayers, leaders in their locales—are similarly denied access to restaurants, hotels, gasoline stations, theaters, and similar establishments. Their money is gladly taken at the supermarket, variety shop, or department store. But, to buy a meal, cold drink, or a bit of entertainment and the cold hand of rejection stares them in the face.

On moral grounds, and from the standpoint of upholding human dignity, the U.S. Congress cannot tolerate such practices. In many other areas of life, Congress has enacted legislation on social and moral grounds. Kidnaping, child labor, prostitution, gambling, abuse of migrant labor, slave labor, adulterated food and drugs, mislabeling, and many other unacceptable activities have been legally proscribed by Congress. There is ample authority and equal justification for action here.

Similarly, Congress has the constitutional right to eliminate segregation or discrimination in places of public accommodation under the 14th amendment.

Section 201(d) precludes racial discrimination or segregation among the same categories of business as those covered by the commerce clause. Thus, hotels, motels, restaurants, gasoline stations, department stores (operating a lunch counter), and similar establishments may not deny service to Negroes if such denial is carried on under color of State or local law, or if a State or political subdivision requires, fosters or encourages discrimination or segregation. In addition, every form of public accommodation, covered through section 201 or not, is prohibited under section 202 from discrimination or segregation if denial of services is required by State or local law.

Pursuant to the "equal protection" clause of the 14th amendment, the Supreme Court has definitely established that a State may not legally require the segregation of places of public accommodation (*Peterson* v. *City of Greenville*, 373 U.S. 244 (1963)). Moreover, where a State makes segregation a public policy (*Lombard* v. *State of Louisiana*, 373 U.S. 267 (1963)); or where it seeks to utilize the police authority to uphold segregated laws or policies (*Wright* v. *State of Georgia*, 373 U.S. 284 (1963), *Garner* v. *Louisiana*, 368 U.S. 157 (1961)), Congress has authority and an obligation to proscribe such activities.

It is argued that the enactment of title II invades rights of privacy and of free association. In respect of the right of privacy, it seems ludicrous to pursue this form of argument since the types of establishment involved in title II are those regularly held open to the public in general. The fact that 32 States have also enacted public accommodations laws—frequently broader in context than this, and pursuing the reasoning of the old common law principle that inns and way stations were open to all, there seems little support for the "right of privacy" argument.

Turning to the "freedom of association" contention, there is little basis for urging this principle in behalf of owners of business who regularly serve the public in general. This "freedom" can only be claimed by the party of interest—the owner, not the customer; and the owner of a public establishment, as above mentioned, is hardly in a position to raise it. Moreover, where freedom of association might logically come into play as in cases of private organizations, title II quite properly exempts bona fide private clubs and other establishments. Finally, it must be said that even if freedom of association is considered to be affected to some degree by the application of title II, there is no question that the courts will uphold the principle that the right to be free from racial discrimination outweighs the interest to associate freely where those making the claim of free association have knowingly and for profit opened their doors to the public.

If we consider the matter solely in commerical and economic terms, we can also substantiate the need for title II. As was so aptly stated, "Some of them don't go." The strain of traveling long distances without respite, the nagging uncertainty of locating a decent place to eat or sleep, or the fear of finding oneself on a lonely road at night with car trouble and no place to turn for assistance has forced innumerable families and individuals to stay at home. The following table presented to the Senate Commerce Subcommittee by officials of the Commerce Department reveals the distances between certain selected cities that a Negro must travel to find a reasonably acceptable place of lodging:

TABLE I.—*Illustrative trip, Washington, D.C., to Miami, Fla., and Washington, D.C., to New Orleans, La., showing location of hotel-motel accommodations of "reasonable" quality readily available to Negroes*

	Route	Miles
Washington, D.C., to Miami, Fla.:		
Washington to Petersburg, Va.	U.S. 1 and 301.	135
Petersburg to Raleigh, N.C.	U.S. 1	150
Raleigh, N.C., to Columbia, S.C.	U.S. 1	185
Columbia to Savannah, Ga.	U.S. 1	116
Savannah to Jesup	U.S. 301	65
Jesup to Jacksonville, Fla.	U.S. 17	100
Jacksonville to Ormond Beach.	U.S. 1	142
Ormond Beach to Miami	U.S. 1	232
Total mileage, Washington to Miami.		1,125
Average miles between locations.		141
Washington, D.C., to New Orleans, La.:		
Washington, D.C., to Columbia, S.C. (including stops shown above).		470
Columbia to Atlanta, Ga.	U.S. 29	215
Atlanta to Tuskegee Institute, Ala.	U.S. 29	134
Tuskegee Institute to Mobile, Ala.	U.S. 29 and 31	250
Mobile to New Orleans, La.	U.S. 90	148
Total mileage, Washington to New Orleans.		1,217
Average miles between locations.		174

The effect of these distances of "no man's" land that must be crossed before a sanctuary can be found is ample evidence that travel among persons of dark skin is sizably reduced. In a related manner, testimony was presented before the House Judiciary Subcommittee by an official of the International Brotherhood of Teamsters, that Negro truckdrivers are not sent on overnight trips in certain areas of the country because of a lack of rest accommodations. Likewise, even though regulations of Government prescribe otherwise, many Negroes are subjected to or fear discrimination in railroad, bus, and airlines terminals—thereby reducing interstate travel. Without question, these denials have an immediate and measurable effect on curtailing interstate commerce.

Turning to another example of impediment upon interstate commerce, the Commerce Department presented statistical evidence of the imbalance between Negroes and whites—within the same income classes—in expenditures for admissions to recreational facilities, food eaten away from home, and automobile operations. This imbalance exists to a limited extent throughout the country, but it is significant that the greatest disparity occurs in those areas where places of public accommodation are widely segregated.

TABLE II.—*Average family expenditure for admissions, food eaten away from home, and automobile operations, for 3 income classes, large northern and southern cities, by race, 1950*

Income class and region	Admissions			Food eaten away from home			Automobile operation		
	Negro	White	Negroes percent of whites	Negro	White	Negroes percent of whites	Negro	White	Negroes percent of whites
$2,000 to $3,000:									
Large northern cities	$31	$29	107	$148	$184	80	$52	$86	60
Large southern cities	$23	$31	64	$113	$194	58	$52	$95	55
Northern expenditures as percent of southern	135	81	--------	131	95	--------	100	91	--------
$3,000 to $4,000:									
Large northern cities	$45	$37	122	$138	$170	81	$67	$158	42
Large southern cities	$37	$39	95	$117	$180	65	$86	$170	51
Northern expenditures as percent of southern	122	95	--------	118	94	--------	78	93	--------
$4,000 to $5,000:									
Large northern cities	$57	$48	119	$182	$234	78	$148	$220	67
Large southern cities	$39	$45	87	$166	$257	65	$136	$225	60
Northern expenditures as percent of southern	146	107	--------	110	91	--------	109	98	--------

Source: "Study of Consumer Expenditure Income and Saving," tabulated by Bureau of Labor Statistics, U.S. Department of Labor, for Wharton School of Finance and Commerce, University of Pennsylvania, Philadelphia, Pa., 1956–57.

Still another burden on commerce involves the many instances in which existing business has been retarded or new business discouraged in an area where public accommodations are not open equally to all races. This drag upon the expansion of business occurs even in those communities where such segregation has not caused reaction. But, it is particularly evident in those areas where protest occurs. And, it is obvious that protests are going to continue and increase in response to human reaction. Educated college students, returning military veterans, professionals, and skilled workers, longtime residents and newly arrived inhabitants from more tolerable climates are little inclined to this day and age to sit back with folded hands at the prospect of closed doors, white-only lunch counters, insolent reservation clerks, and the rest.

In Atlanta, Ga., intermittent demonstrations occurred during 1960 and 1961 and during the same period department store and other sales were frequently off 10 percent or more. In the same period, sales were down in Savannah, Ga., by as much as 50 percent during lunch counter sit-in demonstrations. The same has occurred in the past few years to a lesser or greater extent in Columbus, Ga.; Cambridge, Md.; Charlotte, N.C.; Tallahassee, Fla.; Jackson, Miss.; Danville, Va.; Nashville, Tenn.; and many other places. Earlier, Little Rock, Ark., witnessed a complete stoppage of industrial investment following the riots of 1957, although such investments averaged many millions in the years preceding the riots. Equally significant, investment by industry throughout the whole State of Arkansas declined by almost 25 percent in the same period—thereby demonstrating that a local disturbance can affect the commerce of an entire State, region, and the country. Most recently, the segregation of public accommodations and other sources of racial unrest in Birmingham, Ala., have induced many businesses to reconsider their plans to move into or to expand their existing operations in the area.

Closely associated with a general downturn in business, which occurs with resentment and concern over racial discrimination is the heightened difficulty many businesses face in attracting experienced personnel from other areas. Boeing Co. and Kaiser Aluminum have reported facing a difficult task in attracting skilled help in their New Orleans operations. Faculty positions at the universities of Mississippi and Arkansas have been terminated or hard to fill because of resentment over local discriminatory practices. The Alabama Medical Center at Birmingham has had difficulty in attracting topflight scientists, in spite of an expansion of facilities, for reasons of a similar nature.

Many additional forms of evidence can be produced to support the fact that resentment and bitterness produced through segregated public accommodations exerts a pronounced adverse effect on interstate commerce. Planned conventions in many cities are canceled while others are automatically scheduled elsewhere because of segregation. The assignment of military personnel is affected or, if assignments take place, they have a direct effect on the morale and reenlistment rate of those who, together with their families, suffer the hardships of discrimination.

Title II of H.R. 7152 seeks to prohibit anyone from denying or interfering with another's right, because of race, religion, color, or national origin to have access to places of lodging, eating establishments, places of entertainment and amusement, gasoline stations, and other places located within or housing such named establishments. From the factual data presented above, there seems no doubt that the continued segregation of these categories of business have a direct and immediate effect upon interstate commerce. And, there is also no doubt that Congress has the constitutional authority to enact legislation to prohibit such segregation.

Congress has the authority to prohibit segregation in interstate and intrastate common carriers and terminal facilities (*Mitchell* v. *U.S.*, 313 U.S. 80 (1941); *Henderson* v. *U.S.* 339, U.S. 816 (1950); *Boynton* v. *Virginia*, 364 U.S. 454 (1960); *Baldwin* v. *Morgan*, 278 F. 2d 750 (C.A. 5, 1961)).

The courts have long upheld the right of Congress to enact legislation which would eliminate causes of disruption of the free flow of interstate commerce. Previously, we discussed how, utilizing the commerce clause, Congress can curtail social and moral abuses. The Fair Labor Standards Act and child labor laws are certainly examples of this. By the same means, Congress has widely resorted to the commerce clause to correct economic abuses. In doing so, it has instituted and the courts have upheld Government regulation of local activities when they have had an effect on interstate commerce.

The 1942 decision of the Supreme Court in *Wickard* v. *Filburn*, 217 U.S. 111 (1942) is noteworthy. Under the Agricultural Adjustment Act of 1938, Filburn harvested 239 more bushels of wheat than he was authorized. Even though the wheat was for consumption on the farm, the Supreme Court upheld the penalization of Filburn. The theory the Court rested upon might be labeled the "aggregate" theory. That is, the excess production by one farmer might not have an effect on the Nation's wheat market, but the overproduction by the aggregate of American wheat farmers certainly would have had disastrous results. By the same theory, denial of a motel accommodation to one Negro traveler might be insignificant as far as damaging interstate commerce. But the denial, if extended to 20 million Negroes would and does cause a significant disruption of interstate commerce.

Following the same line of thought, Congress has imposed pure drug regulations on local druggists, *U.S.* v. *Sullivan*, 332 U.S. 689 (1947); milk regulation on dairymen, *U.S.* v. *Wrightwood Dairy*, 315 U.S. 110 (1942); and similar supervision over retail auto dealers, tobacco growers, meat dealers, stockbrokers, and many more.

Under the same theory, the antitrust laws have been enacted, upheld, and widely applied. The Sherman, Clayton, Robinson-Patman, and Federal Trade Commission Acts are all largely tied to the concept that artificial restrictions upon local markets can, if permitted to go unchallenged, ultimately interfere with intestate commerce. Practically every category of business has felt the bite of the antitrust laws, including local bakeries, *Moore* v. *Mead's Fine Bread*, 348 U.S. 115 (1954); local contractors, *U.S.* v. *Employing Plasterers Association*, 347 U.S. 186 (1954); local liquor dealers, *Hanf* v. *U.S.*, 235 F. 2d 710 (C.A. 8, 1956), certiorari denied, 352 U.S. 880 (1956). In direct association with the categories of coverage of title II, the courts have upheld Federal antitrust regulation of motion pictures, *U.S.* v. *Crescent Amusement Company*, 323 U.S. 173 (1944); *Interstate Circuit* v. *U.S.*, 306 U.S. 208 (1939). Legitimate theaters have been covered as in *U.S.* v. *Shubert*, 348 U.S. 222 (1955); while professional sports have been included in such decisions as *U.S.* v. *International Boxing Club*, 348 U.S. 236 (1954), and *Radovich* v. *National Football League*, 352 U.S. 445 (1957).

Pursuant to the same theory, but also tied in with the concept of social burden, Congress enacted the National Labor Relations Act, the Fair Labor Standards Act and similar pieces of legislation. Taking the NLRA, for example, there developed a general revulsion against the violence and turmoil that resulted from labor unrest. A continuation could have caused havoc to our political and social structure. At the same time, however, labor unrest was, through work stoppages and slowdowns, producing a recognized impediment to interstate commerce—and thereby the national economy. In the case of *NLRB* v. *Jones and Laughlin Steel Corporation*, 301 U.S. 1 (1936), the NLRA was upheld and the Government was given sanction to take jurisdiction over intrastate businesses which had an effect, even if indirect, upon interstate commerce. See also *NLRB* v. *Fainblatt*, 306 U.S. 601 (1945).

Since the validity of the NLRA has been sustained, practically every category of business has become involved and, generally, the type and size of business which would regularly be considered intrastate in nature. Retail meat markets, *Meat Cutters* v. *Fairlawn Meats*, 353 U.S. 20 (1957); retail auto dealers, *Howell Chevrolet Company* v. *NLRB*, 346 U.S. 482 (1953); local fuel dealers, *NLRB* v. *Reliance Fuel Corporation*, 371 U.S. 224 (1963); and many others. Directly related to those categories specified in title II, places of lodging have been covered, *Hotel Employees* v. *Leedom*, 358 U.S. 99 (1958); also, department stores, *May Department Stores Company* v. *NLRB*, 326 U.S. 376 (1945); and theaters, *NLRB* v. *Combined Century Theaters*, 278 F. 2d 306 (C.A. 2, 1960).

Finally, the Fair Labor Standards Act was enacted by Congress with the same social

and economic principles in mind as the National Labor Relations Act. In the same manner, the Court upheld the right of Congress to regulate intrastate activities which have a direct bearing on interstate commerce. 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 Co.*, 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 Co.*, 327 U.S. 173 (1946); wrecking and towing services on turnpikes, *Crook* v. *Bryant*, 265 F. 2d 541 (C.A. 4, 1959).

Therefore, whether it be the desire to encourage greater Negro travel in interstate commerce, elimination of turmoil which discourages the flow or the transfer and exchange of financial wealth and personnel in interstate commerce, or other impediments to the free flow of goods in interstate commerce, Congress possesses adequate constitutional authority to enact title II. This is especially so when its purpose is linked with the desire to correct moral abuse.

Naturally, we would prefer that the desegregation of public facilities take place on a voluntary basis. Persuasion and commonsense have been instrumental in lowering the color bar in many communities. This voluntary form of behavior will, we hope, continue and grow. But experience has taught that persuasion alone will not suffice. Particularly in a community where a leading hotel or restaurant, for example, holds out, its competitors are reluctant to proceed for fear of economic damage. Thus, in many areas the process must be begun by legal action or the threat of legal action. However, experience has also taught that, once the process is started, the movement toward desegregation advances smoothly and rapidly. Furthermore, example after example has shown that any initial decline in business that many occur with desegregation is readily overcome and business thereafter climbs to new peaks.

For these many reasons, then, we believe that title II represents sound legislation and provides the means for overcoming one of the greatest irritants to racial equality that exists in our Nation today.

TITLE III—DESEGREGATION OF PUBLIC FACILITIES; CIVIL ACTION FOR DEPRIVATION OF RIGHTS

This title, which is an extension of existing law in 42 U.S.C. 1883 and 42 U.S.C. 1885 is a valid and necessary implementation of the 14th amendment.

The U.S. Supreme Court, since 1954, has uniformly struck down State or local government laws and policies which segregate publicly owned or operated facilities. In *Johnson* v. *Virginia*, 373 U.S. 61 (1963), the Court stated that "it is no longer open to question that a State may not constitutionally require segregation of public facilities." In the case of *Wright* v. *Georgia*, 373 U.S. 284 (1963), it was held that a municipality could not arrest and prosecute Negroes who were peaceably seeking the use of city owned and operated facilities. The municipal judge in the Georgia case found that while their conduct had been orderly, their conduct could have provoked a breach of the peace by others. The Supreme Court, in reversing, declared that the mere "possibility of disorder by others cannot justify exclusion of persons from a place if they otherwise have a constitutional right to be present." Similarly, in *Watson* v. *City of Memphis*, 373 U.S. 526 (1963), the protestors were charged with breach of the peace and disorderly conduct. The Court in this case ordered a prompt desegregation of the public facilities that were involved stating that the "basic guarantees of our Constitution are warrants for the here and now and, unless there is an overwhelmingly compelling reason, they are to be promptly fulfilled." However, as the hearings have indicated, there is still a crying need for the opening up of tax-supported facilities to Negroes in certain sectors of this Nation.

With solid Court support for the principle of public facilities open to all, we have sought in title III to authorize the Attorney General to uphold the rights of the individual where he is unable to protect himself. However, in order to avoid the Attorney General from becoming a gratuitous public counsel for all who claim a denial of equal protection of the laws, this provision is worded to circumscribe the Attorney General's activities to only these most necessitous of circumstances. Not only must the complainant be unable to initiate and maintain legal proceedings for defined reasons, but the Attorney General must find that the institution of an action will materially further the public policy of the United States.

In section 302, there is provided authority for the Attorney General to intervene in cases where an individual claims a denial of equal protection of the laws because of race, color, religion, or national origin. These provisions are vitally necessary if all Americans are to enjoy the equal protection of the laws. It is true that there are now in existence Federal civil statutes which allow the victims of civil rights violations to institute actions for money damages against those who violate their rights. Injunctive relief is also available against government officials who interfere with or deny to an individual his constitutional rights. Unfortunately, however, these remedies are only available to private persons who are able through their own resources to obtain justice.

