us would do this? And after we had become waywise, would we get out and do something about it? If we don't, who will?

In a wholly different area of our deteriorating position at home and abroad: We know there is confusion everywhere, especially among the young people. If we are honest with ourselves, can we keep from acknowledging that women are the keepers of the home, the holders of the keys? Here in our own country, thanks to our unwillingness really to pull our weight, discipline has been lost, respect has flown out the window, endless homes have been broken up, children are being left desolate, unhappy, with no understanding of the meaning of life—which in essence is made up of the disciplines of joy and sorrow, success and failure.

Am I wrong in believing that a nation is judged by its women? Are we American women giving other nations an image which lifts and builds strength, courage, decency, honor? I have tried to forget an experience I had years back in New Mexico at a corn dance, the shame I felt when a rather buxom blond joined the audience in short shorts, bare midriff, a bra, and a large hat that kept her neighbors from viewing a most beautiful dance. We seem to have grown so callous in the matter of dress and of behavior that one even sees occasional women in very abbreviated bathing suits up on Capitol Hill, in front of the old State, Navy building, all about town—and one shudders at the actions of both the young and the adult.

When I read that a young woman was raped just outside a Government building last week, I wonder how much she herself contributed to the man's excitement. Have you been happy over the very tight skirts and sweaters, the exaggerated bosoms? Surely not. Yet, what have any of us done to change the attitude of mind that makes and wears the current fashion? Certainly an eye for beauty would burn them overnight. To exaggerate sex in all possible ways seems to be the idea.

Let's look at the current Russian women. Yes, they are still cleaning streets and clearing away rubble—but Russia trains thousands of women as engineers, scientists, researchers, doctors and nurses, gymnasts, skaters, skiers, Olympic contenders, and I must say they put it all over us there.

Did you by any chance see a documentary film on ABC-TV not too many weeks ago? "Soviet Women." Of course, it was extremely well done—happy, busy, hard working, good looking women, young, middle-aged, and old. The questioner said to a young woman who published a magazine: "You do not seem to mention sex." A lovely smile came over her face and she said with a quiet seriousness: "No, to us sex is a very private matter." Would we could say the same?

Perhaps I am dwelling too long upon matters that are not to our credit in this, the most wonderful country in all the world. I have not meant to, but somehow we have been given so very much of beauty, of space, of varying climates, of all material things, that one can't help wondering whether the infinite may not be tempting us with too much—to see what use we put it to. Isn't it time that we stop and look at the conditions that make it possible for there to be poverty, loneliness, even hunger, side by side with ease, comfort, opulence? What is wrong with us that we have angry rioting in our streets because all children do not have educational opportunities? Isn't it ironic that our scientific progress is increasing unemployment partly because of that lack of education and training? Are you and I doing anything about it? Are we insisting that vocational training be available to those who need it most? And that can be done locally.

And then are we moving into the larger aspects and doing something about creating jobs and more jobs and more jobs? You know as well as I do, and some of you, no doubt, better that the most essential thing in life is to have work—with it comes first of all a sense of self-respect, a fresh courage, a return of joy. Without it these things become increasingly less possible and happiness melts away as a deep bitterness takes its place.

This was not a part of the vision that conceived us nor of the dream that brought us into life. Where did we lose our way?

If this is our moment of truth, let us not fear it. Rather, let us take our courage and our faith in both hands and pray the infinite for the light with which to see the path.

Your committee gave me as my subject: "Moment of Truth." One comes to such a moment rather fearsomely, for it means facing one's inmost self, going down the stairway within one's soul that leads to the dark passage one would like to forget. Although one's hand trembles as it holds the candle so that its light shines upon the shapes one finds there, one realizes that only the acknowledgment of the truth about each one can dispel the darkness and the fear.

Is that not so of nations as well? Is this not a moment when this great country of ours that was conceived in a vision and born of a dream must gather up all her courage and examine herself as never before, that she may recapture the vision and be true to the great principles of freedom, of justice and above all else, the principles of demonstrating God's love in His world? Not an easy task, I grant you—but if we find ways to do it, it will save mankind.

Why is it our woman's task? Let me tell you in what might be called a parable:

"And it came to pass that the infinite Lord of all created this earth and set it in the heavens, putting upon man the caretaker's responsibility. Time elapsed. Upon His return He found all things in great confusion: the courses of many rivers had been changed, forests had been moved about, hills had actually disappeared. Deeply sorrowful, the infinite withdrew Himself that He might meditate upon the method by which restoration of beauty and productiveness could be brought about.

"Upon His return He brought with Him woman. Upon her He had bestowed all the intelligence and the capacity He had given, man, and two things more. That she might understand both the agony and the ecstasy of creation He gave her pain. That she might bear it, He gave her laughter.

"Then He gave them to each other and said, 'The earth is in your charge, my children.'

"Gaily the man ran down the mountainside. But the woman turned and knelt before Him, saying, 'What wouldst Thou of me, my Lord?'

"With great tenderness He replied, 'Go thou with him, give him children, watch over him, and then when the moment comes, bring him back to me.' "

Surely there has never been such a moment as this in which we find ourselves. Although we know there are thousands upon thousands of fine, clean, earnest men and women in the United States and across the world, the very foundations of our life are being rocked by anarchy, by leachery, by faithlessness, by fear. What were we told 2,000 years ago? Was it not that "Perfect love casteth our fear"? What have we done to love?

Ladies for each of you, as for me and for our country, there is the moment of truth. May the infinite give us faith and hope and love, the greatest of them all, that we may fulfill His need of us.

HOUSE OF REPRESENTATIVES

SATURDAY, FEBRUARY 8, 1964

The House met at 11 o'clock a.m.

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

Isaiah 26: 4: *Trust ye in the Lord forever; for in the Lord Jehovah is everlasting strength.*

O Thou God of all grace and goodness, whose daily blessings we frequently receive with so little of gratitude and cherish with so little of care, make us more acutely conscious of Thy divine providence.

Show us we may guard ourselves against those specters of anxiety and apprehension which seek to find lodgment in our minds as we face the adventures of an unknown future.

Help us to feel Thy nearness in the varied experiences of life, giving us guidance and courage for the demands and duties of each new day.

Grant that we may be faithful and loyal partners with all who are champions of righteousness and may none of our decisions and actions run counter to that which is just and reasonable.

Hear us in Christ's name. Amen.

THE JOURNAL

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

MESSAGE FROM THE SENATE

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

H.R. 8363. An act to amend the Internal Revenue Code of 1954 to reduce individual and corporate income taxes, to make certain structural changes with respect to the income tax, and for other purposes.

The message also announced that the Senate insists upon its amendments to the foregoing bill, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BYRD of Virginia, Mr. LONG of Louisiana, Mr. SMATHERS, Mr. ANDERSON, Mr. WILLIAMS of Delaware, Mr. CARLSON, and Mr. BENNETT to be the conferees on the part of the Senate.

REVENUE ACT OF 1964

Mr. MILLS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 8363) to amend the Internal Revenue Code of 1954 to reduce individual and corporate income taxes, to make certain structural changes with respect to the income tax, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference requested by the Senate.

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

Mr. HALLECK. Mr. Speaker, reserving the right to object, and I shall not object, am I correct in my understanding that as chairman of the committee you discussed the matter with the gentleman from Wisconsin [Mr. BYRNES], the ranking minority member, and this meets with his approval?

Mr. MILLS. The gentleman is correct. I had hoped the gentleman from Wisconsin [Mr. BYRNES] would be here, but he has evidently been delayed in getting here this morning.

Mr. HALLECK. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas? The Chair hears none and appoints the following conferees: Messrs. MILLS, KING of California, O'BRIEN of Illinois, BOGGS, BYRNES of Wisconsin, CURTIS, and KNOX.

APPOINTMENT OF MEMBERS OF U.S. DELEGATION OF MEXICO-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER. Pursuant to the provisions of section 1, Public Law 86–420, the Chair appoints as members of the U.S. delegation of the Mexico-United States Interparliamentary Group the following Members on the part of the House: Mr. NIX, of Pennsylvania, chairman; Mr. MONTOYA, of New Mexico; Mr. MCDOWELL, of Delaware; Mr. MACDONALD, of Massachusetts; Mr. WRIGHT, of Texas; Mr. JOHNSON, of California; Mr. CAMERON, of California; Mr. DERWINSKI, of Illinois; Mr. NORBLAD, of Oregon; Mr. SPRINGER, of Illinois; Mr. REIFEL, of South Dakota; and Mr. MORSE, of Massachusetts.

CUBA

Mr. ROGERS of Florida. Mr. Speaker, in addition to the other steps announced yesterday to protect the U.S. naval base in Cuba, the President made it quite clear that the English, French, Greek, and other "friends and allies" who are rushing to the aid of Castro's economy are giving comfort to an enemy of the United States, and helping a Communist dictator extend unrest and revolution throughout the Caribbean area.

The State Department has not done a very convincing job in the past in securing an economic blockade of Castro. Now with the President's new statement, we can hope that more will be accomplished. But it is my belief that these diplomatic moves will continue to fail unless we put teeth in our request, such as cutting off all foreign assistance to any country supplying Cuba, which has already been written into the law, and further, to close U.S. ports to the ships of any nation trading with Castro. We must take steps to effect a total free-world embargo against Cuba, and words alone will not bring this about. We have had enough talk. We need action or we face the world as a nation unwilling and unable to back up our public pronouncements on foreign policy.

CALL OF THE HOUSE

Mr. VAN PELT. 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. 29]

Bass	Martin, Calif.	Siler
Daddario	Martin, Mass.	Steed
Davis, Tenn.	Morton	Stubblefield
Derwinski	Norblad	Thompson, Tex.
Hagan, Ga.	O'Brien, Ill.	Wilson, Bob
Hoffman	O'Konski	Wright
Ichord	Pelly	Wydler
Lankford	Powell	
Lesinski	Reid, Ill.	

The SPEAKER. On this rollcall 404 Members have answered to their names, a quorum.

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

LEGISLATIVE PROGRAM FOR NEXT WEEK

Mr. ALBERT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

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

There was no objection.

Mr. ALBERT. Mr. Speaker, I take this time first to make an announcement and then a unanimous-consent request. For the information of the Members, upon the disposition of the Civil Rights Act, we will have finished the business for this week and next week. In other words, if the bill is passed today, we will not have any legislative business next week. If it is passed early next week, we will have no legislative business during the remainder of the week. We will have pro forma meetings because we will have to meet on Monday and Thursday. We shall announce the program for the following week on Thursday next.

Mr. Speaker, I ask unanimous consent now that it may be in order at any time during this legislative day for the Speaker to declare a recess subject to the call of the Chair.

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

Mr. GROSS. Mr. Speaker, reserving the right to object, what would be the purpose of the recess today?

Mr. ALBERT. Of course, the purpose would be to enable the Public Printer to finish printing the bill if it is disposed of and we have no other business pending.

Mr. GROSS. In other words, if this does not proceed according to the way some people want the proceedings to run, a recess would take care of the demand for an engrossed copy of the bill.

Mr. Speaker, I object.

The SPEAKER. Objection is heard.

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 Clerk had read through title VII ending on line 23, page 85 of the bill. Are there any amendments to title VII?

AMENDMENT OFFERED BY MR. CELLER

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

The Clerk read as follows:

Amendment offered by Mr. CELLER: On page 71, line 7, insert after "religion" both times it appears the following: "or national origin".

Mr. CELLER. Mr. Chairman, the amendment would make the sentence in 705(b) include national origin as well as religion. It was so intended. The purpose is to make the exemption which you find on page 71, line 7, conform to the language in section 704(e) on page 70, lines 6 and 7. It was intended that this exemption parallel the exemption in 704(e), page 70, to which I have just referred.

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

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

Mr. ROOSEVELT. I merely want to corroborate the statement of the distinguished gentleman from New York and to point out that not only do the words "national origin" appear just two lines above in line 5, but it also appears on page 70, line 7. It appears on page 69, line 17, and again on page 69, line 3. It appears on page 68, line 18, and line 23.

Obviously the omission was merely an oversight and a clerical error. In order that there be no insinuation that there was anything involved in its omission, we simply want to make the correction and have it conform.

Mr. Chairman, this amendment is in no way a substantive amendment, and I hope it will be adopted with a minimum of debate.

Mr. DOWDY. Mr. Chairman, I move to strike the last word. I would like to ask a question: Do I understand that it will be perfectly all right for a person advertising for employees to express a preference for a white person?

Mr. ROOSEVELT. No. "National origin" has nothing to do with the color of one's pigment.

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

Mr. DOWDY. I yield to the gentleman from New Jersey.

Mr. RODINO. It goes to the question of what is a bona fide occupational qualification. There may be some instances where a person of a certain national origin may be specifically required to meet the qualifications of a particular job.

Mr. DOWDY. Use the words "Anglo-Saxon."

Mr. RODINO. No, of course not. The gentleman thoroughly understands that that is not included under a definition of "national origin."

Mr. DOWDY. No, I do not understand it. When you say "national origin" that is a national origin, is it not?

Mr. RODINO. "National origin" does not apply to color or race.

Mr. DOWDY. I said "Anglo-Saxon."

Mr. RODINO. What "national origin" is Anglo-Saxon?

Mr. DOWDY. It is English.

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

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

Mr. ROOSEVELT. May I just make very clear that "national origin" means national. It means the country from which you or your forebears came from. You may come from Poland, Czechoslovakia, England, France, or any other country. It has nothing to do with broad terms such as the gentleman has referred to.

Mr. DOWDY. I understand now. In your advertisement you could advertise that you wanted only someone from Poland, but you could not advertise that you wanted just a normal Anglo-Saxon American.

Mr. ROOSEVELT. You have to put it in the context of the amendment. This is necessary. Obviously, if you were to have a Polish organization I do not think that they want to have me as a Dutchman, necessarily, and they would have a right to say something about Polish in their advertisement. It is a very innocuous amendment. The gentleman is trying to read insinuations into it which are not there in any way.

Mr. DOWDY. I am trying to read the substance that ought to be there, that a person can hire whoever he wants to hire.

Mr. JONES of Missouri. Mr. Chairman, I move to strike the last word.

Mr. Chairman, some of us may be a little dense and cannot understand these things. Maybe you can help out if you would give us a specific example of what you are talking about. Give us one or two examples.

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

Mr. JONES of Missouri. I yield to the gentleman from Pennsylvania.

Mr. DENT. National origin, of course, has nothing to do with color, religion, or the race of an individual. A man may have migrated here from Great Britain and still be a colored person. I refer the gentleman to the book just put out by the Census Bureau which gives data on origin and yet covers all races only by country of origin.

Mr. JONES of Missouri. Will the gentleman cite me an example of the club or restaurant or what he is talking about?

Mr. DENT. It has just been called to my attention that a French restaurant or a specific restaurant that deals in foods that are of a certain national type, foods like Italian foods, a person who runs such a restaurant would want to have a chef, and in advertising for a chef he would want to say that he wanted a chef but only those of a certain national origin, say Italy, need apply. There is nothing wrong with that because he would hardly be doing his business justice by advertising for a Turk to cook spaghetti.

Mr. JONES of Missouri. Would the same thing apply to the waiters in the restaurant, or the cashier or dishwasher?

Mr. DENT. No, there is no reason the dishwasher would have to be of a certain national origin.

Mr. JONES of Missouri. How are you going to get around that? Now I want to ask this question. How about the second generation?

Mr. DENT. I will be a little specific. The gentleman said he is a little dense. I do not think he is any more dense than anybody else. For instance, we have stores in this country that sell religious articles. They would be advertising for someone to work as a salesman or salesgirl in that particular store, and they would say that a person of, say, the Roman Catholic religion should apply for the job, because the articles they sold would relate to that faith. We do not want in any way to force them in that particular type of application to take somebody who would not be helpful to their business, would we? Certainly, if this is occupational, it is restricted to the professional occupation or bona fide occupation.

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

Mr. JONES of Missouri. I yield to the gentleman from Illinois.

Mr. PUCINSKI. I think my colleague will find the justification for this amendment if he will refer to page 70, paragraph (e), in line 4, which provides:

> Notwithstanding any other provision of this title, it shall not be an unlawful employment practice for an employer to hire and employ employees of a particular religion or national origin in those certain instances where religion or national origin is a bona fide occupational qualification.

The amendment offered by the gentleman from New York merely permits you to advertise for such people when you feel that you need that type of employee to conform with section (e) on page 70.

Mr. RODINO. The gentleman asked for an example.

Mr. JONES of Missouri. Yes.

Mr. RODINO. I think we all know about "pizza pie," it generally carries an Italian connotation and we would assume that a baker, chef, or cook of Italian origin is especially qualified to make pizza pies, and going further the gentleman recognizes that if there is a "pizzeria," which is a pizza pie establishment, the employer or the operator of that pizza pie restaurant would probably seek as chef a person of Italian origin. He would do this because pizza pie is something he believes the Italians or people of Italian national origin are able to make better than others—and is reasonably necessary to the operation of his particular business. Therefore, national origin in the operation of a specialty restaurant such as a French restaurant or Italian restaurant could properly be an occupational qualification that is reasonably necessary to the operation of the restaurant business.

Mr. JONES of Missouri. In other words, you would preclude the hiring of a Negro as a pizza pie chef then?

Mr. RODINO. No. That would not preclude him if the operator of the restaurant wanted a Negro chef—to make pizza pie—he could hire him as well.

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

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

Mr. Chairman, the amendment is acceptable to us. It is a perfecting amendment and it is helpful.

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

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

Mr. GOODELL. I think this is a very simple amendment, Mr. Chairman, with a very simple purpose. It should not be interpreted to go beyond the scope that has been described here already. There are many instances where national origin becomes a bona fide occupational qualification. It is limited by that term—just as in many instances religion is a bona fide occupational qualification. In these cases we do not mean to touch them. I think it is a thoroughly acceptable amendment and I hope the committee will adopt it.

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

Mr. McCULLOCH. I yield to the gentleman.

Mr. CRAMER. This is intended as a friendly question. But, it bothers me in that on the top of page 71, with reference to this notice an advertisement of unlawful employment practices is not only limited to employment. I understand the argument and the reasons for wanting to delete national origin as well as religion if you want to hire a French chef or an Italian chef or what have you. But what justification is there for providing such an exception relating to membership of a labor organization? Now as I read it, if the gentleman will

read the language on the top of page 71 this limitation applies not only to employment—not only to employment—but it also relates to the "membership in a labor organization." Now what justification is there for having a chef's labor organization limited only to say, French and Italian—and that is what this would accomplish; would it not?

Mr. McCULLOCH. Mr. Chairman, I yield to the gentleman from California [Mr. ROOSEVELT] to answer the question.

Mr. ROOSEVELT. May I answer the gentleman by saying that there was evidence brought out before the committee of certain instances where labor unions that deal with a particular language group had to have and had to be able to hire to work with people who were able to speak the particular language used by the people of a certain national origin. Therefore, it was felt in order not to restrict their activity that quite properly they should be allowed to do that. In this instance, you will find the words are very carefully defined as to bona fide occupational qualification. So this applies only if the union can make very clear that it is a matter of necessity in order for them to carry on their normal operations.

Mr. CRAMER. Mr. Chairman, will the gentleman yield for one further clarifying question?

Mr. McCULLOCH. I yield to the gentleman for a further clarifying question.

Mr. CRAMER. I would like to have the record perfectly clear. This is not legitimized nor is it intended, that membership of a labor organization be limited to a certain national origin.

Mr. ROOSEVELT. The gentleman is absolutely correct.

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

Mr. McCULLOCH. I yield to the gentleman from New York [Mr. LINDSAY].

Mr. LINDSAY. I believe a word has to be added. The words in the bill are "a bona fide occupational qualification for employment." The key words are "for employment."

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

Mr. McCULLOCH. I now yield to the gentleman from New York [Mr. GOODELL].

Mr. GOODELL. I wish to add a thought, reiterating what my colleague from New York just said. Any one of these other classifications of "labor organization," "employer," or "classification or referral for employment" must be related to employment. Obviously, if it were not a bona fide occupational basis for this exception, then the exception would not apply.

AMENDMENT OFFERED BY MR. WILLIAMS

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

The Clerk read as follows:

Amendment offered by Mr. WILLIAMS as a substitute for the amendment offered by Mr. CELLER: On page 71, line 7, after the word "religion" and before the word "when" insert "race, color, or national origin" and after the word "when" insert "race, color, or national origin."

Mr. WILLIAMS. Mr. Chairman, I offer this amendment in all seriousness. The amendment which has been offered by the gentleman from New York is a good amendment, in my opinion, except that it would discriminate very seriously against our Negro business enterprises in the South.

It might come as a surprise to some of you who live in some of the other parts of the country to learn that in the South there are multimillion-dollar businesses operated exclusively by Negro citizens. There are multimillion-dollar businesses which cater exclusively to a Negro clientele. If the amendment I have offered is not accepted as a part of the bill many of those businesses will be destroyed.

Mr. Chairman, why should there be discrimination against a Negro savings and loan association, with a provision that it would be compelled to hire white people whether it wished to or not? Why should there be discrimination against a Negro burial association, by telling it that it must hire white salesmen? Why should there be discrimination against a Negro insurance company, by telling it that it must hire white insurance salesmen, when they and all of us here know this would destroy the business completely because it would destroy its identity as a Negro business, the very quality responsible for its success?

Mr. Chairman, I offer this amendment in all honesty and in good faith.

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

Mr. WILLIAMS. Surely. I am delighted to yield to the gentleman from New York.

Mr. CELLER. We did not include the word "race" because we felt that race or color would not be a bona fide qualification, as would be "national origin." That was left out. It should be left out.

Mr. WILLIAMS. The gentleman has the Harlem Globetrotters in his area. What will be done about them? Would the gentleman require that the Harlem Globetrotters hire a white man, and thus destroy their identity?

What is the gentleman suggesting be done about the Birmingham Black Barons, a professional Negro baseball team? They make their living out of being identified as members of the Negro race.

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

Mr. WILLIAMS. I am delighted to yield to the gentleman from Mississippi.

Mr. ABERNETHY. There are several radio stations located in the District of Columbia which cater exclusively to the Negro population. I understand the personnel of those stations are Negro. Unless the gentleman's amendment is adopted, of course those stations would be penalized under the terms of this bill.

Mr. WILLIAMS. Of course they could. As the gentleman knows, there are manufacturers whose products are used exclusively by Negroes in the South. They are manufactured by Negroes, for Negroes.

I doubt if many of our northern or western colleagues ever heard of such a thing as a pomade known as a "hair straightener" or a product known as skin whitener. These products are sold in every little store in the South. They are manufactured by Negroes and sold exclusively to Negroes. Do you want to put them out of business?

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

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

Mr. HUDDLESTON. I commend the gentleman from Mississippi for offering this amendment. I have in mind a situation where a theatrical group wants to put on Shakespeare's great tragedy "Othello." They need a particular type of individual to play the part of Othello. How could that be accomplished unless the gentleman's amendment is adopted? How could they possibly get the type of individual to play that part unless we incorporate the words "race or color" in this section?

Mr. WILLIAMS. I believe there are other plays, such as "Green Pastures" that call for an all Negro cast. Surely producers of these plays should be allowed to advertise for Negro actors.

Mr. HUDDLESTON. We propose in this section to add "national origin," but how would either "national origin or religion" cover the obtaining of the proper type of person to play the role of Othello in Shakespeare's play?

Mr. WILLIAMS. The gentleman from Alabama has just pointed out another reason why this kind of legislation is wholly impracticable and unworkable.

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

Mr. Chairman and my colleagues, I really do not rise to discuss the amendment of the gentleman from Mississippi, but I will just briefly say that 20 million Negroes are willing to take their chances on this bill.

I really rise to give the background of the FEPC for the benefit of those who do not know it. It originated on a bipartisan basis in New York State under the sponsorship of Irving and Ives, members of the State legislature. That was the first FEPC in this country. Twenty years ago when I came to this Congress I wrote and introduced the first FEPC in this Congress. Under my philosophy as chairman I assigned the FEPC bill to the gentleman from California for authorship and for his committee's consideration. The FEPC bill has always been bipartisan as it originated in New York State and as it comes before you in this title today. This title today represents the workings of the Committee on Education and Labor with only one colleague against this particular title. That was our former colleague, Mr. Heistand. It represents the workings of the gentleman from Michigan [Mr. GRIFFIN], the gentleman from Ohio [Mr. TAFT], the gentleman from New York [Mr. GOODELL], the gentleman from New Jersey [Mr. FRELINGHUYSEN], other Republicans as well as the Democrats. It was a bipartisan matter and this is a bipartisan bill as all civil rights legislation should be.

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

Mr. POWELL. I am glad to yield to my colleague from Georgia.

Mr. LANDRUM. I believe the gentleman may want to give the House some additional specifics about who was opposed to this title.

Mr. POWELL. I am sure that the gentleman is absolutely correct in that the gentleman from Georgia, a good, fine member of my committee, was opposed to it, and I think the gentleman from North Carolina [Mr. SCOTT] was also.

Mr. MARTIN of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. POWELL. Gladly.

Mr. MARTIN of Nebraska. I would like to call attention, Mr. Chairman, to the fact that on reporting this bill out of our full committee I voted against it.

Mr. POWELL. This bill before us now is the committee bill of February 21, 1962, and in the report accompanying it, House Report No. 1370, the only substantial opposition in the committee was on the right to investigate without a charge. Only one member of the full committee reported he disagreed with the overall thrust of this bill and that was our former colleague Mr. Heistand. That is in House Report No. 1370.

I first introduced this bill 20 years ago under the chairmanship of the father of our distinguished colleague, Congressman LESINSKI. His father was then the chairman of the Committee on Education and Labor, and on April 10, 1949, we started hearings on this bill for the first time. It was presented to the House under Calendar Wednesday on February 23, 1950.

We began that morning at 11 a.m. and stayed in session until 3:30 a.m. We finally passed an FEPC bill. The vote was 240 to 177. Our former colleague, Congressman McConnell moved the same bill you have before you now but without any teeth in it. We did pass it then. That was 14 years ago.

I believe that we have here now an opportunity to continue the bipartisan harmony that began with the birth of FEPC in New York State and which has continued in my committee. I am sure that under the guidance of our good friend and great subcommittee chairman, the gentleman from California [Mr. ROOSEVELT], who has done such a great job in this field, all of the points on which we may differ can be clearly explained and we can proceed and pass this title.

Mr. WATSON. Mr. Chairman, will the Congressman from New York yield?

Mr. POWELL. I yield to the gentleman.

Mr. WATSON. Did I understand the Congressman to say that you had an FEPC in New York?

Mr. POWELL. Yes, sir.

Mr. WATSON. And you have had no difficulty whatever so far as discrimination in employment or demonstrations and other racial disorders since the enactment of FEPC?