It is anticipated, however, that the Attorney General will need to intervene in certain key areas. Among these will be restraints by local officials upon the right of free speech, assembly, and petition, as well as the previously discussed suits to end discrimination in public facilities. In addition, attention must be given to denials of equal protection of the law by local officials who force segregation or who, in the administration of justice, treat individuals differently because of race, color, religion, or national origin.

The hearings before the subcommittee this year are replete with narrations of police inequality to civil rights demonstrators. Though being perpetrated by only a very small portion of the police in a limited area of the country, these acts constitute a frightening violation of constitutional rights. The Civil Rights Commission has substantiated many of these claims, and has found a definite pattern of police abuse of civil rights protestors in Jackson, Miss., and Birmingham, Ala. Such abuse has been manifested not only in the violence used to dispel the demonstrations, but in the mistreatment of those arrested. Whether such abuse was dealt out to Negroes, a minority group, or to whites, it violates the 14th amendment in either case. As held in *Lynch* v. *U.S.*, 189 F. 2d 476 (C.A. 5, 1951), cert. den., 342 U.S. 831 (1951), persons under arrest have a right to be tried and punished in the same manner as others accused of crime, and they have an equal right to protection from injury by officers having them in their charge. An injustice done to one person is an injustice to all.

Failure to provide adequate protection to persons asserting their constitutional rights itself is an invasion of the Constitution. When police failed to protect freedom riders in Montgomery in 1961, a Federal district court said:

"The failure of the defendant law enforcement officers to enforce the law in this case clearly amounts to unlawful State action in violation of the equal protection clause of the 14th amendment" (*United States* v. *U.S. Klans*, 194 F. Supp. 897 (H.D. Ala., 1961)).

But the Constitution is not self-executing in the protection of individual rights. Implementing legislation is required if the Federal Government is to have the power to protect their rights.

The rights of free speech, assembly, and petition are subject to reasonable regulation and control under the police power of the States, but State laws or orders which are discriminatory in effect must be struck down by the courts as a clear violation of the 1st and 14th amendments. In a similar manner, there is much evidence that equal protection of the laws in this area has been denied by the action of local officials who harass peaceful demonstrators by arrest and prosecution. The Civil Rights Commission has found in Jackson and Birmingham not only a pattern by police to maintain segregation and to suppress protest, but support for that policy by the local prosecutors and courts. There is much evidence that such practices are also maintained in other cities. That such official action is violative of the Constitution was again reiterated this year by the Supreme Court in *Edwards* v. *South Carolina*, 372 U.S. 229 (1963). Here, a group of Negro demonstrators, who were making known their grievances to the State legislature and the public, were arrested and convicted for breach of the peace. The Court, finding that the demonstrators had been orderly, had not obstructed traffic, and that there had been no threat of uncontrollable violence from bystanders, reversed the convictions. "[I]n arresting, convicting, and punishing the petitioners under the circumstances disclosed by this record, South Carolina infringed the petitioner's constitutionally protected rights of free speech, free assembly, and freedom to petition for redress of grievances" (p. 235). The Court concluded that the exercise of the first amendment freedoms could not be abridged "* * * unless shown likely to produce a clear and present danger of a serious evil that rises far above public inconvenience, annoyance, or unrest" (p. 237).

No man should be forced to bear unwarranted discrimination and thus be denied the equal protection of the law because he cannot fully invoke in a court of law the constitutional protections that are his by right.

TITLE IV—EDUCATION

On May 17, 1954, the Supreme Court of the United States in the momentous *Brown* v. *Board of Education* decision held that enforced racial segregation in public education is a denial of the equal protection of the laws guaranteed under the 14th amendment to the U.S. Constitution and of the due process of law required by the 5th amendment. Overturning the heretofore constitutional "separate but equal" doctrine, the Court held that "separate educational facilities are inherently inequal." The Court said that the opportunity for an education, "where the State has undertaken to provide it, is a right which must be made available to all on equal terms."

In implementing the decision of the Supreme Court, we urge the Congress to be guided by two fundamental premises: (1) The American system of public education—an essential bulwark of a democratic system of government—should be preserved unimpaired; (2) the constitutional right to be free

from racial discrimination in public education must be realized.

A number of communities—in response to the Court decision—took immediate steps to implement desegregation in the public schools. Greatest initial progress in the 17 States and the District of Columbia which had required segregation occurred in metropolitan areas (Washington, Baltimore, Wilmington, St. Louis, and Kansas City, Mo.) and in the border States: Missouri, Oklahoma, Maryland, West Virginia, and parts of Texas. Desegregation in these areas was accomplished largely without incident.

The chart to the right outlines the early progress in the desegregation of school districts.

By the close of the school year 1956–57, a total of 699 southern and border school districts had implemented desegregation plans. Significantly, only 9 of the 699 acted under the compulsion of Court order. By May 1959, there were 797 desegregated biracial districts—a small fraction of the number of districts which could be desegregated.

The period 1959–61 was marked by two significant trends which slowed the pace of school desegregation. Progress was hampered by consolidation of school districts and by the failure to implement desegregation plans.

The following chart indicates that heavy consolidation of school districts occurred in Delaware, Georgia, Kentucky and especially Missouri, Oklahoma, and Texas which caused a reduction in the number of biracial districts. The reduction which occurred in Missouri and Oklahoma caused a decline in the total number of desegregated school districts.

TABLE 1.—*Progress in desegregation of school districts, 1954–59*

	Total number of school districts, 1958–59	Total biracial districts—both segregated and desegregated, 1958–59	Number of districts newly desegregated in school year beginning September					Total desegregated, May 1959	Number desegregated by court order	Number segregated, May 1959
			1954	1955	1956	1957	1958			
Alabama	113	113	0	0	0	0	0	0	0	113
Arkansas	423	228	2	2	1	4	0	9	1	219
Delaware	97	57	13	0	1	0	0	14	2	43
District of Columbia	1	1	1					1	0	0
Florida	67	67	0	0	0	0	0	0	0	67
Georgia	200	198	0	0	0	0	0	0	0	198
Kentucky	215	175	0	37	71	8	7	123	7	52
Louisiana	67	67	0	0	0	0	0	0	0	67
Maryland	24	23	1	8	11	3	0	23	2	0
Mississippi	151	151	0	0	0	0	0	0	0	151
Missouri	3,600	243	114	39	40	16	2	211	0	32
North Carolina	172	172	0	0	0	3	1	4	0	168
Oklahoma	1,469	271	0	124	70	22	22	238	4	33
South Carolina	107	107	0	0	0	0	0	0	0	107
Tennessee	152	141	0	1	1	1	0	3	2	138
Texas	1,650	722	1	73	48	1	1	124	0	598
Virginia	129	128	0	0	0	0	4	4	4	124
West Virginia	55	43	22	13	5	3	0	43	4	0
Total	8,692	2,907	154	297	248	61	37	797	26	2,110
Number acting under court order, by years			2	3	4	9	9			

Source: From the Report of the U.S. Commission on Civil Rights, 1959, p. 296.

TABLE 2.—*Progress in desegregation of school districts, 1959–61*

	Total school districts, 1960–61	Total biracial districts—segregated and desegregated, 1960–61	Desegregated, May 1959	School districts		Desegregated by court order, 1959–61	Desegregated, May 1961	Segregated, May 1961
				1959–60	1960–61			
Alabama	114	114	0	0	0	0	0	114
Arkansas	422	228	8	1	1	0	10	218
Delaware	93	50	13	7	5	3	24	26
District of Columbia	1	1	1	0	0	0	1	0
Florida	67	67	0	1	0	0	1	66
Georgia	198	196	0	0	0	0	0	196
Kentucky	211	170	123	6	0	0	128	42
Louisiana	67	67	0	0	1	1	1	66
Maryland	24	23	23	0	0	0	23	0
Mississippi	151	151	0	0	0	0	0	151
Missouri	1,889	214	200			0	200	14
North Carolina	173	173	4	3	3	1	10	163
Oklahoma	1,276	241	187	0	2	0	189	52
South Carolina	108	108	0	0	0	0	0	108
Tennessee	154	143	3	1	2	3	6	137
Texas	1,531	720	124	3	1	1	128	592
Virginia	130	128	4	2	5	4	11	117
West Virginia	55	43	43	0	0	0	43	0
Total	6,664	2,837	733	24	20	13	775	2,062
Percent			25.8				27.3	72.7

Source: From U.S. Commission on Civil Rights Report on Education, 1961, p. 236.

A second factor was responsible for the decrease in the total number of desegregated school districts from 797 in 1959 to 775 in 1961. Although desegregation had taken place in 44 school districts during that period, a number of school districts which had commenced desegregation either reverted to segregation or failed to take any steps to carry out their own desegregation policy. It is also clear that as opposition to the Supreme Court decision hardened there has been an increased reliance on court action creating the necessity for the Attorney General to intervene as a friend of the Court.

TABLE 3.—*Status of desegregation of school districts, 1962–63 (Aug. 1, 1963)*

	Total school districts, 1962–63	Total biracial districts segregated and desegregated, 1962–63	School districts desegregated	School districts segregated		Total school districts, 1962–63	Total biracial districts segregated and desegregated, 1962–63	School districts desegregated	School districts segregated
Alabama	114	114	0	114	North Carolina	173	173	18	155
Arkansas	416	228	12	216	Oklahoma	1,180	241	196	45
Delaware	87	87	87	0	South Carolina	108	108	0	108
District of Columbia	1	1	1	0	Tennessee	154	143	26	117
Florida	67	67	10	57	Texas	1,461	919	177	742
Georgia	198	182	1	181	Virginia	130	128	32	96
Kentucky	205	166	149	17	West Virginia	55	43	43	0
Louisiana	67	67	1	66					
Maryland	24	23	23	0	Total	6,197	3,053	979	2,074
Mississippi	150	150	0	150	Percent			32.1	67.9
Missouri	1,607	213	203	10					

Source: From report of the U.S. Commission on Civil Rights, 1963, p. 64.

During this most recent period the number of desegregated school districts has increased. Progress was centered primarily in Delaware, Kentucky, and Texas. In spite of progress, however, three States, Alabama, Mississippi, and South Carolina, continued to have no Negroes attending school with white students below the college level.

What perhaps is most remarkable about recent patterns of school desegregation is that while consolidation of school districts continued unabated during the period 1962–63, the number of biracial districts has shown a substantial increase. This has in turn caused a percentage decline in the number of the desegregated school districts. For the crux of the matter is that while there may be more biracial school districts which have commenced desegregation, there are almost as many segregated school districts in late 1963 as there were at the end of 1959. In short, by running hard we have succeeded in standing still.

Year	Total school districts with Negro and white pupils	School districts desegregated	School districts segregated
1959	2,907	797	2,110
1961	2,837	775	2,062
1963	3,053	979	2,074

With the commencement of the 1963–64 school year, some 150 school districts, including districts in Alabama and South Carolina (according to the Southern School News), spurred by the tragic rush of recent events announced that they would begin desegregation sometime during the present academic year. We hope that this will be an augury of progress. Nevertheless, at this pace, it will still take until the year 2063 before the compliance order of the 1955 Supreme Court decision which called for school desegregation in biracial school districts "with all deliberate speed" will be carried out. This must be remedied by affirmative congressional action.

During the past decade vigorous opposition to desegregation has led to legal measures aimed at restricting and circumventing the mandate of the Brown decision. The various legal attempts to avoid the consequences of desegregation can be divided into four major categories: (1) A number of Southern States have introduced one or more of the multiple variables of the pre-Civil War doctrines of interposition and nullification. The Supreme Court has dealt summarily with devices such as a State withdrawing its consent to be sued or justifying segregation as an exercise of police power. (2) Other States have entered upon a course of action aimed at disqualifying potential plaintiffs most notably the NAACP (which in the absence of governmental initiative has by default shouldered most of the burden of instituting litigation) from bringing court actions to end segregation. The basic issue came before the Supreme Court in 1958 in *N.A.A.C.P. v. Alabama ex. rel. Patterson* (357 U.S. 449 (1958)), when the Court struck down the Alabama law which compelled the NAACP to produce records indicating the names and addresses of members and agents on the ground that such a requirement was an unconstitutional restraint upon the members' right to freedom of association and thus a denial of due process of law. (3) A number of States have implemented pupil placement and assignment laws which alter the theoretical basis of separation from a classification based on race to one dependent on such factors as "scholastic aptitude," "room and teaching capacity," "free choice of pupil," and "home environment." In the crucial case of *Shuttlesworth v. Birmingham Board of Education* (358 U.S. 101 (1958)) the U.S. Supreme Court upheld as valid on its face the Alabama pupil placement law on the assumption that the law would be administered in a constitutional fashion. (4) The fourth category comprises the various devices employed to separate the operation of the schools from the State. This generally involved the establishment of a "private-public" school system as a means of circumventing desegregation and in some cases the closing of schools. But this device has failed to provide an effective escape from the law of the land. In 1959, the Supreme Court of Virginia decided after action had been instituted by white parents seeking the reopening of the Norfolk public schools that the State school closing laws violated the Virginia constitution, *Harrison v. Day* (106 S.E. 2d 636 (Va. 1959)). Nevertheless, the net result has been massive delay in implementing the mandate of the Court.

In our judgment the Congress has a clear obligation to act in three areas.

The Government has for some time abdicated its responsibility to acquire accurate information concerning the state of public education in the United States. If the Nation is to achieve desegregation in public education, it requires complete and accurate information concerning the ethnic composition in the public schools.

Therefore, the Judiciary Committee, in H.R. 7152, has authorized the Commissioner of Education to conduct a survey and report to Congress within 2 years 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 in the United States.

The transition from all-Negro to integrated schools is at best a difficult problem of adjustment for teachers and students alike. Many teachers and officials have been harassed and obstructed from doing their jobs. The gap in scholastic achievement of students is often considerable. The hurdles that must be overcome in teaching biracial classes and in administering biracial school systems are similarly tremendous. There is an obvious need to provide special counseling, guidance, and remedial instruction to overcome the past deprivation caused by inferior schools. For no matter how the opponents of this legislation may complain to the contrary public education may have been separate but it was seldom equal.

It is clear then that the Congress must enact legislation empowering the Federal Government to disseminate information concerning desegregation plans, problems, and possible solutions, and that it must provide technical and financial assistance to local school officials to enable them to overcome the difficult problems which accompany the desegregation of the public schools.

The committee, therefore, authorized in title IV the Commissioner of Education to extend technical and financial assistance to school boards and school personnel where such assistance would aid in solving problems of desegregation. The committee failed to extend this assistance to problems frequently referred to as "racial imbalance," as no adequate definition of this concept was put forward. The committee also felt that this could lead to the forcible disruption of neighborhood patterns, might entail inordinate financial and human cost and create more friction than it could possibly resolve.

We have tried to point out that the progress in school desegregation so well commenced in the period 1954–57 has been grinding to a halt. The trend observed in 1957–59 toward desegregation by court order rather than by voluntary action has continued. It is not healthy nor right in this country to require the local residents of a community to carry the sole burden and face alone the hazards of commencing costly litigation to compel school desegregation. After all, it is the responsibility of the Federal Government to protect constitutional rights. This responsibility is not being shouldered when the U.S. Government is only free to enter a desegregation suit as amicus curiae, unless of course a court decree should already be in effect. We do not think it is proper to require organizations such as the NAACP to take the lead here either. This is the peoples' responsibility and it must be carried out.

The committee, therefore, has adopted a provision authorizing the Attorney General, upon receipt of a signed complaint, to institute a legal action in behalf of schoolchildren or to intervene in a legal action already commenced in behalf of schoolchildren in order to desegregate public schools and colleges. This proposal has received bipartisan support for many years.

TITLE V—CIVIL RIGHTS COMMISSION

During a brief but active life, the U.S. Commission on Civil Rights has made an essential contribution to the national awareness of denials of constitutional rights. A creation of the Civil Rights Act of 1957, the Commission has held hearings in many parts of the country. It has engaged in intensive research and investigations in the areas of voting rights, denials of equal opportunity and protection in housing, education, employment, and the administration of justice. It has presented its findings clearly and usefully in its reports and recommendations.

The Commission has exposed numerous injustices and indignities thrust upon our Negro citizens. It has gained the confidence and cooperation of individuals and groups with similar goals and has provided them with expert guidance and assistance. For many the Commission has become a symbol of the massive struggle to secure equal rights for all Americans.

The important contribution made by the Commission has been achieved under almost impossible handicaps. It has labored constantly in a climate of uncertainty over its future. It has had, and unless it is made permanent will continue to have, serious difficulties in recruiting and retaining the services of top caliber personnel. Each time, as the Commission draws nearer to its demise, the unfortunate state of its morale is attested to by a rash of resignations. This is in no way a reflection on the dedication of the employees, but rather a reflection upon the system which saves it each time only after an 11th hour reprieve. By attaching riders to appropriations bills in 1959 and 1961 Congress assured 2-year extensions of the Commission's life. This year, through an amendment to a private bill, Congress gave the Commission an additional year of life.

The second handicap imposed by the Commission's impermanent status is the constant harassment and obstruction which it faces. With its every existence hanging by a thin thread, it cannot steer an independent course. A good example of this problem was the attempt of the Civil Rights Commission to hold hearings in Mississippi. Last December, the Commission's planned hearings in Mississippi on voting discrimination, economic reprisal, education, Federal programs, and other matters were postponed as a result of strong persuasion from the Justice Department which feared that the Commission's presence might prejudice the Government's case against Governor Barnett. While the hearings were repeatedly postponed at the urging of the Justice Department, the blame for the failure to hold the hearings fell on the Commission.

Situations such as this clearly demonstrate the importance of a permanent independent commission. Both of our great political parties made specific pledges in their 1960 platforms to make the Civil Rights Commission a permanent body. It is time we honored those pledges.

Title V, therefore, provides for a permanent Commission on Civil Rights. The Commission is also authorized to serve as a national clearinghouse for information concerning equal protection of the laws, including but not limited to the fields of voting, education, housing, employment, the use of public facilities, transportation, and the administration of justice.

Finally, title V gives the Civil Rights Commission additional authority to investigate instances of vote fraud, including the denial of the right to have one's vote properly counted.

When our committee reported out a bill in the 87th Congress to extend the life of the Civil Rights Commission, this provision, known as the Cramer amendment (sponsored by our colleague on the committee, Representative WILLIAM CRAMER, of Florida) received the approval of the committee at that time.

Again in 1957 an amendment was adopted by the House during debate on the civil rights bill which empowered the Commission to investigate voting irregularities, but the amendment failed to survive the legislative journey.

Vote fraud is a widespread phenomenon. Thousands of Americans go to the polls every year never knowing whether their votes will be counted honestly. This is not just a local or regional problem; it is a problem that has constitutional overtones and affects all Americans. Reliable studies made by the Honest Ballot Association and other civic groups indicate that more than 1 million votes are "stolen or lost" in every national election—through such time-tested devices as "chain balloting," "tombstone voting," "ghost" election boards, false canvasses, vote buying, multiple voting, disqualification of valid voters, qualification of invalid voters, and falsification of voters' affidavits. Other devices include rigged election machines, jammed machines, and tampering with absentee ballots.

We have been told that the Commission on Civil Rights should not be involved in this area; that it is more properly the province of the Department of Justice. In a letter to Congressman CRAMER on March 22, 1962, the then Deputy Attorney General Byron R. White: "* * * that the problem of election frauds is essentially one of law enforcement and the Commission is not a law enforcement agency. Its primary purpose is to collect and accumulate data so that a more intelligent study of the civil rights problem may be made."

Of course, the Civil Rights Commission is not an enforcement agency. We are not asking the Commission to become one. We are calling upon it through this provision "to collect and accumulate data" on this problem because we believe and are certain that our view is shared by all Americans that the right to vote is meaningless unless one's vote is properly counted. They are interrelated and are both civil rights.

TITLE VI—NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS

The policy underlying the enactment of title VI is so fundamentally correct that there is little need for an additional statement in its behalf.

Section 601 concisely announces this policy, which must be the policy of the Government of the United States and all its citizens who support the Constitution:

"No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

Testimony before the House Judiciary Subcommittee and data gathered by the Civil Rights Commission is available which demonstrates that in many regions of the country, citizens are denied the equal benefits from Federal financial assistance programs because of their color.

The Hill-Burton Act is a relevant case in point. Under this act, Federal funds are granted to assist in the construction and equipment of public and voluntary general, mental, tuberculosis, and chronic disease hospitals. Assistance is also provided for the establishment of other forms of medical care facilities such as nursing homes and public health centers. As of May 1963, $2 billion have been devoted to this purpose by the Government. Despite the extent of this Federal contribution, however, example after example is available which establishes that Negroes are denied equal treatment under the act. Negro patients are denied access to hospitals or are segregated within such facilities. Negro doctors are denied staff privileges—thereby precluding them from properly caring for their patients. Qualified Negro nurses, medical technicians, and other health personnel are discriminated against in employment opportunities. The result is that the health standards of Negroes and, thereby, the Nation are impaired; and the incentive for Negroes to become doctors or to remain in many communities, after gaining a medical education, is reduced.

In a related fashion, racial discrimination has been found to exist in vendor payment programs for medical care of public assistance recipients. Hospitals, nursing homes, and clinics in all parts of the country participate in these programs and, in some, Negro recipients have received less than equal advantage.

The school lunch program is another instance of unfair treatment. Through this program, the Federal Government seeks to provide surplus food in order that needy children may have a nourishing meal at least once a day. Many Negro families, in particular, rely upon this program as a means of maintaining the health of their children. The denial of other rights—especially the lack of equal job opportunities—demands the acceptance of this support. Yet, testimony presented before our committee reveals that Negro children have been denied free lunches on the unfounded claim that their parents could afford to buy their noontime meals.

Similarly, Negro families have been denied access to or eliminated from receiving surplus agricultural commodities which are distributed by the U.S. Department of Agriculture. Whether through coincidence or otherwise, instances of this nature have occurred in counties where resistance was strongest to the Negroes attempt to gain voting rights. Interestingly enough, though, distribution was recommenced when the Federal Government made it clear that it would take over direct distribution unless the counties managed the program fairly.

Billions of dollars of Federal money is expended annually on research. This money which primarily goes to universities and research centers for scientific and educational investigation is granted regularly by such agencies as NASA, AEC, the Department of Defense, NIH, Office of Education, and National Science Foundation. Regrettable as it may seem, a number of universities and other recipients of these grants continue to segregate their facilities to the detriment of Negro education and the Nation's welfare.

Funds for guidance training of high school teachers and administrators are also unavailable to Negroes in a number of Southern States, while, in the same regions, schools remain segregated which have been constructed, maintained, and operated by means of Federal financial assistance.

Many additional examples can be cited where Negroes are continuing to be denied equal protection and equal benefits under Federal assistance programs. Vocational and technical assistance, public employment services, manpower development and training, vocational rehabilitation are only a few of the examples which can be cited.

In every essential of life, American citizens are affected by programs of Federal financial assistance. Through these programs, medical care, food, employment, education, and welfare are supplied to those in need. For the Government, then, to permit the extension of such assistance to be carried on in a racially discriminatory manner is to violate the precepts of democracy and undermine the foundations of Government.

In carrying out the commands of title VI, however, the administrators of Federal financial assistance programs must be careful to not punish the innocent along with the guilty. Section 602 prescribes that assistance must not be terminated unless efforts to end discrimination by voluntary means fail.

Generally, we believe that compliance with the provisions of title VI can be accomplished through the application of persuasion and commonsense. In 1962, for example, 11 colleges and universities in the South, rather than face the loss of assistance, agreed to admit qualified Negroes to summer courses which were financed under the National Defense Education Act. A few years previously, the State of Mississippi decided to open a veterans' hospital to citizens of all races in preference to having no hospital at all. Only this year, Florida and Texas desegregated several schools constructed and maintained under the impacted area laws rather than lose the benefits of these funds.

If voluntary action fails, however, and assistance must be terminated, the termination should be "pinpoint(ed) * * * to the situation where discriminatory practices prevail" as Secretary Celebrezze has stated in his testimony. By this means, the effect upon cutting off funds will be limited to the county or immediate area where racial inequality exists. An unfair burden will not be placed upon those who do not deserve it and innocent recipients will not be punished for the wrongs of others. Moreover, upon the insistence of the gentleman from Ohio [Mr. MCCULLOCH] and other members of the committee, any recipient who has had financial assistance terminated may obtain judicial review of such action.

Spottswood W. Robinson, former Commissioner of the U.S. Commission on Civil Rights, has, we believe, given voice to thoughts which properly summarize our views on title VI. While explaining in testimony before the House Judiciary Subcommittee the Commission's recommendation that the Government consider withholding financial assistance from the State of Mississippi, Judge Robinson stated: "* * * By this recommendation the Commission was seeking remedial, not penal or punitive, action. What the Commission had in mind was that the expenditure of Federal funds be made in a manner which would benefit all citizens without distinction on account of race or color. What it had in mind were safeguards against the use of Federal funds in a way that encourages or permits discrimination.

"The report itself states that the Commission's goal is that all citizens in the United States be assured the full enjoyment of the rights guaranteed by the Constitution."

TITLE VI—EQUAL EMPLOYMENT OPPORTUNITY

In other titles of this bill we have endeavored to protect the Negro's right to first-class citizenship. Through voting, education, equal protection of the laws, and free access to places of public accommodations, means have been fashioned to eliminate racial discrimination.

The right to vote, however, does not have much meaning on an empty stomach. The impetus to achieve excellence in education is lacking if gainful employment is closed to the graduate. The opportunity to enter a restaurant or hotel is a shallow victory where one's pockets are empty. The principle of equal treatment under law can have little meaning if in practice its benefits are denied the citizen.

Testimony supporting the fact of discrimination in employment is overwhelming. The following table contained in the Manpower Report of the President, 1963, prepared by the Department of Labor, presents the dramatic contrast:

TABLE 1.—*Unemployment rates, by color, age, sex, and by selected major occupational group, 1962*

Characteristics, age, and sex	White	Nonwhite
Total	4.9	11.0
Male	4.6	11.0
14 to 19 years	12.3	20.7
20 to 24 years	8.0	14.6
25 years and over	3.6	9.4
Female	5.5	11.1
14 to 19 years	11.5	28.2
20 to 24 years	7.7	18.2
25 years and over	4.3	4.8
Selected major occupational group:		
Clerical workers	3.8	7.1
Craftsmen and foremen	4.8	9.7
Operatives	6.9	12.0
Nonfarm laborers	11.0	15.8
Private household workers	3.1	7.1
Service workers, except private household	5.3	10.8

In 1962, nonwhites made up 11 percent of the civilian labor force, but 22 percent of the unemployed. Approximately 900,000 nonwhites were without jobs during the year—thereby constituting an unemployment rate of 11 percent. This was more than twice the rate of white unemployed workers. The breakdown among age, sex, and occupational categories is even more striking as the above table reveals. Moreover, among Negroes who are employed, their jobs are largely concentrated among the semiskilled and unskilled occupations. This has the effect of severely retarding the economic standards of the Negro population. Likewise, concentration at the lower levels of employment heightens the chances of early and long duration layoffs. This is particularly evident today with the rapid upgrading of job skills which is closely associated with automation. The table which follows, included in the manpower report, clearly reflects this unbalanced occupational distribution:

TABLE 2.—*Employed persons by occupational group and color, 1948 and 1962*

Major occupational group	White		Nonwhite	
	1948	1962	1948	1962
Total	100.0	100.0	100.0	100.0
White-collar workers	39.1	47.3	9.0	16.7
Professional and technical	7.2	12.6	2.4	5.3
Managers, officials, and proprietors	11.6	11.9	2.3	2.6
Clerical workers	13.6	15.8	3.3	7.2
Sales workers	6.7	7.0	1.1	1.6
Blue-collar workers	40.5	35.4	39.7	39.5
Craftsmen and foremen	14.6	13.6	5.3	6.0
Operatives	21.0	17.5	20.1	19.9
Nonfarm laborers	4.9	4.3	14.3	13.6
Service workers	7.9	10.6	30.3	32.8
Private household	1.5	2.1	15.6	14.7
All other	6.4	8.5	14.7	18.1
Farmworkers	12.4	6.8	21.0	11.0
Farmers	7.8	4.0	8.5	2.7
Laborers	4.6	2.8	12.5	8.3

Similarly, a comparison of median annual incomes of whites and nonwhites from 1939 to 1960 as published by the Department of Labor, reveals the economic straitjacket in which the Negro has been confined.

TABLE 3.—*Median annual wage and salary incomes of white and nonwhite persons, 1939, 1947, 1957, 1960*

	1939	1947	1957	1960
Males:				
White	$1,112	$2,357	$4,396	$5,137
Nonwhite	$460	$1,279	$2,436	$3,075
Nonwhite as a percent of white	41.4	54.3	55.4	59.9
Females:				
White	$676	$1,269	$2,240	$2,537
Nonwhite	$246	$432	$1,019	$1,276
Nonwhite as a percent of white	36.4	34.0	45.5	50.3

The effect of this severe inequality in employment is felt both on the personal level and on the national level. On the personal level an entire segment of our society is forced into a condition of marginal existence.

From the standpoint of health, the Negro experiences a higher infant mortality rate, a higher incidence of tuberculosis, and a lower life expectancy than whites. The incentive to strive for excellence in employment and education is undermined. Interests in cultural development are undernourished. Interest in social betterment remains retarded. The effect of this is to deny to the Nation the full benefit of the skills, intelligence, cultural endeavor, and general excellence which the Negro will contribute if afforded the rights of first-class citizenship.

The failure of our society to extend job opportunities to the Negro is an economic waste. The purchasing power of the country is not being fully developed. This, in turn, acts as a brake upon potential increases in gross national product. In addition, the country is burdened with added costs for the payment of unemployment compensation, relief, disease, and crime.

National prosperity will be increased through the proper training of Negroes for more skilled employment together with the removal of barriers for obtaining such employment. Through toleration of discriminatory practices, American industry is not obtaining the quantity of skilled workers it needs. With 10 percent of the work force under the bonds of racial inequality, this stands to reason. Similarly, an examination of job openings that are regularly advertised discloses that the country is not making satisfactory use of its manpower. Consider how our shortage of engineers, scientists, doctors, plumbers, carpenters, technicians, and the myriad of other skilled occupations could be overcome in due time if we eliminate job discrimination.

A nation need not and should not be converted into a welfare state to reduce poverty, lessen crime, cut down unemployment, or overcome shortages in skilled occupational categories. All that is needed is the institution of proper training programs and the elimination of discrimination in employment practices.

Twenty-five States have enacted fair employment practice legislation. Through effective enforcement by many States, job inequality has been reduced in a number of areas. Similarly, during the administrations of Presidents Truman, Eisenhower, and Kennedy, considerable advances have been made in eliminating racial discrimination in Federal Government employment and in employment connected with Government contracts and subcontracts.

As the above tables have disclosed, however, the incidence and depth of inequality remain widespread. Discrimination continues to exist in all parts of the country.

More positive and enduring steps must be taken, therefore, to cure this evil and before racial unrest eats irretrievably into the body of the American industrial system.

In response to this need, the Judiciary Committee incorporated title VII into H.R. 7152. This title establishes an Equal Employment Opportunity Commission which shall be charged with the task of investigating complaints concerning the existence of discrimination in business establishments, labor unions, and employment agencies.

As the title was originally worded, the Commission would have had authority to not only conduct investigations, but also institute hearing procedures and issue orders of a cease-and-desist nature. A substantial number of committee members, however, preferred that the ultimate determination of discrimination rest with the Federal judiciary. Through this requirement, we believe that settlement of complaints will occur more rapidly and with greater frequency. In addition, we believe that the employer or labor union will have a fairer forum to establish innocence since a trial de novo is required in district court proceedings together with the necessity of the Commission proving discrimination by a preponderance of the evidence.

It must also be stressed that the Commission must confine its activities to correcting abuse, not promoting equality with mathematical certainty. In this regard, nothing in the title permits a person to demand employment. Of greater importance, the Commission will only jeopardize its continued existence if it seeks to impose forced racial balance upon employers or labor unions. Similarly, management prerogatives, and union freedoms are to be left undisturbed to the greatest extent possible. Internal affairs of employers and labor organizations must not be interfered with except to the limited extent that correction is required in discrimination practices. Its primary task is to make certain that the channels of employment are open to persons regardless of their race and that jobs in companies or membership in unions are strictly filled on the basis of qualification.

The rights of citizenship mean little if an individual is unable to gain the economic wherewithal to enjoy or properly utilize them.

As the following table, included in the manpower report, reveals, the American economy shall be in an increasing need for skilled manpower in the years to come.

TABLE 4.—*Employment by major occupational group, 1960–75*

Major occupational group	Actual, 1960		Projected, 1970		Projected, 1975		Percent change		
	Number (in millions)	Percent	Number (in millions)	Percent	Number (in millions)	Percent	1960–70	1970–75	1960–75
Total	66.7	100.0	80.5	100.0	87.6	100.0	21	9	31
Professional, technical, and kindred workers	7.5	11.2	10.7	13.3	12.4	14.2	43	16	65
Managers, officials, and proprietors, except farm	7.1	10.6	8.6	10.7	9.4	10.7	21	9	32
Clerical and kindred workers	9.8	14.7	12.8	15.9	14.2	16.2	31	11	45
Sales workers	4.4	6.6	5.4	6.7	5.9	6.7	23	9	34
Craftsmen, foremen, and kindred workers	8.6	12.8	10.3	12.8	11.2	12.8	20	9	30
Operatives and kindred workers	12.0	18.0	13.6	16.9	14.2	16.3	13	4	18
Service workers	8.3	12.5	11.1	13.8	12.5	14.3	34	13	51
Laborers, except farm and mine	3.7	5.5	3.7	4.6	3.7	4.3			
Farmers, farm managers, laborers, and foremen	5.4	8.1	4.2	5.3	3.9	4.5	−22	−7	−28

NOTE.—Individual items may not add to totals because of rounding.

The employment needs in practically every professional and technical field are expected to rise substantially—teachers, doctors, lawyers, scientists, and engineers. Likewise, the requirements for managers, clerical workers, sales workers, craftsmen, foremen, and similar skilled occupational groups are all projected for large increases. To deny to the Nation the means to fill these needs and, thereby, to maintain its economic superiority is to deny the Nation the ability to continue as the leading country in the world.

Aside from the political and economic considerations, however, we believe in the creation of job equality because it is the right thing to do. We believe in the inherent dignity of man. He is born with certain inalienable rights. His uniqueness is such that we refuse to treat him as if his rights and well-being are bargainable. All vestiges of inequality based solely on race must be removed in order to preserve our democratic society, to maintain our country's leadership, and to enhance mankind.

TITLE VIII—REGISTRATION AND VOTING STATISTICS

Reliable information on voting turnout in the United States is incomplete. There is a general deficiency of data on voting turnout by race, color, or national origin particularly on a comparative basis for States, counties, or congressional districts. Fragmentary material derived from voter samplings taken by public opinion institutes is helpful but not comprehensive enough to be significant. Some States furnish limited information such as total registration figures which in a number of cases are broken down by counties. For example, complete registration figures for Mississippi, South Carolina, and Georgia, as well as many Northern States are unavailable.

At present an imprecise measurement of nonvoting is obtained by subtracting the number of actual voters from the total number of voting age persons. Because of State residence and other requirements this is a highly unreliable means of determining the actual vote.

There is an urgent need therefore for reliable registration figures broken down by State and county. With this information, more complete and accurate statistics can be made available to the general public to help eligible citizens register who have neglected to do so.

Lacking this information, the Commission on Civil Rights has labored under a severe handicap in its factfinding functions. The Department of Justice has also been hindered in its litigation efforts by not having complete and reliable registration and voting statistics. It was this handicap which prompted the Civil Rights Commission in its first report in 1959 and again in 1961 to recommend that the Bureau of the Census be authorized to undertake a nationwide compilation of registration and voting statistics. Although it was not possible to gather such information in conjunction with the 1960 census, the Commission felt nevertheless that there was such a compelling need for these statistics that Congress should determine the feasibility of having a supplementary census.

For some time it has been our belief that such a census is both feasible and of immense value. It was for this reason that the provision was included in H.R. 3139 and identical bills—omnibus legislation introduced on January 31, 1963, by the gentleman from Ohio [Mr. MCCULLOCH], the ranking minority member of our committee, and cosponsored by ourselves and about 40 of our colleagues.

The provision was supported by many who testified before Subcommittee No. 5 during its hearings on civil rights legislation including an official of the AFL–CIO who commended the provision "to the favorable attention of the committee" (July 17, 1963), and the Department of Justice. It was included in the bill favorably reported by the subcommittee on October 2, 1963.

Mild opposition to the scope of the provision was registered by the Bureau of the Census which feared that the cost of the census might be prohibitive. The Department of Commerce preferred that they should have the authority vested directly in the Secretary of Commerce in conformity with the Reorganization Plan of 1960.