Mr. POWELL. In connection with FEPC we have been able to settle every case that has been brought before it. I will ask the gentleman from New York [Mr. GOODELL] how many cases have come before the courts in solving that question.

Mr. GOODELL. New York was the first State to enact an FEPC law. We did not pretend then and we do not presume now that it will solve all problems. It has done a great deal of good. There have been over a period of years 11,000 cases filed with the FEPC in New York State of which a total of only 12 have gotten to the courts.

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

Mr. Chairman, I would like to ask the chairman of the committee a question. I have in the district which I have the honor to represent a fine insurance company known as the Lutheran Mutual Life Insurance Co. How will this bill affect the hiring practices of the Lutheran Mutual Life Insurance Co.?

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

Mr. GROSS. Yes, I yield.

Mr. ROOSEVELT. It would affect it only in this manner, that wherever there was a proper, bona fide reason why a Lutheran insurance company should have a Lutheran to do a particular job he would be allowed to do so. But let me give you an example, being a little bit in the insurance business. They would not be able to do that if they were hiring an actuary, they would not be able to say that it would have to be a Lutheran actuary because that obviously would not be a bona fide skill necessary to the job.

Mr. GROSS. I am sure the Lutherans are interested—and I am not a Lutheran or a policyholder in the company—I am sure they are interested that their money be properly taken care of. Why should not their actuary be a Lutheran? He is dealing with Lutherans' money.

Mr. ROOSEVELT. I think the gentleman will find that the Lutheran Insurance Co. does not restrict its policies to Lutherans. It sells to the general public.

Mr. GROSS. Let us say for the sake of argument that they do.

Mr. ROOSEVELT. I think under those circumstances, if they sold only to Lutherans, and there was some particular reason why Lutherans have a particular kind of actuarial method that only Lutherans could understand, then certainly Lutherans would be hired.

Mr. GROSS. I give the Lutherans credit for more understanding than does the gentleman from California.

Mr. RIVERS of South Carolina. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. RIVERS of South Carolina. Mr. Chairman, I asked the gentleman to yield to me to ask a very pertinent question; and this is very pertinent. We have many thousands of ships coming into the harbor of Charleston, S.C., and we also have there a very large naval base. Our only Longshoremen's Union is exclusively colored. Would this affect that union? If it does, my port is out of business.

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

Mr. GROSS. I yield to the gentleman.

Mr. ROOSEVELT. I would simply have to say to the gentleman that if there were a bona fide reason why only Negroes should be longshoremen, then, of course, they would have to prove it. I could not myself understand such a justification.

Mr. RIVERS of South Carolina. If the gentleman lived down there, he would understand it.

Mr. ROOSEVELT. All I can say is, if the gentleman from Iowa will yield further to me, that in California we have white people who are longshoremen. What happens to them in South Carolina that they cannot be longshoremen?

Mr. RIVERS of South Carolina. That is what I am asking you. White people cannot get employment. They have an exclusive colored union, and they handle every single solitary ship.

Mr. ROOSEVELT. If they discriminate, they are doing something wrong, and this bill goes right at what the gentleman is talking about.

Mr. RIVERS of South Carolina. You have just put them out of business.

Mr. ROOSEVELT. I do not think so.

Mr. RIVERS of South Carolina. You come down to Charleston, and I will show you.

Mr. ROOSEVELT. I will be glad to come down and visit the gentleman.

Mr. RIVERS of South Carolina. I do not want you to visit me.

Mr. GROSS. Mr. Chairman, I am deadly serious about the question I am asking as it affects this particular life insurance company, and I want to know what their condition of servitude would be with or without the Williams amendment.

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

Mr. GROSS. If the gentleman can explain to me where this fine company will land in this deal, I will be glad to have the gentleman do so.

Mr. O'HARA of Michigan. I am not familiar with the exact form of organization of the insurance company to which the gentleman refers. The language on pages 70 and 71 which we have been discussing obviously provides an exemption where there is a bona fide occupational matter involved.

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

(By unanimous consent (at the request of Mr. O'HARA of Michigan) Mr. GROSS was allowed to proceed for 2 additional minutes.)

Mr. O'HARA of Michigan. In lines 9 and 10 on page 70 it is stated "where religion or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise."

I am not going into the details of the enterprise. I cannot say what positions in that company might fit into that description.

Mr. GROSS. On page 71 appears the unlawful practices section. What happens to them under the unlawful practices provisions contained on page 71, lines 7 and 8?

Mr. O'HARA of Michigan. They are exempted by line 4, page 70, and again on page 71, the line to which the amendment goes.

I would like to call the gentleman's attention to section 703, page 68, which reads:

This title shall not apply to an employer with respect to the employment of aliens

outside any State, or to a religious corporation, association, or society.

That is the exemption that applies.

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

Mr. GROSS. I yield to the gentleman from Mississippi.

Mr. WILLIAMS. I do not know whether the gentleman from Iowa knows it or not, but my southern colleagues know that we have numerous Negro fraternal organizations. We have the Negro Masonic organizations. We have other Negro fraternal organizations. Most of these also engage in the business of selling insurance, and they have rather large insurance operations.

I am wondering if without my amendment this bill will not force them to take into their membership persons who are not members of the Negro race, or to hire persons as salesmen who are not members of the Negro race. They cater to Negroes exclusively.

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

(By unanimous consent (at the request of Mr. DOWDY) Mr. GROSS was allowed to proceed for 3 additional minutes.)

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

Mr. GROSS. I yield to the gentleman from Texas.

Mr. DOWDY. Along the line the gentleman was discussing earlier, I have here a newspaper published in Boston, Mass., called the Christian Science Monitor. It is distributed all over the world. From time to time I see advertisements in the classified section, and it is the Christian Science Monitor's own advertising, and I have here this ad that appears in the issue of February 6, 1964:

DO YOU LIVE IN ALBANY, N.Y.? WOULD YOU LIKE TO DO A VITAL JOB THERE FOR THE CHRISTIAN SCIENCE MONITOR?

A good commission will be paid to an individual who can devote some part of each week to calling on retail stores in Albany, N.Y., as advertising representative of the Christian Science Monitor.

If you are a member of the Christian Science Church in Albany, N.Y., and like to meet people, write for application blank and full details to Mr. Stephen Curtis, assistant manager of Advertising Representatives, 1 Norway Street, Boston 15, Mass.

Under this bill this fine newspaper no longer would be able to advertise for a Christian Scientist to work for them as a sales representative, as I understand it. Will the gentleman yield to somebody to answer that question?

Mr. GROSS. I yield.

Mr. ROOSEVELT. If the gentleman will yield, let me point out again that Christian Science is of course a religion. If they are seeking under this ad to get a salesman for the purpose of seeking subscriptions to the Christian Science Monitor, that is bona fide, in my opinion. I agree that a qualification like that would be allowable.

Mr. DOWDY. The gentleman was not listening to what these ads were for. They are advertising for people to sell advertisements to stores. That could not be a qualification for an advertising salesman.

Mr. ROOSEVELT. The point there again would depend on what he was doing. If he was speaking of the advantages from the religious point of view of advertising in the Christian Science Monitor, that would be a bona fide qualification. It must depend on the case.

Mr. Chairman, I ask unanimous consent to revise and extend the remarks I made earlier. I want to tell the gentleman from South Carolina in a little more detail I am sorry he will not invite me to come south.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. RIVERS of South Carolina. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Mississippi.

Mr. Chairman, I rise only to pursue the line of inquiry which I tried to follow a moment ago. I should like to get an answer from the author of the amendment whether or not this proposal by the distinguished chairman of the Committee on the Judiciary would put my Longshoremen's Union in South Carolina out of business. It is run exclusively by colored citizens of this community, and it is a large union. It is the only union we have handling the thousands of ships that bring millions and millions of tons of cargo into that port and take millions and millions of tons away from this port.

Mr. CELLER. If, for example, the International Longshoremen's Association, which is the longshoremen's association operating in New York, which is predominantly white, permitted no Negro members, they would come under this act. This situation is exactly the same if the colored International Longshoremen's organization in Charleston discriminated against a white person who is qualified for membership. Both are clear examples of discrimination. It works both ways.

Mr. RIVERS of South Carolina. Now you see how silly this thing is. This thing is so ridiculous. Ridiculous is not the word to use. We ought to coin another word. This thing will tie up America more ways than a country boy can go to town. If this thing is seriously enforced, we will be paralyzed for generations to come. It may not be reflected in the next election, but you wait until the following election—a lot of us here who are shedding crocodile tears will just have shed our commissions to serve in the Congress of the United States. That is how simple it is.

I want to yield to the gentleman from California because I would not, and I hope I did not seem to be inhospitable. If you come to Charleston, S.C., we will be glad to have you just as we did back in 1934 when you came to Charleston. Of course, social conditions are a little different there, but you will be as welcome as the flowers in May—come in April, the flowers are prettier.

Mr. ROOSEVELT. I thank the gentleman very much. I will come down and I will not talk politics while I am with the gentleman.

Mr. RIVERS of South Carolina. I am serious. I do wish the gentleman would look into this problem.

Mr. ROOSEVELT. Let me say to the gentleman, I think two things should be said. One union itself, and I think this is a great credit to the union, has already taken steps to do something about the situation in South Carolina that the gentleman has pointed to. Then another case—and the exact reverse has happened, I think, in Portland, Oregon, and I am sure the gentlewoman from Oregon will agree, where a white union would not admit any Negroes. There the situation is being investigated and changed. In each case the union has recognized that this is a great moral and fundamental question and the union sees no reason why such a situation should be continued. I think it is a great credit to the union that they have come to this conclusion.

Mr. RIVERS of South Carolina. I thank the gentleman very much, but we do not want to change this. We are getting along fine. They are a very important part of our community. We do not want to change. The only opposition I ever had in a primary was by one of our colored citizens who represented the North Carolina State Mutual, a big insurance company in Durham, N.C. They have thousands of employees. My only opposition since I have been here in the Congress has come from that highly educated man. It is sinful—you will put these people out of business.

As I said before, this thing is not "ridiculous" because that word is too mild to describe the situation. But that is the truth.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WHITTEN. Mr. Chairman, I ask unanimous consent that the gentleman may have 3 additional minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

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

Mr. RIVERS of South Carolina. I yield to the gentleman.

Mr. WHITTEN. I would like to compliment the gentleman for raising this point. I think the answer by the gentleman from California clearly shows what will face the Nation once this bill becomes law.

In my 22 years in the Congress, I have never seen as close a relationship—almost without any difference whatever—between the Republican leadership and the Democratic leadership—between the gentleman from New York [Mr. CELLER] and the gentleman from Ohio [Mr. MCCULLOCH]. If this law would solve all the problems of the country in the same way as it has caused these two groups to get together on the passage of this bill, that would be one thing. But I am of the opinion, after listening to the interpretation and realizing that somebody will have to carry it through, that while these two leaders are lying down comfortably together, it is like the old story the gentleman from South Carolina is familiar with where the couple went in to talk to a lawyer about getting a divorce. The lawyer told them they should get along like the cat and dog which were sleeping peacefully side by side just outside the

window. The woman said, "They are now, but just you tie them together and see what happens."

My friends, I am saying that while the gentleman from Ohio [Mr. McCULLOCH] and the Republican leaders are 100 percent in accord with the Democratic leadership, in placing this law on the American people, just as soon as they realize they are tied together the fur is going to fly—and I think all the rights of the American people will go with it.

Mr. RIVERS of South Carolina. I just want to say, if I have any time remaining, that this is the first time in my experience I ever saw the ADA on my right and the ACA on my left marching arm in arm.

This is a paradox. You ACA boys get 100 percent constitutionality by your standards, and the ADA boys get zero by your standards; but, brother, you are really on this unconstitutional monstrosity, you are marching 100 percent together.

I say again, God help you.

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

A question comes to my mind as to what has been the practice in the States which already have FEPC laws. Has this policy not worked out there? The answer is "Yes."

We have been able, in the State of Pennsylvania and other industrial States, to work out the operation of the FEPC laws so that there is a rule of reason. The policy is a matter of preventing discrimination, so that it involves preventing discrimination rather than any benefit, when the law applies.

I should like to ask the gentleman on my right, on the Democratic side, as well as the gentleman on my left, on the Republican side, about the national parties.

I believe the national parties have nationality divisions and they have colored or minority group divisions. For example, the Democratic National Party has a colored division, with paid employees.

I add that I come from Pittsburgh, in Allegheny County, in Pennsylvania. Many people here know that. I am quite proud of it. We on our Republican Allegheny County committee, have dropped our nationality, minority group, and colored divisions voluntarily. We believe that is not the way we should run a committee in our party, with 65 nationalities, minority groups, and various colors in our western Pennsylvania area.

I should like to ask the gentleman in charge of the bill, on each side, to tell me whether this would bar the Republican National Committee and the Democratic National Committee from hiring people of various nationalities and various colors to run various minority divisions.

My answer to that is "Yes, it will; the way the bill is drawn."

May I ask the gentleman in charge, on the Republican side, to answer?

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

Mr. FULTON of Pennsylvania. I yield to the gentleman from Ohio.

Mr. McCULLOCH. I have no hesitancy in expressing my opinion on the question the gentleman asks. I believe the employment of people in the party headquarters or elsewhere of either major party certainly is not on the basis of discrimination which is prohibited by the Constitution or by law. If the hiring of the people is in accordance with logical fact and reason, then the hiring would be lawful and there would be no breach either of the Constitution or of statutory law.

Mr. FULTON of Pennsylvania. I will now yield to the gentleman on the Democratic side who has responsibility for the bill, the gentleman from New York [Mr. CELLER].

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

Mr. FULTON of Pennsylvania. I yield to the gentleman from California.

Mr. ROOSEVELT. I wish to say that we on this side completely agree with the gentleman from Ohio [Mr. McCULLOCH].

Mr. FULTON of Pennsylvania. I thank the gentleman.

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

Mr. FULTON of Pennsylvania. I yield to the gentleman from Michigan.

Mr. STAEBLER. There are three members of the Democratic National Committee who are Members of Congress; the distinguished gentlewoman from New York [Mrs. KELLY], the gentleman from Minnesota [Mr. BLATNIK] and myself. Let me speak for them and say that there is no Negro or colored division in the Democratic National Committee. There are Negro employees, but there is no division. We pay attention to minority affairs, but there is no division designated for this purpose.

Mr. FULTON of Pennsylvania. In campaigns, as we all know, there certainly are sections in both parties that hire Negroes as Negroes to work with Negroes. I was just trying to clear it up, to make sure that was not barred. Polish people work with Polish people, and Irish people work with Irish people, and so forth.

But under this bill, minority divisions or units of national U.S. political parties are barred from hiring employees on any basis of discrimination because of race, color, religion, or national origin.

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

Mr. FULTON of Pennsylvania. I will be glad to.

Mr. STAEBLER. I respect the gentleman's description of the Republican Party. This is not the way the Democratic Party operates.

Mr. FULTON of Pennsylvania. My suggestion is that the political parties in this coming campaign do not in their lower echelons, then, set up these distinctions and divisions and speak of these nationalities and color groups and just treat everybody as Americans.

Mr. McCULLOCH. Mr. Chairman, will the gentleman yield for a comment?

Mr. FULTON of Pennsylvania. I will.

Mr. McCULLOCH. Mr. Chairman, I noted one of the members of the committee expressing concern about members of the Democratic Party or, at least, some of them joining with members of the Republican Party, members of ACA joining with members of ADA. I am not sure what all of those alphabetical combinations may mean, but you know, Mr. Chairman, I think that that is a good omen of the times. I am pleased to march up the aisle there with any patriotic American who is a Member of this body in support of a moral issue.

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

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

Mr. Chairman and Members of the House, I would like to propound a question or two to the chairman of the committee, the gentleman from New York [Mr. CELLER] or to the gentleman from Ohio [Mr. McCULLOCH].

If this bill becomes law, would it be within the law for a political party to appeal to a group for their vote on the ground of race? Would that be permissible?

Mr. CELLER. I do not think it has anything to do with a situation like that.

Mr. ABERNETHY. Then, as I understand you, the parties could make an appeal to the voters on the ground of race?

Mr. CELLER. This does not cover political parties.

Mr. ABERNETHY. I did not ask that. I asked if it would be within the law.

Mr. CELLER. No, it would not. It would have nothing to do with it.

Mr. ABERNETHY. Then, they could not appeal to people for their vote on the grounds of race?

Mr. CELLER. This bill has nothing to do with that.

Mr. ABERNETHY. It does not?

Mr. CELLER. No.

Mr. ABERNETHY. Why was that excepted from the bill?

Mr. CELLER. We cannot cover the waterfront and do everything with a bill like this.

Mr. ABERNETHY. How would the gentleman feel about an amendment of that kind?

Mr. CELLER. I do not think an amendment like that would be germane or within the orbit or should be within the orbit of this bill.

Mr. ABERNETHY. Do you think such should have the consideration of Congress?

Mr. CELLER. I think that is another matter and some other committee might handle that.

Mr. ABERNETHY. I will ask another question. If it should be illegal—and I understand it would be under this bill—for an employer not to hire a person on the ground of race—that is, color—would it be illegal not to hire because of the shade of color, that is because the skin of the applicant is too dark?

Mr. CELLER. I suppose shade of color would be color. The whole embraces all its parts.

Mr. ABERNETHY. I have in mind a certain series of articles here.

Mr. CELLER. Of course, this would all have to be tested out eventually in the courts.

Mr. ABERNETHY. I have here a collection of articles published about 3 years ago by the Washington Star entitled "The Negro in Washington." The publication is in 14 or 15 sections. These articles were done by a gentleman from the chairman's State of New York by the name of Haynes Johnson, a young man of about 30 years of age. He is the son of one Malcolm Johnson, a 1949 Pulitzer Prize-winning member of the staff of the old New York Sun.

Article No. 5, which I will get permission to insert into the RECORD, carried distinct statements and charges by Negro citizens of the District of Columbia of dark shade that they were being discriminated against by Negroes of lighter shade, and that the discrimination was because the former were too black, or too Negroid.

This young writer went over the District seeking information from and asking questions of the colored people on this specific subject. Here are some of the questions and answers and reports he included in his article.

A Negro businessman of dark color in the District said:

We are confronted with an entirely new type of opposition from a group which mistakenly identifies itself as "the new Negro"—

The Negro merchant defined this kind of person as the—

self-efficient, arrogant, smug and underexposed individual who feels he has arrived. His basic shortcoming lies in his desire to disassociate—

A new word for "segregate"—

from the Negro who has not reached the stage of the "new Negro"—

Continuing—

"disassociate" and his failure to share his knowledge with people of his own race, who he feels are not up to standards that he now knows.

Continuing further from this article:

A Negro sociologist tells about talking to a woman in this economic and social group—

The CHAIRMAN. The time of the gentleman from Mississippi [Mr. ABERNETHY] has expired.

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

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

There was no objection.

Mr. ABERNETHY. Continuing—

who had watched Louis Armstrong on television the night before.

"Wasn't that terrible?" she said. I said, "No. Why?"

She said, "Oh, you know, he doesn't look right." She meant he was too black.

At another point we find the following:

At Howard University one student has several charcoal sketches of Negroes on his dormitory wall. They portray Negro men and women with prominent negroid features.

"You see those," the student said, pointing to the wall. "You know what many of the boys say when they see them? They say, "Oh, those are terrible." They mean they're too negroid.

That lays the groundwork for the rest of the article. The article goes on to charge discrimination by these Negro people of light shade, light pigment, who "have arrived," as they describe themselves. They discriminate against others of their race who have dark skin.

The discrimination is practiced in various ways—housing, seating on buses and so on.

Speaking of the "Gold Coast," which is the 16th Street area, Northwest, inhabited by colored citizens of the District who "have arrived" and whose earnings are in five figures or better per year, one of the "Gold Coast" area said:

Yes, I know that the other Negroes call this the Gold Coast.

This is one of the "Gold Coasters" speaking:

There are some who call this the Negro's Spring Valley.

"Well, since this is the best area that's the reason we guard it just as jealously as they do in Spring Valley or Wesley Heights. We're not snobbish. That's not it. But look at it this way: Why put a big price on a home if you're going to allow the neighborhood to deteriorate?

He goes on to observe that they want to keep it from being "integrated" by the Negroes who have more distinctive negroid characteristics, which means there is a housing discrimination on the Gold Coast. They do not want any Negroes of dark skin up there. The article proceeds to tell about one particular Negro moving in who was disliked and not wanted because he was black, a poor dresser, and just not suited to the neighborhood.

Now, this further quotation from the article:

"Certainly there's a difference among Negroes. It's not snobbery, but let's face it, if a person isn't of the same background as you, you don't even get anything out of a conversation with him.

"I've sat down next to some of my people on the streetcar, and frankly I don't relish it. When you come down to it I'm segregated."

This is not a southern white man talking. It is a Washington Negro, who says he is for segregation among Negroes. And I, for one, respect his right to segregate—to choose his own friends and associates, and even who he shall sit by on a bus.

Let us repeat:

I guess we just consider ourselves better than others.

And listen to this:

When you come down to it, we are just segregated.

Now, I would like to ask the chairman this question: Would the FEPC have authority to correct an employment discrimination among our Negro citizens in the District of Columbia, where light-skinned Negroes refuse to hire Negroes of dark skin?

Mr. CELLER. The gentleman read a lot which has involved personal opinions of certain individuals of the Negro race which have nothing to do with this bill. I may say if there is any discrimination against the Negro regardless of his shade or gradation of pigmentation of his skin in employment, that discrimination would be a violation of this act.

Mr. ABERNETHY. Do you have an FEPC in New York?

Mr. CELLER. Yes.

Mr. ABERNETHY. Have you had any cases before the Commission in this category?

Mr. CELLER. I am not familiar with that, but the gentleman from New York might give you information.

Mr. GOODELL. I am not aware that any cases have been raised on that point.

Mr. ABERNETHY. Then the discrimination of light-skin Negroes against those of dark skin prevails only in the District of Columbia? This I cannot and do not believe. It is a well-known fact that the discrimination within the Negro race, as referred to in this article, exists in every city. All one need do to detect it is to open his eyes.

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

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

Mr. ROOSEVELT. There have been no such cases in California.

Mr. ABERNETHY. I will ask the gentleman from California if he thinks this FEPC would cover employment practices in this respect?

Mr. ROOSEVELT. I agree entirely with what the chairman of the Committee on the Judiciary said.

Mr. CELLER. I may say to the gentleman, if there is discrimination against any Negro and the discrimination is directed against the Negro by either a white man or Negro, there would be a violation.

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

Mr. ABERNETHY. I yield to the gentleman from Mississippi.

Mr. WILLIAMS. I would hope that the gentleman might add to the question asked the gentleman from California, in that he represents the general area of the movie colony, if without my amendment a movie concern wanting to make a picture which has its setting in Africa would be permitted to advertise for several hundred Negro extras to play in the picture?

Mr. ROOSEVELT. I do not represent the movie industry. I represent a little bit of it. My friend, the gentleman from California [Mr. CORMAN] represents an equal part, and the gentleman from California [Mr. BELL] also. But in direct answer to the question as the gentleman put it, it would seem to me that it would be a proper reason to plan such an advertisement if it was not stated or intimated that only Negroes will play the parts. We in California know this is not necessary.

Mr. WILLIAMS. Yes, with my amendment.

Mr. ROOSEVELT. Without your amendment it would be. I am opposed to the gentleman's amendment.

Mr. WILLIAMS. According to the bill the only loophole in this is that they can discriminate on the ground of religion when that is a bona fide qualification for employment and with the

amendment offered by the gentleman from New York they would extend that to national origin, whenever that is a bona fide occupational qualification. My amendment would extend this to race and color so that they would also be excepted when it is a bona fide occupational qualification.

Mr. ABERNETHY. The article from which I read reveals a type of discrimination which the proponents of this bill and the Negro associations never mention. And it is one which their own little FEPC's never dare attack. By their own admissions, the State units of the FEPC have dared not move against such. Why? Because it is the philosophy of the proponents of this bill that Negroes, whether of light or dark skin, can discriminate against each other; but if a genuine white man is involved in such, then he must desist or go to jail. The double standard clearly exists.

The article from which I read in part is as follows:

THE NEGRO IN WASHINGTON

(By Haynes Johnson)

The Negro at the lowest level of income and education feels cut off not only from society but from many within his own race.

He is the true outsider in Washington. He believes that those in his race who hold good jobs and live in decent homes have turned their backs on him. He and thousands like him comprise what is for want of a better term—the lower class of Negroes.

That the Negro has distinct classes with all of the accompanying friction and antagonism, that the word implies, should come as no surprise. There are class structures in all groups. Within the Negro population, however, the classes are particularly complicated.

"There is a group within our race—they call themselves the educated group or the upper crust—and they feel they are better than the rest of us," a Government worker said. "They actually build barriers within our own race."

What are these barriers?

One of the most important is also the most subtle. It has to do with the word Negro itself and what that word means.

"You'll meet many people in Washington who will not use the word 'Negro,'" a distinguished Negro educator said. "It's a bad word. So many painful memories are associated with it. They might say colored, but they might not even say that. They almost try to deny such a race exists. Those scars are part of the experience of the Negro."

Some Negroes will argue there are middle- and upper-class groups that are divorced from the problems of their race. These people live in good homes, insulated by their own small social groups. They are not fighting for their race. They are afraid of anything which might upset their status.

"You see," a young Negro minister said, "when you reach the plateau of the middle class, you don't want to rock the boat, you don't want to disturb the situation, especially once you're looked on as a socially desirable class.

"Until the middle and the upper classes realize that what happens to the lower classes affects them, too, no matter how much money or status they have, you aren't really going to be able to solve the problem from within.

"They're out of contact with the other groups," he said. "They don't have to come home to one room and not know where the next meal is coming from. They don't really feel these things, and so they don't understand."

Is this true? Negroes who have studied the problem say it is. This reporter can only say he has been in some homes where it appears to be true. In fairness, though, this has not been a common experience.

The Negro intellectual is especially concerned about this problem. He will say that often Negroes who have risen to five-figure incomes—and there are many in this category in Washington—seem to wish to disassociate from the race. They even look down on Negro folk music and literature.

A Negro scholar says this reflects an attitude of "second generation respectability."

"I think it's a weakness," he said. "It tends to break down the connection betweeen the educated and the lower groups. Bessie Smith, Mahalia Jackson, people like that are honored in the community for their way of singing. The people understand it. It's a part of their culture. Why should it be denied?

"There's too much hypersensitivity about too many things."

A businessman said, "We are confronted with an entirely new type of opposition from a group which mistakenly identifies itself as 'the new Negro.'"

He defined this kind of person as "the self-efficient, arrogant, smug and underexposed individual who feels he has arrived."

"His basic shortcoming lies in his desire to 'disassociate' and his failure to share the knowledge with people of his own race, who he feels are not up to standards that he now knows."

A Negro theologist tells about talking to a woman in this economic and social group who had watched Louis Armstrong on television the night before.

"Wasn't that terrible?" she said. I said, "No. Why?"

"She said: 'Oh, you know, he doesn't look right.' She meant he was too black. Then I said: 'I think he's an artist and we should be proud of him.' She still thought they should have got someone else."

At Howard University one student has several charcoal sketches of Negroes on his dormitory wall. They portray Negro men and women with prominent Negroid features.

"You see those," the student said, pointing to the wall. "You know what many of the boys say when they see them? They say, 'Oh, those are terrible.' They mean they're too Negroid. I keep them there as my private forms of psychoanalysis for the others."

These attitudes still are factors in the colored classes in Washington (although their importance has diminished greatly in recent years).

INTEGRATION WITHIN RACE

That's what a colored man meant when he said, "The Negroes in Washington had to do their own integrating after 1954."

At one time the shade of a man's skin played a significant role among the Negro population in the Capital. (This was a heritage from slavery days, when the light-skinned Negro was given advantages over the man with a darker skin.)

"I think today there is a little less emphasis on color among Negroes," a businessman who was born and educated in Washington said. "But it's hard to change the habit of years of tradition.

"Back in the old days the Negro developed what I'm sure you heard of as a bastard aristocracy. My own father was a mulatto, for instance, and lived in a certain class.

"Color became almost a caste, both economically and socially. To be a mulatto almost always identified you with a powerful white family. Those children had more opportunities. They were sent away to school and formed their own societies in the Northern cities.

"Usually they intermarried with each other to maintain the masquerade. Some of them were able to pass for whites. It meant, of course, they had more advantages. This is not so true today. But it is true that many of the really old Washington families actually resented integration. To put it personally, my mother was one of those. She's rather stiff-necked about it."

MONEY, EDUCATION THE KEY

Who are these people in the better classes? They are the same as in any group. Status is determined by money and education. At the top are the professional groups, the doctors, lawyers, teachers, businessmen, and high-ranking Government employees.

In the middle is a large group of Government workers, merchants and ministers. In many of these families the wife works and the husband has a second job so they can buy a home in a decent section. At the bottom are the unskilled laborers.

"I think your slum dwellers today are very sharply divided from your bourgeoisie," a scholar said. "Your professional groups have more cliques. There is your clash today—between the laborers and recent migrants from the South and the Washington middle class."

Expressing it another way, it's the old story that "the lower classes are jealous." And well they might be.

DISTRICT OF COLUMBIA BEST FOR NEGRO

Negroes will tell you with justifiable pride that "this city has a better standard of living from the Negro point of view than any other city in the United States—or in the world, for that matter."

In the higher brackets, the Negro in Washington may earn up to $100,000 a year, a Negro businessman said. For those who have been able to take advantage of the opportunities here, the material rewards are visible.

The most striking is the neighborhood where the wealthiest Negroes live in the far Northwest off 16th Street near the Carter Barron Amphitheater and Rock Creek Park.

This section is enviously called the "Gold Coast."

"Certain sections seem to denote certain standards," a colored man said. "For instance, I live in Brookland (in Northeast Washington off Rhode Island Avenue) and they will say, 'Oh, you live with the rich Negro.' It's the same way with the 'Gold Coast' where the richest Negroes live."

FEAR DETERIORATION

When the phrase "Gold Coast" was mentioned to a man who lives there, he smiled and said: "Yes, I know that the other Negroes call this the Gold Coast. There are some who call this the Negro's Spring Valley.

"Well, since this is the best area that's the reason we guard it just as jealously as they do in Spring Valley or Wesley Heights. We're not snobbish. That's not it. But look at it this way: Why put a big price on a home if you're going to allow the neighborhood to deteriorate? No, no one up here is snobbish, although I guess there are Negroes in other parts of town who think so."

A housewife on that street told how worried everyone was because "a family who left Southwest because of the redevelopment moved in next to the church on the corner, and we are all quite upset about the appearance of the yard. The man sits out on the porch in his overalls. They are a more rural type of family. Not the way other people here are."

As you go down the economic ladder you will hear similar comments. Here are some:

"Certainly there's a difference among Negroes. It's not snobbery, but let's face it, if a person isn't of the same background as you, you don't even get anything out of a conversation with him. You wouldn't choose that kind of person as a friend or marry that type."

"I've sat down next to some of my people on the streetcar, and frankly I don't relish it."

"I guess we just consider ourselves better than others."

"When you come down to that part of it I'm segregatory myself. There are some of 'em I wouldn't be caught walking the street with."

"Now I got to say it—there are some who just don't fit in with the people in Washington. You'll find this in all races. Some, they don't fix up like us. We was both glad when the people next door moved. They wasn't good neighbors. We're not all in the same class."

As one man said, everyone knows there are second-class Negroes.

Mr. SMITH of Virginia. Mr. Chairman, I move to strike the last word.

We have spent an hour and a half on this amendment. There seems to be a hurry to get away. This amendment was not offered by those who are trying to modify this bill. It was offered by the chairman of the committee. I rise to ask if somebody who is advocating this original amendment and opposing the amendment offered by the gentleman from Mississippi will take a little time, and someone who is opposed to going across the board with the substitute amendment, and tell us why you all seem to be in agreement. What is the matter with it? Is it just because the gentleman from Mississippi offered it?

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

Mr. Chairman, I just wanted to pursue the discussion of the gentleman from Mississippi [Mr. ABERNETHY] and take cognizance of the fact that he mentioned the name of Louis Armstrong. Louis Armstrong was born in my congressional district and was a resident of it. What he has contributed to music throughout the world is something that any community would be proud of. We in New Orleans particularly are proud of what Louis Armstrong has contributed. In that connection, I want to direct a question to the chairman of the committee or the gentleman from California.

Mr. ABERNETHY. If the gentleman will yield, may I comment on that?

Mr. HÉBERT. Yes.

Mr. ABERNETHY. I would like to say that the person to whom the statement was made about Louis Armstrong is the one who wrote the article. His reply to this person, who was critical of Armstrong, was "You ought to be proud of him."

Mr. HEBERT. I understood what the gentleman said and I was not critical of what he said.

Mr. ABERNETHY. I understand that. I just wanted the RECORD to show it.

Mr. HÉBERT. I did want to indicate that we are proud of our colored citizens as well as our white citizens.

The question I want to direct to the chairman of the committee or the gentleman from California is this: Louis Armstrong was once a king in New Orleans of what was known as the Zulu Parade. The Zulu Parade was as famous in New Orleans as the Rex Parade which, incidentally, will take place next Tuesday in New Orleans. Louis Armstrong was probably the most prominent king this Negro organization had. Some Negro organizations in New Orleans have since, and successfully, boycotted the Zulu Parade because it was an all-Negro parade. The question I ask is, Would these people who discriminated against that parade because it is an all-Negro parade come under this act?

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

Mr. HÉBERT. I yield.

Mr. O'HARA of Michigan. We should keep in mind that title VII applies only to employment by employers as defined in the act and to membership in labor organizations as defined in the act. Title VII has nothing whatever to do with fraternal organizations or parades or any other matter of that kind.

From the gentleman's example it does not seem to me that what he has referred to would in any way come under the coverage of title VII.

Mr. HÉBERT. But it is discrimination, is it not?

Mr. O'HARA of Michigan. It would not matter whether I thought it was or not, it would not be governed by title VII.

Mr. HÉBERT. But it still is discrimination because the parade is an all-Negro parade and these people, Negroes themselves, some, not all, these Negroes in New Orleans were most happy until the NAACP and CORE came into being and started these disturbances down there. Now the parade has gone by the boards because of this discrimination.

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

Mr. Chairman, I do this merely to endeavor to get additional information and I relate my remarks to what the gentleman from Virginia [Mr. SMITH] just said and direct my remarks to the substitute proposed by the gentleman from Mississippi [Mr. WILLIAMS].

I am aware, Mr. Chairman, of the exemption on page 68 of the bill and, I direct these remarks to the chairman of the Committee on the Judiciary, the gentleman from New York [Mr. CELLER]. I am also aware of the use of the terms on page 70, Mr. Chairman, of religion and national origin. Then on page 71, I am well aware of the gentleman's amendment to include "or national origin" after "religion." If I understand the debate at this point, the substitute would add "race and color."

Now coming back to the question that was aked, if I understand this language, Mr. Chairman, it would not be possible to advertise by movie executives as was asked a few minutes ago for Negro extras or colored extras or whatever the phrase would be to work in a particular job. I do not understand this, Mr. Chairman, and I also want to say as a preface to my question, I do not think there is anybody here, either the gentleman from Ohio or anyone on this side of the aisle or on the other side who is against amending the bill, if they think it can improve the bill. I regret that statement was made. I hope it is not true. I am not part of any agreement or any alliance between parties or otherwise not to amend the bill. I want to understand—do I understand such an advertisement would be possible according to the terms of this bill or not?

Mr. CELLER. Is the gentleman speaking of the ad that might be put in the press by a motion picture producer who wants to produce a picture involving African scenes and is advertising for Negroes to participate in it? Is that what the gentleman is referring to?

Mr. ALGER. I am not referring necessarily to the African scenes. No matter for what purpose the motion picture producer wants to employ Negroes. If he wants Negro extras, he ought to be able to advertise so that he can get them. I cannot understand anybody not to permit that right to run that kind of ad regardless of their position on civil rights.

Mr. CELLER. A grave difficulty arises when we contemplate the substitute amendment. You must remember that the basic purpose of title VII is to prohibit discrimination in employment on the basis of race or color. Now the substitute amendment, I fear would destroy this principle. It would permit discrimination on the basis of race or color. It would establish a loophole, that could well gut this title.

As has been indicated, a French chef to work in a French restaurant. I fear that the substitute offered by the gentleman from Mississippi would prevent that. That is why we left those words out originally.

Mr. ALGER. Mr. Chairman, I think you have just defeated your own logic because where you protect religion and national origin, you do not remove that protection when you add race or color, neither do you invoke any unfair practices. I am completely at a loss to understand you. I would like to repeat the question made by the gentleman from Virginia. Why does not somebody tell us in the House here what is wrong with the substitute amendment?

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

Mr ALGER. I yield to the gentleman.

Mr. O'HARA of Michigan. In the example used, which involved a dramatic performance, some particular role may require a person whose skin is of a particular hue. I do not think that when you seek such persons for that role, you come within the meaning of the unfair practices described in this bill.

The trouble with the amendment offered by the gentleman from Mississippi is that it opens it up a good deal more than the case of a casting director looking for actors to play certain roles in a dramatic production. If it was limited to that, it would be a lot more acceptable than it is. But it opens up other possibilities that I do not think any of us would want to open.

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

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

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

There was no objection.

Mr. ALGER. I respect the views which have been given, but I must emphatically say I do not believe that answers the question at all.

Mr. Chairman, I am still at a loss to understand how this would open it up. I cannot, for the life of me, understand why a businessman who wishes to hire some people—in this case in the motion picture field; but I am sure other examples could be given—should not be able to advertise that he wants Negroes, or colored people of a particular race, or whatever he wants. I should think that would be perfectly all right.

Such a limitation as this actually would be an infringement on the civil rights of Negroes, which our colleagues wish to protect. I am in favor of that protection.

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

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

Mr. HALEY. I wonder what would happen, for instance, in the great State of North Carolina, in which there is an Indian tribe which puts on a fine performance called "Unto Those Hills." It is necessary to employ Indians to put on the play. Would that be discrimination against other people? Would they be forced to go out to hire whites and colored people to take part in that performance?

Mr. ALGER. I see no difference as between "religion" and "national origin" or "race" or "color." These are not incompatible. For the life of me I cannot understand what is thought to be wrong with the substitute amendment. I wish somebody would address some remarks to that.

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

Mr. ALGER. I gladly yield to the gentleman from California, if I have time remaining.

Mr. ROOSEVELT. I wish to reemphasize what has just been stated by the gentleman from Michigan. The term "employer"—that is the only person we are talking about at the moment—means a person who is engaged in an industry affecting commerce. Most of the examples which have been given so far would not fit under that category. They would be outside of that limitation, and therefore plainly this would not be applicable.

Mr. ALGER. The gentleman knows that when we write laws they must apply equally to all people. We must not, in our zeal to protect civil rights, inflict civil wrongs on anyone in the name of protecting civil rights.

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

Mr. Chairman, the gentleman from California stated that the purpose, generally, was to apply this provision to industries affecting interstate commerce.

Since the questions asked by my colleague, the gentleman from South Carolina [Mr. RIVERS] as to the labor situation in Charleston and by the gentleman from Florida [Mr. HALEY] in regard to the Cherokee Indians of North Carolina and the great play which they put on annually, have received answers which are so clearly confused and muddled that no one understands the supposed answers:

I have a question relating to a situation which applies directly to the language used by my colleague, the gentleman from California, that is relating to industry in interstate commerce.

I wonder whether or not the labor leader, Mr. Philip Randolph, who I understand had quite a part in the drafting of this legislation, the head of the Pullman Porters' Union in this country, supports this provision. Certainly his union has an effect on interstate commerce. The trains go from State to State, daily and nightly, even hourly.

Would the amendment which has been presented by the chairman of the committee make it possible for a white man to be hired as a Pullman porter? I understand that presently all of them are colored people. They are engaged in interstate commerce.

What is the answer to that?

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

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

Mr. ROOSEVELT. Under the terms of the bill the employer, which would be the railroad, would be required to offer the job of pullman porter to anybody, without discrimination because of race or color.

Mr. ASHMORE. Does Mr. Philip Randolph realize that? Is he in full agreement with that, or is he trying to help the colored people he now represents who are members of the union known as the Pullman Porters' Union?

Mr. ROOSEVELT. If the gentleman will yield further, Mr. Philip Randolph has made very clear that he supports this bill in every possible respect.

Mr. ASHMORE. I wonder if the individual members of the Pullman Porters' Union realize that some of them might lose their jobs, and be replaced by white people.

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

Mr. ASHMORE. I am glad to yield to the gentleman from Texas.

Mr. DOWDY. There is another situation, which is not fair, involved. The railroads might be forced under the law to employ a white person who applies for one of these jobs. By injunction they might be forced to employ the white person. However, the union the gentleman is talking about then could strike the railroad for employing a white person, and the railroad would have no injunctive relief from the strike, brought on because another injunction forced the railroad to employ white men.

That is an unfair part of this bill.

Mr. ASHMORE. We are adding confusion on top of confusion, if we pass this bill.

Mr. DENT. Mr. Chairman, will the gentleman yield for an observation?

Mr. ASHMORE. I will be glad to yield.

Mr. DENT. So that at least we do not get too far afield on this Pullman Porter Union matter, let me state one thing here. There is no restriction in the Pullman Porters bylaws or constitution of the union which restricts or eliminates the hiring of white pullman porters, but their union, just as many unions and organizations, has a restrictive covenant in it in that those who are unemployed and who are members of the union must first be called back before new members can be taken in. There has been a period of 15 or 16 years during which they have had an unemployed list of Pullman porters which runs over 5,000. Therefore, there is not anything in it that has anything to do with discrimination.

It is only a matter of rehiring because they have been unemployed and they are members of the union. So it has nothing to do whatsoever with racial or color lines.

Mr. ASHMORE. What if a white man applies for a position?

Mr. DENT. He can apply for it, but under the contract they have with the railroads, their membership represents the railroad pullman porters, and their constitution calls for the rehiring of unemployed pullman porters and today there is no vacancy. And, of course, the railroads do the hiring under the terms of the contract.

Mr. ASHMORE. Then, their contract would be in direct violation of this law, would it not?

Mr. DENT. No.

Mr. ASHMORE. Certainly it would, if all their members are Negroes, and I am sure they are.

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

Mr. ASHMORE. I will be glad to yield to the gentleman from Mississippi.

Mr. WINSTEAD. I was just wondering about this. You know, the Post Office Department, in violation of Civil Service regulations, in Texas and some other places has skipped over and bypassed the seniority rule under civil service in order to promote Negroes above qualified white persons ahead of them on the register. What would prohibit them from doing the same thing with this organization—the Pullman Porters Union—bypassing Negroes to promote whites?

Mr. ASHMORE. Nothing whatsoever.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. DOWDY. Mr. Speaker, I ask unanimous consent that the gentleman from South Carolina [Mr. ASHMORE] may proceed for 1 additional minute.

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

There was no objection.

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

Mr. ASHMORE. Yes. I will be glad to.

Mr. DOWDY. That is one of the provisions in this particular section of the bill. Actually, it amounts to requiring a racial balance in the unions. This union you were talking about would be forced, under this bill, to go out and enlist white people in the union, if the bill works both ways and applies to

white as well as colored people. I think that is obvious.

Mr. ASHMORE. I am satisfied that is the interpretation that would be placed on the law, and some of the best lawyers in the United States, constitutional and otherwise, have agreed with that interpretation. They would be forced to go out and hire white men.

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

Mr. ASHMORE. I will be glad to yield to the gentleman.

Mr. GOODELL. As I understand the gentleman's position, I do not think it can go unchallenged. There is nothing here as a matter of legislative history that would require racial balancing. That reference is just bringing in something extraneous. We are not talking about a union having to balance its membership or an employer having to balance the number of employees. There is no quota involved. It is a matter of an individual's rights having been violated, charges having been brought, investigation carried out and conciliation having been attempted and then proof in court that there was discrimination and denial of rights on the basis of race or color.

The CHAIRMAN. The time of the gentleman from South Carolina has again expired.

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

Mr. Chairman, I think I want to join with Judge SMITH in his plea that those who are opposing this amendment should point out why they think it would not attain a very desirable result. As I read it, unless I have misunderstood this debate, the protection against improper discrimination would be the words "bona fide." I have read this section (e) on page 70, where it says:

> Notwithstanding any other provision of title, it shall not be an unlawful employment practice * * * where religion or national origin is a bona fide occupational qualification.

There is a protection, as I see it, against anyone improperly using race or color to prevent a Negro, for example, from getting employment. But the same arguments apply to salesmen to religious groups. As the point was made, if there are actually bona fide reasons that they should be of the same religion inasmuch as they are selling to people of that religion or dealing with them then that may be a bona fide reason which renders it not improper criteria. I thought the illustrations used by some of the gentlemen arguing for this amendment were sound. Suppose someone was hiring extras for a moving picture they were going to produce and the script called for characters who were Negroes. Of course, they would advertise for Negroes and that would be a bona fide reason. There are many bona fide reasons that might cause employment to be based upon a particular religion, race, or national origin.

Mr. Chairman, I have been disturbed at times at the turn this debate takes from time to time particularly with the background of the bill. I mentioned this matter in general debate.

That was the only thing I did have to say. I referred to the reported attitude of the Democratic study group, and apparently that was true—at least it has not been corrected—to the effect that it caucused and in effect said they had agreed to oppose all amendments, regardless of their merits. Certainly there were the letters of the AFL–CIO to myself and other Members which urged all Members to vote against all amendments. I put the CIO–AFL letter to me in the RECORD.

I want to emphasize again that I am for this bill and I undoubtedly will vote for it. But there are many things in it that need improvement. Any time the proper procedure of this House is so disregarded, as was quite clearly the case in the way this bill was voted out of committee, we are going to have legislation that needs buttoning up. We are going to have the same problem with regard to the tax bill due to excessive pressure for haste from the Executive. Our technicians have not even had the time to write the accurate technical language for the various amendments, because of this forced draft for haste that has been put on by the Executive. In conference we are going to have to dig into a lot of the technicalities of the bill and do a great deal of rewriting. The same way here. This debate on the floor can give us an opportunity to take care of some of these oversights of the committee. I think it behooves Members on both sides, those who have had the handling of the bill, not to treat these amendments too cavalierly. That is why we have to pay attention to the merits of the amendments and disregard where these amendments come from. On the floor of the House yesterday we had what I felt was a very intemperate argument—I shall not name the gentleman making it—directed to one of the members of the committee. The argument made was that he was from the South and was not in favor of this bill, so he was offering this amendment to try to damage the bill.

This was the Cramer amendment that was a perfecting amendment. Fortunately, time was taken to listen to the arguments and we all began to see that he was pointing out a very important omission involving judicial review. Mr. CRAMER pointed out that judicial review to be effective had to be based on a hearing.

The committee finally got together and worked out the technicalities while the debate was transpiring and a substitute amendment correctly worded was accepted unanimously. I believe one member later said he was against it.

We must treat this present subject, which is a most difficult subject, with this kind of care. This bill has not received the kind of care that we have a right to expect. It was clearly brought out that there was only 1 minute of debate for both sides in the committee before it reported this particular bill out. I have read the bill since then. I am not an expert in this field.

The CHAIRMAN. The time of the gentleman from Missouri [Mr. CURTIS] has expired.

Mr. CURTIS. Mr. Speaker, I ask unanimous consent to proceed for 2 additional minutes.

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

There was no objection.

Mr. CURTIS. I have tried to go over it as carefully as I can. I think possibly this is a better drafted bill than the one the committee did go over in detail. But the committee as a committee did not do its work on it so it behooves the House to do it.

What I am pleading for is for those in charge of this bill on both sides to take the floor to explain if there is any reason against this amendment. I cannot see any and what I have heard is not responsive to the points being made. In my area, in St. Louis, Mo., an old slave State, there are many fine Negro economic organizations that deal mainly with Negroes. If you do not put bona fide in with respect to race I can see where you can damage them as well as other businesses where racial bigotry has nothing to do with the case.

One of the arguments used against integrating schools was the damage that allegedly would happen to the Negro teaching profession. I did not feel that was a sufficient argument to overcome the importance of getting rid of school segregation. But it was a serious problem and remains a serious problem. I raise the question, What has happened to the Negro teaching profession as the result of school integration? In this very bill there was a recognition of this problem and an attempt to do something about training Negro teachers adversely affected by integration. However, it was considered in a slapdash manner to the extent that there was little consideration given to costs or firming up the program. Little attention was paid in the hearings or the committee report to the fact there is a problem in this business of training Negro teachers to move forward with the problem created by desegregated schools. And so we may create similar economic problems in Negro businesses, labor unions, or whatever, with none of the justification which we do have in the teaching profession because of the overriding benefits we sought in desegregating our public schools. And none of this has to do with bigotry, racial, religious, or national origin. Indeed in one sense it has to do with the rights of people to organize and work together on the basis of a common race, religion, or national origin if they so desire.

Mr. HOLIFIELD. Mr. Chairman will the gentleman yield?

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

Mr. HOLIFIELD. The gentleman knows of my high regard for him, and I would not have taken the well except he referred to the Democratic study group as having a caucus and having agreed in regard to action on amendments. I am a member of the Democratic study group. I make no apology for it. I am the former chairman of that. As far as I know there has been no meeting of the Democratic study

group on the question. He referred to the fact no one has answered a similar challenge, which I did not hear. I want him to know as far as I am concerned there is no such agreement, and no such caucus has been held. Many of the members of the study group have voted for amendments, and we will continue to keep ourselves in the position of acting on amendments as they are being offered.

Mr. CURTIS. I want to thank the gentleman from California for making those remarks. I have a high regard for the gentleman. Although I disagree with most of the conclusions that come out of the Democratic study group, I want to commend that kind of operation.

The gentleman's statement has been timely made because there has been this conception, and I thought it probably was true. I do accept the gentleman's statement, and I am pleased these amendments are being considered on their merit.

I plead along with the gentleman from Virginia that those on the committee who see a reason against any amendment, particularly this one, to state your case. You have not done so.

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

Mr. Chairman, I think the last speaker answered the question for himself when he said maybe there is a Negro insurance company that wants to hire only Negroes and should be permitted to do so. The only logical conclusion would be that we would do the same thing for white insurance companies that want to hire only white people.

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

Mr. CORMAN. I yield to the gentleman from Missouri.

Mr. CURTIS. As I understand it the discussion was brought up in respect to religious groups, where they have a bona fide reason, that is, they want to sell to people of their own religion. I do believe we have a similar problem that a Negro salesman would be best in dealing with selling to Negroes. That would be a bona fide reason, it would not be racial bigotry.

Mr. CORMAN. We are not talking about Jewish salesman. That would not be bona fide. We are talking about Jewish cantors and rabbis.

I think we are entitled to look at the problem we are trying to deal with here. There is a very strict racial discrimination in employment in this Nation. It is not limited to the South at all. We are entitled to look at where it exists. There are some places in this country where only colored people can drive the garbage trucks.

There are other places where Negroes can ride on the back of the truck but are not allowed to drive it. I do not think that is an occupational qualification, but it is thought to be so by many people, apparently, because that is the practice that is followed.

The reason we are opposed to this amendment is that if you permit the advertisement of the race of the person to be hired there is no question it will implement this kind of discrimination in the field of employment. I think we are entitled to look at all we are dealing with in deciding what the amendment would do. If someone can show me where they only allow Catholics to drive garbage trucks, then I think we might have a different problem. Racial segregation is very complete in some parts of the country. There are places where race is indicated in the telephone book. That goes a long way. What we are saying is, When we hire people to work we want it to be based on their individual qualifications, not on the color of their skin. I can see a big hole in this substitute amendment. I am amused about the concern of some of my southern colleagues about the rights of Negroes in their districts. If a majority of voters or potential voters in my district were Negroes perhaps I, too, would be concerned about protecting their "rights," but that is not the case.

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

Mr. CORMAN. I yield to the gentleman from Missouri.

Mr. CURTIS. The point to which I think the gentleman should be addressing himself is bona fide reasons. The reasons the gentleman has given I think would not be bona fide reasons for a Catholic, and so forth, or a Negro, for certain purposes. As to other than bona fide discrimination I am in complete accord with the gentleman. I have been dealing with this subject since long before I came to Congress, and I think my record in my community on this very problem of racial problems in apprenticeship training, and so forth, will bear most minute scrutiny. There are all sorts of techniques to get around compliance, so I am suspicious, too, of things that might be subterfuge. But I think if the alleged discrimination is bona fide, just as it is in the case of religion, that would be all right, but if it is not a bona fide reason, then indeed it would be discrimination, which should be barred by this act.

Mr. CORMAN. I appreciate the gentleman's concern, but I only say that if it is a bona fide reason to permit Negro insurance companies to hire only Negro salesmen because they are the only ones they want to deal with people in a Negro community, why would it not follow that a white insurance company, and a lot of other businesses, could hire only white people to deal with people in a white community? It is true in those areas where it has been the custom and usage to completely segregate the races.

Mr. CURTIS. I think those discriminations can be made because selling is a technique of dealing with the public, but if we got into a manufacturing industry where you do not have the personal relationship involved, then you do not have the question of race. It would be whether a man is a good mechanic or a good press operator or whatever. We are dealing in a twilight zone in this territory.