Agreement was readily reached in the bill favorably reported by the committee. The provision (sec. 801) now directs the Secretary of Commerce to promptly conduct a survey of registration and voting statistics in areas recommended by the Commission on Civil Rights. The survey will include a count of persons of voting age by race, color, and national origin and a determination to the extent to which such persons are registered to vote and have voted since January 1, 1960.

It is our expectation that the Commission, in accord with the direction of Congress and its own past expression of need for this provision, will recommend that the survey conducted by the Secretary of Commerce be as complete and comprehensive as is feasible. This survey should, if necessary, be national in its scope and not merely limited to the South. There is no question as to the constitutionality, necessity, and potential value of this census.

TITLE IX—PROCEDURE AFTER REMOVAL IN CIVIL RIGHTS CASES

An amendment to the Judicial Code of May 24, 1949, added a new subsection (d) to section 1447 of title 28, United States Code, which provided that the remand by a Federal district judge of a removed case was not reviewable by a U.S. court of appeals or the U.S. Supreme Court. This provision has been used with extraordinary effectiveness by many southern Federal judges to deny judicial relief for citizens who have been prosecuted in the State courts for exercising their rights guaranteed by the Constitution.

This is a severe and unjustified encumbrance on citizens engaged in the struggle for equal rights. In fact, this inability to appeal remand orders has effectively barred citizens from obtaining a redress to their denial of civil rights. The committee, therefore, adopted a provision (title IX) which makes the remand of a civil rights case to a State court by a Federal court after the case had been removed to the Federal court reviewable by appeal. This is a useful provision which merits support.

CONCLUSION

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 historic traditions, however, the fundamental rights of each citizen must be protected. And, in order for our Nation to maintain its role as 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.

Every segment of American life must bear a heavy burden in this epochal struggle. Congress must move rapidly—more rapidly than it has to date—to legislate intelligently and effectively in this critical area. The agencies of Government must strive more actively to enforce the law of the land. The courts—State and Federal—must exercise greater vigilance in guarding the interests of all the people. Each citizen must make a greater effort to respect the dignity of his fellow man.

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 glaring example where hatred and intolerance triumphed over compassion and reason. Through the action we take on this important bill, we in Congress can do much 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.

WILLIAM M. MCCULLOCH,
JOHN V. LINDSAY,
WILLIAM T. CAHILL,
GARNER E. SHRIVER,
CLARK MACGREGOR,
CHARLES MCC. MATHIAS, JR.,
JAMES E. BROMWELL,
Members of Congress.

THE LATE MARY ANDERSON, FIRST DIRECTOR OF WOMEN'S BUREAU

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that the gentlewoman from Ohio [Mrs. FRANCES P. BOLTON] may extend her remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mrs. FRANCES P. BOLTON. Mr. Speaker, the death of Mary Anderson, first Director of the Women's Bureau, Department of Labor, is mourned by the many who had the opportunity to know and work with her over the years, as well as all who have benefited from her work. One could not work with her without loving her. It was as if she carried a light, deep within, which shone upon all she did and all who knew her.

Mary Anderson's life and career is an inspiration to all who believe in the principles of fairness and progress and the power of the human spirit. Arriving in the United States from Sweden at the age of 16, she struggled as a domestic worker, an exploited factory hand, as a trade union organizer, and then as the first "up from the ranks" labor woman to head a division of the executive department of the Federal Government. She was appointed Director of the Women's Bureau by President Wilson in 1920 and was reappointed by every successive President until her retirement in 1944. The effects of her work have benefited not only women of this country but those in distant lands. Among the many tributes Miss Anderson received last year on her 90th birthday were those from President Kennedy, former Secretary of Labor Arthur Goldberg, and Swedish Prime Minister Tage Erlander. We women of America owe her much.

As part of this tribute I include the following account from the Washington Post:

MARY ANDERSON DEAD; AIDED WORKING WOMEN

(By Sterling Seagrave)

Mary Anderson, the first director of the Labor Department's Women's Bureau and one of the Nation's most celebrated champions of better working conditions for women, died yesterday at the age of 91.

Miss Anderson suffered a broken hip last November and was recuperating in her apartment in the Roosevelt Hotel, 2101 16th Street NW., at the time of her death.

Her death was mourned by many who came to know her as a remarkable woman whose life was devoted to improving social standards while serving as director of the Women's Bureau for 25 years, through two wars and under five Presidents.

Last year, Miss Anderson received tributes on her 90 birthday from President Kennedy, former Secretary of Labor Arthur Goldberg and Swedish Prime Minister Tage Erlander.

ADVENTURE IN NEW LAND

Miss Anderson was a wide-eyed, blue-eyed blond of 16 when she came to the United States from Sweden in 1873. She spoke little English. She had grown up on a farm with her parents and four sisters and three brothers. It was a time of strife and poverty in Sweden, and an older sister had already emigrated to the United States and settled in relative comfort in Michigan.

But the wide-eyed anticipation faded quickly in those early years after her arrival, years in which she struggled as a domestic worker, an exploited factory hand, then as a trade union organizer.

In her autobiography, "Women at Work," published by the Minnesota Press in 1951 and transcribed by her close associate Mary Winslow, she told in her own simple diction an almost incredible life story.

FIGHT FOR UNIONIZATION

She described her bitter struggle for unionization of the garment, shoe, and other industries in Chicago and the activities of the Chicago and National Women's Trade Union League in helping factory and mine workers make a start toward living wages, shorter hours, and safer working conditions.

She told finally of a quarter century of Federal service, setting standards for women's employment, serving the cause of labor effectively as the first U.S. Government representative to the International Labor Organization.

She was close to such notables as Frances Perkins, first woman to serve in a President's Cabinet (as Secretary of Labor under President Franklin Delano Roosevelt), President and Mrs. Roosevelt, Woodrow Wilson, John L. Lewis, and many others.

Mary Anderson never married. She was a woman of extraordinary energy. She loved parties and games of canasta, attending social functions even at 90.

VFW PROPOSES NAVAL PATROL IN PANAMA CANAL CRISES

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. BECKER] 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 Vermont?

There was no objection.

Mr. BECKER. Mr. Speaker, the Panama crisis is, with good reason, of deep concern to every citizen of our Nation.

One of the most serious aspects of this Panama Canal crisis has been the well established role of Cuban-trained agitators. Once again our national interests have been victimized and threatened by the Kremlin-controlled Communist base in Cuba. Again we have a clear demonstration of the manner in which Cuba is being used as a base for conducting Communist aggression against Latin America. This is a situation that calls for deliberate, well considered, and effective measures for the United States.

Consequently, it was with deep interest that I noted the proposal of the national commander of the Veterans of Foreign Wars, Mr. Joseph J. Lombardo, of Brooklyn, N.Y. I share with other Members of this House in an admiration for the straight thinking and commonsensed views which the VFW has taken with respect to national security and international developments. As would be expected, Commander Lombardo's proposal for U.S. action in the Panamanian crises is sound, practical, and I believe it would be highly effective.

Briefly, the commander in chief of the VFW, Mr. Lombardo, proposes that the United States immediately establish a naval patrol, which he terms "a quarantine," between Communist Cuba and the Panama area. This would, Commander Lombardo stated, go far toward preventing further export of subversion and aggression from Cuba into the deeply troubled Panama area. Also, the VFW proposal would be clearly recognized by our friends, as well as our enemies, as a demonstration of our Nation's determination to stand firm in the face of threats, violence, and mob demonstrations in Panama.

Personally, it is for me a particular pleasure to bring this statement and proposal of the VFW commander in chief, Joseph J. Lombardo, to the attention of this House. Commander Lombardo, or Joe as he is known to many friends in New York, is well qualified to speak on such subjects. He has long been recognized as an authority on Communist doctrine and methods, and he has spoken extensively on the subjects. As one who has been privileged to be counted among Joe's friends for many years, I share the widespread admiration of his deep understanding of defense and international matters.

Commander in Chief Lombardo's proposal was contained in a press release of January 14, and appeared in numerous newspapers throughout the country. Because of its soundness, I include that press release at the conclusion of these remarks.

The VFW press release follows:

WASHINGTON, D.C., January 14.—The national commander in chief of the Veterans of Foreign Wars, Joseph J. Lombardo, Brooklyn, N.Y., today urged the establishment of a naval patrol between Red Cuba and the Panama Canal.

Explaining the VFW suggestion, Commander Lombardo said, "It is abundantly evident that Communist agitators were behind much of the tragic rioting against the U.S. zone in Panama. On the basis of the past record of Red subversion, it is merely realistic to expect that there will be more Red effort to embarrass, weaken, and dislodge the United States from control of our vital Panama Canal lifeline.

"This is no spur-of-the-moment incident," Commander Lombardo added, "and the United States must take positive and effective measures for our own strategic safety.

"Therefore," Commander Lombardo said, "our Government should immediately establish a naval patrol—a quarantine—between Castro's Cuba and the Panama Canal area. The purpose of this patrol would be to prevent the further export of Red subversion, weapons, and propaganda from Cuba to Panama and all Central America.

"It should be remembered," Commander Lombardo emphasized, "that there is much precedent for such a quarantine patrol. One was established by President Eisenhower during the Honduran crisis. Also, President Kennedy put elements of the 2d Fleet between Cuba and the Dominican Republic during the crisis resulting from the assassination of Trujillo. In both instances a purpose was to prevent Cuban-based Communists from exploiting the troubled areas."

Continuing, Commander Lombardo said, "If such action was justified then, and it certainly was, then a similar naval patrol between Red Cuba and the Panama area is fully justified now. Such a patrol would in a real sense be a quarantine, preventing communism from further poisoning our relationships with our longtime friends in Central America."

Concluding, Commander Lombardo said, "We had better let our friends, as well as our enemies, know that we don't intend to be intimidated by the mobs, and we aren't going to knuckle under to arrogant demands to renegotiate our control of the Panama Canal Zone. If we ever agree to renegotiating our rights and authority in the U.S. Zone, then we will have triggered a chain reaction of disaster, and our base rights at Guantanamo Bay will be the next Communist target for 'negotiation.'

"The only thing negotiable about our rights and authority in the U.S. Panama

Canal Zone, or Guantanamo, is the security of the United States, and that's not negotiable."

BEEF IMPORTS AND THE CATTLE INDUSTRY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa [Mr. SMITH] 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 Oklahoma?

There was no objection.

Mr. SMITH of Iowa. Mr. Speaker, there has been a lot of attention given recently to the importation of meat and its relationship to livestock prices on the farms of America. Since U.S. production of meat increased 1,600 million pounds in 1963 while imports of beef increased 311 million pounds, no one will honestly claim that imports were the whole cause of the price decline. Also, no one claims that imports did not contribute to the price situation since they increased at the same time that domestic supplies increased.

The feed grains program greatly reduced the supply of feed available for conversion into beef during 1963. Had it not been for that feed grains program which has been in effect the past 3 years and was so vigorously opposed by many cattle associations, the price of beef would probably have reached the low prices of 1956. Had cattle prices reached those low prices, imports would have been less but the loss to cattle feeders would have been greater with less imports.

The Department of Agriculture has been working hard on this problem for more that a year and must consider the harm that any action will cause as well as the benefits. The best compilation of important statistics related to the problem that I have seen recently was set forth in a speech by Assistant Secretary of Agriculture Roland R. Renne to the American National Cattlemen's Association in Memphis, Tenn., last Tuesday. So that the many thousands who are interested in this subject may have a better opportunity to secure these facts, I am setting forth the speech in the CONGRESSIONAL RECORD.

It is as follows:

BEEF IMPORTS AND THE CATTLE INDUSTRY

Imports are an important factor influencing current beef prices. The U.S. Department of Agriculture and the administration recognize this and are taking prompt steps to improve the situation.

The main approach in finding a solution has been our negotiation with chief suppliers (Australia and New Zealand) to secure voluntary agreement for them to limit their exports to the United States to the level of a recent period. Results to date, although short of reaching final agreement, are encouraging.

The basic principle of market sharing is sound. Other nations that have had access to our markets under the General Agreement on Tariffs and Trade (GATT) have certain access rights just as we have such rights of access to other markets for the sale of our products. If agreement can be reached voluntarily concerning a given amount of access, then both importer and exporter have a firm basis on which to operate. The importer is protected against disastrous flooding of the market and the exporter is assured of a market for a specified amount of his product.

The main problem in negotiating market sharing is agreement on the basis on which the share to be allotted is determined. In the case of beef imports our largest supplier is Australia and her exports have increased phenomenally since 1958, from less than 18 million pounds to 517 million pounds in 1963. Obviously, Australians would like to have the most recent year or years used as a basis for determining her share of our beef market. In addition, since the U.S. beef market is growing as a result of both an increase in our population and a rising per capita consumption of beef, Australia would like to share in this growth, and we agree that they should. We are insisting on this right for ourselves in dealing with nations to whom we export agricultural products. The key question is how much should Australia or any other country share in the growth of our beef market? One suggestion is to renegotiate periodically on the basis of what is happening to our population numbers, income levels, and livestock prices.

A further factor which should be kept in mind in negotiating market shares is the quality of the product. In the case of beef, if a certain proportion of the imports were made up of primal cuts during the base period, then this should be considered in the share allotment for future years or until a renegotiation of the market share is undertaken.

The current beef import situation in the United States illustrates the modern complexities and interdependence of international trade relationships among major nations. The U.S. share in world beef imports increased from one-fourth (26 percent) in 1950 to over one-half (51 percent) in 1962. Further increased imports in 1963 raised the U.S. percentage of the total world import figure still higher.

This great increase in beef imports has been encouraged by the increase in import restrictions in other major markets. Today the United States is the only major beef market without any quantitative restrictions and with a very nominal fixed import duty.

More than 1 billion pounds of beef and veal (product weight) were imported by the United States in 1963. This was equivalent to 1¾ billion pounds (carcass weight). This was an increase of 20 percent over 1962 and represented 11 percent of U.S. production in 1963. This is in sharp contrast to a few years earlier (1956) when imports were equal to only 1.6 percent of U.S. production.

Not only have beef imports increased at a faster rate than domestic production since 1956, but they have increased more in absolute terms. Imports in 1962 were more than 1 billion pounds over the amount imported in 1957, whereas domestic production in 1962 was only 583 million pounds more than in 1957. However, in 1963 domestic production increased by about 1 billion pounds over the 1962 level while imports increased only 311 million pounds.

Imports of live animals (feeder cattle) in sharp contrast to imports of meat, were lower in 1963 than in 1962 by some 23 percent. Moreover there has been no marked trend in the increase of imports of feeder cattle over the years.

Almost without exception an increase in the production of beef has meant a price decline. On an average a 10-percent change in the production of fed beef has been accompanied by a price change of 13 to 14 percent in the opposite direction. In other words, if production of fed beef increases 10 percent there will be an accompanying price decline of 13 to 14 percent. The production of fed beef increased by over 11 percent in the United States in 1963 over 1962 and would cause a significant decline in American beef cattle prices.

When to this heavy increase in domestic production of beef during 1963 is added the increase in imports (311 million pounds) it is clear why beef cattle prices were appreciably lower in 1963 than in 1962.

The decline in domestic production of cow beef since the middle 1950's has been largely offset by increases in imports of cow meat. The decline in cow beef production resulted from holding back beef cows from slaughter and building up herds. The number of cattle and calves on farms January 1, 1964, is estimated at 107 million compared with about 104 million the year before, 100 million January 1, 1962, and 91 million January 1, 1958.

Utility cow prices (Chicago market) have been quite stable until this past fall and averaged between $15 and $16 per hundredweight in each year since 1960. However, between August and December of 1963, utility cow prices broke by about $3 per hundredweight declining from an average of $15.65 in August to $12.71 in December. Since much of the imported meat is cow meat, it is believed that increased imports along with increased domestic slaughter in 1963 accounted for the sharp decline in utility cow prices last fall.

There is evidence that beef prices are turning upward from their recent lows. On Friday, January 27, prices of choice slaughter steers in Chicago ranged from $22 to $23.75 and averaged $22.88. This is 59 cents above the average for December 1963. Utility cow prices ranged from $12 to $13.75 and averaged $12.88. This is 17 cents per hundredweight above the December figure.

The meat price situation is further complicated by the heavy U.S. supplies of meats other than beef. In 1963, beef and veal production reached an alltime high; broiler production reached an alltime high; pork production was larger than in any previous year since 1944, and total meat showed a major increase over 1962 and reached an alltime high. Total U.S. meat production was 37.7 billion pounds (carcass weight) in 1963 compared with 36.1 billion in 1962. This is an increase of about 4½ percent in total meat production. In 1964, total meat production is estimated at 38.1 billion pounds or a further increase of 1 percent over 1963 and about 5½ percent above 1962. Beef and veal production are largest with about 18 billion pounds, pork second with some 12 billion pounds, poultry third with about 7½ billion pounds, and lamb and mutton last with 750 million pounds.

Australia is the leading shipper of beef to the United States and accounted in 1963 for nearly half of total beef imports (44 percent), New Zealand, one-fourth (23 percent), with Ireland, Argentina, and Mexico each supplying about 6 percent, and Canada, Brazil, Denmark, West Germany, Poland, the Netherlands, and other countries supplying the remaining 15 percent.

Although the United States is the world's largest importer of meat ($360 million) our exports of livestock and meat products were almost as large as imports. We exported $347 million worth of livestock and meat products in 1963 or only $13 million less than our imports. Wheat and flour are our largest export item ($1.2 billion 1963) with feed grains ranking second with nearly a billion dollars ($977 million) followed by oil seeds and oilseed products, cotton, fruits and vegetables, and tobacco, all exceeding in value our total livestock and meat product exports.

APPOINTMENT OF CARL T. ROWAN, USIA CHIEF

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman

from Minnesota [Mr. FRASER] 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 Oklahoma?

There was no objection.

Mr. FRASER. Mr. Speaker, I would like to express my deep sense of personal satisfaction over the recent appointment of Carl T. Rowan to succeed Edward R. Murrow as Director of the U.S. Information Agency.

This appointment is especially welcome to me and the people of my district because Carl Rowan is a former newspaperman in my home city of Minneapolis. I have known Carl Rowan for many years and personally attest to his integrity and ability. His journalism experience makes this appointment especially fitting. Under Edward R. Murrow the reputation of USIA grew immeasurably. Carl Rowan will continue the work of Edward R. Murrow to make the USIA one of the most effective instruments of peace in the free world.

President Johnson aptly characterized Carl Rowan when he described him as "the man most eminently qualified to supervise this vital program of telling America's story abroad," and as a man who "is young and dynamic with a breadth of private and governmental experiences that are especially valuable qualifications for this job."