Mr. CORMAN. Yes. I am anxious to clear up as much of the twilight zone as possible.

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

(By unanimous consent (at the request of Mr. WILLIAMS), Mr. CORMAN was allowed to proceed for 3 additional minutes.)

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

Mr. CORMAN. I yield to the gentleman from Mississippi.

Mr. WILLIAMS. A moment ago I posed a hypothetical question involving a movie company to the gentleman from California [Mr. ROOSEVELT] believing that he represented the Hollywood movie colony. He advised me that the gentleman who is speaking in the well of the House now represents the movie colony, so I will ask him the question. I assume he is supporting the amendment offered by the gentleman from New York [Mr. CELLER] and that he opposes the substitute amendment I have offered.

Mr. CORMAN. Yes.

Mr. WILLIAMS. Under the amendment offered by the gentleman from New York [Mr. CELLER], a movie company making a movie about China would be permitted to advertise for several hundred Chinese actors?

Mr. CORMAN. That would be my understanding.

Mr. WILLIAMS. That is right, because in order to play the part of a Chinaman in these movies, the national origin would be a bona fide qualification. And I quite agree they should have that permission.

Now let us assume that some movie company is making a movie, the setting of which is in Africa and they need several hundred extras who have black skin and Negroid features to play in that movie. Unless my amendment is accepted, they cannot advertise for Negro extras to play the part of Negroes in that movie. Why does the gentleman make the distinction between Chinese and Negroes?

Mr. ROOSEVELT. Mr. Chairman, will the gentleman yield? I would like to answer the gentleman's question.

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

Mr. WILLIAMS. Of course, I asked the gentleman from California [Mr. CORMAN] for an answer since he represents the movie colony.

Mr. ROOSEVELT. To answer the gentleman's question from the point of view of the purpose of the bill, Africa is not just one country. Africa is several countries, if they went to Cambodia or wherever the production might be located and they want people from Cambodia, let them say so.

Mr. CORMAN. My answer, sir, is that they will just have to live with it. I am sure they are willing. I will also say before my colleague from Missouri [Mr. CURTIS] leaves, that he and his committee have so rigged the tax structure of this Nation that they have encouraged the movie companies to go to Africa and make African movies. We hope some day they will close up that tax loophole which has encouraged "runaway" movie production. Then we will face the next problem when we come to it.

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

Mr. Chairman, I hope I can convince my colleagues if I cannot convince the

Detroit News—that my interest in standing up here in the well of this House is to raise relevant questions as to this legislation and not merely to aline myself with the southern Members of the House, who incidentally I regard as still eligible Members of the House and still American citizens.

I have asked for this time to raise a question and I would ask particularly for the attention of the gentleman from New York [Mr. GOODELL] because of a remark he made—and I am not quarreling with it. I understood him to say there is no plan for balanced employment or for quotas in this legislation. I am not prepared to quarrel with that proposition at all, but I am raising a question as to whether in the effort to eliminate discrimination—and incidentally that is an undefined term in the bill—we may get to a situation in which employers and conceivably union leaders, will insist on legislation providing for a quota system as a matter of self-protection.

Now let me pose this hypothetical question, and then I will be glad to yield to the gentleman if he wishes to comment on it.

Assuming you have a situation in which the employer needs to hire 100 absolutely unskilled workers or suppose the union hall is called upon to provide 100 absolutely unskilled workers.

Now let us suppose this hypothetical situation exists with 100 jobs to be filled. Let us say 150 persons apply and suppose 75 of them are Negro and 75 of them are white. Supposing the employer or the agent in the union hall in order to fill the needed number of jobs hires 75 white men and 25 Negroes. Do the other 50 Negroes or anyone of them severally have a right to claim they have been discriminated against on the basis of race or color? If you say they do, obviously because all of the white men and none of the Negroes were hired and then supposing we change it to 60 white men hired and 40 Negroes. That means 15 white men were not hired who were applicants and 35 Negroes were not hired.

If all other factors were equal—or, at least, if there were not any differences which were distinguishable—and all the 150 applicants were entirely suited for employment, what protection would the employer or the union hiring agent have against a charge of discrimination, in the two hypothetical situations which I have posed?

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

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

Mr. GOODELL. The gentleman has asked an excellent question. In his hypothetical case he has said that all the applicants are equal. That would be an ideal situation which probably seldom would happen, but it illustrates the point very well.

It is the intention of the legislation that if applicants are equal in all other respects there will be no restriction. One may choose from among equals. So long as there is no distinction on the basis of race, creed, or color it will not violate the act.

We are going to amend a section, further along, to make this very clear. If a person refuses to hire for any reason other than race, creed, or color that would be all right.

In the instance the gentleman has stated, apparently it is a situation in which all are equal. Then the employer would have his choice.

Mr. JOHANSEN. I am glad to hear that response. I am glad to know of the assurance that there will be a further amendment to another question.

Mr. GOODELL. I say to the gentleman that I assumed the hypothetical facts as stated. That would cause no difficulty. I do not believe such a situation actually will ever exist, when all are exactly equal. There are many other qualifications which must be met in regard to jobs, so it is quite seldom, if ever, that we have to consider workers or applicants that are completely equal in qualification.

Mr. JOHANSEN. I recognize that. I recognize that to be a weakness of the hypothetical case. My question is: How are we, by law, to assure the employer or the union agent of protection against the allegation of discrimination? How will it be possible to prove that subjectively there was not an element of discrimination, particularly in view of the growing pressures in this area? Some reference was made a moment ago, I believe by the gentleman from Mississippi, to the situation at the Dallas post office.

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

(By unanimous consent Mr. JOHANSEN (at the request of Mr. GOODELL) was given permission to proceed for 2 additional minutes.)

Mr. JOHANSEN. This is slightly different, but I believe it is definitely related. The Dallas post office situation was the subject of hearings. I sat as a member of the Manpower Utilization Subcommittee, which held several days of hearings on that matter. There were terrific pressures put on for the three promotions of Negroes out of order, and they came, if not directly at least indirectly, from the chairman of the Equal Employment Opportunity Commission, who is now the President of the United States. There were enormous pressures for advancement and promotion of persons far down the line, in order to have some compensatory effect, to apply some kind of reverse discrimination, to make up for past errors.

If those pressures should continue, how long would it be before the employer or the hiring agent in the union hall would be exposed to the charge of at least a subjective prejudice if, as stated in my hypothetical case, other things being equal as far as possible, he hired only 25 of the 75 Negroes and hired all 75 of the white men?

That is my concern.

Mr. GOODELL. I believe the gentleman has raised an excellent point, which emphasizes the importance of the way the section is written. The burden would be on the Government. The burden would be on the complainant to show that there had been discrimination. He would make a complaint to the Commission. Then the Commission would investigate. Then the Commission would have to take the question to court and prove a case. The burden all the way would be on those who alleged the discrimination.

It is not the opposite; it is not a situation in which a charge can be brought against an employer and thereafter the employer would have to prove that he had not discriminated. He would not have a burden. It would be the other way around. The Government would have to prove there had been discrimination.

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

Mr. CELLER. Mr. Chairman, I ask unanimous consent that all debate on the amendment and on the substitute amendment conclude in 15 minutes.

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

Mr. WATSON. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

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

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

There was no objection.

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

Mr. JOHANSEN. I yield to the gentleman from Texas [Mr. ALGER].

Mr. ALGER. I thank the gentleman for yielding to me for a moment to respond to the reference he made to the Dallas postal employment situation. We investigated this matter very thoroughly, and I want to commend the gentleman in the well and the gentleman from Texas [Mr. POOL], and those who participated in this matter. We established quite clearly in the record that no matter what the zeal and good intentions of those men who insisted the Dallas postmaster select these three men, these Negro men, who were good men, still were not qualified ahead of the 150 other men over whom they were placed in their new jobs. This should be noted by my colleagues fully. Just because we want equality through civil rights—and I think we are all for this—we must not work discrimination in reverse in order to overcome some of the alleged discriminations of the past now by leapfrogging and promoting some men over men who have the seniority and qualifications. They must in turn perform their service and await their turn.

I thank the gentleman from Michigan for yielding.

Mr. JOHANSEN. I thank the gentleman, and before I yield to the distinguished minority leader of the committee let me say this: I predict that the time will come when there will be enormous pressures on this Congress to adopt and apply the principles of the quota system. I predict that there will come a day when it will be exceedingly difficult if not indeed impossible to resist those pressures if we set our foot on the path that we seem to clearly indicate, by majority sentiment, what we intend to do.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that all debate on

the amendment and the substitute conclude in 30 minutes, at 2 o'clock.

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

There was no objection.

The CHAIRMAN. The following Members are observed on their feet: Messrs. CELLER, QUIE, WAGGONNER, WATSON, MCCULLOCH, WINSTEAD, KLUCZYNSKI, GRANT, WILLIAMS, and ROOSEVELT.

Mr. WATSON. Mr. Chairman, since there are apparently additional ones that are coming into this, I object to the request.

The CHAIRMAN. The objection comes too late.

Mr. WATSON. I assume, if the Chair will hear me further, you are still writing down the names of those who are on their feet at this time.

The CHAIRMAN. Yes. But the unanimous-consent request was agreed to, and the Chair was simply making certain it had observed all those Members who would participate in the time that would be fixed.

The gentleman from South Carolina [Mr. WATSON] is recognized for 3 minutes.

Mr. WATSON. Mr. Chairman and distinguished colleagues, there are two points I should like to make very briefly here. I have been trying to get the floor for a little while now. First, I asked one of the Congressmen from New York as to the effectiveness of the FEPC bill in the State of New York. He said it was working real well and then deferred to one of his colleagues from New York over here. That gentleman confirmed the statement of the effectiveness of their law.

Yes, ladies and gentlemen, it is working real well. You will recall that last year it worked so well that they had some people in Brooklyn, I believe, using little children in order to lay them down in front of a construction truck protesting job discrimination. They prevented workers from going to work on a hospital there in order to minister to the illnesses of their people.

Yes, that surely is working well; it has eliminated the problems. And, to be sure, the passage of this section will result in the same thing in every section throughout the United States. So, if we will accept the word that the FEPC bill is working beautifully in New York, with such conduct as that and people so callous as to put little children out in front of a dump truck, then that is the way it undoubtedly will work throughout the Nation.

The second point I want to make is that if you pass this amendment—that is, the amendment of the chairman of the committee—and do not pass the substitute of the gentleman from Mississippi, we are writing into this bill permissive discrimination by minority groups. Strip it of all the talk here about the possibilities of this amendment affecting unions and other organizations, which are real possibilities—let me say if you write the amendment of the chairman of the committee into the bill, you are permitting discrimination by minority groups and are forbidding discrimination by majority groups. I hope that we shall not do that.

Down my way people do not stand as Italians, but they stand as Americans; they do not stand as Jews, but they stand as Americans; they do not stand as Polish people, but they stand as Americans. Let us get the facts straight. The Baptists do not have a prerequisite of religious requirements for employment by a Baptist employer. The Lutherans do not have it. Let us face up to the facts of life. If we write this amendment of the chairman of the Committee on the Judiciary, we are going to permit per se discrimination by minority groups. I support their right to do so but not at the expense of the majority of our citizens. Let every businessman, regardless of race, creed, or religion have the right to hire whom he wishes, promote whom he wishes, fire whom he wishes; in short, let the American businessman operate his own business as he sees fit. That is his constitutional right so long as he does not jeopardize the health of our people or violate legitimate business laws.

If we do not adopt the substitute amendment of the gentleman from Mississippi we are going to say to the majority, "You cannot discriminate," but we will say to the minority groups, "You can." I am for these minority groups having the right to be discriminatory in the matter of selecting the best possible employee. Likewise I want every American, regardless of his place in life, or the geographical region from which he comes, to have the opportunity to do that.

Think it over before you vote on it.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota [Mr. QUIE].

Mr. QUIE. Mr. Chairman, I wanted to ask a question of the chairman of the committee, but I do not see him at the moment. I want everyone to know when I ask this question that I support this bill in general and this fair employment practice title in particular and support the Celler amendment not the Williams substitute. Perhaps the gentleman from California [Mr. ROOSEVELT], can answer my question. The question was brought up about the movie company which wanted to secure individuals for an African film. My question is in a way related to that. In Minnesota we, by State law, require that only Indians may harvest wild rice on their reservations. So the employment in the wild rice fields or should we say "waters" and also the advertising for people to work in it if such is done, would be limited to Indians. My question is, Is this considered a question of national origin? Would Minnesota be permitted to give preference to the Indians? It is true that white people can gather wild rice as well as Indians, sometimes we feel too efficiently, because when the Indians gather wild rice some of the rice falls back into the water and reseeds itself. So my question is, May we continue to permit this in Minnesota, under the amendment offered by the chairman of the committee [Mr. CELLER].

Mr. ROOSEVELT. Mr. Chairman, I think the answer is that you have to rely on the rule of reason. I am not trying to quibble, but the American Indian is not of a different race, alone he also is generally conceded to be of "national origin." Therefore, under the terms of the amendment in my opinion, the practice the gentleman has described could continue under the national origin exception as proposed by the chairman of the committee.

Mr. QUIE. Would it also be the case that we could not advertise for Indians to come and work in the wild rice harvest unless the chairman's amendment were adopted to include national origin along with the religion in section 705(b)?

Mr. ROOSEVELT. I think the gentleman is correct.

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

Mr. QUIE. I yield.

Mr. SELDEN. I would think, contrary to the views of my colleagues from California [Mr. ROOSEVELT], that Indians are a race. Also, I would think that, unless the substitute amendment of the gentleman from Mississippi [Mr. WILLIAMS] is adopted, Indians can no longer exclusively harvest the wild rice to which the gentleman from Minnesota [Mr. QUIE] referred.

Mr. QUIE. As we consider Indians in this country, they all come from the United States. The problem with the Africans is different, as they may come from any one of many countries in Africa. We do not have that problem. I am opposed to discrimination or special preference given to people on the basis of race under any circumstances, however, there are times when preference, must be given on the basis of religion or national origin in order to accomplish the purpose of some enterprise.

Mr. SELDEN. If the substitute amendment of the gentleman from Mississippi [Mr. WILLIAMS] fails, then only religion and national origin will be included in the exception. If Indians are considered a race, as I am certain they should be considered, then I do not believe the Indians to which the gentleman from Minnesota [Mr. QUIE] referred will be allowed exclusively to harvest the rice in question.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois [Mr. KLUCZYNSKI].

Mr. KLUCZYNSKI. Mr. Chairman, I have not yet spoken on this very important bill that is before us today. Everybody in the House knows how I am going to vote. I am very happy to be a Member of this august body, the greatest deliberative body in the entire world.

We have been arguing for 2 hours over a simple amendment offered by the gentleman from New York, which has to do with advertising and national origin. Lawyers in the House have been talking about French cuisine and German cooking and Danish pastry, yet they know nothing about the restaurant business. You have before you, Mr. Chairman, a man who has operated restaurants in Chicago for 40 years. We sell sausage. We have a Polish sausagemaker, and when we advertise we want a Polish sausagemaker. It is good sausage, too, and you do not have to have a copper-lined stomach to eat it.

I have three colored cooks with me who have been with me for years. They are the ones who heat or boil the sausage.

On Sundays, Mr. Chairman, we have what we call a Czarnina soup which we serve, like they serve bean soup here every day in the House restaurant. Czarnina is a soup, some call it a chocolate soup, and they come from miles around for this soup. A couple of Irishmen were over at my place several Sundays ago, and said "KLU, this is the best soup I have ever had. What is it made of?" And we tell them, like we do at the race track, out of the corner of our mouth, "It is made from Dutch blood."

So, Mr. Chairman, we are here this afternoon arguing about a little, minor amendment. I am happy the time is limited. I do not want to have to ask for extra time, and I do not want to filibuster, so I appeal to you, vote for Mr. CELLER's amendment and let us go on with the show.

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

(By unanimous consent (at the request of Mr. WINSTEAD), his time was yielded to Mr. WAGGONNER).

The CHAIRMAN. The Chair recognizes the gentleman from Louisiana [Mr. WAGGONNER].

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

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

Mr. HUDDLESTON. I would like to ask the gentleman if he knows what the five races of man are? I ask this in connection with the statement of the gentleman from California to the effect that the American Indians are of national origin.

Mr. WAGGONNER. Apparently the gentleman refers to the remark of the gentleman from California. So I will defer to the gentleman from California [Mr. ROOSEVELT] for his answer.

Mr. HUDDLESTON. I would like to ask the gentleman from California if he can tell me the five races of man?

Mr. ROOSEVELT. The five races of man?

Mr. HUDDLESTON. Yes.

Mr. ROOSEVELT. If the gentleman will give me a minute and a half, I will go out and look up the matter and come back and let him know.

Mr. HUDDLESTON. The five races of man are white, black, brown, yellow, and red. I think it is clear that the American Indian is a matter of race, not national origin.

Mr. WAGGONNER. Mr. Chairman, the gentleman from California a few moments ago in answering a hypothetical question said the rule of reason would have to be applied to this amendment, and to this particular title of the bill. During the course of the discussion on this proposition or legislation this is the first time I have found myself in agreement with him. But that is not what has been done for the rule of reason has not been applied. We have not applied the rule of reason anywhere at any point in considering this entire package of legislation.

A philosopher whose name I do not now recall once said that when he was buried he would like to be buried face down because the world some day would be upside down.

He ought to be looking at us now, because the world is all upside down.

Diogenes has been referred to. Of course, we all know who Diogenes was for supposedly he spent his life searching for an honest man. I want to submit to you that this afternoon in the course of the debate in this House we have found one honest man who is going to vote for this bill, because the gentleman from California [Mr. CORMAN]—and I ask him to remain on the floor until I can ask him this question—a few moments earlier said to you, the Members of the House, that if he had a predominance of businessmen in his congressional district in voting strength he might be a little more interested in preserving their businesses for them.

Mr. CORMAN. Mr. Chairman, I said Negro businessmen and I was speaking facetiously when I said that. I think the gentleman should understand that.

Mr. WAGGONNER. This is not a facetious proposition. If you speak facetiously of something that is this serious, then you have erred.

Mr. CORMAN. If I erred, I have been chastised most properly. I make my remarks in the same vein as do people from the gentleman's part of the country who say that they oppose this bill because it prohibits Negroes from discriminating.

Mr. WAGGONNER. There is probably some basic difference between me and the gentleman from California. I speak to you in all sincerity and ask for the right to discriminate if I so choose because I think it is my right. I think it is my right to choose my social companions. I think it is my right if I am a businessman to run it as I please, to do with my own as I will. I think that is a right the Constitution gives to every man. I want the continued right to discriminate and I want the other man to have the right to continue to discriminate against me, because I am discriminated against every day. I do not feel inferior about it. There are people who exceed me in many phases of life, and more power to them.

Mr. CORMAN. The gentleman has accurately and precisely stated the difference between us. I do not believe it is my right to discriminate because of race.

Mr. WAGGONNER. I am glad, thank God there is that difference.

The other thing is exactly this: The gentleman has supplied the rule of reason as an ingredient in the course of the discussion of this amendment and he has stated that there are bona fide cases when a Negro insurance company for example should be allowed to have all Negro employees, because only Negro salesmen would be acceptable to Negro clients. If that is the case, he says that it does follow that a white insurance company should have the same right to employ only white insurance salesmen, because only white insurance salesmen might by the same token be acceptable to white clients of this particular company. That is what we are talking about. There is commonsense to be applied to this legislation, and this bill does not apply commonsense to any provision of this proposal.

The gentleman from Michigan [Mr. JOHANSEN] stood before you, and with words of admonition, and warned you of what would come about if we embarked on this step we are considering today. I ask you to think seriously about what you are doing. I ask you to think a second time. I ask you to forget about politics, forget about everything except the integrity of the individual, leaving to the people of this country the right to live their lives in the manner they choose to live. Do not destroy this democracy for a Socialist government. A vote for this bill is no less.

The CHAIRMAN. The Chair recognizes the gentleman from Alabama [Mr. GRANT].

Mr. GRANT. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Mississippi.

Mr. Chairman, I rise at this moment because I recall about 2 hours ago, when this debate started, the gentleman from Iowa [Mr. GROSS] asked a question about a Lutheran insurance company. I am interested in the employees in such a type of company and I just want to ask the gentleman from Iowa if he has yet received an answer to the question.

Mr. GROSS. I think the gentleman from South Carolina [Mr. ASHMORE] well described the answer I got. He said it was a clearly muddled answer.

Mr. GRANT. I thank the gentleman.

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. GRANT. I yield.

Mrs. GREEN of Oregon. May I call the attention of the gentleman from Alabama to the fact that the Lutherans have endorsed this legislation?

Mr. GRANT. Of course, may I say to the distinguished gentlewoman, I did not make the statement; probably the gentlewoman is speaking of Lutherans as a church. The gentleman who made the statement to which I referred was speaking about an insurance company, I believe.

Mr. Chairman, I would like to point out the reason I am interested in this is that we have some good Negro insurance agencies down my way. In fact, we have one called the Sons and Daughters of I Will Arise. I want to see that agency and all other organizations protected.

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

Mr. GRANT. I yield to the gentleman.

Mr. GATHINGS. We have in the First District of Arkansas a lot of cooperative cotton gins owned and operated by Negroes. If this amendment of the gentleman from Mississippi is not agreed to the pattern of hiring would or could be changed in these gins. While the gentleman from New York [Mr. CELLER] and the proponents of this bill seek to protect the Negro in connection with jobs and other matters, without the amendment of Mr. Williams they will not be protected in these jobs which they have in these cooperative gins.

Mr. GRANT. They should be allowed to do so.

Mr. Chairman, of course this debate on this one amendment has gone pretty far afield.

I noticed a few moments ago the gentleman from Pennsylvania [Mr. FULTON] was telling the Democrats how they should run their national committee. I think the gentleman from Pennsylvania has work to do in his own vineyard. I think the gentleman might look at the membership in this House and the last few presidential elections and he would see that the Democrats have done rather well, without accepting the opinion of the gentleman from Pennsylvania.

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

Mr. WILLIAMS. Mr. Chairman, I do not care to take the time of the House to discuss this matter further. I think the amendment I have offered can stand on its own merits. I respectfully ask you to examine the amendment and consider it on its merits exclusively, and not on the basis of the author's geography.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. ROOSEVELT] to close debate on the pending amendment and on the substitute thereto.

Mr. ROOSEVELT. Mr. Chairman, may I first just tell the gentleman from Mississippi, my good friend, that I would not ever oppose an amendment because it was offered by any particular person or because it came from any one place. I am sure the gentleman did not mean to imply that any of us would do any such thing.

I want to say to the gentleman—I do not remember which one it was—who a minute ago pointed out that he felt there might be a reason why an insurance company or some company felt that only white people could serve white customers and, therefore, they should be allowed to have only white servicemen or white salesmen.

I would refer him to a very interesting development in our testimony before the committee where the Chesapeake & Potomac Telephone Co. came before our committee and said that for years they had subscribed to this point of view and then they found out that they could send out a Negro on a selling job or on a service job in an entirely white community, and if ne did a good job he was as fully accepted as any white person who might go into that particular community.

So all we are trying to do is to break down this unfortunate idea—this wrong idea—which unfortunately is prevalent in many areas of the country.

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

Mr. ROOSEVELT. I yield to the gentleman.

Mr. GOODELL. A great deal has been said about the movie colony and about advertising for people to play Africans. Will the gentleman agree that under the provision in question, without any further amendment than just adding the words "national origin," an advertisement for anybody to play the part of Negroes would be perfectly valid. If any white people want to apply to play the part of a Negro, in that movie, they would be perfectly free to do so?

Mr. ROOSEVELT. The gentleman is quite correct.

Mr. GOODELL. If they qualify properly to play the part they can get the job.

Mr. ROOSEVELT. That is so. As the gentleman knows, the state of the art makes it possible for that to occur in many instances. It has happened over and over. The gentleman is quite correct.

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

Mr. ROOSEVELT. I am happy to yield to the gentleman from Mississippi.

Mr. WHITTEN. One of the large automobile agencies in the Washington, D.C., area tried to hire Negroes, because about 85 percent of its business was with Negroes, but the agency has learned that the Negro customers will not buy from Negro salesmen. Would that company have to balance its situation, even though it might mean the business would go bankrupt, under the terms of the bill?

Mr. ROOSEVELT. I say to the gentleman that if a person were being refused simply because he was a Negro, that would violate the law. If he were being refused because it had been found he could not do the work, for a bona fide lack of qualifications, that would be a bona fide situation.

I say to the gentleman that I do not know which company it is he refers to, but I would be willing to wager that if the company found the right kind of salesman he could sell in any area of Washington, D.C., no matter what kind of neighborhood or the race of the salesman.

Mr. WHITTEN. May I say that anyone who has had experience with businessmen in many areas of the country where there are large numbers of Negroes frequently has found that the Negro customers will not do business with Negro salesmen.

Mr. ROOSEVELT. I have to say, as a businessman, I have found that not to be true. I have been a perfectly successful salesman to Negro customers, and I happen to be white.

Mr. WHITTEN. For the record, will the gentleman please tell me where he has been in business? That will make a difference.

Mr. ROOSEVELT. In California, in Massachusetts, and in New York.

My friends, the debate is now clear. We are not against the amendment because it is offered by the gentleman from Mississippi. We are against it because it would open up the wrong kind of emphasis in respect to the problem of discrimination. We are trying to get rid of discrimination in our national life, as will be brought out in the remainder of this debate.

I hope the substitute amendment will be defeated and that the amendment of the gentleman from New York will be agreed to.

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

All time has expired.

The question is on the substitute amendment offered by the gentleman from Mississippi [Mr. WILLIAMS] to the amendment offered by the gentleman from New York [Mr. CELLER].

The question was taken; and on a division (demanded by Mr. WILLIAMS) there were—ayes 70, noes 108.

So the substitute amendment was rejected.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. CELLER

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

The Clerk read as follows:

Amendment offered by Mr. CELLER: Page 74, line 15, after "mission" insert the following: "where he has reasonable cause to believe a violation of this Act has occurred".

Mr. CELLER. Mr. Chairman, this is a perfecting amendment and it provides as follows:

Whenever it is charged in writing under oath by or on behalf of a person claiming to be aggrieved, or a written charge has been filed by a member of the Commission—

And we add the words "as a condition precedent" where he, the Commissioner, has reasonable cause to believe a violation of the act has occurred. In other words, we want to be sure that before the member of the Commission acts he has reasonable cause to believe a violation of the act occurred. We want unequivocally to nail down that condition precedent and, therefore, we provide for this additional language. That is all this amendment does.

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

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

Mr. O'HARA of Michigan. Mr. Chairman, this amendment is in conformity with the views arrived at in a discussion among members of the Committee on Education and Labor which originally reported this bill and the ranking member and the chairman of the Committee on the Judiciary. It is agreeable to all of us.