I think that Carl Rowan's brilliant record in the fields of journalism and Government service is an adequate answer to the charges made against him by a Member of this body in yesterday's CONGRESSIONAL RECORD. President Johnson said that he had many opportunities to work closely with Rowan and "to see for myself the skill and good judgment, the idealism, and integrity, that he has applied to each task placed before him."

Those who know him best—his former journalism colleagues in Minnesota—have hailed his appointment as a great step. In the daily RECORD today I am placing two editorials from Minneapolis papers praising the appointment of Carl Rowan. I shall also insert evidence of the approval of this appointment expressed in newspapers here and abroad.

VOTING CASES

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. CORMAN] 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 Oklahoma?

There was no objection.

Mr. CORMAN. Mr. Speaker, I believe that there is a great need to precisely spell out for the benefit and guidance of the courts that will be enforcing this legislation what we mean when we repeatedly say in title I that these voting cases shall be expedited and immediate action taken.

I make these remarks against a background of almost unbelieveable delays and frustration in the granting of the relief which the voting rights acts of 1957 and 1960 should have long ago secured to all of our citizens. Congress never intended that the right to vote should be granted in a piecemeal fashion over periods beset by delays of years in the judicial process. The 1957 and 1960 acts repeatedly speak of 10-day periods and granting immediate relief so that persons can vote in the upcoming elections. I believe that we—today—must say what we mean in terms of enforcement of this voting rights title; there is no need for our having to consider every 2 or 3 years the question of the right to vote. Let us make it crystal clear now that we mean for the courts to enforce this legislation and to do it expeditiously—as the law provides and has provided for 4 or more years.

As additional background, permit me to refer you to an exhaustive study of cases of delay, inaction, and even total refusal to enforce the laws that we have enacted. This study consists of an excellent article appearing in the November 1963 issue of the Yale Law Journal entitled "Judicial Performance in the Fifth Circuit." The article extensively documents the conditions that exist in regard to the enforcement by Federal courts in the South of Federal civil rights law.

As just one example of what can be done, let me refer you to the case of *Davis* v. *Schnell*, southern district of Alabama, U.S.S. Ct., 1949. In that case a private counsel, a Negro attorney of considerable ability, Mr. George Leighton, of Chicago, Ill., filed an action to declare unconstitutional the so-called Boswell amendment to the constitution of the State of Alabama, which provided for a constitutional interpretation test. A three-judge court was convened, a trial—brief but adequate—was held, and the court ruled that the Boswell amendment was unconstitutional. The State of Alabama appealed to the Supreme Court of the United States and the Supreme Court affirmed per curiam. And, Mr. Speaker, this case from start to finish—tried basically by just one attorney on a part-time basis and involving at that time new questions of law—was concluded from the filing of the complaint to the final decision in the Supreme Court of the United States in approximately 1 year. I also refer to the cases decided by Judge J. Skelly Wright, formerly of the eastern district of Louisiana and now of the Court of Appeals for the District of Columbia Circuit. Judge Wright saw to it that the law was enforced without undue delay and prejudice to the constitutional rights of the litigants. Two such cases were Bush against Orleans Parish School Board and Hall against St. Helena Parish School Board, decided respectively on May 16 and May 24, 1960. In the latter case, Judge Wright granted a motion for summary judgment to integrate the school involved and enjoined any further segregation practices.

Returning now to the proper enforcement of the voting rights legislation—which mainfestly should have been done years ago without further action by the Congress, let me point out that the Federal voting referee provisions provided for in the 1960 act have never been used at all. No Federal voting referee has even been appointed by any southern Federal district judge regardless of the degree of voting discrimination proved in court. And I might add that, in my judgment, "overproved" might be a better word. The amount of proof being required in these cases to enforce the right to vote would make an antitrust case pale in comparison. As an extreme example of the "overproof," the case now pending in Mississippi, U.S. against Mississippi, already has volumes and volumes of records involved, and the case has not even come to trial. A good part, if not all of the entire voting records of the complete registration system in the State of Mississippi may be introduced in evidence. While it is true that this is a case of statewide implications, so was Davis against Schnell, in which the total proceedings consisted of two small volumes, or so. Many other voting cases of smaller import are involving a comparable degree of proof. This is strikingly reminiscent of the English courts as described by Mr. Charles Dickens and is obviously not worthy of the judicial system of the United States.

Now to be very specific and very precise: There is no reason why—based upon the outrageous evidence found in the well-documented voting rights reports of the U.S. Commission on Civil Rights—that a Federal district court in the State of Mississippi cannot decide that a pattern or practice of discrimination exists within a reasonable time after the complaint is filed. I might add at this point that it is utterly ridiculous to think that the entire facilities of the U.S. judiciary which this Congress has directed to be put at the disposal of immediate securing of the right to vote cannot accomplish in short order voting registration to those denied this right on account of race while, at the same time, people throughout the Nation—including whites throughout the South—accomplish registration within a matter of minutes.

As a matter of fact, when I look at page 272 of the Commission's 1961 voting report—which figures testimony before my committee shows is still about accurate even after 2 years—and notice that 29 of Mississippi's 82 counties have combined Negro voting age population of about 110,000 and only about 100 of them are registered to vote—which, I might remind you, is still not the same thing as being able to vote—I think that there is no reason why a Federal district court should need more than 3 or 4 days in such factual situations after the filing of the complaint to make such a determination and proceed immediately to the appointment of referees. The explicit language of sections 1971 (c) and (e) of title 42, which is the voting rights section, clearly provide that a finding of a pattern or practice can be based upon any proceeding filed by the Attorney General pursuant to subsection (c), which explicitly includes the temporary restraining order that is normally granted within a couple of days. After the finding of a pattern or practice the court should that day proceed to appoint Federal voting referees to receive applications from persons denied the right to vote by State officials and proceed to register them. In the

example of the State of Mississippi, the court should appoint a high percentage of Negroes as voting referees, since the State is 43 percent Negro. And sufficient referees should be appointed for each county so that they can do their job within a week or two, which should include going to various communities and rural areas throughout the county. The court should invest the referees with plenary powers to cope with any person or group that might try in any way to interfere with or frustrate the referee's work, as explicitly provided by 1971(e) in the next to last paragraph; this provision was added by this House on the floor in 1960 and has never come even close to being used. There should be no longer than 2 or 3 weeks consumed at the most—and then only in exceptional cases—in finally determining voting applications filed with the referees, including the pro forma reporting by the referee to the court that is required. The 1960 act explicitly allows the court to refer all matters to the referee—paragraph 5 of 1971(e)—including any exceptions raised by the State. Again, of course, none of these provisions have ever come close to being used.

In closing, Mr. Speaker, permit me to add that the Congress has provided ample tools for the judiciary itself to police the court system to secure prompt and efficient administration of justice and enforcement of the laws passed by the Congress. The designation and assignment powers coupled with the powers of the judicial council of a circuit to issue all orders necessary for the more efficient conduct of a circuit's business can be effective procedures and are binding by law upon the district judges. Another effective and perhaps even more proper tool is the power delegated by the Congress to the Supreme Court of the United States to promulgate rules to govern the procedure of the district courts. That statute, section 2072 of title 28 of the United States Code, gives ample power to the Supreme Court to take measures to provide for expeditious procedure in regard to voting rights cases and to provide for time limits upon granting or denying injunction in cases involving the denial of constitutional rights. If necessary, a civil rights and civil liberties docket could be set up in a district or districts. All of these provisions would be supported by the alternative of the designation of another judge to take over and hear the case expeditiously. Accordingly, I suggest this draft of a new rule 71B of the Federal Rules of Civil Procedure:

RULE 71B. CIVIL RIGHTS CASES

(a) In any case filed pursuant to sections 1971 or 1983 of title 42 of the United States Code [or pursuant to the provisions of the Civil Rights Act of 1964], the following procedure shall apply:

(1) A request for a preliminary injunction pursuant to rule 65 shall be heard and decided by the court within 30 days. If such request is not heard and decided within such period, then the chief judge of the circuit shall immediately designate a judge to hear and decide such request. Such designated judge shall continue to exercise full jurisdiction over such case until its final disposition.

(2) A request for a finding of a pattern or practice under section 1971 shall be heard and decided within 60 days. Final rulings by the court upon voting registration applications (whether or not a voting referee conducts the initial hearings) shall be made within 30 days after such application is initially received. Failure of the court to comply with this paragraph shall invoke the provisions of the last two sentences of the preceding paragraph.

(b) In the discretion of the chief judge of a circuit and with the approval of the Chief Justice of the United States, a civil rights docket may be established in any judicial district or districts to consist of cases filed pursuant to sections 1971 or 1983 of title 42 of the United States Code [or pursuant to the provisions of the Civil Rights Act of 1964]. The chief judge of the circuit shall assign any judge or judges to hear and decide the cases on such docket.

In summary, Mr. Speaker, this Congress, and particularly this House, intended that the 1957 and 1960 acts bring swift relief to those persons unconstitutionally denied the right to vote. Let there be no mistake about it this time, we intend that these voting rights provisions be enforced and be enforced vigorously and promptly. Large numbers of persons denied the right to vote—hundreds of thousands of them—should be registered pursuant to the 1957 and 1960 acts and pursuant to this act in time to vote in the national elections of this year. This is the intent of the Congress, and let no doubt remain.

STATEMENT BY MRS. MARGARET B. DOLAN, PRESIDENT, AMERICAN NURSES' ASSOCIATION

The American Nurses' Association is the organization of about 170,000 registered professional nurses, with constituent associations in 54 States and territories, including Puerto Rico and the District of Columbia. The bylaws of the ANA include a nondiscriminatory provision within the statement of purpose of the organization in article I, section 2, which reads:

"The purpose of the American Nurses' Association shall be to foster high standards of nursing practice, promote the welfare of nurses to the end that all people may have better nursing care. These purposes shall be unrestricted by consideration of nationality, race, creed, or color."

Ever since the national association was founded, in 1896, it has offered membership to all qualified professional nurses, regardless of race, color, creed, or national origin. This has not always been true of some of the State associations. However, since January 1962, membership has been open to all qualified professional nurses in the 54 constituent associations.

Since 1946 conscious and increased effort has been made by ANA to eliminate racial and ethnic segregation and discrimination in nursing. By 1950 sufficient impact had been made so that ANA by mutual agreement absorbed the functions of the National Association of Colored Graduate Nurses, thus assuring the Negro nurse of acceptance and recognition within the professional association. The National Association of Colored Graduate Nurses was dissolved at this time.

In April 1954 the ANA board of directors, on recommendation of the committee on intergroup relations, adopted a policy specifically authorizing the ANA to support civil rights legislation. Subsequently, the following statement of principles to guide ANA action was approved by the board of directors in 1956:

"1. A favorable climate of Federal and State law is essential to the achievement of the long-term goals of the intergroup relations program of the American Nurses' Association. The association should promote and support legislation designed to provide a climate in which discriminatory practices affecting nurses, nursing, and health may be eliminated.

"2. All qualified applicants, regardless of race, creed, color, or national origin, should have the same opportunities for sound educational preparation for nursing. Tax funds for the support of nursing education should not be used to initiate or perpetuate discriminatory practices.

"3. Legal restrictions to the full utilization of nursing personnel which are based on race should be eliminated.

"4. Legal restrictions to the unsegregated use of public accommodations should also be eliminated.

"5. Health and welfare programs supported by tax funds should promote and protect the physical, mental, and social well-being of all citizens regardless of race, creed, color, or national origin."

Since 1946 the objectives and goals of the association have been stated in a platform adopted by the house of delegates. One plank which appeared in that first platform and in all subsequent platforms states that the association "will encourage all members, unrestricted by consideration of nationality, race, creed, or color, to participate fully in association activities and to work for full access to employment and educational opportunities for nurses."

The association itself has a role in the continuing education of its members through conducting conferences, meetings, and conventions. Conventions are held biennially and are open to all members. At these conventions, major business of the association is conducted by an integrated house of delegates who represent each jurisdiction. Here the policy decisions are made. Educational programs are held that are designed to assist the nurse in her practice. Attendance at these conventions is generally about 10,000.

In 1948 the ANA board of directors established the policy that there be no discrimination as to race, creed, or color in accommodations obtained for ANA meetings. Because we have this position, we do not schedule conventions or conferences in cities where all of our membership cannot enjoy the same rights to accommodations—in hotels, restaurants, and transportation facilities. From the practical and economic point of view, the city which has segregated facilities, thereby denying like accommodations to all, loses financially since the purchasing power of 10,000 people is considerable.

In addition to the biennial convention, the association conducts many smaller conferences, institutes, and workshops in various parts of the country. These meetings may focus on a specific clinical area such as psychiatric nursing practice or the nursing care of patients with cardiac disease or on specific concerns of the nurse, such as economic and general welfare, and legislation.

An area that has segregated facilities presents a hardship for all nurses, not just to those who belong to a minority group. Some nurse members are faced with the prospect of always going outside their own region to attend meetings and to participate in the affairs of the association. However, in spite of this problem there has never been any effort by a group within ANA to bring about a change in the association's position.

The only criterion for employment of American Nurses' Association staff is the qualification for the position. Staff implements the programs of the association and provides consultant services, either through correspondence or in person, to the constituent State associations. In some instances, highly qualified staff members, with special knowledge and skills, are not available to serve the total membership in person because of restrictions in the use of public

accommodations. The American Nurses' Association cannot send some of its staff members to some communities because segregation practices exist.

Our constituent State nurses' associations have attempted to achieve progress and secure facilities where all can be accommodated, through seeking the cooperation of owners and managers of community facilities. This is not always possible, even granting the good intent of management, because of restrictive State laws. In other areas no amount of effort will secure facilities in which the State associations can meet since there are no public buildings available. Some of our State associations have arranged meetings in Federal buildings such as an armory where everyone can sit down together. In some instances, only limited effort has been made in recent years to hold integrated meetings because of fear of local censure.

We wish to express our concern over the fact that the proposal to end discrimination in public accommodations may not apply to the hospital industry.

Yet hospitals are built and operated for the public good. Admission of patients should be based on need. Employment of staff within the hospital should be determined solely on the basis of qualifications. Maintenance of separate facilities within a community seriously dilutes the number of qualified staff available for employment. In nursing, we are especially concerned about the shortage of professional nurses, who are responsible for meeting nursing care needs and for the direction and supervision of less well prepared personnel in nursing service. At this time, the ratio of professional nurses to population is lowest in regions which have the largest number of segregated hospitals.[1]

A study of several hospitals that undertook integration of staff shows that two basic factors, the nature of the hospital as an institution and the nurse's role in the hospital, work to the advantage of integration. Characteristics of nursing and of the hospital as an institution that facilitate integration are—

Emphasis on other than racial criteria in definitions of the "preferred type" of nurse.

The humanitarian ethos of nursing and its expression in nursing organizations.

The occupational status system of the hospital which overrides other types of status divisions.

The emphasis on professional role relations and recognition of authority.

The nature of the nurse-patient relationship.

A reprint from the American Journal of Nursing describing this study is attached to this statement for further information.

The ANA code of ethics, adopted in 1950, states that professional staus in nursing is maintained and enriched by the willingness of the individual practitioner to accept and fulfill obligations to society, coworkers, and the profession of nursing. The code for professional nurses contains additional guides to the individual nurse in fulfilling her obligations. These are:

The nurse provides services based on human need, with respect for human dignity, unrestricted by considerations of nationality, race, creed, color, or status; and

The nurse as a citizen understands and upholds the laws and performs the duties of citizenship; as a professional person the nurse has particular responsibility to work with other citizens and health professions in promoting efforts to meet health needs of the public.

Integration within the association has been accomplished through the voluntary effort by the nursing profession. We believe that all Americans should enjoy the same political and civil rights and recognize that, in some instances, these can be secured only through legislative action. The association has chosen to support civil rights legislation that would have a favorable effect on nurses, nursing, and health, and the provision of health services. We urge this committee to take favorable action on this proposed civil rights legislation.

There are several pieces of printed material attached to each statement supplied to the committee members and which we thought might be of interest to you.

[1] "Facts About Nursing," 1963 edition, American Nurses' Association; "Toward Quality in Nursing," Surgeon General, USPHS. Consultant Group on Nursing.

STATEMENT OF IVAN ALLEN, JR., MAYOR OF ATLANTA, GA.

Senator PASTORE. Mayor, you have submitted a written statement to the committee. I am going to ask you to present it any way you like.

Mayor ALLEN. Thank you very much, Senator.

I am honored to appear before your committee.

At the beginning I would like to make it clear that I feel qualified to speak on the subject under discussion which is the elimination of racial discrimination, on what I have learned from personal experience and observation in my home city of Atlanta, Ga. As perceptive men of wide experience I feel confident that you will agree with me that this is as serious a basic problem in the North, East, and West as it is in the South.

It must be defined as an all-American problem, which requires an all-American solution based on local thought, local action, and local cooperation.

The 500,000 people who live within our city limits consist of 300,000 white citizens and slightly more than 200,000 Negro citizens. That makes the population of Atlanta 60 percent white, 40 percent Negro.

That 60–40 percentage emphasizes how essential it is for the people of Atlanta, on their local level, to solve the problem of racial discrimination in order to make Atlanta a better place in which to live.

Elimination of racial discrimination is no far-off philosophical theory to the more than 1 million people who live in and around Atlanta. The problem is part and parcel of our daily lives. Its solution must be studied and worked out on our homefront.

As the mayor of the Southeast's largest city, I can say to you out of firsthand experience and firsthand knowledge that nowhere does the problem of eliminating discrimination between the races strike so closely home as it does to the local elected public official. He is the man who cannot pass the buck.

From this viewpoint, I speak of the problem as having been brought into sharp focus by decisions of the Supreme Court of the United States and then generally ignored by the Presidents and Congresses of the United States. Like a foundling baby, this awesome problem has been left on the doorsteps of local governments throughout the Nation.

Now to take up specifics. You gentlemen invited me to tell you how Atlanta has achieved a considerable measure of comparative success in dealing with racial discrimination.

It is true that Atlanta has achieved success in eliminating discrimination in areas where some other cities have failed, but we do not boast of our success. Instead of boasting, we say with the humility of those who believe in reality that we have achieved our measure of success only because we looked facts in the face and accepted the Supreme Court's decisions as inevitable and as the law of our land. Having embraced realism in general, we then set out to solve specific problems by local cooperation between people of good will and good sense representing both races.

In attacking the specific problems, we accepted the basic truth that the solutions which we ought to achieve in every instance granted to our Negro citizens rights which white American citizens and businesses previously had reserved to themselves as special privileges.

These special privileges long had been propped up by a multitude of local ordinances and statewide laws which had upheld racial segregation in almost every conceivable form.

In Atlanta we had plenty of these props of prejudice to contend with when we set out to solve our specific problems of discrimination. In attacking these problems, I want to emphasize that in not one single instance have we been able to retain or enhance the privileges of segregation.

It had been a long, exhausting, and often discouraging process and the end is far from being in sight.

In the 1950's Atlanta made a significant start with a series of reasonable eliminations of discrimination such as on golf courses and public transpcrtation. We began to become somewhat conditioned for more extensive and definitive action, which has been taking place in the 1960's.

During the past 2½ years, Atlanta has taken the following major steps to eliminate racial discrimination:

1. In September 1961, we began removing discrimination in public schools in response to a court order.

2. In October 1961, lunch counters in department and variety stores abolished discrimination by voluntary action.

3. On January 1, 1962, Atlanta city facilities were freed from discrimination by voluntary action of municipal officials.

4. In March 1962, downtown and art theaters, of their own volition, abolished discrimination in seating.

5. On January 1, 1963, the city voluntarily abolished separate employment listings for whites and Negroes.

6. In March 1963, the city employed Negro firemen. It long ago had employed Negro policemen.

7. In May of 1963 the Atlanta Real Estate Board (white) and the Empire Real Estate Board (Negro) issued a statement of purposes, calling for ethical handling of real estate transactions in controversial areas.

8. In June 1963, the city government opened all municipal swimming pools on a desegregated basis. This was voluntary action to comply with a court order.

9. Also in June 1963, 18 hotels and motels, representing the leading places of public accommodations in the city, voluntarily removed all segregation for conventions.

10. Again in June 1963, more than 30 of the city's leading restaurants, of their own volition, abolished segregation in their facilities.

You can readily see that Atlanta's steps have been taken in some instances in compliance with court decisions, and in other instances the steps have been voluntary prior to any court action. In each instance the action has resulted in white citizens relinquishing special privileges which they had enjoyed under the practices of racial discrimination. Each action also has resulted in the Negro citizen being given rights which all others previously had enjoyed and which he had been denied.

As I mentioned at the beginning, Atlanta has achieved only a measure of success. I think it would assist you in understanding this if I explained how limited so far has been this transition from the old segregated society of generations past, and also how limited so far has been the participation of the Negro citizens.

Significant as is the voluntary elimination of discrimination in our leading restaurants, it affects so far only a small percentage of the hundreds of eating places in our city.

And participation by Negroes so far has been very slight. For example, one of At-

lanta's topmost restaurants served only 16 out of Atlanta's 200,000 Negro citizens during the first week of freedom from discrimination.

The plan for eliminating discrimination in hotels as yet takes care only of convention delegates. Although prominent Negroes have been accepted as guests in several Atlanta hotels, the Negro citizens, as a whole, seldom appear at Atlanta hotels.

Underlying all the emotions of the situation is the matter of economics. It should be remembered that the right to use a facility does not mean that it will be used or misused by any group, especially the groups in the lower economic status.

The statements I have given you cover the actual progress made by Atlanta toward total elimination of discrimination.

Now I would like to submit my personal reasons why I think Atlanta has resolved some of these problems while in other cities, solutions have seemed impossible and strife and conflict have resulted.

As an illustration, I would like to describe a recent visit of an official delegation from a great eastern city which has a Negro population of over 600,000 consisting of in excess of 20 percent of its whole population.

The members of this delegation at first simply did not understand and would hardly believe that the business, civic, and political interests of Atlanta had intently concerned themselves with the Negro population. I still do not believe that they are convinced that all of our civic bodies backed by the public interest and supported by the city government have daily concerned themselves with an effort to solve our gravest problem which is relations between our races. Gentlemen, Atlanta has not swept this question under the rug at any point. Step by step, sometimes under court order, sometimes voluntarily moving ahead of pressures, sometimes adroitly, and many, many times clumsily, we have tried to find a solution to each specific problem through an agreement between the affected white ownership and the Negro leadership.

To do this we have not appointed a huge general biracial committee which too often merely becomes a burial place for unsolved problems. By contrast, each time a specific problem has come into focus, we have appointed the people involved to work out the solution—theater owners to work with the top Negro leaders, or hotel owners to work with the top leadership, or certain restaurant owners who, of their own volition, dealt with the top Negro leadership. By developing the lines of communication and respectability, we have been able to reach amicable solutions.

Atlanta is the world's center of Negro higher education. There are six great Negro universities and colleges located inside our city limits. Because of this, a great number of intelligent, well-educated Negro citizens have chosen to remain in our city. As a result of their education they have had the ability to develop a prosperous Negro business community. In Atlanta it consists of financial institutions like banks, building and loan associations, life insurance companies, chain drugstores, real estate dealers. In fact, they have developed business organizations, I believe, in almost every line of acknowledged American business. There are also many Negro professional men.

Then there is another powerful factor working in the behalf of good racial relations in our city. We have news media, both white and Negro, whose leaders strongly believe and put into practice the great truth that responsibility of the press—and by this I mean radio and television as well as the written press—is inseparable from freedom of the press.

The leadership of our written, spoken, and televised news media join with the business and government leadership, both white, and Negro, in working to solve our problems.

We are fortunate that we have one of the world famous editorial spokesmen for reason and moderation on one of our white newspapers, along with other editors and many reporters who stress significance rather than sensation in the reporting and interpretation of what happens in our city.

And we are indeed fortunate in having a strong Negro daily newspaper, the Atlanta Daily World, and a vigorous Negro weekly, the Atlanta Inquirer.

The Atlanta Daily World is owned by a prominent Negro family, the Scott family, which owns and operates a number of other newspapers.

The sturdy voices of the Atlanta Daily World and the Atlanta Inquirer, backed by the support of the educational, business and religious community, reach out to our Negro citizens. They speak to them with factual information upon which they can rely. They express opinions and interpretations in which they can have faith.

As I see it, our Negro leadership in Atlanta is responsible and constructive. I am sure that our Negro leadership is as desirous of obtaining additional civic and economic and personal rights as is any American citizen. But by constructive I mean to define Atlanta's Negro leadership as being realistic—as recognizing that it is more important to obtain the rights they seek than it is to stir up demonstrations. So it is to the constructive means by which these rights can be obtained that our Negro leaders constantly address themselves. They are interested in results instead of rhetoric. They are realists, not rabblerousers. Along with integration, they want integrity.

I do not believe that any sincere American citizen desires to see the rights of private business restricted by the Federal Government unless such restriction is absolutely necesasry for the walfare of the people of this country. On the other hand, following the line of thought of the decisions of the Federal courts in the past 15 years, I am not convinced that current rulings of the courts would grant to American business the privilege of discrimination by race in the selection of its customers.

Here again we get into the area of what is right and what is best for the people of this country. If the privilege of selection based on race and color should be granted, then would we be giving to business the right to set up a segregated economy? And if so, how fast would this right be utilized by the Nation's people? And how soon would we again be going through the old turmoil of riots, strife, demonstrations, boycotts, picketing?

Are we going to say that it is all right for the Negro citizen to go into the bank on Main Street and to deposit his earnings or borrow money, then go to department stores to buy what he needs, to go to the supermarket to purchase food for his family, and so on along Main Street until he comes to a restaurant or a hotel—in all these other business places he is treated just like any other customer—but when he comes to the restaurant or the hotel, are we going to say that it is right and legal for the operators of these businesses, merely as a matter of convenience, to insist that the Negro's citizenship be changed and that, as a second-class citizen he is to be refused service? I submit that it is not right to allow an American's citizenship to be changed merely as a matter of convenience.

If the Congress should fail to clarify the issue at the present time, then by inference it would be saying that you could begin discrimination under the guise of private business. I do not believe that this is what the Supreme Court has intended with its decisions. I do not believe that this is the intent of Congress or the people of this country.

I am not a lawyer, Senators. I am not sure I clearly understand all of the testimony involving various amendments to the Constitution and the commerce clause which has been given to this committee. I have a fundamental respect for the Constitution of the United States. Under this Constitution we have always been able to do what is best for all of the people of this country. I beg of you not to let this issue of discrimination drown in legalistic waters. I am firmly convinced that the Supreme Court insists that the same fundamental rights must be held by every American citizen.

Atlanta is a case that proves that the problem of discrimination can be solved to some extent—and I use this "some extent" cautiously—as we certainly have not solved all of our problems; but we have met them in a number of areas.

This can be done locally, voluntarily, and by private business itself.

On the other hand, there are hundreds of communities and cities, certainly, throughout the Nation, that have not ever addressed themselves to the issue. Whereas others have flagrantly ignored the demand, and today stand in all defiance to any change.

The Congress of the United States is now confronted with a grave decision. Shall you pass a public accommodation bill that forces this issue? Or, shall you create another round of disputes over segregation by refusing to pass such legislation?

Surely the Congress realizes that after having failed to take any definite action on this subject in the last 10 years, to fail to pass this bill would amount to an endorsement of private business setting up an entirely new status of discrimination throughout the Nation. Cities like Atlanta might slip backward.

Hotels and restaurants that have already taken this issue upon themselves and opened their doors might find it conveninent to go back to the old status. Failure by Congress to take definite action at this time is by inference an endorsement of the right of private business to practice racial discrimination and, in my opinion, would start the same old round of squabbles and demonstrations that we have had in the past.

Gentlemen, if I had your problem, armed with the local experience I have had, I would pass a public accommodations bill. Such a bill, however, should provide an opportunity for each local government first to meet this problem and attempt to solve it on a local, voluntary basis, with each business making its own decision. I realize that it is quite easy to ask you to give an opportunity to each businessman in each city to make his decision and accomplish such an objective, but it is extremely difficult to legislate such a problem.

What I am trying to say is that the pupil placement plan, which has been widely used in the South, provided a timetable approved by the Federal courts which helped in getting over the troubled water of elimination of discrimination in public schools. It seems to me that cities working with private business institutions could now move into the same area and that the Federal Government legislation should be based on the idea that those businesses have a reasonable time to accomplish such an act.

I think a public accommodations law now should stand only as the last resort to assure that discrimination is eliminated, but that such a law would grant a reasonable time for cities and businesses to carry out this function before Federal intervention.

It might even be necessary that the time factor be made more lenient in favor of smaller cities and communities, for we all know that large metropolitan areas have the capability of adjusting to changes more rapidly than smaller communities.

Perhaps this, too, should be given consideration in your legislation. But the point I want to emphasize again is that now is the time for legislative action. We cannot dodge

the issue. We cannot look back over our shoulders or turn the clock back to the 1860's. We must take action now to assure a greater future for our citizens and our country.

A hundred years ago the abolishment of slavery won the United States the acclaim of the whole world when it made every American free in theory.

Now the elimination of segregation, which is slavery's stepchild, is a challenge to all of us to make every American free in fact as well as in theory—and again to establish our Nation as the true champion of the free world.

Mr. Chairman and members of the committee, I want to thank you for the opportunity of telling you about Atlanta's efforts to provide equality of citizenship to all within its borders.

Thank you very much.

This is a summary report of the activities of the Mississippi Advisory Committee to the U.S. Commission on Civil Rights during the 14-month period ending in January 1963. The advisory committee held 6 open meetings in this period, in Jackson, Greenville, Clarksdale, and Meridian, and received approximately 150 complaints of alleged denial of equal protection of the law.

The procedure followed by the committee in holding open meetings may briefly be described as follows: A public announcement was made of our intention to hold a meeting, and the press and the public were invited to attend. Persons desiring to submit pertinent information or complaints were invited to appear. The committee has been gratified by the response of many of the citizens of the State to these meetings. Attendance increased with nearly every meeting and as many as 29 persons have testified at a single meeting. In some instances, citizens were unwilling to voice their complaints in open session because they feared violent reprisals. Such complainants were held in executive session. Whenever the committee had an indication that certain law enforcement agencies or officials were to be involved in a complaint, advance notice was sent to such agencies or officials together with an invitation to participate. Although we usually received no response to these invitations, sheriffs have occasionally attended meetings as spectators, though declining to participate. The press has usually been in attendance and has, on the whole, reported our proceedings fairly and objectively.

Our purpose in holding open meetings was to collect factual information regarding possible denials of equal protection of the law in Mississippi. We believe this purpose has been accomplished to the extent that we have established beyond doubt that a formal inquiry into alleged civil rights denials in this State is an urgent necessity. We have also been able to forward to the Commission specific complaints which involved infractions of existing Federal statutes.

All of us are Mississippians and some of us have lived all our lives in Mississippi. Yet the extent and the manner of apparent denials of equal protection of the law on the basis of color, as revealed in these meetings, has been a profound shock to us. We are alarmed at the direction our society seems to be taking, and we believe that the overwhelming majority of Mississippians will share this alarm as the facts become known to them. It is our hope that the open meetings have been useful in making these facts known.

The committee regrets to report that its factfinding efforts were actively opposed by agents and instrumentalities of the State government. It might be assumed that equal protection of the laws, particularly as it applies to the administration of justice, is such an intrinsic part of the American system, or of any true democracy, that officials would be eager to demonstrate their respect for this basic concept. Unfortunately, such is not the case at this time in Mississippi. State officials advised other officials and private individuals who are questioned by the committee in 1961 to refuse to provide information. In 1960, the Mississippi Legislature passed an act designed, we believe, to intimidate persons who might wish to assert their rights as citizens by appearing before this committee. This act alters the requirements of proof for prosecutions of perjury solely in cases where the defendant has testified before this committee, Commission on Civil Rights, the FBI, or another U.S. agency on the subject of deprivation of rights guaranteed by the Constitution of the United States or of Mississippi.[1] The act contains the following remarkable wording:

"Corroboration or proof by more than one witness to establish the falsity of testimony or statements under oath is not required in prosecutions under this act. It shall not be necessary to prove, to sustain or charge under this act, that the oath or matter sworn to was material, or, if before an executive, legislative, or judicial tribunal committee or commission had jurisdiction." (The full text of the act, enacted as sections 2155.4–2155.6 of the Mississippi Code, is appended to this report.)

The committee has also learned, in at least one case, of the intimidation of a witness who appeared before us.

The committee's investigations have indicated that in all important areas of citizenship, a Negro in Mississippi receives substantially less than his due consideration as an American and as a Mississippian. This denial extends from the time he is denied the right to be born in a nonsegregated hospital, through his segregated and inferior school years and his productive years when jobs for which he can qualify are refused, to the day he dies and is laid to rest in a cemetery for Negroes only. This committee could have chosen to concentrate on any aspect of discrimination and found a plethora of examples of denial of equal protection of the law. This includes the denial of the fundamental right to vote and have that vote counted in elections. Sixty-five sworn voting complaints from 13 Mississippi counties have been received by the Commission. This is third highest in the Nation.[2]

In spite of the seriousness of the inequities in these areas of citizenship, this report is concerned with another subject which recurred constantly in the testimony at our meetings. It is a subject that has implications even more damaging to the principles of the American way of life than denial of the right to vote. That subject is police brutality. The following incidents are illustrative of the alarming number of complaints on this subject received by this committee.

A word of caution and explanation is in order. In view of its lack of adjudicative power, the committee was at first hesitant to delve too deeply into this sensitive area. Our committee can offer no relief to individual complainants and is not in a position to make final determinations regarding the validity of the complaints it receives. Yet, it soon became apparent that no conscientious group that is concerned with constitutional rights could ignore the innumerable charges of police mistreatment in our State. The complaints are too numerous; too many of them are made under oath; too many complainants have corroborative evidence; and only too rarely have we seen any indication that the State is eager or even willing to punish those who, in its name, engage in the terrorization of the innocent and the defenseless.

We name no names in this report, and reach no final conclusions in individual cases. We do, however, believe that a pattern exists in our State that leads to the denial of constitutional rights and, in some instances, to brutality and terror. From the moment a Negro adult is hailed as "boy" or "girl" by a police officer, through his arrest, detention, trial—during which his Negro lawyer is treated with contemptuous familiarity by the judge and other officers of the court—and eventual imprisonment, he is treated with a pernicious difference. This difference is incompatible with Christian ideals about the dignity of man and with the principles of Anglo-Saxon criminal law.

How often this atmosphere produces actual terror and brutality is a question that demands further investigation. We feel strongly that we have probable cause to believe that police brutality is a continuing problem in at least certain sections of our State, and that a formal investigation into this problem must be undertaken. The cases that follow give some indication of the severity of the problem. The names, places, and dates have been omitted to protect the witnesses. All incidents reportedly occurred in Mississippi in the last 3 years. Unless otherwise indicated, all of the statements that are included in this report were made under oath.

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[1] The ordinary rule of perjury in Mississippi is that conviction of perjury is not sustained by the uncorroborated evidence of a single witness. *Lee* v. *State* (105 Miss. 539, 62 So. 360(1913)).

[2] The voting problem remains serious in the State. Activity by the Justice Department in Mississippi promises some slow relief in counties where suits have been initiated. Yet the State government continues to erect all possible barriers to equal access to the franchise by our Negro citizens. In 1962, the Mississippi Legislature enacted a new law requiring the publication of the names and addresses of all new voting registrants for 2 weeks in a newspaper of general circulation. This law is ostensibly designed to facilitate challenges of registrants on moral grounds. In fact, it can be used to facilitate reprisals against Negroes who seek to register.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Bow (at the request of Mr. HALLECK), on account of official business.

Mr. ANDERSON (at the request of Mr. ARENDS), for today, on account of illness in his family.

SPECIAL ORDER GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to Mr. PATMAN to postpone his special order for 60 minutes, on Monday, February 3, to Monday, February 17.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD or to revise and extend remarks, was granted to:

Mrs. SULLIVAN.

Mr. LINDSAY and to include extraneous matter.

Mr. REID of New York and to include extraneous matter in the remarks he made in the Committee of the Whole today.

(The following Member (at the request of Mr. ALBERT) and to include extraneous matter:)

Mr. CLARK.

Mr. CRAMER (at the request of Mr. STAFFORD) his remarks during debate on H.R. 7152 and to include extraneous matter.

(The following Members (at the request of Mr. STAFFORD) and to include extraneous matter:)

Mr. FOREMAN.

Mr. OLIVER P. BOLTON in two instances.

Mr. JENSEN.