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

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

Mr. McCULLOCH. Mr. Chairman, this is a perfecting amendment. It was under discussion for some time before it was unanimously agreed to by members of the group from both the Committee on Education and Labor and the Committee on the Judiciary.

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

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

Mr. GOODELL. Mr. Chairman, I think the chairman will agree with me that this is a section that is to protect us from errant and arrogant bureaucracy—from any administrator running wild without any reasonable cause. It derives from the welfare and pension amendments which we placed

in the law 2 years ago. We very carefully provided that there had to be reasonable cause to believe that there had been a violation before any administrator moved into a situation. It is a very important amendment and a very worthy one, I think.

Mr. CELLER. The gentleman is correct.

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

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

Mr. LINDSAY. This amendment, like other amendments being offered as committee amendments, have been worked out with great care over the past several days between members of the Committee on the Judiciary and members of the Committee on Education and Labor on both sides of the aisle. I should like, as a member of the Committee on the Judiciary, to express my appreciation to those members of the Committee on Education and Labor who have contributed so much to this title.

Mr. SMITH of Virginia. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I have been around here since 11 o'clock this morning. Some of us think we have some amendments that we think are meritorious and we would like to have an opportunity to offer them. We have been here 2½ hours on an amendment offered by the chairman of the Committee on the Judiciary. He is now proceeding with another list of amendments which I understand he has quite a few of. I believe that I heard tell that the gentleman from Ohio [Mr. McCULLOCH] will proceed to offer a series of amendments, also. Of course, we were told yesterday that this legislation was perfect and it did not need any amendments; nothing could be done about it. No; no one could dare to offer an amendment to it. Now we are confronted, in this great haste to wind this bill up, we are confronted today with a series of amendments from members of the committee who have a preferential right to offer amendments and who are being recognized while other Members who are not members of the committee who would like to offer some meritorious amendments are waiting. I have one and I have been waiting here a long time to get it before the Committee. I think it would probably be accepted if it were. I would like to know whether in this unholy combination of the Democratic leadership and the Republican leadership there is ever going to be any opportunity for just a plain, common, ordinary, garden variety of Congressman to offer some meritorious amendment.

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

Mr. SMITH of Virginia. I yield.

Mr. CELLER. I would be glad to ask unanimous consent to offer these amendments en bloc. Would the gentleman consent to that?

Mr. SMITH of Virginia. I do not think from what has happened up to now that that would be very encouraging to me or anybody opposed to this bill, to agree to any unanimous-consent request that might be made.

Mr. CELLER. We do not want to forestall the gentleman or anybody else from offering amendments.

Mr. SMITH of Virginia. Well, you have done a pretty good job of it up to now.

Mr. CELLER. We have the preferential right to offer amendments from the committee itself.

Mr. SMITH of Virginia. Of course, the committee has the right. What I am talking about is whether we are going to get any chance. I do not want to be rushed off so we do not get any chance.

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

Mr. SMITH of Virginia. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I want to join the gentleman from Virginia in his observations. I thought that after the months the committee claims to have spent on this bill the members would come to the House floor with a bill as letter perfect as the committee could make it. Now we see the strange spectacle of the committee offering all kinds of amendments.

Mr. SMITH of Virginia. I do not think the gentleman from Iowa or this speaker were fooled by that. We never did think it was perfect. But there was a claim that nothing could be done to improve this, that it was the last word in proper legislation.

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

Mr. SMITH of Virginia. I yield to the gentleman from Ohio.

Mr. McCULLOCH. Mr. Chairman, I thank the gentleman for yielding. I want to assure him that I have no amendments that I am going to offer to this title before it is finally disposed of. I would like to say this to the Members of the House, that this title, in substance, came to the Judiciary Committee from the Committee on Education and Labor.

Mr. SMITH of Virginia. Mr. Chairman, I decline to yield further. The gentleman from Ohio has taken up most of the time around here. I have had only 5 minutes in 2 days. If he wants to talk, I will let him talk in his own time.

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

Mr. Chairman, at this point in the RECORD I would like to ask the chairman of the committee or any of the members of the Committee on Education and Labor, perhaps the gentleman from California, why on line 21—and, of course, this is where there is an initial charge filed or a member has reason to believe, if this amendment is adopted, that a violation has occurred—I would like to ask him why does it take only two, a minority of the Commission, to decide that there is a reasonable cause to believe that he should go ahead with a full investigation, meaning inspection of books and records at any time of the day or night or otherwise as contained in the bill at the present time, and use persuasion to try to get the employer to conform to what the Commission thinks is a violation and is in effect discrimination—there is no precedent for such a decision only by a minority, is there, I ask the gentleman?

Mr. ROOSEVELT. Of course, I would be happy if the gentleman would ask the gentleman from New York [Mr. GOODELL] to answer the question, but the fundamental reason why the majority side felt this way was this: I did not want to leave any implication that there was a closed, an already-decided point of view by the members of the Commission before the issue actually came before them and that therefore if we said three members were required it would seem to indicate, what was the use of the man coming before three people who had already made up their minds. Therefore, we set it at two in order not to give that effect. That, at least, is my point of view.

Mr. CRAMER. Let me finish with this line of reasoning of the gentleman from California as to what the minority of this Commission does, two members, not three, not a majority of the quorum. It will be my intention to offer an amendment to strike "two or more members" so that it will read, "if the commission shall determine there is reasonable cause to believe," they can offer their investigation, they can go ahead with their persuasion. Does the gentleman believe in the rule of a minority?

Mr. ROOSEVELT. Of course, I do not believe in a rule by minority in such matters, but, on the other hand, we are discussing getting something before the Commission. If a majority had made that decision then it would seem to me the case was almost foreclosed. We did not feel that was fair. We wanted to give the minority their day in court, and I believe in giving the minority their day in court.

Mr. CRAMER. Will the gentleman answer this question: The gentleman is not talking about the minorities who are being charged with discrimination; he is talking about a minority of the membership of a bureaucratic commission.

Mr. ROOSEVELT. No. The gentleman is correct.

Mr. CRAMER. Two or more members of the Commission can make this decision. What sense does it make that in the first instance the minority of the Commission can make a decision that there is "creditable" ground to believe, and go ahead with the investigation, make their findings, bring into play persuasion and do everything but file a suit against a man or union charged with discrimination? Then at a later date they take a vote, and if at that time they vote two in favor and three against sending the discrimination case, no further action is taken. What justification is there in the first instance where they in effect try to use persuasion?

They find cause exists and later on it is a question of whether they go to court and a majority finds there is no justification.

Mr. ROOSEVELT. It makes sense, but let the gentleman from New York [Mr. GOODELL] explain it.

Mr. CRAMER. I will ask the gentleman from New York [Mr. GOODELL].

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

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

Mr. GOODELL. It takes two members of the Commission to make a decision to conciliate any problems they may have found. One of the reasons, and the main reason for this, is that we anticipate a five-member commission may panelize themselves. They may form panels of three for this purpose.

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

(By unanimous consent (at the request of Mr. ROOSEVELT) Mr. CRAMER was allowed to proceed for 5 additional minutes.)

Mr. GOODELL. In other words, if the gentleman will yield, if the Commission panelizes and they have a panel of three, especially in the preliminary steps, to determine whether there is enough reasonable evidence to support the charge, the Commission may go on to investigate it further and conciliate. Two of the members can make that decision.

Mr. CRAMER. There is nothing in the statutes presently relating to any commission the gentleman just mentioned, to permit minority of a commission to make decisions that result in persuasion against the employer to try to get him not to discriminate. In this instance, though, there is nothing comparable to that in any of the administrative laws. Panelization is before investigation. But this is for enforcing it through persuasion.

There is an agreement in keeping with practices in which the respondent agrees to refrain from committing certain things. That goes further than a panel or a recommendation to the full Commission. This is a preliminary order in anticipation of court action.

Mr. GOODELL. Under NLRB they make many decisions with a three-man panel. In this case the two-man decision is at the early stages. It is a decision to conciliate if they find something wrong.

Mr. CRAMER. The gentleman has brought out the point I am talking about. They do it for investigation purposes. But I am talking about trying to enforce its decision on the basis of a two-man minority decision to prevent discrimination. Why should not the Commission make the decision whether the agreement and persuasion came into effect?

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

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

Mr. LINDSAY. I think a little further clarification is essential here. The order of progression is as follows: First is the charge, filed in written form and under oath by someone. Then there may follow an investigation. The third step, which is the part the gentleman is referring to, sets in motion conciliation procedures. That is where the two members of the Commission must agree that reasonable cause exists for crediting the charge, and that finding sets in motion conciliation procedures. It is called voluntary compliance. One would thing that the two-commissioner requirement would be welcome as an extra protection to the employer because unless this voluntary procedure is complied with nothing further can happen.

The fourth step is the hearing; in other words, the adjudication de novo in the court. To begin that process it takes a majority of the Commission to agree.

Mr. CRAMER. I yielded to the gentleman to answer my question, so could I ask the gentleman a further question? Is it not necessary before persuasion takes place, which, of course, means that the man is discriminating, that the Commission, the two members in this instance, find that the man is in fact discriminating and, therefore, he should cease it, by persuasion? Is that not correct?

Mr. LINDSAY. If the investigation which has already been made has led two members to determine that voluntary compliance procedures should go forward.

Mr. CRAMER. To carry out their findings.

Mr. LINDSAY. To bring about compliance voluntarily.

Mr. CRAMER. To carry out their two-man finding that there was discrimination. It does not take a majority of the Commission to make that finding and have persuasion. Why should it take the Commission to make persuasion?

Mr. LINDSAY. Would the gentleman rather have a procedure where a majority of the Commission immediately may determine to take an employer into court? File a complaint and go into court?

Mr. CRAMER. The gentleman is not answering my question.

Mr. LINDSAY. The gentleman is answering the gentleman's question.

Mr. CRAMER. What I am saying is, if the Commission shall determine after such investigation reasonable cause exists for carrying on the charge, why should there be persuasion? Why should they persuade a man against discrimination when a three-man commission could later find no discrimination exists? What sense does it make?

Mr. LINDSAY. The gentleman apparently objects to the conciliation features, and he apparently further objects to the further safeguard we put in here that two Commissioners must find reasonable cause for setting in motion conciliation procedures.

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

Mr. LINDSAY. Mr. Chairman, I move to strike out the requisite number of words in order to answer any questions.

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

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

Mr. PEPPER. I was going to ask my able colleague from Florida who is an attorney if he is not aware that if in any case four justices of the U.S. Supreme Court, a minority of that Court, votes to grant a petition for a writ of certiorari in any case before that Court, that will cause the whole Court to hear and fully consider such case.

Mr. CRAMER. We are not talking about the Supreme Court, we are talking about a commission which is going to make this decision as to whether an employer in fact discriminates. Yesterday I fought hard to get written into the previous title of this bill a provision for hearings in cases of cutting off funds where an agency finds there has been discrimination. But here you have a commission set up and a majority who possibly have to make the preliminary finding that there was discrimination go ahead and try to force the employer or through persuasion cause the employer to carry out an antidiscriminatory procedure. In effect, they are making a preliminary finding that discrimination does exist, and it takes only two members to do that. My point is, all three members later may decide that the first two were wrong. But the employer still has been subject to this persuasion on this preliminary finding, and I think that is wrong.

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

Mr. LINDSAY. I yield to the gentleman.

Mr. GRIFFIN. As my able colleague, the gentleman from Florida will remember, I helped him yesterday to get the amendment in the other title to which he referred. Yet, I regret it is offered here. I wish I could agree with him in this particular instance, but frankly I cannot.

Before an amendment was accepted to this particular title limiting the powers of the Commission to those of an investigative body without any authority to make judicial decisions. I would have been more concerned about the point of the gentleman from Florida. But we have provided that judicial decisions must be made in court. Now then the limit of function here of the Commission is exactly the same as it would be in the case of a district attorney or prosecuting attorney who is presented with a charge It might just as well be one Commissioner and it would not be too bad—he must investigate and find "reasonable cause to believe" and so on—and then they actually commence action in court. They seek through conciliation or persuasion to adjust the matter. If the employer or whoever it is at that point does not want to talk or be persuaded or be conciliated, I suppose he can just say he does not want to talk. There is nothing to require him to talk or to be persuaded or they just terminate any talk and both go no further in the proceedings and actually begin a lawsuit. It is only for the purpose of actually settling these things as much as possible before going to court.

Mr. LINDSAY. The gentleman from Michigan is entirely correct in that statement and I think it has to be restated: The two-commissioner provision which the gentleman from Florida apparently complains about only provides that conciliation procedures can go forward if two Commissioners find that reasonable cause exists for crediting a charge. The gentleman is correct when he states that later on, when and if you get down to the business of formal procedures, it takes a majority of the Commission and that majority can come to a different conclusion. It may or may not elect to proceed in the courts if it determines there

is reasonable cause to believe the respondent has engaged in practices proscribed.

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

Mr. LINDSAY. I yield to the gentleman.

Mr. CRAMER. I understand what the gentleman is saying. I think conciliation is a proper approach. But the problem I have is with reference to the two-man minority members of a commission who may initially make a finding that discrimination has, in effect, taken place and may make some effort to try to stop it. Now the three-man Commission at a later time can find—oh, no, those two were wrong and we as a majority find there is no discrimination that justifies court action. That just does not make much sense.

Mr. LINDSAY. The same rule applies as the gentleman from Florida [Mr. PEPPER] pointed out where the Supreme Court can grant certiorari on the basis of four members concurring and then the full Court at a later date may come to a different conclusion when the matter is tested on the merits.

I would point out the two-member provision, as the gentleman from Michigan [Mr. GRIFFIN] aptly pointed out, sets in motion only a conciliation procedure and you could have one member and you would not be prejudicing anybody.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. CELLER

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

The Clerk read as follows:

Amendment offered by Mr. CELLER: On page 75, beginning at line 8, strike out "or in advance thereof if circumstances warrant,".

Mr. CELLER. Mr. Chairman, the language is stricken out to make certain that there will be a resort by the Commission to conciliatory efforts before it resorts to a court for enforcement. For this reason I ask that the amendment be adopted.

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

Mr. CELLER. I yield to the gentleman.

Mr. LINDSAY. Mr. Chairman, the members on the minority side on the Committee on the Judiciary are in accord with the amendment.

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

Mr. Chairman, I understood my chairman, the gentleman from New York [Mr. CELLER] to say that the language was just surplusage. Is that exactly what the gentleman intended to say?

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

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

Mr. O'HARA of Michigan. I have worked with the chairman on this amendment. The words "or in advance thereof if circumstances warrant" simply meant to convey the fact that if conciliation turned out to be impossible after it had been tried the Commission could then file suit in the district court.

However, there were some who believed that perhaps that language, as it stood, would authorize bringing the action in court before any attempt had been made to conciliate. We thought that striking the language would make it clear that an attempt would have to be made to conciliate in accordance with the language on lines 21 through 25 of the previous page, before an action could be brought in the district court.

Mr. POFF. I thank the gentleman. Of course, that is a proper response to the question which I posed.

This language is more than surplusage. Indeed, I drafted an amendment to delete this language myself. I would not have drafted it if I considered it only surplusage.

I say parenthetically, because I drafted a similar amendment, I am glad to join the gentleman in support of the amendment.

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

Mr. POFF. I am glad to yield to the gentleman from Florida.

Mr. CRAMER. In view of the manner in which the bill is being considered for amendments, with no other opportunity for discussion of the case, I should like to take this opportunity to ask the distinguished gentleman from California [Mr. ROOSEVELT], or the gentleman from New York [Mr. GOODELL], if he wishes to answer, as to why on line 20, page 75, the language provides, after a majority of the Commission has found there are not reasonable grounds to take the discrimination case to court, that the individual who is claiming to be aggrieved may bring an action in a court himself if only one member of the Commission gives permission?

The majority of the Commission previously would have found that there was not reasonable grounds to believe that discrimination existed, yet one man of the five-man Commission could give the individual the right to bring suit. What reasonable justification is there for such a procedure?

Mr. POFF. Mr. Chairman, I yield to the gentleman from California, so that he may reply to that question.

Mr. ROOSEVELT. I thank the gentleman.

Obviously the point involved is judicial review, something which I believe the gentleman has supported many times and which he has urged upon us. We seek to give the person who has been ruled out an opportunity for a judicial review. All we seek to do is to protect his right to obtain that judicial review.

But we did not want to do it without a reasonable ground for doing so. We did not wish to flood the courts. We did not wish to have a person come in on some rather flimsy case. Therefore, we provided that at least one member who heard the case, a responsible member, should say, "Well, there is a reasonable cause, so I am perfectly willing that he be given the opportunity to go into court."

Mr. GOODELL. Mr. Chairman, will the gentleman yield further on that point?

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

Mr. GOODELL. I only add to the comment of the gentleman from Florida that we felt it should require a unanimous Commission to deny to a citizen the right to go into court and sue in his own behalf at his own expense.

Putting it the other way, if a unanimous ruling of the Commission was that there was no ground at all, then the person could not sue in court. Otherwise the citizen would be free to go into court on his own, with no assistance from the Commission, to try to prove his case.

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

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

Mr. CRAMER. Then, in effect, this is not to be a review of the decision of the Commission, but is to be a trial de novo by the individual.

The individual, however, could only get the trial if a commissioner permitted him to do so.

Ordinarily, as is provided in previous titles, such as with respect to withholding of funds in title VI, a person is automatically entitled to bring a case for review if he feels he is aggrieved, without permission from anybody and without limitation. Why should the person be limited by the Commission in the bringing of an action?

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

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

Mr. GOODELL. This technically is not a judicial review. A person has a right to sue in court on his own. If a commission makes a ruling it is not a ruling that is a final decision that can be appealed to a court. The Commission would merely make a decision to take the case to court and to try to prove it. If the Commission did not believe there were sufficient facts to justify the taking of the case to court, then one Commissioner could authorize the individual to take the case to court himself.

Mr. MAHON. 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 Texas?

There was no objection.

Mr. MAHON. Mr. Chairman, I shall not discuss the pending amendment. I want to discuss the broader aspects of the bill.

Members of the Judiciary Committee who favor or who oppose the pending civil rights bill have claimed the major portion of the time in debate. This is understandable, inasmuch as the bill originated in the Judiciary Committee and the hearings were held there.

I have supported many of the amendments designed to improve the bill, which have been offered. Almost without exception these amendments have been defeated, and usually by about the same

margin of votes. It has been obvious for several days that a majority of the Members of the House will not join in adopting major amendments to the bill and that, generally speaking, amendments offered to the bill will be routinely defeated.

Under these circumstances, I realize that words are somewhat futile, but I want the RECORD to show my opposition to the pending measure.

I make no attempt to go into a detailed discussion. The details of the measure have been well discussed. A majority of the House has simply been unwilling to modify and ameliorate the measure and make it more acceptable. The measure goes too far. If enacted into law, it will tend to defeat its avowed purpose.

I abhor discrimination and injustice. I believe in fairness and equality under the law for all our citizens, regardless of race and creed. I am pleased that progress has been made and is being made in the field of human relations, but the pending measure goes entirely too far. It gives the Federal Government too much power to meddle in the day-to-day lives of American citizens—all American citizens. It threatens basic American freedoms, and, if the pending bill becomes the law, I predict that it will rise to plague many of those who support it. Americans of all races and creeds simply do not like harassment and unnecessary regimentation. They realize that law is necessary, but they also realize that some of the problems to which the bill addresses itself simply cannot be dealt with successfully through legislation.

Individual initiative and individual responsibility will continue to be the key elements in the promotion of a strong and free democratic society. I wish to register my opposition to any attempt to tamper with our basic individual freedoms.

I shall continue to vote for perfecting amendments and I shall continue to oppose the pending bill in its present form.

The CHAIRMAN (Mr. PRICE). The question is on the amendment offered by the gentleman from New York [Mr. CELLER].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. CELLER

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

The Clerk read as follows:

Amendment offered by Mr. CELLER: On page 77, line 4, strike out "cause" and insert in lieu thereof the following: "any reason other than discrimination on account of race, color, religion, or national origin."

Mr. CELLER. Mr. Chairman, the purpose of the amendment is to specify cause. Here the court, for example, cannot find any violation of the act which is based on facts other—and I emphasize "other"—than discrimination on the grounds of race, color, religion, or national origin. The discharge might be based, for example, on incompetence or a morals charge or theft, but the court can only consider charges based on race, color, religion, or national origin. That is the purpose of this amendment.

COALITION OF REPUBLICANS AND LIBERAL DEMOCRATS

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

Mr. Chairman, I once saw a sign in a barbershop which reads: "Don't bother me with facts—my mind is made up." That appears to be a good description of the prevailing mood of the majority of the Members of this body in considering the pending legislation.

This bill has now been debated for 9 days. Many amendments have been offered; practically none have been adopted. Many of these amendments have undoubtedly been meritorious. As reported, this bill contains provisions never even recommended by the President, and some which even the Attorney General said went too far in delegating unnecessary power into the hands of Federal officials.

We have witnessed a denial of the right of jury trial for those accused of wrongdoing under the terms of this bill—a right which has been considered sacred under our system of jurisprudence since the Magna Carta was adopted. Indeed one of the reasons why our forefathers came to this country was because they were being denied the right of trial by jury in the old country.

We have seen the futile efforts to strike out the delegation of the awesome power of sanctions to Federal agencies—by allowing such agencies to arbitrarily cut off funds to which taxpaying individuals are by law entitled—all because a bureaucrat might decide someone had engaged in an act of "discrimination" which act happened not to fit in with the bureaucrat's fancy.

Every provision in this mammoth bill adds to the vast concentration of power in the Federal Government, at the expense of the States and of the people. Never before in American history has the Congress proposed to go so far, in one fell swoop, in delegating power and authority to the executive branch of the Government—powers that directly affect the rights and privileges of the American people.

I do hope that when our Republican friends who vote for this bill go home to speak at the Lincoln Day ceremonies next week they will not be heard to say anything critical of the principle of big government in Washington. If you, Republicans and Democrats alike, who support this bill, mention big government in Washington, you should add that only last week you contributed mightily to that cause; that no one has done quite as much as you in the massive buildup of governmental powers in Washington, at the expense of the States.

All I can say is that if you are sincerely opposed to the principle of big government—as that term is usually understood—then you will not and you cannot vote for this bill. It is just that simple.

Yes; we have seen amendments offered to improve the public accommodations provision, and also to strike it out, but to no avail. It seems to make no difference to these apostles of big government that the Supreme Court has held that the public accommodations provision is against the Constitution of the United States.

The Constitution leaves it to the States to determine the qualification of voters. But that did not deter the sponsors of this legislation to write in a provision which would spell out for the States a requirement with respect to qualifications for voting—in direct violation of the plain words of the Constitution. Amendments to make the bill conform with the Constitution in that respect were defeated.

Indeed more than a score of amendments have been offered in an attempt to make the bill acceptable, or at least less vicious and more in conformity with the Constitution. But these efforts have been in vain in the face of one of the smoothest and most effective coalitions that has been seen in the Congress for years. It has been called an unholy alliance, and I suppose that is about as good a description as any.

In any event we know that all the liberal Democrats in the House have linked forces with about 90 percent of the Republicans in one solid, unified, cohesive body of legislative power, and there has hardly been a deviation since the debate began. This is the de luxe model of the steamroller's advent into the decade of the sixties. It is well lubricated, and it is on the move.

Now, we know from the past that most of this civil rights legislation was conceived in politics, born in politics, nurtured in politics, and sustained by the political dreams of its supporters—all of whom have their eye on that sizable bloc of Negro votes. Anyone who denies that well-known fact is either kidding himself or just trying to have a little fun.

But I would like to say to my Republican friends that you are barking up a tree. You cannot get those Negro votes back. They are gone. They have found a softer bed to sleep in. I sympathize with your dilemma, but you cannot get them back. Look at the results of the last three or four presidential elections. Study the statistics on the bloc voters who participated. You will see that the Negroes quit you during the days of the New Deal, and you have lost more of them at every election. I believe the last general election showed around 80 percent of the Negroes to have voted Democratic. And it will probably be more next time. Yet we witness our Republican friends—and it is kind of sad—still sitting by the fireside, dreaming of the past. They call out in plaintive tones: "Oh, won't you come back to us and we will give you rest?"

But there is no answer. You cannot get them back. They are gone.

This political coalition has been very effective. It is most unfortunate for the country and for the people that politics have become a controlling factor in considering this legislation, because so many basic freedoms of the average American are being sacrificed upon the altar of civil rights. It is indeed a sad day for America when this sort of thing has to happen.

If this bill, as reported by the Judiciary Committee, included a provision

requiring the Capitol dome, in the name of civil rights, to be painted black, then black it would be. An amendment to strike out such a provision would, of course, be defeated, and I can tell you almost exactly how many votes would be counted for it and how many against it. There would be about 12 or 15 Republicans who would vote with the conservative Democrats to strike the paint job provision. But 90 percent of the Republicans would vote to paint the dome black, and they would be joined by a solid front of liberal Democrats.

Let us take another example to illustrate the straitjacket type of strict adherence to every word written into this bill, on the part of the members of the Republican-liberal alliance. If the bill as reported contained, in the name of civil rights, a provision granting to Martin Luther King a Congressional Medal, as a recognition for his intervention at Birmingham and the bitter racial strife, fraught with tragedy, which he triggered, what do you think would happen to an attempt to strike such a provision from the bill? Well, everyone knows what would happen. Again, 90 percent of the Republicans would join 100 percent of all the liberal Democrats in the House, in a wild scramble to try to outdo each other in impressing Martin Luther King with their loyalty to the cause of civil rights. In a desperate attempt to court his favor they would remind him of the blow they struck in his behalf—and they would do it many times before the next election rolls around.

An article in the Washington Post this morning referred to the gentleman from Ohio [Mr. McCULLOCH] as being "indispensable" to the passage of this bill. That is, the bill could not be passed here without Republican support, with the gentleman from Ohio providing the leadership. Well, power to him. Our Republican friends can go home to the Lincoln Day ceremonies next week and quote from the Post to prove that it was the Republicans who saved the day for civil rights. And it will sound good. And the people will clap, and clap, and clap. And then what will happen? When the votes are counted next November you will learn again that they are gone, and you just cannot get them back.

Now, I know that this so-called civil rights legislation has a lot of political mileage in it. It is more or less the brain child of the Americans for Democratic Action, ADA, COPE, NAACP, and other leftwing, radical groups. And they are whooping it up in the old corral.

One of these days some of the white folks may get tired of this sort of carrying on. One of these days the white folks may decide they have taken enough. And that warning applies to both parties to this coalition. These white folks may decide they need somebody to speak up for their rights—that is, what is left of their rights after the politicians get through carving them up. Yes, there may yet be a day of reckoning.