BILL AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on January 31, 1964, present to the President, for his approval, a bill and a joint resolution of the House of the following titles:

H.R. 9076. An act to provide for the striking of medals in commemoration of the 200th anniversary of the founding of St. Louis; and

H.J. Res. 875. Joint resolution making supplemental appropriations for the fiscal year ending June 30, 1964, for certain activities of the Department of Health, Education, and Welfare related to mental retardation, and for other purposes.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 7 o'clock and 1 minute p.m.) the House adjourned until Monday, February 3, 1964, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

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

1630. A communication from the President of the United States, transmitting the Budget of the U.S. Government, 1965—Appendix (H. Doc. No. 266); to the Committee on Appropriations and ordered to be printed.

1631. A letter from the Postmaster General, transmitting a report relating to the estimated amount of the losses or costs incurred by the Postal Establishment in the performance of public services for the fiscal year ending June 30, 1964, pursuant to Public Law 87-793; to the Committee on Post Office and Civil Service.

1632. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting information regarding the allocation or placement of positions in grades 16, 17, and 18 of the general schedule of the Classification Act of 1949, as amended, under the jurisdiction of the Commissioner of Immigration and Naturalization during the calendar year 1963, pursuant to Public Law 84-854; to the Committee on Post Office and Civil Service.

1633. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders suspending deportation as well as a list of the persons involved, pursuant to the Immigration and Nationality Act of 1952, as amended by Public Law 87-885; to the Committee on the Judiciary.

1634. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders suspending deportation as well as a list of the persons involved, pursuant to the Immigration and Nationality Act of 1952, as amended by Public Law 87-885; to the Committee on the Judiciary.

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. BONNER: Committee on Merchant Marine and Fisheries. H.R. 9640. A bill to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard; with amendment (Rept. No. 1124). 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. FULTON of Pennsylvania:

H.R. 9843. A bill to amend the Internal Revenue Code of 1954 to provide deduction from gross income for certain nonreimbursable expenses incurred by volunteer firemen; to the Committee on Ways and Means.

By Mr. GUBSER:

H.R. 9844. A bill to provide for the issuance of a special postage stamp in honor of the city of Santa Clara, in recognition of its historical significance in the western United States; to the Committee on Post Office and Civil Service.

By Mr. JENSEN:

H.R. 9845. A bill to provide for a voluntary wheat domestic parity program; to the Committee on Agriculture.

By Mrs. GREEN:

H.R. 9846. A bill to amend and extend the National Defense Education Act of 1958; to the Committee on Education and Labor.

By Mr. CLARK:

H.J. Res. 910. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII,

The SPEAKER presented a memorial of the Legislature of the State of Arizona, memorializing the President and the Congress of the United States relative to urging the Congress of the United States to support a firm policy against communism, which was referred to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURKE:

H.R. 9847. A bill for the relief of Daniel Walter Miles; to the Committee on the Judiciary.

By Mr. GIBBONS:

H.R. 9848. A bill for the relief of Barney E. McElyea; to the Committee on the Judiciary.

By Mr STUBBLEFIELD:

H.R. 9849. A bill to provide for the sale of a housing project in Paducah, Ky., to the Paducah Junior College; to the Committee on Banking and Currency.

PETITIONS, ETC.

Under clause 1 of rule XXII,

675. The SPEAKER presented petition of Henry Stoner, Avon Park, Fla., relative to incident of the Communists shooting down an American training plane over East Germany, and requesting that the wheat to Russia plan and law be repealed, which was referred to the Committee on Foreign Affairs.

EXTENSIONS OF REMARKS

President Johnson's Invitation to a Fiscal Happy Hour

EXTENSION OF REMARKS
OF
HON. OLIVER P. BOLTON
OF OHIO
IN THE HOUSE OF REPRESENTATIVES

Saturday, February 1, 1964

Mr. OLIVER P. BOLTON. Mr. Speaker, under leave to extend my remarks in the RECORD, I would like to include the recent remarks of my distinguished friend and colleague from Ohio, the Honorable ROBERT TAFT, JR., before a Republican gathering in Westminster, Md.

Congressman TAFT's remarks follow:

PRESIDENT JOHNSON'S INVITATION TO A FISCAL HAPPY HOUR

At the outset of his administration, the late President John F. Kennedy called for a willingness on the part of all Americans to sacrifice for the welfare of the Nation. Speaking from the point of view of the fiscal management of the affairs of the country, the budget and spending records for 1963 and 1964 then proceeded to rise to a new level and to promise to all a more liberal dispensation of Federal benefits and a higher level of Federal spending, coming not from increased taxation but from increased borrowing and an increase in the national debt. President Johnson, in submitting the 1965 budget, in interesting contrast has now invited the American people to join him in what might be called "a happy hour" which is intended to last until next November, without any cutback in the planned programs to be started and carried on by the Federal Government. Somehow we are to believe that just a little bit better housekeeping is going to result in our being able to cut back on planned expenditures, reduce taxes in larger amounts with earlier dates, and enjoy the greatest prosperity and growth this Nation has ever had. In the second place, if this can be done, why was not the Kennedy administration doing it? The suspicion grows, unfortunately, that it is to be a monumental juggling act to keep all the balls in the air for at least the next 9 months and then to scramble for cover in one direction or another. Perhaps this can be pulled off and perhaps the country will not get wise to what is going on, but there are several signs that might be pointed out for study.

Furthermore, it is interesting to note that while the President acts in cutting back on a few armed services depots, the actual spending rate of the Nation has risen. As few of us realize, this actual spending rate is solely up to the President and is controlled by the Congress in only the most remote manner by its action to approve expenditure programs, an approval which often lasts over several years and gives a great deal of flexibility to the Executive. Looking at this actual spending level, we find that the last report by the Kennedy administration in November was that the rate of spending of this fiscal year would be at $97.8 billion. Now we learn from President Johnson that his expected rate of expenditures for this same fiscal year is $98.4, or an increase of over $600 million. At the same time, in order to finance this spending rate, the President has asked for supplemental appropriations in 1964 of $2.2 billion. Quite a lot of this is to restore some $535 million that was cut by the Congress from the fiscal 1964 budget during the appropriating process. There are those who wonder whether the cuts claimed by the President for the 1965 budget are not merely shifts being made back into fiscal 1964 or forward into fiscal 1966.

In other words, the claim that we will operate at a smaller deficit is subject to serious question, except perhaps as a temporary expedient by a speeding up or a postponing of expenditures.

It is also questionable because many of the figure estimates for both revenues and exenditures are subject to doubt. A tremendous amount of faith is put by the President in the prospect of a great boom in the economy and the tremendous impetus which is supposed to come from the tax cut if and when it occurs. Some of the cuts are in defense items because of an actual claim to relaxation of the tension with Russia, but there is little in the international picture today, other than words, which seems to justify such an approach.

Perhaps we can find some hope in the fact that the President seems, at least on the surface, to be abandoning the theory of deficit spending as a stimulant to the economy. Mr. Johnson can hardly take credit for this change. The American people demanded it and have forced it. At the outset of 1963, it was clear that the Kennedy administration, under the leadership of Mr. Heller, was convinced that what the economy truly needed for stimulation was a cut in revenues and an increase in expenditures. In other words, massive deficit spending was to be the cure-all. This was to be accomplished not only by increasing Federal programs but also by the tax cut proposal. A flood of mail to Congressmen on both sides of the aisle, opposing the tax cut in the absence of a cutback in expenditures, led to a reversal of this position by President Kennedy by the time the tax cut bill came to the floor in August of 1963. While no actual change in plans for spending occurred at that time, lipservice at least was given to the idea that if the tax cut was to have the favorable effect desired, it would be necessary not to increase expenditures but perhaps to level them off or decrease them. Congress, through its hard work on the appropriations bills, at that time had already succeeded in cuttting some $3.5 billion out of the new obligational authority asked by the administration, and this gave just enough hope of improvement to justify the House in passing the tax bill. Actually, the record of the House and the Senate, when finally completed, resulted in a cutback in the appropriations requested of almost $6.5 billion. Obviously President Johnson read the handwriting on the wall as to public sentiment on the spending issue. This is all very well, and certainly a change in attitude on spending, if one has indeed occurred, is most welcome. But, unfortunately, what the current administration is failing to level with the American people on is the fact that it is unwilling to pay the price. While there has been a little corner cutting and minor penny pinching where it would squeak loudly, the overall plans of the current administration are pretty clearly for continuing and expanding various Federal programs that over the years are going to cost many more billions of dollars. What has been lost sight of is that the figures show that in 5 years Federal expenditures will have gone from a level of $76,500 million to $98 (plus) billion, or an increase of almost 33⅓ percent. In other words the comparisons to which the President is referring are the immediate past ones and at that are not to the actual level of expenditures, but rather are as compared to the recommended expenditure level of his predecessor, levels that the American people, through the Congress, have already indicated that they are not disposed to accept.

Out of the maze of flying figures that are sure to cloud the atmosphere in the next few months, surely this fact must stand out—those who would increase almost every Federal program and would add many new ones at the same time they are advocating reduction in taxes are playing a fast and loose game with the future soundness of our economy, the soundness upon which our growth, full employment, as well as our national security are based.

A New Wheat Plan

EXTENSION OF REMARKS
OF
HON. BEN F. JENSEN
OF IOWA
IN THE HOUSE OF REPRESENTATIVES
Saturday, February 1, 1964

Mr. JENSEN. Mr. Speaker, I have today introduced a wheat bill which is identical to the bill introduced recently by Congressman MARK ANDREWS, of North Dakota, in the House, and in the Senate by Senators FRANK CARLSON, of Kansas, KARL MUNDT, of South Dakota, and MILT YOUNG, of North Dakota.

Iowa, of course, is not one of the leading wheat-producing States of the Union, but we do produce millions of bushels of wheat annually, and because the need is so great for an increased income for our Iowa farmers I feel dutybound to introduce this bill, after making a thorough study of the bill introduced by my colleagues in both Houses of Congress.

On Last December 4 when the gentleman from North Dakota, Congressman ANDREWS, introduced his bill H.R. 9344, he said, in part, in explaining his bill—the CONGRESSIONAL RECORD, volume 109, part 18, page 23326:

> The plan we are suggesting would amend the present law to make it voluntary. There would be no referendum. The act would be far easier to administer than any of the wheat plans that have been promoted by the Department of Agriculture. Actually our bill is closely akin to the principles of the old McNary-Haugen farm bill.

Mr. Speaker, I agree and I am sure a great majority of our farmers will agree with the gentleman from North Dakota, Congressman ANDREWS, when he said:

> I believe sincerely that both taxes and Government expenditures must be cut and that other wheat legislation before Congress could cost the taxpayers up to $2 billion annually, while our program would be self-supporting if the President chose to have processors acquire the marketing certificates.

The gentleman from North Dakota, Congressman ANDREWS, went on to explain that our bill would—

First. It preserves the cherished American tradition of freedom of choice. Those farmers wanting no program at all could stay out. Those who feel they need price supports could participate.

Second. It provides full parity for that wheat produced for domestic consumption.

Third. It is a much less complicated program and can be administered with a minimum of cost to the taxpayer and a minimum of interference with the farmer.

Fourth. There would be an interchangeability feature by which a farmer could substitute his feed grain acres for wheat and vice versa.

Fifth. It would allow freer export of American wheat, giving us the opportunity of using our God-given abundance as a positive weapon for peace in the world.

And lastly, the price for wheat would be set in the marketplace, with the result that we in North Dakota would get more for our quality wheat.

The Secretary of Agriculture, of course, would determine each year what amount of wheat we need to meet both domestic and export requirements. The amount set could be not less than 1 billion bushels. Each year the Secretary would announce what acreage was needed to meet the necessary annual production goal. The State, county, and farm allotment would be determined with the national allotment in the same manner as allotments are now determined.

The national allotment for next year using this formula which would require the production of approximately 1.2 billion bushels would be about 50 million acres.

It now appears entirely possible that present export levels could be maintained or even increased. In the event of an increase, of course, acreage allotments would be somewhat higher. A minimum export level would be set by the Secretary as provided under existing law which the Secretary has announced at $1.30 per bushel. The individual farmer would receive, however, 100 percent of parity, which is currently $2.51 per bushel, for that portion of his wheat consumed in the United States—approximately 500 million bushels. This would give a blended price of about $1.80 per bushel to the participating farmer for all of his wheat.

The market price would be set entirely by the demand for that particular type of wheat sold, and if the farmer were raising wheat which has always commanded a premium, or if expected heavy exports materialize, the farmer would, of course, receive a higher blended price.

Besides the assured blended price of at least $1.80 a bushel, farmers complying with the program who reduced their acreage would receive diversion payments the same as we have had under

wheat and feed grain programs for several years.

The President of the United States would have discretionary authority under the provisions of this bill to make wheat certificate payments directly through the Commodity Credit Corporation as is done under the present wheat and feed grain program. Or he could elect, by requiring the domestic processors to purchase the wheat certificates as is presently required under the wheat-certificate law, to make the program largely self-financing.

The elimination of most, if not all, Government storage payments would be another great saving. The repeal of wheat marketing quotas and marketing penalties would be a part of this new wheat price support proposal.

Statement of the Honorable William M. McCulloch of Ohio, Before the Rules Committee on Civil Rights Legislation

EXTENSION OF REMARKS
OF
HON. JOHN V. LINDSAY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Saturday, February 1, 1964

Mr. LINDSAY. Mr. Speaker, the distinguished gentleman from Ohio, Representative WILLIAM M. MCCULLOCH, the ranking minority member of the House Committee on the Judiciary delivered an excellent statement in behalf of H.R. 7152, the civil rights bill, before the Committee on Rules on January 15, 1964. I am happy to bring his statement to the attention of my colleagues.

The text follows:

STATEMENT OF WILLIAM M. MCCULLOCH, REPRESENTATIVE IN CONGRESS, FOURTH DISTRICT OF OHIO, BEFORE RULES COMMITTEE, U.S. HOUSE OF REPRESENTATIVES, IN SUPPORT OF CIVIL RIGHTS BILL, H.R. 7152, JANUARY 15, 1964

Mr. Chairman, and members of the Committee on Rules, I appear today in support of the civil rights bill, H.R. 7152, as amended.

The bill now before the Rules Committee is comprehensive in scope but moderate in application. There are no primary criminal sanctions provided in the legislation. A sincere effort has been made to eliminate from this bill all provisions which improperly invade personal liberties and the rights of States and localities. Similarly, efforts have been made to surround each title with judicial safeguards and administrative limitations in order that fundamental rights and liberties be protected. Undoubtedly, other amendments or limitations could be made from the vantage point of hindsight. Perhaps such amendments or limitations will be in order in the House or in the other body, but the bill before you is basically a good bill and a bill that faces a pressing need for enactment.

There is considerable agitation for civil rights legislation from certain quarters on the ground that unless legislation is enacted there will be rioting in the streets, heightened racial unrest, and the further shedding of blood. This kind of activity, in my mind, is improper behavior and could do much to retard the enactment of effective civil rights legislation.

After the tragic death of President Kennedy, one would assume that certain uncontrolled groups would recognize the futility of riotous behavior.

No people can gain liberty and equality through storm troop or anarchistic methods. Legislation under threat is basically not legislation at all. In the long run, behavior of this type will lead to a total undermining of society where equality and civil rights will mean nothing.

Behavior of this type also creates the false sense of hope that once legislation is enacted, all burdens of life will dissolve. No statutory enactment can accomplish that. Intelligent work and vigilance by members of all races will be required for many years before inequality completely disappears. To create hope of immediate and complete success can only promote conflict and brooding despair.

Not force or fear, then, but belief in the inherent quality of man induces me to support this legislation.

I believe in the right of each individual to have guaranteed his constitutional rights and to shoulder the burdens of citizenship. But I also believe in the obligation society owes to each citizen to afford him equality of opportunity.

I believe in the right and duty of State and local authority to be primarily responsible for the conduct of all but limited areas of governmental activities which it cannot do alone. But I also believe in the obligations of State and local governments to ever work for the common good.

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 without regard to their race or color.

Where, then, individuals or governmental authorities fail to shoulder their obligations, and only stress their rights, it is the duty of the Congress, under constitutional authority, to correct that wrong. To do otherwise would be to forgo our responsibility as national legislators and as human beings who honor the principles of liberty and justice.

No one would suggest that the Negro receives equality of treatment and equality of opportunity in many fields of activity, today. Well-informed persons, everywhere, admit that in all sections of the country—North, South, East, and West—the Negro continues to face the barriers of racial intolerance and discrimination. Hundreds of thousands of citizens are denied the basic right to vote. Thousands of school districts remain segregated. Decent hotel and eating accommodations frequently lie hundreds of miles apart for the Negro traveler. Parks, playgrounds, and golf courses continue to be off limits to Negroes whose tax moneys go to support them. Surplus agricultural supplies, State employment agencies and vocational training programs continue to be operated in a discriminatory manner. These, and many more facts, point the way toward the need for additional legislation.

I have prepared a short analysis of H.R. 7152 which I have distributed to the members of this committee. I need not, then, dwell on the contents of the bill. But I do wish to stress that what we seek to accomplish through enactment of this bill is a legal and moral climate of fairness and first-class citizenship for all Americans.

In voting, the foundations of our Republic are enhanced by a free elective franchise. In public accommodations, the economy of our country and the enjoyment of its people are bolstered. In equal protection of our laws, the principle of justice is secured. In education, the superiority of our citizens and of our Nation is assured. In employment and Federal assistance, the opportunity and well-being of each individual is advanced and the taproot of the country's economy is strengthened. In every one of these categories, we will be doing ourselves, as well as our Nation, a lasting service by enacting H.R. 7152.

I recognize that arguments have been raised concerning the constitutionality of certain titles of this bill. Whether we all concur or not in the evolution of the law as it has developed at each step, I believe the Constitution, as presently interpreted by the courts, supports each title. Congress has already acted in the field of voting. The Supreme Court has already stricken down segregation in public education and publicly operated facilities. The enactment and court interpretations of the Sherman, Taft-Hartley, Food, Drug, and Cosmetic, and Fair Labor Standards Acts, among others, has provided the legal support for the public accommodations and equal job opportunity titles under the interstate commerce clause of the Constitution. And, the Federal Government, through Congress, readily has the authority pursuant to the 14th amendment to withhold Federal financial assistance where such assistance is extended in a discriminatory manner. The fact, moreover, that some 32 States have enacted public accommodations laws (frequently broader in scope than title II), 25 States have enacted fair employment legislation, and many States have enacted other sweeping civil rights provisions clearly demonstrates that Congress will not be invading privacy, overturning the sanctity of private property, destroying personal liberties, or in other ways acting in an illegal manner.

Certain provisions in the bill, as introduced or as reported by the House Judiciary Subcommittee, exceeded constitutional authority. The permission of persons to vote, for example, on the mere word of the Attorney General was an illegal provision of this nature. So, too, were the provisions concerning the elimination of racial imbalance in education and the control over private institutions such as banks and mortgage companies merely because they were insured by the Federal Government. Other provisions were similarly of an objectionable nature and they were eliminated.