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

Mr. Chairman, I take this time to ask the chairman of the full committee how, in view of the inconsistency of yesterday, he finds the need to insert religion back into this particular portion of the legislation.

Mr. CELLER. I yield to the gentleman from Hawaii [Mr GILL].

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

Mr. WAGGONNER. I will be glad to yield to the gentleman.

Mr. GILL. I do not believe there is any inconsistency here at all. All that is attempted in this particular amendment is to squeeze down and define more exactly the reasons for which a discharge can be contested under this act. For instance, you may have many other situations, such as unfair labor practices under the Taft-Hartley law which would not be covered under this amendment. This amendment merely makes sure it will be covered under some other act rather than this one.

Mr. WAGGONNER. When we were discussing title II of this proposed legislation, the gentleman from Mississippi [Mr. ABERNETHY] offered an amendment whereby we would exclude religion from all these titles and specifically his amendment then applied to title II. He pointed out not one single word of testimony was taken during the hearings on this proposed legislation which offered any evidence whatsoever that there had been any discrimination on the grounds of religion. In one title we want to leave it in and in another title we want to take it out. Why, I ask the question, do we want to leave it in in one title and take it out in another?

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

Mr. WAGGONNER. I will be glad to yield to the gentleman from California.

Mr. ROOSEVELT. Of course, I can only speak about what is happening at this time, but let me point out to the gentleman that I inserted in the RECORD a very long list of pages of testimony as to why discrimination because of religion had taken place. So far as including it in this title is concerned, there can be no question of its justification from the record itself.

Mr. WAGGONNER. Listen. Is it not fair to assume if there is a possibility of discrimination in the area of civil rights because of religion in one title of this bill that there is going to be a possibility of discrimination because of religion in all titles? Is that not a fair assumption?

Mr. ROOSEVELT. No. I do not think so. I think the gentleman from New York said that it depended on the case, and he defended it on that basis. He satisfied me, and I am sorry that he did not satisfy the gentleman.

Mr. WAGGONNER. At the present time we are dealing with title VII on FEPC, but not too long ago I had occasion to spend a weekend in New York City. On Sunday morning I turned my television on. They had a full hour program by three Negro ministers up there, one of whom identified himself as being the Manhattan chairman of the NAACP in New York City. He said that the time had come to find out why New York City was discriminating against Protestants in their employment practices. You say you have had no evidence. There is evidence. So why is religion only inserted here, sir? Why not the other sections? Is a mere statement of discrimination considered sufficient?

Mr. ROOSEVELT. For the very reason that the gentleman is stating. Because we had evidence that there was discrimination because of religion in title VII, and the gentleman said that there is another case of it, and then he wants to know why. He answered his own question.

Mr. WAGGONNER. You are right. I have answered my own question. But I can tell you this: You cannot piously assume in one area that there will be no religious discrimination and in others assume there will be and at the same time say no testimony has been offered showing there has been any religious discrimination and be consistent.

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

Mr. WAGGONNER. I will be glad to yield.

Mr. GILL. Certainly the gentleman is aware that the amendment offered yesterday to put "religion" in the act was offered to title VI by Mr. COLLIER.

Mr. WAGGONNER. The amendment was offered to title VI by Mr. COLLIER; yes.

Mr. GILL. But title VI is not title VII.

Mr. WAGGONNER. But title VI deals with civil rights, does it not? Do not all sections purportedly seek to avoid some mythical discrimination?

Mr. GILL. It deals with withholding Federal funds from certain programs. The testimony indicated that in that case religion was not a proper category to include in the act. However, when you deal with title VII, you are dealing with discrimination in employment and a person's religion may well be a cause for such discrimination.

Mr. WAGGONNER. That is what I wanted answered; why religion was not a proper item to be considered in the matter of discrimination under title VI but it is here.

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

Mr. WAGGONNER. I yield to the gentleman.

Mr. COLLIER. Just for one observation. I think it still holds good, as I pointed out yesterday, and that is that in answering this the answers have been perhaps more evasive than persuasive, because in the investigative section on voting rights you had mentioned religion. I do not know of any instance that has been brought to the attention of the Members of this House where anyone was denied the right to vote because he was a Presbyterian or a Baptist or a Catholic.

Mr. WAGGONNER. There has been no testimony offered to that effect.

The CHAIRMAN. The time of the gentleman from Louisiana [Mr. WAGGONNER] has expired.

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

Mr. GROSS. Mr. Chairman, I would like the attention of the chairman of the committee or the ranking minority mem-

ber. This bill provides, as I understand it, for the continuance of a national Commission, the Civil Rights Commission—what do you call it?

Mr. GATHINGS. The Equal Employment Opportunity Commission.

Mr. GROSS. Yes; but there is another one.

Mr. McCULLOCH. Mr. Chairman, will the gentleman yield? Is the gentleman trying to refresh his memory concerning the Civil Rights Commission?

Mr. GROSS. The Civil Rights Commission, yes; I thank the gentleman. You also have in this bill a brandnew commission called the Equal Employment Opportunities Commission.

Mr. McCULLOCH. Yes; and it is a good commission, too.

Mr. GROSS. I do not know how the gentleman from Ohio could know that it is a good commission, because this bill creates it. How does the gentleman know that it is a good commission, let me ask the gentleman from Ohio?

Mr. McCULLOCH. I would judge by the manner in which it will operate and the means by which it will be created. I have confidence in commissions created pursuant to the laws of Congress.

Mr. GROSS. The gentleman, being as frugal as he says he is, is still willing to create another commission to add to the huge Federal bureaucracy. Let me ask the gentleman, or anyone else who wishes to answer, what do you propose to do with the President's Equal Employment Opportunities Committee? Are you going to continue that, too?

Mr. McCULLOCH. First, if I have the time, I should like to reply to the gentleman's comment concerning my frugality of which I am very proud.

Mr. GROSS. Mr. Chairman, I am glad to have the gentleman wrap the flag around himself, but I wish he would do so on his own time.

Mr. McCULLOCH. Mr. Chairman, I will see that the gentleman from Iowa gets some time. I wish to repeat for him again that I am willing to spend dollars, many dollars, to see that fundamental rights and liberties of citizens are protected.

Mr. GROSS. I am not a lawyer, therefore I do not have the qualifications to be a Federal judge. So I do not have the interest some other Members may have in seeking a Federal judgeship now or later.

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

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

Mr. WAGGONNER. The gentleman says he could not qualify for a Federal judgeship. But he could qualify as a Supreme Court Justice.

Mr. GROSS. I understand that one Supreme Court Justice had a year and a half of police court experience as a judge before he went on the bench. That constituted his entire experience as a judge. Apparently the qualifications or standards are not too high.

Perhaps the gentleman from New York can give me an answer to this question. You have a Civil Rights Commission, and you have embedded in this bill a section creating a brand new Equal Opportunity Commission. There is also in existence, and has been, headed for years by one Lyndon B. Johnson, when he was the Vice President, the President's Committee on Equal Employment Opportunity. Is that to be abolished in favor of the new Commission or will it, like Topsy, just keep on growing forever?

Mr. CELLER. This bill has nothing whatsoever to do with the Presidential Commission on Equal Opportunity. That is in existence, and it will continue in existence. We do not add or subtract anything with respect to that Commission.

Mr. GROSS. Why not abolish that when you set up this Commission as provided in this bill, and save the taxpayers the expense of both?

Mr. CELLER. Because the Presidential commission was established by Executive order. I would suggest that the gentleman address his question to the White House, not here.

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

Mr. GROSS. Mr. Speaker, I ask unanimous consent to proceed for 5 additional minutes.

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

There was no objection.

Mr. GROSS. Mr. Chairman, it seems to me that it could have been ended with this legislation. We do not need a Presidential Committee on Equal Employment which was headed by Vice President Johnson when it put the pressure on that deal of promoting 3 Negroes in the Dallas post office, passing over some 200 other eligibles on the list to get one of them. I cannot understand why the Presidential Committee on Equal Employment Opportunity is not abolished when you create this new Commission.

Mr. CELLER. I could give the gentleman an answer, but I cannot give him understanding.

Mr. McCULLOCH. I will give the gentleman a factual answer.

Mr. GROSS. Just a minute. I do not yield.

Mr. McCULLOCH. I can understand why the gentleman will not yield.

Mr. GROSS. If the gentleman wants to put it on that basis and give me a factual answer, I yield.

Mr. McCULLOCH. It is my opinion that the Congress of the United States does not have the authority to repeal an Executive order.

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

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

Mr. JOHANSEN. In view of the remarks of the gentleman from New York about being unable to give the gentleman understanding, I would suggest that the gentleman from Iowa's years of service on the Manpower Utilization Subcommittee have given him plenty of understanding about the proliferation of various bureaucratic setups.

Mr. GROSS. Let me point out to you that on March 1, 1961, when this Presidential Committee decided to put on the pressure in the matter of so-called fair employment, this outfit had 26 people. Lo and behold, on August 1 of last year, when Lyndon Johnson was still the Chairman and guiding genius of the President's Equal Opportunity Committee, it had on its payroll no less than 63 people. He had practically tripled the number of his payrollers between 1961 and August of 1963.

By that time Lyndon Johnson's committee had boosted its payroll costs to $564,060. Would not that be worth saving somewhere along the line?

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

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

Mr. JOHANSEN. I wonder if there is any showing or if the chairman or ranking minority member can give us any estimate, even, if one has been prepared, as to the additional number of Federal employees, and particularly the number of supergrades that will be required under the title.

Mr. GROSS. That would be the next question to the gentleman from Ohio. How many people and how many supergrades are you going to need to staff this new Commission?

Mr. CELLER. We put in the RECORD yesterday the number of employees under the equal opportunity provision, and there were 155.

Mr. GROSS. At what cost? Is that a part of Mr. Katzenbach's letter?

Mr. CELLER. The entire cost of carrying out title VII, the equal employment opportunity title, would be $3,800,000.

Mr. GROSS. That is according to the Katzenbach letter? But there is no estimate in the letter I have.

Mr. CELLER. That is in a separate letter.

Mr. GROSS. The gentleman has another one?

Mr. CELLER. I put both in the RECORD yesterday.

Mr. GROSS. So there is a total of how many employees?

Mr. CELLER. The total would be 155 new employees.

Mr. GROSS. At a cost of $3,800,000; almost $4 million.

Mr. CELLER. Three million eight hundred thousand dollars, total cost.

Mr. GROSS. What is this $10 million figure in the bill?

Mr. CELLER. That is in connection with the implementing of title IV, concerning school desegregation.

Mr. GROSS. No, that is in this title, is it not? On page 84, section 716, what is the $10 million figure for there?

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

Mr. GROSS. Just a minute. The gentleman is not a member of the Judiciary Committee. I want some member of the Judiciary Committee to answer, for they are supposed to be in charge of this bill on the floor.

Mr. CELLER. On page 84, section 716—

There is hereby authorized to be appropriated not to exceed $2,500,000 for the administration of this title by the Commission during the first year after its enactment, and not to exceed $10,000,000 for such purpose during the second year after such date.

Mr. GROSS. What is this money for? What is this going to finance?

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

Mr. GROSS. Yes.

Mr. ROOSEVELT. If the gentleman will read the bill he will see that the enforcement provisions of the bill do not start until a year has elapsed. Therefore, the important function of the Commission as far as enforcement is concerned, which is the expensive part of it, does not begin until the second year.

Mr. GROSS. The Commission is part of that enforcement, is it not?

Mr. ROOSEVELT. Yes, it is.

Mr. GROSS. Of course, it is. So this will cost $10 million, not the $3,800,000 that was mentioned.

Mr. ROOSEVELT. The gentleman is mixed up. He is talking about the $3,800,000, which is an entirely different matter.

Mr. GROSS. Then the $3,800,000 is in addition to the $10 million? So it actually adds up to nearly $14 million instead of $10 million.

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

Mr. GROSS. Certainly, I yield to the gentleman.

Mr. JOHANSEN. If there is a $2,500,000 figure for the first year, and a $10 million figure for a later period, are we to understand that the estimate of the number of employees that was cited is for the first year? If so, how much will it jump in relation to the dollar figure in the subsequent year?

Mr. GROSS. The Lord only knows—I do not. But you can be sure it will jump, and probably into orbit.

The CHAIRMAN. The time of the gentleman has expired.

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

Mr. Chairman, I think the discussion has wandered a little afield from the amendment offered. In fact, I see very little relation between the last two or three comments and the amendment that has been offered.

I would just like to point out on page 77 at the end of the fourth line, by striking the word "cause" and adding the words "any reason other than discrimination on account of race, color, religion, or national origin," our purpose is to pinch down the orders that can be issued by the court to a more narrow range. Thus, we would not interfere with discharges for ineptness, or drunkeness. We would not interfere with unfair labor practices that are covered under other acts. We would limit orders under this act to the purposes of this act.

I would also like to point out, Mr. Chairman, that certainly the language we have put in does not prevent the operation of a section such as section 705 (a) where the Commission has the right to protect a person who gives testimony or exercises his rights under this act.

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

Mr. Chairman, during the 10 hours of general debate last week which preceded our deliberation on amendments to this historic bill, our colleagues from the Deep South regaled the House with various stories, many of which were designed to show that their constituencies would never accept the provisions inherent in this bill.

I sat and listened to this debate, Mr. Chairman, and was amazed at the decorum which prevailed. I can still recall the words of the gentleman from Ohio [Mr. BROWN] who said, in effect, that our children would someday read this debate and that he hoped we could conduct ourselves in a manner befitting gentlemen.

This has been the case throughout most of the debate, and this has not lessened the oratory and the distinguished legal and constitutional discussion that has prevailed.

As all of my colleagues know, however, the House did not always follow the dictates of dignified debate and many of our predecessors were forced into more violent ways of protecting their right to express controversial opinions.

Many of these guntoting and saber incidents were vividly retold in Neil Mac Neil's recent "Forge of Democracy," an excellent history of the House.

And many other stories which have meaning to the civil rights bill under discussion here today can be told.

One of these refers to Massachusetts and although I outlined in my speech last Saturday our long history of public accommodations laws dating back to colonial government in 1710, laws remain apart from men in this Government where laws, and not men, are supreme.

In the early part of the 19th century in Massachusetts, many people were saying things similar to the opponents of this bill here today.

When, for example, William Lloyd Garrison, the abolitionist leader, established a newspaper in Boston and began criticizing the slavery institution, for all he was worth, many Bostonians became furious, to the point of violence. In 1835, a mob assembled outside Garrison's house, broke down the door, seized the editor, and proceeded to drag him through the streets at the end of a rope. Such was the initial response of many Massachusetts citizens to the cause of antislavery reform.

Notwithstanding all this, Charles Sumner—a young Boston lawyer—became an avid follower of William Lloyd Garrison's Liberator. The first major cause to which he ever devoted his tireless energies was Garrison's—the cause of universal freedom, with civil rights for all.

As a man of the law with a strong interest in politics and outstanding speaking ability, Sumner was sought after by the Whig Party as a candidate for Congress in 1846. The Whigs were then regarded as the leading antislavery party in the political scene, but to Sumner they appeared too feeble to accomplish anything along the line of adequate antislavery reform.

Daniel Webster, the old Whig leader, represented Massachusetts in the U.S. Senate, and Webster was supposed to be an antislavery man. But Sumner was not a follower of Webster, who rarely was known to wage a full-scale attack on slavery. When the Democratic Party divided in the national election campaign of 1848, Sumner became a free soiler. When this group opposed the compromise of 1850, Sumner became their chief spokesman in Massachusetts, setting forth their arguments in clear and unequivocal terms. "Why compromise further with slavery?" he asked. California settlers wanted a free State, so why was compromise necessary? What was the point to saddling the North with an unworkable fugitive slave law, merely to get the South to agree to statehood for California? Better to fight it out all year, all next year and the next, rather than accept so disgraceful an arrangement—a fugitive slave law that was an insult to every resident of every free State.

We might ask the same questions in a contemporary setting today. There were, in fact, incidents in Alabama this week which indicate the immediate necessity for this legislation. The terrible specter of six frightened Negro boys being turned away from school in Notasulga, Ala., by the mayor because conditions, as he said, were "overcrowded" is still another example of what we must prevent, unless we are willing to still be considered, "half slave, half free." Glancing back to history, we find that so well did Sumner espouse the antislavery cause, that he began to acquire a kind of bipartisan following. When, in 1851, Daniel Webster died, a special election was called to determine his successor. At this point, party lines temporarily dissolved, a large number of Whigs threw Sumner their support and this, together with the free soil vote, was enough to send Sumner to the U.S. Senate.

In Washington, Sumner at once achieved notice, in consequence of his sharp, unyielding attack against this in his first notable speech; he branded the fugitive slave law an unconstitutional device and declared his refusal to obey it.

In 1853, he defended the Missouri Compromise against the assaults of Stephen A. Douglas, proponent of the Kansas-Nebraska bill. When the Republican Party came into existence in 1854 Sumner joined it, and the following year he toured the North speaking in behalf of universal freedom.

These were violent times. A small civil war broke out on the plains of Kansas, in 1854, between free State and slave State settlers. The proslavery President, James Buchanan, appeared to side with the slave State forces in Kansas, and Sumner delivered a speech attacking the President for this, together with additional attacks on several other proslavery leaders, including Senator Butler, of South Carolina. Following the speech, Congressman Preston S. Brooks of South Carolina, a cousin of Senator Butler—crept up on Sumner, while he was writing at his desk in the Senate, and beat him on the head with a cane, until he was unconscious. This act, which was supposed to intimidate Sumner and other antislavery men, instead infuriated the North. Thereafter, until the Civil War began, fist fights between Northern and Southern Congressmen became common occurrences in Washing-

ton, and so far as the North was concerned, Sumner was the martyr of the century.

When the Civil War began, Sumner proved himself an able majority spokesman in the Senate, and an outstanding expert in the field of foreign affairs. He also continued his battle in behalf of antislavery legislation, and before the war was half over, the long desired legislation began to appear. Critical of Lincoln for his slow approach to emancipation, Sumner was nonetheless very fond of him personally, and when Lincoln finally came over to join the radical Republicans, in support of the 13th amendment, Sumner was overjoyed. It is said that when Lincoln died, Sumner was at his side, weeping bitterly, his tears symbolic of a greater national grief.

It has been properly observed by Prof. M. W. Jernigan, a renowned scholar of the Civil War period, that, "next to Lincoln (Sumner) did more to win freedom for the colored race than any other man." It is also worth noting in this regard that Sumner was acting clearly in answer to the dictates of his conscience, since in those days, there was no Negro voting bloc in Massachusetts.

A sincere believer in the American dream, unfettered and unshackled by reservations, Charles Sumner made bold to stand for the equality of man—regardless of race—years ahead of his time. His efforts were noble, his deeds magnificent, and the people of Massachusetts have every right to remember him with pride.

And, in closing, Mr. Chairman, I want to say that this example of Charles Sumner is only one of the many that could have been used to illuminate this historic debate in the House today.

Surely, in an attempt to draw a parallel between the discussion this week with the impassioned debates of the past, I could have mentioned many incidents.

There are no stylish dueling pistols inlaid with gold present today as in the early days when Southern aristocratic Members often used them for emphasis. There are no bowie knives and none of the bloody weapons that were a familiar part of debate in the past.

For now, in another perilous generation, the issues at stake in this country are of such magnitude that nothing other than calm deliberation can be the order of the day.

If the serious cleavage which pitted brother against brother and citizen against citizen during the tragedy of the Civil War is ever to be justified, it can be justified in this House and then in the other body with the passage of this legislation which can and must reaffirm the rights to all individuals which are inherent in our Constitution.

The distinguished poet Mark Van Doren has said that "equality is absolute or no, nothing between can stand," and nothing should now stand between us and the passage of strong and effective civil rights legislation. It is to this that we are united in a strong bipartisan coalition today, and when the laws of the land proclaim that the 88th Congress acted effectively, judiciously, and wisely, we can take pride in our accomplishments as free men and worthy inheritors of the tradition of Charles Sumner.

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

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

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

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

Upon application or complaint of an aggrieved person the wheels begin to move. They can hold conferences and conciliation efforts. They can bring civil action against the company or employment agency or union. The punishment would be contempt of court, fine, or imprisonment. These are the people, the working man who is a member of a labor union, and business firms, large and small, who pay our salaries, whose tax money is responsible for the operation of all agencies of the National Government in its many phases. Under this legislation, the Commission representatives or agents can enter upon property, can have access to the records of such company, employment agency or union. All of these groups must keep records on race as the Commission prescribes. The Commission can adopt regulations in conformity with administrative procedure, which would have the effect of law. Now let us see what the scope of this act could entail. Beisel Veneer of Helena, Ark., employs 82 percent colored and 18 percent white. Could it be that by writing a letter any aggrieved person could call in the Commission's representative and the Beisel Veneer Co. would have to hire an equal number of white people with that of colored, in keeping with the percentage of population in the affected area, whether the company wanted to do so or not? In Phillips County, Ark., the population is 42.2 percent white and 57.8 percent colored. Would that ratio be the employment criteria that the Commission would use?

What does "equal" mean? Does it mean that there must be in Phillips County, Ark., in every one of the business establishment that are large enough to come under the provisions of the bill, 42.2 percent white employees and 57.8 percent employees of the colored race of whatever character in such business establishments upon applications made to the Commission? Does it mean that 42.2 percent of all the bookkeepers must be white and 57.8 percent colored? Does it apply to shipping clerks, stenographers, diemakers, and all types of personnel in any particular establishment? What if the 42.2 percent or 57.8 percent of their respective races are not available to be hired, who are capable of performing the duties of such positions?

Does it mean that if there are 45 percent of the population of a given county or city who are members of the Baptist Church, that upon proper application for members of that faith, that certain of their numbers are being discriminated against, that the employment practices of a particular firm must be changed to fit the 45-percent pattern of members of that faith? Does it mean that if there were 2 percent of the population in a given county who were members of the Chinese race, that they, too, must share all types of positions of whatever character in such proportion upon proper application to the Equal Employment Opportunities Commission?

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

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. CELLER

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

The Clerk read as follows:

Amendment offered by Mr. CELLER: On page 78, beginning in line 22, strike out "may gather data regarding the" and all that follows down through line 4 on page 79, and insert the following: "shall at all reasonable times have access to, for the purposes of examination, and the right to copy any evidence of any person being investigated or proceeded against that relates to any matter under investigation or in question."

Mr. CELLER. Mr. Chairman, this section concerns investigations and inspections of records. The Committee on

Education and Labor which labored long and reported last year a fair employment practices bill felt that the language that would be best to adopt here would be the language taken from the Taft-Hartley Act rather than from the Fair Labor Standards Act. We have used the Fair Labor Standards Act and all the provisions of that act are reported in the bill now before you.

The amendment changes the language to conform to the Taft-Hartley Act.

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

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

Mr. GILL. Mr. Chairman, the gentleman from New York, the chairman of the Committee on the Judiciary, is exactly right. We have moved from language that was a close approximation of the Fair Labor Standards Act to the language found in section 11, the investigation section, of the Taft-Hartley law.

It is our understanding, after consultation, that this language would allow the Commission to do what is necessary in the gathering of evidence, including the viewing of books and premises and such, and would adequately meet the needs of this Commission.

Therefore, Mr. Chairman, I hope the amendment is adopted.

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

Mr. Chairman, the amendment is a good amendment and should be adopted.

I am now pleased to yield to the gentleman from Ohio [Mr. TAFT].

Mr. TAFT. I thank my colleague for yielding.

Mr. Chairman, I would just repeat the statement made by the gentleman from Hawaii. This matter was fully considered in the Committee on Education and Labor. We felt the investigatory powers that are involved in the present section of the Taft-Hartley Act are fair and adequate to take care of any investigation necessary in this case. Incidentally, we went into the matter of various precedents for investigation and we found that reasonable access to the premises—but only reasonable access—had been ruled upon favorably under the present language of the Taft-Hartley Act.

Otherwise, the section is sufficient.

Mr. McCULLOCH. Mr. Chairman, it is apparent that the amendment is for the purpose of perfecting this title. I hope it will be agreed to.

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

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

Mr. GROSS. I thank the gentleman for yielding. I should like to ask the gentleman if any hearings were ever held on this title by the Judiciary Committee.

Mr. McCULLOCH. The entire testimony, which was taken before the Committee on Education and Labor, became a part of the record of the Judiciary Committee pursuant to formal action of that committee. There were no individual witnesses except probably two or three, including the Secretary of Labor and the gentleman from California [Mr. ROOSEVELT], as I recall, who appeared in person.

Mr. GROSS. So there were no hearings held on this title of the bill in the Judiciary Committee.

Mr. McCULLOCH. The facts are as I have stated.

Mr. GROSS. Is the answer "Yes" or "No" to my question?

Mr. McCULLOCH. Yes, there was a hearing. As I have indicated, the Secretary of Labor appeared before the committee. The gentleman from California came before the committee, both of whom were examined, at length, on this title.

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

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

Mr. CELLER. We also heard the presidents of the AFL–CIO.

Mr. McCULLOCH. I thank the gentleman.

Mr. CELLER. And the president of the UAW. We heard any number of witnesses.

Mr. McCULLOCH. I thank the gentleman for that amendment.

Mr. GROSS. Mr. Chairman, if the gentleman will yield further, why then are all these amendments to the bill being presented on the floor of the House, from the Judiciary Committee itself?

Mr. McCULLOCH. They are perfecting amendments. That is in accordance with our legislative process.

Mr. GROSS. Of course it is in accordance with an extraordinary legislative process.

Mr. McCULLOCH. Mr. Chairman, I yield back the remainder of my time.

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

I shall take only a few minutes, because I should like to know the reason for some language. I ask some Member who can answer the question why it is necessary to have section 709(a) relating to investigations, since investigating powers are covered already in section 710(a)?

I have before me the sections 9 and 10 of the Federal Trade Commission Act, which provide that "for the purposes of the Federal Trade Commission," in effect, the "Commission or its duly authorized agent or agents shall, at all reasonable times, have access to, for the purpose of examination, and the right to copy any documentary evidence of any corporation being investigated or proceeded against."

Of course, this investigative power is the same relating to everything within this title, and not just corporations, which are referred to in the Federal Trade Commission Act.

Could someone explain to me why the double investigatory power is needed?

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

Mr. CRAMER. I am delighted to yield to the gentleman from Hawaii.

Mr. GILL. The gentleman read the answer to his own question as he read the section of the Federal Trade Commission Act which refers to "documentary evidence of any corporation." That does not deal with individuals or individual proprietorships. That is certainly one major reason for providing section 709(a).

Mr. CRAMER. However, I ask the gentleman whether section 710(a) does not provide that "for the purposes of any investigation" there "are hereby made applicable" the provisions of sections 9 and 10 of the Federal Trade Commission Act "to the jurisdiction, powers, and duties of the Commission," which seemingly would broaden the corporation phase to cover everything within this title; would it not?

Mr. GILL. I am not sure I understand the purport of the gentleman's question. Certainly, considering section 709(a) along with the language found in section 710(a), which incorporates by reference sections 9 and 10 of the Federal Trade Commission Act and section 307 of the Federal Power Commission Act, we can understand the full purport of investigatory power. I am not sure what the gentleman was talking about.

Mr. CRAMER. Then, why are additional words to be added, separate from the corporation question, to the investigative power in the Federal Trade Commission Act?

These words are to be added, in addition to the power contained in the Federal Trade Commission Act: "that relates to any matter under investigation or in question."

Why is that added to the investigative powers given other commissions as in the Federal Trade Commission Act in 709 but not in 710 of this bill?

Mr. GILL. I do not understand that the gentleman is raising a question here. It is merely the sum total of these sections that gives you the total investigatory power of the Commission. You will also find under section 49 of the code the Federal Trade Commission section, which lays out the subpena power and so on.

Mr. CRAMER. I understand, and let me ask the gentleman again the question, because I do not think he has gotten the purport of it. The Federal Trade Commission's powers to investigate contains the language of the amendment proposed by the gentleman from New York. Does the gentleman have that amendment before him?

Mr. GILL. The language proposed by the gentleman from New York is from the Taft-Hartley law. I do not understand where you get the Federal Trade Commission.

Mr. CRAMER. Just a moment. The proposed amendment of the gentleman from New York reads, "shall at all reasonable times have access to, for the purposes of examination, the right to copy any evidence of any person being investigated or proceeded against." That is the same wording as is in the Federal Trade Commission Act which is the investigative limits in section 710 of the bill. However, why are these words added, "that relates to any matter under investigation or in question"? That is a different investigative power than the Federal Trade Commission has or than those contained in section 710 of this act. Why is that added?

Mr. GILL. We feel it is necessary to carry out the purposes of the act. You

added the language from the Taft-Hartley law which puts the right to copy any evidence or examine any evidence of any person.

Mr. CRAMER. We have already answered that question.

Mr. GILL. The Federal Trade Commission Act deals only with corporations. This deals with both persons and corporations.

Mr. CRAMER. The gentleman already answered that question, but he did not answer my second question.

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

Mr. CRAMER. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

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

There was no objection.

Mr. CRAMER. I will ask the gentleman from New York, and maybe he can clarify it, as to why the words "that relates to any matter under investigation or in question" was added to broaden or change the present investigative power of the Federal Trade Commission which is a limitation of the powers under 710(a).

Mr. GOODELL. I think the gentleman reversed it. The phrase that relates to any matter under investigation or in question is a narrow phrase. It is to limit the investigation to those matters that are in question here. It is a limiting phrase confining and restricting the Commission's authority to relevant evidence.

Mr. CRAMER. I thank the gentleman, and that is what I wanted to get in the RECORD for legislative history; that is, justification for the additional language. If it is limiting language, I wholeheartedly support it.

Mr. GOODELL. I think, as a matter of legislative history, it is.

Mr. CRAMER. I thank the gentleman.

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

Mr. Chairman, I take this time to clarify this amendment and make the legislative history as to exactly what we are doing. Section 709(a) is what is commonly known as the wiretap section of this civil rights proposal. We have some modifying language in this amendment, and I want to be absolutely sure that in adopting this amendment we are without any doubt removing from this language any possibility of the use of any sort of wiretap. The new language I understand will read in this way:

> In connection with any investigation of a charge filed under section 707 the Commission or its designated representative shall at all reasonable times have access to, for the purposes of examination and the right to copy any evidence of any person being investigated or proceeded against that relates to any matter under investigation or in question.

I want a definition for the RECORD of the word "copy." A transcription can be a copy.

But are we completely and beyond any shadow of a doubt eliminating any use of wiretaps?

Mr. CELLER. Of course, wiretapping is now banned by the Communications Act. In that act, section 605 provides that no one is permitted to intercept any communication or to divulge the contents thereof. Anyone who taps a wire, makes a report on what the tapping contained, or makes a copy of it, would be guilty of an offense. This provision in section 709 of title VII as originally drafted, or as amended, has no relation whatsoever to that and would not override the Communications Act proscription against wiretapping. It would not permit wiretapping in any way, shape, or form.

Mr. WAGGONNER. Let us stop talking about wiretaps for awhile and talk about modern electronic methods of recording conversation from a distance without any sort of a tap but with highly advanced electronic devices. Are these permitted under this language when we talk about having the right to copy any evidence?

Mr. CELLER. There is nothing in the language of section 709 as proposed to be amended that would permit that.

Mr. WAGGONNER. Then the gentleman says that any use of any device, whether by wiretap or some modern electronic device, would not be permitted under the provisions of this amended section?

Mr. CELLER. Any interception.

Mr. WAGGONNER. I thank the gentleman.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. CELLER

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

The Clerk read as follows:

> Amendment offered by Mr. CELLER: On page 79, line 21, after "order" insert the following: ", after public hearing,".

Mr. CELLER. The purport of this amendment is that the Commission may not prescribe any regulation unless, and until, there is a public hearing. Thus, those parties interested could be heard on the merits or the demerits of any proposed regulation.

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

Mr. CELLER. I yield to the gentleman.

Mr. GILL. The Chairman has stated the amendment very clearly. All this does is to tie the rulemaking procedures in this act to the Administrative Procedure Act to be sure that persons have a chance to be heard on the rule or regulation.

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

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

Mr. McCULLOCH. Mr. Chairman, this is another one of the perfecting amendments which has had intensive study over a period of several days by Members on both sides of the aisle. The amendment merits the support of those who want to perfect the title further.

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

Mr. CELLER. I yield.

Mr. HARRIS. Do I understand that this amendment is to follow the regularly established procedures heretofore followed by the regulatory agencies of the Government in carrying out the Administrative Procedure Act with reference to the issuance of rules and regulations, and so forth?

Mr. CELLER. I think that is correct. In this particular instance there is to be a hearing, before the Commission may prescribe a regulation or order.

Mr. HARRIS. Does this mean then that it would bring into play the full import of the Administrative Procedure Act with reference to rulemaking?

Mr. CELLER. This only provides for hearings. I do not think there is any intention to interfere with the procedures under the Administrative Procedure Act.

Mr. HARRIS. I am not talking about interference with the general procedure. I am trying to find out if this would bring it into strict compliance with the Administrative Procedure Act.

Mr. CELLER. I do not know of anything that would militate against that.

Mr. HARRIS. Would it require it to do so?

Mr. CELLER. This is just limited to this one particular situation, that is all.

Mr. HARRIS. This one particular situation is rulemaking, rules and regulations. It adds another one of the many and various amendments to the basic act, and if the gentleman will permit me to do so, I would like to ask a question of the gentleman from Ohio.

I understood him to say yesterday during the course of consideration of this bill it would be the purpose and intention of the committee to give a genuine overhaul or at least thorough study and investigation, take a complete look at the Administrative Procedure Act as to just what has been done to it with amendments such as this from time to time over the years.

Mr. McCULLOCH. That is a correct statement. The act is now under study and I am hopeful that the membership of the subcommittee responsible for this bill will proceed. I am confident that they will.

Mr. HARRIS. I highly compliment the gentleman for his statement, and I hope the chairman of the committee will join the gentleman in this undertaking, because if there is any one thing the Congress has done it is to make a haven for lawyers—I have nothing against lawyers, being one myself, and we should have an opportunity to make a living—if there is anything that has really caused frustration and confusion in the majority of the regulatory agencies of the Government, it is in connection with the matter of rulemaking, and what results. It has resulted in many instances in such intolerable delays in the public being served that it deserves careful scrutiny. I hope the gentleman's committee will do so.

Mr. CELLER. The gentleman is correct in that observation. The Judiciary Committee understands that also, and we are laboring on these very problems. The staff is now studying this matter.

Mr. HARRIS. I compliment the gentleman, and I want to encourage him.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. CELLER

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

The Clerk read as follows:

Amendment offered by Mr. CELLER: Page 81, line 11, insert "other" after "and", and immediately before the period in line 13, insert the following: "whenever disclosure of such information is not prohibited by law".

Mr. CELLER. Mr. Chairman, we want to be sure that whatever the Commission does is within the law, and not prohibited by the law.

Mr. O'HARA of Michigan. Mr. Chairman, to amplify the chairman's statement, all we are trying to do is to make it clear this act would not permit the disclosure of any information not now permitted to be disclosed.

Mr. McCULLOCH. Mr. Chairman, I am pleased to say, most if not all, members of the minority from both committees are in support of this amendment. It is a perfecting amendment, and it will make the title a better one. It should be adopted.

Mr. ROOSEVELT. Mr. Chairman, this was brought to our attention by the gentleman from Ohio [Mr. TAFT]. I hope he is satisfied with the amendment.

Mr. TAFT. I believe this covers the problem satisfactorily in reference to income tax returns, census reports, and things of that sort.

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

Mr. Chairman, how many more amendments are to be offered by the Judiciary Committee on behalf of the Labor and Education Committee to this bill?

Mr. CELLER. On behalf of both committees, we have three more amendments.

Mr. GROSS. I do not know how many that makes, but this certainly looks to me like Members did not do their homework well either on the Labor and Education or the Judiciary Committee. Which was it? Who wants to admit that somebody did not do their homework? Now a very substantial part of this bill is being written on the House floor, which I think most Members of the House will agree is a pretty shabby way to put together legislation.

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

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

Mr. ASHBROOK. I happen to be a member of the Education and Labor Committee. I want to ask the gentleman in the well if he recalls a bill ever coming out of our committee which did not require substantial amendments of all kinds.

Mr. GROSS. I am not able to respond to that with special respect to the Labor and Education Committee.

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

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

Mr. ROOSEVELT. I would say to the gentleman I think what is going on is a very good indication of the very fine homework that has been going on. I want to pay my respects to the fact that a difficult situation was worked out between two committees so satisfactorily.

Mr. GROSS. I suggest the gentleman compliment others on his own time.

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

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

Mr. WILLIS. I completely agree with the gentleman from Iowa. It has been said in many quarters that some of us who oppose this bill have been nit picking. I would say that the gentleman concedes too much when he says that the proponents are amending this bill. Except for the amendment to come, which I talked about at length before the Rules Committee and on the floor of the House, I do not regard these amendments as significant, except to say that it is noteworthy that they are all being presented by the coalition, and it is a fact, of my good chairman, the gentleman from New York and the gentleman from Ohio, the ranking members of the Committee on the Judiciary. So I would say that the substance of what the gentleman is saying is that these amendments might go as concessions on the part of the proponents.

Mr. GROSS. Is it not true that the full Judiciary Committee heard only the Attorney General, that the full committee did not hear the other witnesses that were identified a while ago as having testified on this bill? Is it not true that many members of the Judiciary Committee did not see the bill that is presently before the House more than 30 minutes before the committee voted the bill out of committee? Is that not the fact?

Mr. WILLIS. That is correct. I said that on the floor. Along that line, let me say that the full Judiciary Committee, and I have been on it for 16 years, did not as is customary have an opportunity to read this bill or amend it or debate it and discuss it. These little piddling amendments we are talking about would have been brushed aside if we had done that. We did not do it. And many others would have been accepted. That is what we are laboring under.

Mr. GROSS. Has not this been a most extraordinary procedure from start to finish, that is, the method, the procedure by which this bill reached the House floor and is now being amended by a series of amendments that most of the members of the Judiciary Committee never saw or heard of?

Mr. WILLIS. That is correct.

Mr. GROSS. Instead of giving consideration for the last several days, as stated by the gentleman from Ohio [Mr. McCULLOCH], I am beginning to believe that some of these amendments were prepared during the last few hours and only the last few hours.

Mr. WILLIS. I would say so far as the amendments go, I supported them; I am for them. But they do not cut to the depth that, perhaps, this thing that we are going through now is intended to give the impression that they are cutting.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. CELLER

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

The Clerk read as follows:

Amendment offered by Mr. CELLER: Page 81, strike out lines 14 through 25, and renumber the following sections accordingly. On page 65, line 2, strike "719" and insert "718". One page 66, line 10, strike "719" and insert "718".

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. CELLER].

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

Mr. CELLER. I yield to the gentleman.

Mr. WILLIS. So far as the last part of the amendment is concerned, it is simply to conform the numbers of the other sections in this title; is that not correct?

Mr. CELLER. That is correct.

Mr. WILLIS. Let me say, I am very much for this amendment. I discussed it at some length, as I pointed out a while ago, before the Committee on Rules and on this floor. It went beyond reasonable limits.

Let me read two sentences. Here is what was proposed:

The President is authorized and directed to take such action as may be necessary to provide protections within the Federal establishment to insure equal employment opportunities—

And so on.

Then the next sentence said, and listen to this blanket authority that was proposed to have been given to the President:

The President is authorized to take such action as may be appropriate to prevent the permitting or continuing of an unlawful employment practice by a person in connection with the performance of a contract—

And so on.

So I, as I say, am very happy the gentleman has presented the amendment and as he knew, I intended to offer it myself.

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

Mr. CELLER. I yield to the gentleman.

Mr. POFF. Mr. Chairman, it is altogether true, as the gentleman from Louisiana has just said, that he has fostered this amendment from the very beginning.

May I add, and I am sure he will agree, I arrived at exactly the same conclusion separately and independently. I intended to offer precisely this same amendment. I consider it an important and substantive amendment.

Parenthetically, however, let me also add that my chief concern, and I believe the chief concern of the gentleman from Louisiana, was with section 711(b) rather than section 711(a).

Unquestionably, present law now guarantees those things to which section 711(a) addresses itself.

I add further the adoption of this amendment and the striking out of this language from the bill would in nowise affect substantive law as it is written on the books today.

Mr. CELLER. And will the gentleman not also say that the deletion of the language by the amendment does not have any effect upon existing Presidential power?

Mr. POFF. Of course, the striking of language from a bill could not in any way impair existing law.

Mr. CELLER. And it does not limit it and it does not broaden it. It remains intact as it is now.

Mr. POFF. That is true.

Mr. Chairman, I join in support of this amendment.

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

Mr. CELLER. I yield to the gentleman.

Mr. McCULLOCH. Mr. Chairman, this is another amendment which makes a good bill a better one.

Incidentally, Mr. Chairman, for the chairman of the Committee on the Judiciary and other Members who have said that we are ready, willing, and anxious to accept amendments that will better the legislation, this will be either the 20th or 21st amendment that has been adopted by the Committee of the Whole House on the State of the Union.

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

Mr. CELLER. I yield to the gentleman.

Mr. DOWDY. I appreciate the fact that the gentleman has offered this amendment. Many of us have felt section 711 to be a highly dangerous section of the bill and accordingly much of our debate has been predicated upon the fact that this language should be removed. I know all of us will support this amendment as offered by the chairman.

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

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

Mr. QUIE. Even though I support this amendment, is it not true that the President has this authority right now, judging from actions being taken by the Executive of late?

Mr. CELLER. The President has the authority.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. CELLER

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

The Clerk read as follows:

Amendment offered by Mr. CELLER: Page 82, line 19, after "suitable" insert "procedural".

Mr. CELLER. Mr. Chairman, if this amendment is adopted the Commissioner would have a right to rescind procedural regulations as distinguished from substantive regulations. It would make more definite the limitations of his powers. I believe the amendment would clarify the situation.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. CELLER

Mr. CELLER. Mr. Chairman, I offer an amendment, which is the last clarifying amendment.

The Clerk read as follows:

Amendment offered by Mr. CELLER: Page 83, line 8, strike out "published and filed" and insert in lieu thereof the following: "failed to publish and file".

Mr. CELLER. Mr. Chairman, this would simply be clarifying language. It would not change the significance whatsoever.

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

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

Mr. RODINO. We have checked this with various members of the committee. This amendment would merely clarify the intent of this particular section. I support the amendment.

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

The amendment was agreed to.

Mr. THOMSON of Wisconsin. Mr. Chairman, I ask unanimous consent that the gentleman from Virginia [Mr. POFF] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. POFF. Mr. Chairman, title VII, the so-called FEPC title, is the section of the bill about which I have received the most correspondence and verbal inquiry. A short analysis of the title would perhaps be helpful.

First, title VII extends coverage to any employer engaged in any industry "affecting" interstate commerce who employs 25 or more workers, to any labor union with 25 or more members and to any employment agency.

Second, this title enumerates a series of acts or omissions on the part of an employer which it declares to be "unlawful employment practice." These include:

Failure to hire a job applicant on account of his race.

Refusal to hire a job applicant on account of his race.

Discharge of an employee on account of his race.

Discrimination in compensation against an employee on account of his race.

Discrimination in terms of employment against an employee on account of his race.

Discrimination in conditions of employment against an employee on account of his race.

Discrimination in privileges of employment against an employee on account of his race.

Limitation of employees on account of race in such a way as to tend to deprive an individual employee of employment opportunities (promotions) or otherwise adversely affect his employee status.

Segregation of employees on account of race in such a way as to tend to deprive an individual employee of employment opportunities or otherwise adversely affect his employee status.

Classification of employees on account of race in such a way as to deprive an individual employee of employment opportunities or otherwise adversely affect his employee status.

Discrimination against any job applicant or any employee who makes a charge under this title or assists or participates in an investigation or proceeding conducted pursuant to this title.

Publication of any notice or advertisement relating to employment which indicates "any preference, limitation, specification, or discrimination, based on race.

Discrimination on account of race against any individual in an apprenticeship program.

Similar conduct on the part of labor unions and employment agencies is also defined as "unlawful employment practices."

Third, this title establishes a Federal Equal Employment Opportunity Commission, consisting of five members appointed by the President, with its principal office in Washington and with regional offices located wherever the Commission "deems necessary," staffed by attorneys, officers, agents, and employees, unlimited in number, which the Commission deems necessary to carry on its assigned duties.

Fourth, this title establishes the procedure to be followed. An individual claiming to be discriminated against can deliver to the Commission a verified written complaint that an employer has committed an "unlawful employment practice," or such charge can be made "on behalf" of such person by another person or organization. The Commission furnishes the employer with a copy of the complaint and proceeds to make an investigation, in pursuance of which, the Commission may "enter and inspect" the employer's place of business, examine and copy his records, question his employees, and "investigate such facts, conditions, practices, or matters as may be appropriate." If as many as two members of the Commission (less than a majority) decide that "reasonable cause exists," the Commission attempts through "conciliation and persuasion" to eliminate the unlawful employment practice. If it fails, the Commission is required to bring a civil suit in the Federal district court against the employer. If the Commission prevails, the court will issue an injunction preventing the employer from engaging in the practice with which he is charged and compelling him to take such affirmative action "as may be appropriate," including hiring of the job applicant or reinstatement of the employee, with or without back pay.

The first constitutional ground in which this title is sought to be predicated is the interstate commerce clause. For the same reasons assigned in the discussion of the public accommodations

section of this bill, this clause is not a proper constitutional foundation, and even if it could be remotely considered such, Congress should not attempt to pitch a new Federal tent on this tortured ground.

The bill proceeds upon a theory similar to the "quantum of income" theory. This theory is that the quantum of employees is a rational yardstick by which the interstate commerce concept can be measured. Out of thin air, the bill pulls a figure and determines that 25 employees is the magic number—not 26 or 24 but 25.

In an effort to strengthen this flimsy yardstick the bill defines an employer as "a person engaged in any industry affecting commerce." What does the word "affecting" mean? The Supreme Court has defined it to mean anything that:

> Asserts a substantial effect on interstate commerce * * * irrespective of whether such effect at some earlier time has been defined as "direct" or "indirect." *Wickard* v. *Filburn*, 317 U.S. 111, 215 (1942).

The Wickard case, a farmer who had produced only 239 bushels of wheat and consumed the same on his own farm was declared to be "affecting" interstate commerce. In a similar vein activities of local bakeries and the sales of medicines by local retail drugstores were held to "affect" interstate commerce. *Moore* v. *Mead's Fine Bread Company*, 348 U.S. 115 (1954). *U.S.* v. *Sullivan*, 332 U.S. 689 (1947).

Under these decisions, and impelled by the broad, vague powers conferred by title VII, it is safe to predict that the Federal Equal Opportunities Employment Commission would assert plenary jurisdiction over the employment, promotion, discharge, and working conditions policies of every restaurant, hotel, gas station, manufacturer, bank, law firm, hospital, small loan company, barbershop, funeral parlor, beauty salon, nightclub, and other local retail service, trade, and professional establishment which employs 25 or more full- or part-time employees. Again, we must say that if the interstate commerce clause can be broadened and deepened to this extent, then the concept of intrastate commerce is obsolete.

The second constitutional ground on which this title is sought to be predicated is the "privileges and immunities" clause.

While it is unclear precisely what is intended, it would appear certain that the language of the bill does not refer to the comity clause, article IV, section 2, which concerns "privileges and immunities of citizens in the several States." Reference undoubtedly is intended to the 14th amendment which reads in part:

> No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.

The latter clause, of course, applies only when action by a State or by a State official under color of law is involved, and not to action by a private citizen. So far as we are aware, no State has any statute on its books which discriminates against any citizen's right to a job on account of race. If such a statute existed, it would fall under the prohibition of the "equal protection" clause of the 14th amendment rather than the "privileges and immunities" clause.

Within 5 years after the ratification of the 14th amendment, the Supreme Court handed down a decision which had the effect of rendering the effect of the privileges and immunities clause a "practical nullity." *Slaughter-House Cases*, 16 Wall. 36 (1873). In that case, a statute of the State of Louisiana granted a corporation a monopoly in the business of slaughtering cattle. The plaintiffs brought a suit based on the theory that the right to engage in the butcher business was a "privilege and immunity" with the meaning of those words in the 14th amendment. Plaintiffs contended that these words had the effect of converting all rights enjoyed by citizens of each State into privileges and immunities of the U.S. citizenship, and that any State statute which abridges a privilege such as the right to engage in the butcher business constituted a violation of the clause. The court rejected this contention and held that the privileges protected under the 14th amendment were only those "which owe their existence to the Federal Government, its national character, its Constitution or its laws" which meant simply privileges which had been available to U.S. citizens prior to the adoption of the 14th amendment. The Court specifically found that the right to engage in the butcher business was a privilege "left to the State governments for security and protection" and had not been committed to the "special care of the Federal Government" by the privileges and immunities clause of the 14th amendment.

It would seem beyond cavil that the right to employment cannot be distinguished in this context from the right to engage in the butcher business. To contend otherwise would be, as the Court said:

> To transfer the security and protection of all the civil rights * * * to the Federal Government * * * to bring within the power of the Constitution the entire domain of civil rights heretofore belonging exclusively to the States.

Accordingly, for two reasons, the privileges and immunities clause of the 14th amendment cannot be a proper constitutional base for title VII:

First. No State statute or other State action is involved; and

Second. The right to employment is not a privilege or immunity protected by the privileges and immunities clause of the 14th amendment.

With all of its concern for inequality in employment opportunities, the equal employment opportunity title of this bill wholly fails to define "equality." Nowhere in the title can be found language to guide the Commission in its investigation of charges of racial discrimination. All the Commission is required to find is "reasonable cause" for the charge. In searching out evidence of "inequality" or "discrimination" in employment practices, what will the Commission find to be "reasonable cause"? If the Negro labor force in a particular community constitutes 10 percent of the total labor force, will a company whose Negro employees constitute only 5 percent of the company payroll be considered guilty of discrimination? If the company has 100 executives and only 4 are Negro, would this constitute discrimination in promotions to executive pay levels if the Negro work force in the rest of the company constitutes 10 percent of the total company work force? Suppose only 5 percent of the total company work force was Negro while the Negro work force of a competitor company in the same community was 15 percent of its total. Would that constitute evidence of discrimination? If the seniority list maintained by a company or a labor union had more white workers than Negro workers in the upper echelons, would this be evidence of discrimination in the discharge of employees? Even if these few examples are farfetched (which we believe they are not), still they illustrate the variety of charges which could be made and the complexity of the Commission's chore in finding or failing to find "reasonable cause" for the charges.

Once the Commission finds reasonable cause, no matter how unreasonable the evidence might appear to an impartial observer, the Commission, in order to save its own face and in compliance with the mandatory word "shall" in section 707(b) is bound to proceed with a lawsuit against the employer, and if for any reason, such as failure to find "reasonable cause," the Commission does not bring the suit, the complainant himself can bring the suit with the permission of only one member of the Commission.

At the "trial," the Commission presents whatever evidence it has compiled concerning racial disparity. At that point, the employer who has been charged with committing an "unlawful employment practice" must assume the burden of producing evidence to show, either that the conduct complained of did not, in fact, constitute discrimination, or that he did not intend by such conduct to discriminate against the complainant on account of his race. In a word, it becomes the burden of the employer to prove his own innocence. In the process of attempting to do so, he will enjoy no right of trial by jury. Rather, the entire proceeding can be conducted, not only in the absence of the jury but in the absence of a judge before a master acting as a referee for the judge. And if the decision of the court goes against the employer, he must abide strictly by the court's order or be subject to a fine or jail sentence for contempt of court, imposed by the judge in the absence of a jury.

I do not believe that the American people as a whole, whether employers or employees, want to embark upon this new adventure. I do not believe that they want to make this departure in the functional aspects of the American free enterprise system. I do not believe that they want the Federal Government, through its administrators, commissioner, 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, I 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.

AMENDMENT OFFERED BY MR. SMITH OF VIRGINIA

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

The Clerk read as follows:

Amendment offered by Mr. SMITH of Virginia: On page 68, line 23, after the word "religion," insert the word "sex."

On page 69, line 10, after the word "religion," insert the word "sex."

On page 69, line 17, after the word "religion," insert the word "sex."

On page 70, line 1, after the word "religion," insert the word "sex."

On page 71, line 5, after the word "religion," insert the word "sex."

Mr. SMITH of Virginia. Mr. Chairman, this amendment is offered to the fair employment practices title of this bill to include within our desire to prevent discrimination against another minority group, the women, but a very essential minority group, in the absence of which the majority group would not be here today.

Now, I am very serious about this amendment. It has been offered several times before, but it was offered at inappropriate places in the bill. Now, this is the appropriate place for this amendment to come in. I do not think it can do any harm to this legislation; maybe it can do some good. I think it will do some good for the minority sex.

I think we all recognize and it is indisputable fact that all throughout industry women are discriminated against in that just generally speaking they do not get as high compensation for their work as do the majority sex. Now, if that is true, I hope that the committee chairman will accept this amendment.

That is about all I have to say about it except, to get off of this subject for just a moment but to show you how some of the ladies feel about discrimination against them, I want to read you an extract from a letter that I received the other day. This lady has a real grievance on behalf of the minority sex. She said that she had seen that I was going to present an amendment to protect the most important sex, and she says:

I suggest that you might also favor an amendment or a bill to correct the present "imbalance" which exists between males and females in the United States.