The bill that was favorably reported to the House and which the committee is considering is moderate and, in my opinion, constitutional. Admittedly, changes have been made which were not fully debated in the Judiciary Committee. But, the committee did spend months and months taking testimony and amending language on the principal titles, either as they now stand or in a closely related fashion.

Therefore, I urge this committee to grant a rule on H.R. 7152 in order that it may be enacted in an orderly fashion.

National Childern's Dental Health Week

EXTENSION OF REMARKS
OF
HON. FRANK M. CLARK
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Saturday, February 1, 1964

Mr. CLARK. Mr. Speaker, I would like to bring attention to the Congress that February 2 to February 10 is National Children's Dental Health Week. This celebration is used as a means of promoting interest in the care and preservation of the primary and the young permanent teeth, not only from the ravages of decay but also from poorly equipped participants of contact sports.

The Role of Captive Nations Groups in U.S. Foreign Policy in 1964

EXTENSION OF REMARKS
OF

HON. OLIVER P. BOLTON
OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Saturday, February 1, 1964

Mr. OLIVER P. BOLTON. Mr. Speaker, it gives me great pleasure to bring to our colleagues' attention a recent address by the Honorable ROBERT TAFT, JR., on the subject of current United States policy and attitudes toward captive nations.

In his remarks before the Assembly of Captive Nations in New York City, Congressman TAFT very accurately defined present U.S. policy as "confused." He cited recent policy declarations as underlining the confusion that exists not only within top echelons of our Government, but also among our people. Without in any way suggesting a radical departure in U.S. policy, Mr. TAFT astutely called attention to the dangers inherent in a policy of abandoning our former strong position against the continued existence of captive nations in the name of pragmatic diplomacy.

Congressman TAFT's address follows:

THE ROLE OF CAPTIVE NATIONS GROUPS IN U.S. FOREIGN POLICY IN 1964

(Address of ROBERT TAFT, JR., to Assembly of Captive European Nations, on occasion of commemoration of Asian peoples Freedom Day)

Mr. Chairman, members of the Assembly of Captive European Nations, and your guests. It is appropriate that we meet here today to commemorate the 10th anniversary of the Anti-Communist Freedom Day of the Peoples of Asia. As you probably know, the chairman of this assembly is today participating in observances in Taipei. While this organization has by its nature been concerned primarily with the captive European nations, the problems with which you have been dealing and the purposes to which you are dedicated are far wider in scope. During the last year we have seen the invidious spread of Communist activity from Cuba into Central America and, particularly in recent days, into Panama, Brazil, and Venezuela; from China into Laos, Vietnam, and Cambodia; and, most recently, from as yet undetermined sources into Zanzibar and Tanganyika. Certainly this is no time for complacency or relaxation of our efforts or lowering our guard against the dangers. It is to the credit of your group that you will not allow this to happen.

At the outset I would like to make it clear that I consider myself no expert in the areas we discuss today. But I do welcome the opportunity to visit and talk with you because I feel that your problems are ones that should deeply concern all good Americans. Our heritage, beliefs, and interests are deeply involved with Eastern Europe and with the tradition of individual freedom there and throughout the world.

Somewhat symbolically, my personal connections with the problem began with my father's activities in the food administration with Mr. Hoover after World War II and extend even today to my son of the same name, who is working in the Peace Corps in Tanganyika.

The subject I have chosen today is "What Should Be the Role of Captive Nations Groups in U.S. Foreign Policy?" It is my belief that the primary role should be to demand and obtain a clarification of the thinking of this country on the broad problem of our attitude toward the captive nations. This clarification should come from the President and from the Secretary of State and should be examined and tested in the crucible of public opinion throughout the country. The broader the debate the more likely are we to be united and firm in the courses that we decide to pursue. The inherent strength of our democratic form of government has been its requirement and ability to establish a consensus of opinion on matters of national policy. Only as we understand the issues and establish a preponderance of public opinion can we, as a nation, best use our abilities, resources, and efforts toward the objectives and aspirations of ourselves and of those who share with us the goal of a free world.

One of the most serious problems we face today in dealing with the threat of international communism is confusion. Perhaps some degree of confusion is inevitable in a presidential election year, but I think it should be particularly noted that there has come from the leadership of our administration no clear statement of our direction and of our policy in the cold war, particularly on the fate and plans for the captive nations. The American people and the world are confused as to whether the United States has not abandoned a policy of standing on principle for freedom and self-determination for all peoples throughout the world for a policy of coexistence and expediency. In 1952 President Eisenhower pledged:

"To aid by every peaceful means, but only by peaceful means, the right to live in freedom. The containing of communism is largely physical and by itself an inadequate approach to our task. There is also need to bring hope and every peaceful aid to the world's enslaved peoples."

Later Secretary of State Dulles made our position even clearer.

"The captive peoples should never have reason to doubt that they have in us a sincere and dedicated friend who shares their aspirations. They must know that they can draw upon our abundance to tide themselves over the period of economic adjustment which is inevitable as they rededicate their productive efforts to the service of their own people, rather than of exploiting masters."

Yet, in the discussions during 1963 and this year, there have been no reassurances from U.S. leadership that these policies remain our primary objectives. To the contrary, President Kennedy, in discussing the nuclear test ban on July 27, 1963, stated:

"Under Secretary Harriman made it clear that any nonaggression arrangements across the division of Europe would require full consultation with our allies and full attention to their interests."

The implication, which correctly or incorrectly has been drawn from this statement and others, is that our only reservation in entering a nonaggression pact with the Warsaw powers would be the reluctance of our allies. A clear statement of policy on this point should be made and should reassure those who continue bravely to hope and aspire for freedom. Without such a statement the danger is that those in Europe and elsewhere, who seek and rely on the United States for moral backing against Communist tyranny, will lose their hope. While some hope sprang again from the Cuban confrontation in 1962, it vanished in disillusionment from the failure to follow up. Panama today only adds to the impression of confusion and weakness.

In examining what the role of organizations such as yours should be in the U.S. policy, we should first recognize that the President is primarily responsible for the formation of policy. Yet, even the executive branch is usually responsive to public opinion. The demands of East-European Americans have in the past been of invaluable assistance to the Executive in discrediting phony claims of the Communists and for generating diffusion and illusions within the Communist bloc. However, in periods when the United States seemed to be seeking a detente with the Soviet Union, such weapons have tended to be put on the shelf. The present period seems to be such a one. Today executive policy depends on three factors. First is a balance of nuclear terror approach. Secondly, there is the factor that the overall prevailing state of Soviet-American relations generally determines the nature of Eastern European-American relations. Probably this is inevitable because the political structure of the Soviet bloc and Russia's completely dominating power in it means that U.S. relations with Eastern Europe will be governed by the line established in Moscow. Thirdly, there remains the factor that in American policy there is a desire to continue to take advantage, where possible without affecting overall American-Soviet relations, of any political ferment existing in the area. Captive nation groups have been most helpful in this.

Based on these factors, our East European policy continues to be that outlined by Assistant Secretary of State for European Affairs William R. Tyler in 1962, as follows:

"The systematic expansion of contacts and activity which would tend to maximize United States and Western influence in that area, demonstrate our interest in the people's welfare, help to sustain their national traditions and aspirations, keep them in touch with Western thought, and help them preserve a true perspective on world developments in all fields of human endeavor and achievement."

This is all very well if we do not in pursuit of other policy reasons such as the nuclear threat and the desire for a detente lose sight of our overall goal and principles. In seeking improved relations and increased trade we should and must continue to demand and charge the price of increased autonomy for national groups and recognition of human rights and dignity within those nations. Your voice and the voices of all who understand the present weakening trends may be essential to prevent the executive overlooking principles and relying on vain promises in the all-out quest for reduced international tension.

Nor should your efforts be limited to the executive. The function of Congress in foreign policy is secondary, it is true, but it is extremely important. It is particularly important to groups such as yours, for our history has shown that the Congress, as the constitutionally designated voice for the people, has naturally been the main focal point of ethnic pressures seeking particular goals. The most important function of the Congress in foreign policy problems has been that of a consensus builder, and this has been particularly true with regard to Eastern European problems. Beyond this public-opinion-forming function there are also specific powers of Congress relating to Senate consent of treaties, appropriations for military and foreign aid purposes, and the power to trade through embargos, tariffs, and the like. An example of how the Congress can get into areas such as this one can be found in the recent wheat sale discussions. The guarantee of credits now made possible for almost all bloc nations will almost certainly be an issue in the coming elections. The attitude of groups such as yours in opinion forming throughout the country can be an important one and may well determine the future course of trade policies and financing policies with regard to the Soviet and its satellites. On issues such as these you should and can take the lead.

Beyond specific policy questions your continued efforts for the preservation and, hope-

fully, the strengthening of the traditions of Captive Nations Week and your backing of a Select House Committee To Study the Captive Nations with particular reference to moral and legal status of Red control and the means by which the United States can assist them by peaceful processes in their present plight, are both objectives that should be pushed and can with support be successfully adopted.

Nor should you drop your efforts or support for the proposal of a Freedom Academy, a measure in which I am an author in the present session, so that we may have in policy positions those who are trained to understand the true nature of communism.

But most of all, as I indicated, it is important that you continue to insist that increased contact, trade, and recognition, if given to the Communist-dominated governments of the captive nations, be with a guarantee of increased liberties and independence. We must make it clear once again that there will be no sacrifice of principle for expediency and no bartering for freedom for temporary false security.

These are the tasks for which you are particularly suited to do service for this Nation and for the world. You are a catalyst that can force this clarification of our thinking and our policies.

H.R. 7152, the Civil Rights Bill

EXTENSION OF REMARKS
OF
HON. ED FOREMAN
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Saturday, February 1, 1964

Mr. FOREMAN. Mr. Speaker, 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 Accommodations," 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 politicans 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 would like to briefly discuss 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 security 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 products 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 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 the 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. Thank you.

Consumers Should Oppose Budget Proposal for User Charges for Meat and Poultry Inspection

EXTENSION OF REMARKS
OF
HON. LEONOR K. SULLIVAN
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Saturday, February 1, 1964

Mrs. SULLIVAN. Mr. Speaker, the Budget Bureau for years has been proposing user charges for a variety of Federal services to business or industry reflecting the actual cost to the Government of providing these services. I believe that the Hoover Commission proposed increases in the fees charged, or the institution of fees where none were charged, to cover such Federal costs. Congress has enacted some of the specific proposals of this nature, but many of them have been extremely controversial, and have been rejected. One such proposal, I remember, would have instituted a form of tolls for river navigation. There have been others proposed by President Eisenhower and also, in his budget recommendations, by President Kennedy.

The first Johnson budget, I find, not only renews some of the proposals made by President Kennedy and President Eisenhower in their budget messages for user charges—for commercial and general aviation and for transportation on inland waterways, and for patents—but indicates the intention of striking out into a new area: user charges to cover the complete cost to the Federal Government of meat and poultry inspection by the Department of Agriculture.

A STEP BACKWARD IN CONSUMER PROTECTION

This would be a great step backward. Poultry inspection, prior to the passage of the 1957 act for compulsory inspection of all poultry in interstate commerce, used to be on a voluntary, fee-for-service basis. It was inadequate as a consumer protection and we abandoned it in 1957 when we placed the costs of the compulsory service on the Department of Agriculture just as we had done for years in the case of meat inspection.

We have had meat inspection since 1906 and I think all the costs of this service have been paid by the Federal Government except for 1 year—1948—following which we went back to the previous arrangement.

Poultry inspection as originally set up—as a voluntary, fee-for-service program—was intended primarily as a marketing promotion idea to push the sale of poultry by educating the public to the fact that federally inspected poultry was wholesome poultry. Processors, in many cases, were willing to pay the fees for the inspection service because of the sales promotion value of the "U.S. Inspected for Wholesomeness" stamp. Competitively speaking, it was worth the cost to the processor to have this stamp on his product.

CONCERN IS NOT FOR PROCESSOR, WHO WILL PASS CHARGES ON

We discovered in the mid-1950's however, that a great deal of poultry being sold in interstate commerce without Federal inspection was unfit to eat and constituted a health hazard for the public and also for the employees of the uninspected plant. That is why I introduced the first poultry inspection bill, proposing the idea of compulsory Federal inspection which we finally enacted in 1957. We recognized that poultry inspection was more important as a consumer protection than as an industry marketing aid. That is why the costs of poultry inspection are assessed against all the taxpayers rather than against the processors. As a public health program, it should be paid for by the entire public through taxes levied on the basis of ability to pay. The very same thing has always been true on meat inspection, except for the 1 year when the costs were assessed on the industry.

Mr. Speaker, my concern over this proposal in the budget to transfer meat and poultry inspection costs from Government to industry is not based on any crocodile tears for the "poor" producers

or processors. My concern is strictly for the consumer. The processors are required by law to have interstate shipments of meat and poultry continuously inspected for wholesomeness by the Federal Government. Charging them for this service now provided free by the Government would mean two things:

First of all, it would mean an automatic pass-through of this added cost to the consumer, by the processor. True, the consumer is now paying for this service through his income taxes. But his income tax is based on his ability to pay. A processing fee for a compulsory service rendered by the Federal Government would, in effect, be a Federal sales tax on the consumer at the retail level on meat and poultry. Therefore, the lowest income families would pay a disproportionately high share of the cost of Federal inspection. That is completely unfair and I am sure it is not President Johnson's intention.

DANGER OF PROCESSOR CONTROL

The second serious consequence of transferring the cost of compulsory Federal inspection of meat and poultry from the Government to the processors would be more subtle but no less significant, from a consumer standpoint. When poultry processors were paying the costs of Federal inspection of their product, many of them insisted upon—and obtained—what amounted to a form of hire-and-fire control over the personnel who did the inspecting. Inspectors were transferred because processors complained about the toughness of their decisons in rejecting shipments or individual birds. When you place the financing of a Federal service in the cash registers of private businesses, you run the risk of pressures which are heard to resist. After all, if the businessman is paying for this service, he is going to insist on a stronger voice in the manner in which the service is rendered. I can foresee consumers losing faith in the integrity of the stamp "U.S. Inspected for Wholesomeness" if the inspection service should be redirected in philosophy from a public health service for consumers into a service for business for which business pays the cost.

REVERSAL OF KENNEDY CONSUMER MESSAGE

Mr. Speaker, the proposal in President Johnson's budget for user charges for meat and poultry inspection runs exactly counter to the recommendation of President Kennedy in his historic consumer message of March 15, 1962, when he recommended expansion of meat inspection to include much of the meat sold only in intrastate commerce. On that same day, I introduced a bill to expand the meat inspection service to cover all meat shipped into designated major consuming areas whether across State lines or not. One of the main talking points in support of this idea was the fact that under it the small processors operating only in intrastate commerce could obtain the Federal inspection service on the same free basis as interstate processors, once they installed the required sanitation equipment and facilities. If we establish a user charge, the small processor who does not now have Federal inspection will certainly have no incentive to obtain it.

For all of these reasons, Mr. Speaker, I urge the President to reconsider this proposal and order the Budget Bureau to withdraw it. In an attempt to save a comparatively tiny fraction of the Federal budget—$49 million out of nearly $100 billion—this proposal would jeopardize two of the most successful consumer programs of the Federal Government. I have called to the attention of the President's Special Assistant for Consumer Affairs, Assistant Secretary of Labor Esther Peterson, the dangers I feel are inherent in the budget proposal to place meat and poultry inspection on a fee-for-service basis. The processor will only pass on the charges to consumers in the form of higher prices, falling unevenly on lower income families which now have difficulty enough in finding the money to afford a decent diet.

HOUSE OF REPRESENTATIVES

MONDAY, FEBRUARY 3, 1964

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Isaiah 37:14: *Hezekiah, the king, read the letter which the messenger had brought him and went up unto the house of the Lord, and spread it before the Lord.*

Most merciful and gracious God, at this noon hour, we are spreading our problems before Thee and opening our hearts in prayer to be filled and controlled by Thy divine spirit.

Thou knowest how greatly we need Thee in the adventure of life with all of its various events and experiences, duties and responsibilities, struggles and sorrows.

We candidly confess that we frequently beseech Thee for blessings which Thou already hast bestowed upon us but which we have neglected and failed to appropriate.

Inspire us to make a more serious trial of prayer for our minds are often thronged with conflicting and confusing thoughts and we are finding ourselves wavering between opposite answers and decisions.

Help us to believe that sincere and heartfelt prayer will clarify our minds and that our desires and wishes, purified of all prejudice and pettiness and disinfected of all suspicion and selfishness, will be in accord with Thy holy will.

In the name of our blessed Lord we pray and dedicate our lives. Amen.

THE JOURNAL

The Journal of the proceedings of Saturday, February 1, 1964, was read and approved.

THIRD INTER-AMERICAN PARLIAMENTARY CONFERENCE

Mrs. ST. GEORGE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mrs. ST. GEORGE. Mr. Speaker, I should like to inform the House that on Wednesday, February 5, that is the day after tomorrow, the Third Inter-American Parliamentary Conference will take place here in Washington. We will have roughly 70 members from South and Central America. They will come here to discuss two problems, notably the Alliance for Progress, and, secondly, parliamentary government in the Americas.

I think at this time it is most important for all of us parliamentarians—and, of course, for every Member of this House and every Member of the Senate who is a member of the Interparliamentary Union—to try to come and listen and also to participate in the discussions at these five sessions. There will be two sessions on Wednesday, two sessions on Thursday, and one session on Friday, after which the group will leave for Cape Kennedy to see our missile bases.

I want to issue a cordial invitation to everyone as president of the U.S. National Group to try to attend at least some of the sessions of the Interparliamentary Union.

THE FOOD STAMP PROGRAM

Mr. HAGEN of California. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

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

There was no objection.

Mr. HAGEN of California. Mr. Speaker, I am most gratified that the President has again recommended that legislation be passed to place the food stamp program on a continuing basis so that it may be expanded to additional urban and rural areas throughout the country.

This program, inaugurated on a pilot basis in the summer of 1961, has been an unqualified success. But, because Congress has not taken action to extend this program beyond the pilot stage, it is now operating only in 39 counties and 3 large cities with 366,000 people participating.

Under the stamp program, families purchase some coupons and receive additional coupons free of charge. These coupons are then used by the families to purchase more and better food at retail stores in the local community.

Where the stamp program is in operation, participating families have greatly improved the nutritional value of their diets. They strongly favor the program and feel it gives them dignity because they invest some of their own