Then she goes on to say—and she has her statistics, which is the reason why I am reading it to you, because this is serious—

The census of 1960 shows that we had 88,331,000 males living in this country, and 90,992,000 females, which leaves the country with an "imbalance" of 2,661,000 females.

Now another paragraph:

Just why the Creator would set up such an imbalance of spinsters, shutting off the "right" of every female to have a husband of her own, is, of course, known only to nature.

But I am sure you will agree that this is a grave injustice—

And I do agree, and I am reading you the letter because I want all the rest of you to agree, you of the majority—

But I am sure you will agree that this is a grave injustice to womankind and something the Congress and President Johnson should take immediate steps to correct—

And you interrupted me just now before I could finish reading the sentence, which continues on:

immediate steps to correct, especially in this election year.

Now, I just want to remind you here that in this election year it is pretty nearly half of the voters in this country that are affected, so you had better sit up and take notice.

She also says this, and this is a very cogent argument, too:

Up until now, instead of assisting these poor unfortunate females in obtaining their "right" to happiness, the Government has on several occasions engaged in wars which killed off a large number of eligible males, creating an "imbalance" in our male and female population that was even worse than before.

Would you have any suggestions as to what course our Government might pursue to protect our spinster friends in their "right" to a nice husband and family?

I read that letter just to illustrate that women have some real grievances and some real rights to be protected. I am serious about this thing. I just hope that the committee will accept it. Now, what harm can you do this bill that was so perfect yesterday and is so imperfect today—what harm will this do to the condition of the bill?

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

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

Mr. SMITH of Virginia. Oh, no.

Mr. CELLER. Mr. Chairman, I heard with a great deal of interest the statement of the gentleman from Virginia that women are in the minority. Not in my house. I can say as a result of 49 years of experience—and I celebrate my 50th wedding anniversary next year—that women, indeed, are not in the minority in my house. As a matter of fact, the reason I would suggest that we have been living in such harmony, such delightful accord for almost half a century is that I usually have the last two words, and those words are, "Yes, dear." Of course, we all remember the famous play by George Bernard Shaw, "Man and Superman"; and man was not the superman, the other sex was.

I received a letter this morning from the U.S. Department of Labor which reads as follows:

U.S. DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, February 7, 1964.

This is in response to your inquiry about the reaction of the Women's Bureau to suggestions that the civil rights bill be amended to prohibit job discrimination on the basis of sex as well as race, creed, color, or national origin.

Assistant Secretary of Labor Esther Peterson who is in charge of the Women's Bureau has replied to requests for support of such an amendment in the following way:

"This question of broadening civil rights legislation to prohibit discriminations based on sex has arisen previously. The President's Commission on the Status of Women gave this matter careful consideration in its discussion of Executive Order 10925 which now prohibits discrimination based on race, creed, color, or national origin in employment under Federal contracts. Its conclusion is stated on page 30 of its report, "American Women," as follows:

" 'We are aware that this order could be expanded to forbid discrimination based on sex. But discrimination based on sex, the Commission believes, involves problems sufficiently different from discrimination based on the other factors listed to make separate treatment preferable.'

"In view of this policy conclusion reached by representatives from a variety of women's organizations and private and public agencies to attack discriminations based on sex separately, we are of the opinion that to attempt to so amend H.R. 7152 would not be to the best advantage of women at this time."

So we have an expression of opinion from the Department of Labor to the effect that it will be ill advised to append to this bill the word "sex" and provide for discrimination on the basis of race, color, creed, national origin, and sex as well. Of course, there has been before us for a considerable length of time, before the Judiciary Committee, an equal rights amendment. At first blush it seems fair, just, and equitable to grant these equal rights. But when you examine carefully what the import and repercussions are concerning equal rights throughout American life, and all facets of American life you run into a considerable amount of difficulty.

You will find that there are in the equality of sex that some people glibly assert, and without reason serious problems. I have been reluctant as chairman of the Committee on the Judiciary to give favorable consideration to that constitutional amendment.

The CHAIRMAN. The time of the gentleman from New York has expired.

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

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

There was no objection.

Mr. CELLER. You know, the French have a phrase for it when they speak of women and men. When they speak of the difference, they say "vive la difference."

I think the French are right.

Imagine the upheaval that would result from adoption of blanket language requiring total equality. Would male citizens be justified in insisting that women share with them the burdens of compulsory military service? What would become of traditional family relationships? What about alimony? Who would have the obligation of supporting whom? Would fathers rank equally with mothers in the right of custody to children? What would become of the crimes of rape and statutory rape? Would the Mann Act be invalidated? Would the many State and local provisions regulating working conditions and hours of employment for women be struck down?

You know the biological differences between the sexes. In many States we have laws favorable to women. Are you

going to strike those laws down? This is the entering wedge, an amendment of this sort. The list of foreseeable consequences, I will say to the committee, is unlimited.

What is more, even conceding that some degree of discrimination against women obtains in the area of employment, it is contrary to the situation with respect to civil rights for Negroes. Real and genuine progress is being made in discrimination against women. The Equal Pay Act of 1963, for example, which became law last June, amends the Fair Labor Standards Act of 1938 by prohibiting discrimination between employees on the basis of sex, with respect to wages for equal work on jobs requiring equal skill, effort, and responsibility.

It is a little surprising to find the gentleman from Virginia offering the language he does offer as an amendment to the pending measure. The House knows that this is the language of a proposed constitutional amendment introduced in the House.

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

Mr. CELLER. It is rather anomalous that two men of our age should be on the opposite sides of this question.

Mr. SMITH of Virginia. I am sure we are not. But I know the gentleman is under obligation not to submit any amendments other than those that are agreed upon between the coalition of the Republicans and Democrats that is controlling the movement of the committee. I wanted to ask the gentleman to clarify what he said. I did not exactly get what he stated about Negroes. He said he was surprised.

Mr. CELLER. I was a little surprised at your offering the amendment.

Mr. SMITH of Virginia. About what?

Mr. CELLER. Because I think the amendment seems illogical, ill timed, ill placed, and improper. I was of that opinion, the amendment coming from the astute and very wise gentleman from Virginia.

Mr. SMITH of Virginia. Your surprise at my offering the amendment does not nearly approach my surprise, amazement, and sorrow at your opposition to it.

Mr. CELLER. As long as there is a little levity here, let me repeat what I heard some years ago, which runs as follows:

> Lives there a man with hide so tough
> Who says, "Two sexes are not enough."

In any event, I refer again to the President's Commission. They came to the conclusion in these words:

> The Commission strongly urges in the carrying out of this recommendation special attention be given to difficulties that are wholly or largely the products of this kind of discrimination.

The Commission says, wait until mature studies have been made. I say, wait, indeed, until more returns are in before we attempt to do anything like this on this bill. In any event, it should not be done piecemeal, it should be done generally and universally.

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

Mr. Chairman, as I have offered this same amendment to some of the prior titles to which it was applicable, including one concerning education, in which I placed in the RECORD a number of instances where women are discriminated against in getting an education, if the chairman of the committee will permit me to ask a question, this letter he read from the Women's Bureau, was it signed by a man or a woman?

Mr. CELLER. It was signed by a man.

Mr. DOWDY. I had an idea that would be true—the letter from the Women's Bureau of the Department of Labor opposing this equal rights for women amendment was signed by a man. I think there is no need for me to say more. Even the Department set up by the U.S. Government for the benefit of women is opposed to equal rights in employment for women. I urge the adoption of this amendment, I would have offered it myself, but yielded the honor to my beloved colleague from Virginia [Mr. SMITH].

Mrs. FRANCES P. BOLTON. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, it is always perfectly delightful when some enchanting gentleman, from the South particularly, calls us the minority group. We used to be but we are not any more. I have just had the figures sent me. You males, as you seem to like to call yourselves, are 88,331,494. We females, as you like to call us, are 90,991,681. So I regret to state that we can no longer be the minority; indeed, we have not been for some time.

Also, I would like to suggest that to read the sports news about the winter games in Innsbruck, I think it was a woman who rather saved the United States situation?

I think that perhaps this particular motion of the gentleman from Virginia may be displaced. I do not know enough about parliamentary methods to be certain, and I have not studied it. But I do propose to submit an amendment in the 10th title, which I am told is germane there, and I shall present it at the appropriate time.

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

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

Mr. BASS. With relation to her remarks and her amendment, I just got off an airplane.

Mrs. FRANCES P. BOLTON. You did?

Mr. BASS. Yes, now what I was leading up to is this. A young lady works for an airline company, and she is worried about discrimination against married women because she is about to get married. Then she will lose her job. So she wants something done to prevent discrimination against married women.

Mrs. FRANCES P. BOLTON. May I suggest to the gentleman that married women get along very well because they usually, after they have had their children and brought them to a certain age, go back into business to really protect the family against too little money.

Mr. BASS. I am for all women, I want the record to show that I am for both the unmarried and the married women.

Mr. SMITH of Virginia. Mr. Chairman, will the gentlewoman yield?

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

Mr. SMITH of Virginia. If I understood the gentlewoman correctly, she said, I believe, that she would support this pending amendment that I have offered, but that you expect to offer an amendment to title X?

Mrs. FRANCES P. BOLTON. Yes; that is title X, the miscellaneous title.

Mr. SMITH of Virginia. I do not like the idea here of it going in under "miscellaneous." I think women are entitled to more dignity than that.

Mrs. FRANCES P. BOLTON. My colleague, may I suggest to you, that we are so used to being just "miscellaneous."

Mr. SMITH of Virginia. What I wanted to say is entirely in a cooperative spirit, but I suggest that the gentlewoman examine title X because I do not think there is any place there where it would be suitable and maybe it is not germane.

Mrs. FRANCES P. BOLTON. We can take that up when I offer the amendment. I am so happy to have the gentleman's opinion in the matter.

Mr. SMITH of Virginia. I was just hoping that the good gentlewoman was going to give her full support to my amendment, and then we will talk about her amendment.

Mrs. FRANCES P. BOLTON. I would also like to add at this moment when we have been victorious over there at Innsbruck, this statement: Even your bones harden long before our bones do—we live longer, we have more endurance.

Mrs. GRIFFITHS. Mr. Chairman, I move to strike out the last word and rise in support of the amendment.

Mr. Chairman, I presume that if there had been any necessity to have pointed out that women were a second-class sex, the laughter would have proved it.

Mr. Chairman, I rise in support of the amendment primarily because I feel as a white woman when this bill has passed this House and the Senate and has been signed by the President that white women will be last at the hiring gate.

In his great work "The American Dilemma," the Swedish sociologist pointed out 20 years ago that white women and Negroes occupied relatively the same position in American society.

Before I begin my argument, however, I would like to ask the chairman of the Committee on the Judiciary, the gentleman from New York, a question.

Mr. Chairman, is it your judgment that this bill will protect colored men and colored women at the hiring gate equally?

Mr. CELLER. This bill is all-embracing and will cover everybody in the United States.

Mrs. GRIFFITHS. It will cover every colored man and every colored woman?

Mr. CELLER. Yes, it will cover white men and white women and all Americans.

Mrs. GRIFFITHS. We will find out in just a few minutes how differently it is going to cover them.

Now I would like to ask you if in your judgment this bill says at any point that a Negro woman will only be protected if she is applying for a job historically held by a white woman?

Could she then invoke the act?

Mr. CELLER. It would apply to a Negro woman if she were proscribed or discriminated against on the basis of race.

Mrs. GRIFFITHS. If she applied for a job which had been historically held by a white man?

Mr. CELLER. I do not know about the "historically." The point is, if there is evidence that she has been proscribed or discriminated against in hiring, firing, promotion, or in matters of seniority, and if there were an element of discrimination which could be proved and demonstrated, then there would be a violation of the act involved.

Mrs. GRIFFITHS. Then may we consider an example. Suppose a Negro woman had been washing dishes in a "greasy spoon," a very poor restaurant, and farther up the street there was a very good restaurant which employed only white people, and all the dishwashers were white men. Suppose they put a sign in the window, "dishwasher wanted." The Negro woman with experience, qualified, let us suppose, applied for the job and was turned away.

In the chairman's judgment, could she invoke the provisions of the act?

Mr. CELLER. If the Negress who applied for the job was disqualified because of the pigmentation of her skin, because she was colored, the act would apply.

Mrs. GRIFFITHS. Suppose the employer said to her, "No, we will not employ you as a dishwasher. We have only men dishwashers." And suppose she replied, "Sir, you have only white people in this restaurant. I am qualified."

Mr. CELLER. It all involves a question as to whether or not there has been discrimination based upon color. That is a question of fact which has to be determined, finally.

Mrs. GRIFFITHS. In your judgment—and you are a good lawyer—that woman would have made a prima facie case, would she not?

Mr. CELLER. Not necessarily. We would want to get more facts. We would have to inquire.

Mrs. GRIFFITHS. That is the easy case. Let us make it tougher.

Suppose there were three men dishwashers and two women dishwashers and one man dishwasher quit, and they wished to fill one job. Suppose the Negro woman applied, and was qualified.

Would she not have made a prima facie case?

Mr. CELLER. If it can be said that she is qualified and that the employer deliberately refused to accept her because of the color of her skin, then there would be the discrimination covered by this act.

Mrs. GRIFFITHS. Right.

The CHAIRMAN. The time of the gentlewoman from Michigan has expired.

(By unanimous consent, Mrs. GRIFFITHS was given permission to proceed for 5 additional minutes.)

Mr. CELLER. May I add, of course the gentlewoman did not take into consideration the numerical requirements; that in the first year of the operation of the act the place would have 100 employees, in the second year 50 employees, and in the third year 25.

Mrs. GRIFFITHS. We will be glad to make it the first year after the act, and 100 employees. That is no problem at all.

Let us try the next case.

I come from a city in which there is a university. It is my understanding that there has never been a woman political scientist employed at that university to teach political science. Suppose a colored woman political scientist applied for a job. Could she or could she not invoke the act?

Mr. CELLER. Of course, we are addressing ourselves to business activity. It is conceivable that colleges might be covered. There again, if there were discrimination then there would be a violation.

Mrs. GRIFFITHS. Could a white woman turned away from the college or from the restaurant where all the employees were white invoke the act? Would a white woman have any recourse under the act?

Mr. CELLER. I think we covered that in colloquies we had in the earlier part of the afternoon. There could be discrimination against white people and there could be against colored people.

Mrs. GRIFFITHS. Mr. Chairman, you know well and good if every employee of that restaurant were white, that that woman cannot go to the FEPC or to a district attorney and say, "I was turned away from there because I was white," because every employee is white there.

Mr. CELLER. That is speculation. Of course, that may be due to the derelictions of the particular Government agency; and if there are such cases, there is discrimination, and I think we, as Members of Congress, should all complain if it happens. You have, for example, in your own State, I am just informed, an FEPC, and if that occurred in your State, I think they ought to be notified and you ought to ask some questions of that FEPC.

Mrs. GRIFFITHS. Mr. Chairman, I had a white woman come to my office who had been turned away from the FEPC. They refused even to consider her case. She had gone directly to the Michigan Unemployment Compensation Commission. They had not only considered her case, but they gave her compensation on the basis that no person has to work in fear of their life. The Fair Employment Practices Commission of Michigan refused to acknowledge they ever considered the case and that she ever made the complaint.

Mr. CELLER. Knowing the true and dedicated spirit in which you do your work, if that lady came to you, I am sure you would get redress for her.

Mrs. GRIFFITHS. Thank you very much, Mr. Chairman.

Now, Mr. Chairman, I would like to proceed to some of the arguments I have heard on this floor against adding the word "sex." In some of the arguments, I have heard the comment that the chairman is making, which is, that this makes it an equal rights bill. Of course it does not even approach making it an equal rights bill. This is equal employment rights. In one field only—employment. And if you do not add sex to this bill, I really do not believe there is a reasonable person sitting here who does not by now understand perfectly that you are going to have white men in one bracket, you are going to try to take colored men and colored women and give them equal employment rights, and down at the bottom of the list is going to be a white woman with no rights at all.

Let me repeat the example that I have just given you in the case of the restaurant. In that particular case, or in the case of the university, the chairman knows and I know that a white woman, when she asks for that job and is turned away, has no recourse, and nobody on earth has to explain for it. Furthermore, they have been turned away so many times in so many cases, without writing but with laughter, that it will be impossible for any employee to prove that an employer has systematically discriminated against women on account of sex. So, when the colored woman shows up and she is qualified, she is going to have an open entree into any particular field.

Now, when I brought this up with various lawyers on the floor, one of them suggested to me that I was really trying to give a 100-pound woman the right to drive a haulaway truck. So I got to thinking about it. That is not really what I am trying to do, but let us take a case. Supposing a little 100-pound colored woman arrives at the management's door and asks for the job of driving a haulaway truck, and he says, "Well, you are not qualified," and she says, "Oh, yes, I am. During the war I was the motorman on a streetcar in Detroit. For the last 15 years I have driven the schoolbus."

Surely, Mr. Chairman, we are hiring the best drivers to drive the most precious cargo. Of course, that woman is qualified. But he has only white men drivers. Do you not know that that woman is not going to have a right under this law? Merely to ask the question is to answer it.

The CHAIRMAN. The time of the gentlewoman from Michigan [Mrs. GRIFFITHS] has expired.

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

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

There was no objection.

Mrs. GRIFFITHS. Now, it has been suggested to me by one Member on the floor that if a job were repeatedly filled by colored women, that a white woman would be able to invoke the Federal Employment Practices Act. In my judgment, as long as a majority of the drivers in a haulaway concern were white

drivers, as long as the majority of employees in the restaurant, in the university, were white people, no white woman could invoke the act. She will continue to work in the greasy spoon, drive the schoolbus, and do the other underpaid jobs.

Some people have suggested to me that labor opposes "no discrimination on account of sex" because they feel that through the years protective legislation has been built up to safeguard the health of women. Some protective legislation was to safeguard the health of women, but it should have safeguarded the health of men, also. Most of the so-called protective legislation has really been to protect men's rights in better paying jobs.

As late as 1948 such an argument came from the State of Michigan before the Supreme Court of the United States in the case of Goesart et al. against Cleary et al. In the most vulgar and insulting of decisions handed down in this century by the Supreme Court, notable for its lack of legal learning as well as for its arrogant prejudice, the majority of the Supreme Court decided that it was well within the police powers of the State of Michigan for the legislature to draw the most arbitrary and capricious of lines as to who could tend bar in Michigan.

I am happy to say that in the dissenting minority were Justices Rutledge and Frank Murphy of the State of Michigan who said:

> While the equal protection clause does not require a legislature to achieve "abstract symmetry" or to classify with "mathematical nicety" that clause does require lawmakers to refrain from invidious distinctions of the sort drawn by the statute challenged in this case.

In the majority opinion, however, there was a most interesting statement made which, I think when this bill is passed, may be tested. The majority said:

> The Constitution does not require a legislature to reflect sociological insight or shifting social standards any more than it requires them to keep abreast of the latest scientific standards.

Now, of course, that runs directly contrary to the statement made long ago that the decisions of the Supreme Court follow the election returns.

In my opinion, when this bill is passed, some of these arbitrary classifications passed in State statutes will be tested again by colored women, and I have yet to find a lawyer on this floor who cares to state unequivocally that the State law will continue to prevail.

In other words, if labor is seeking to maintain the old distinction, they wil do far better to support this amendment and ask for a savings clause in this law, and we will all start even in the morning.

It would be incredible to me that white men would be willing to place white women at such a disadvantage except that white men have done this before. When the 14th amendment had become the law of the land, a brave woman named Virginia Minor, native-born, free, white citizen of the United States and the State of Missouri, read the amendment, and on the 15th of October 1872, appeared to register to vote. The registrar replied that the State of Missouri had a statute which said that only males could register to vote. Her reply, of course, was, "Why, the 14th amendment says 'No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.' "

In October 1874 in 13 pages of tortured legal reasoning, the Supreme Court of the United States explained how the Missouri law prevailed, and finally said:

> The amendment did not add to the privileges and immunities of a citizen. It simply furnished an additional guaranty for the protection of such as he already had.

So, Mr. Chairman, your greatgrandfathers were willing as prisoners of their own prejudice to permit ex-slaves to vote, but not their own white wives.

The CHAIRMAN. The time of the gentlewoman has expired.

Mrs. GRIFFITHS. Mr. Chairman, I ask unanimous consent to address the House for 5 additional minutes.

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

There was no objection.

Mrs. GRIFFITHS. Mr. Chairman, more than 40 years passed before the 19th amendment gave women the right to vote. But white women alone did not secure that right. White men voted for that right; but white people alone did not secure that right. Colored men voted for that right, and colored women were among the suffragettes. Sojourner Truth, a Detroit woman, was the greatest of all of these.

Mr. Chairman, a vote against this amendment today by a white man is a vote against his wife, or his widow, or his daughter, or his sister.

If we are trying to establish equality in jobs, I am for it, but I am for making white women equal, also.

Mrs. ST. GEORGE. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, I was somewhat amazed when I came on the floor this afternoon to hear the very distinguished chairman of the Committee on the Judiciary make the remark that he considered the amendment at this point illogical. I can think of nothing more logical than this amendment at this point.

This bill, which I support, so that you will know that I am not just talking off the top of my head, this bill if it is to become law will be a law that exists in a stronger form in 32 States of our Union. It will then be imposed on the other 18 States.

In support of this I would like to read a colloquy which was held not in executive session, certainly, but in open session of the Rules Committee, in which I asked the ranking member of the Committee on the Judiciary, the gentleman from Ohio [Mr. McCULLOCH], about this very thing. If you will bear with me a minute, I will read it:

> Mrs. ST. GEORGE. Mr. Chairman, there is one question I would like to ask the gentleman from Ohio. Is it a fact that the law as now constituted in your State of Ohio and in my State of New York is, if anything, stronger than the law as it will be if this legislation passes?
>
> Mr. McCULLOCH. The law of the State of New York and the law of the State of Ohio is much stronger in the affected fields than is this legislation.
>
> Mrs. ST. GEORGE. Another question. There are 32 States, as I understand it, that already have civil rights legislation. Are those States also in most cases stronger in their civil rights legislation than they would be under this law?
>
> Mr. McCULLOCH. Without having read every State statute, I would say the States with the large populations without exception have legislation in this field that is stronger than that which we propose.
>
> Mrs. ST. GEORGE. Going on from there, in other words, there are 18 States that do not have such legislation, is that correct?
>
> Mr. McCULLOCH. That is correct.
>
> Mrs. ST. GEORGE. So, this is really being written for those 18 States, to all intents and purposes, because we already have this, so this will not make any very great difference to us, except if it supersedes the law of the State. Is it going to do that?
>
> Mr. McCULLOCH. It is not intended to supersede the laws of the States, except when it is in conflict and grants or insures lesser rights than are provided for in this legislation.
>
> Mrs. ST. GEORGE. Otherwise, as in my State of New York, we will continue to function under the law as it is now written in the State of New York, and in your State of Ohio it will be the same thing?
>
> Mr. McCULLOCH. That is true.
>
> Mrs. ST. GEORGE. So, when we come right back to brass tacks, this is legislation written for 18 States which do not have civil rights legislation at the present time.
>
> Mr. McCULLOCH. I think that is an accurate statement, yes.

The reason I bring that up is that a great many gentlemen, the predominating membership of this House, have a facetious way of saying to any woman on the question of equality, equal rights under the law, and so forth, "But you have all that already."

Mr. Chairman, I am willing to admit that in a great many States we have got it already.

The CHAIRMAN. The time of the gentlewoman from New York has expired.

(By unanimous consent, Mrs. ST. GEORGE was allowed to proceed for 5 additional minutes.)

Mrs. ST. GEORGE. But there are still many States where this equality does not exist.

There are still many States where women cannot serve on juries. There are still many States where women do not have equal educational opportunities. In most States and, in fact, I figure it would be safe to say, in all States—women do not get equal pay for equal work. That is a very well known fact.

Protective legislation prevents, as my colleague from the State of Michigan just pointed out—prevents women from going into the higher salary brackets. Yes, it certainly does.

Women are protected—they cannot run an elevator late at night and that is when the pay is higher.

They cannot serve in restaurants and cabarets late at night—when the tips are higher—and the load, if you please, is lighter.

So it is not exactly helping them—oh, no, you have taken beautiful care of the women.

But what about the offices, gentlemen, that are cleaned every morning about 2 or 3 o'clock in the city of New York and the offices that are cleaned quite early here in Washington, D.C.? Does anybody worry about those women? I have never heard of anybody worrying about the women who do that work.

So you see the thing is completely unfair.

And to say that this is illogical. What is illogical about it? All you are doing is simply correcting something that goes back, frankly to the Dark Ages. Because what you are doing is to go back to the days of the revolution when women were chattels. Of course, women were not mentioned in the Constitution. They belonged, first of all, to their fathers; then to their husbands or to their nearest male relative. They had no command over their own property. They were not supposed to be equal in any way, and certainly they were never expected to be or believed to be equal intellectually.

Well, I will admit from what I have seen very frequently here, I think the majority sex in the House of Representatives may not consider us mentally quite equal, but I think on the whole considering what a small minority we are here that we have not done altogether too badly.

I think for that reason, if for no other, we would like to be given more opportunities.

I can assure you we can take them.

I can assure you that we have fought our way a long way since those days of the Revolution. We have fought our way a long way even since the beginning of this century. Why should women be denied equality of opportunity? Why should women be denied equal pay for equal work? That is all we are asking.

We do not want special privileges. We do not need special privilege. We outlast you—we outlive you—we nag you to death. So why should we want special privileges?

I believe that we can hold our own. We are entitled to this little crumb of equality.

The addition of that little, terrifying word "s-e-x" will not hurt this legislation in any way. In fact, it will improve it. It will make it comprehensive. It will make it logical. It will make it right.

Mrs. GREEN of Oregon. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I suppose that this may go down in history as "women's afternoon," but the women of the House, I feel sure, recognize that you men will be the ones who finally make the decision.

I wish to say first to the gentleman who offered this amendment and to others who by their applause I am sure are giving strong support to it that I, for one, welcome the conversion, because I remember when we were working on the equal pay bill that, if I correctly understand the mood of the House, those gentlemen of the House who are most strong in their support of women's rights this afternoon, probably gave us the most opposition when we considered the bill which would grant equal pay for equal work just a very few months ago. I say I welcome the conversion and hope it is of long duration.

I do not know whether I am in the minority or whether I am in the majority earlier referred to by the gentleman from Virginia and I do not know whether, after I leave the floor today, I shall be called an "uncle Tom"—or perhaps an "aunt Jane." However, as the author of the equal pay bill and as a member of the President's Commission on the Status of Women, I believe I have demonstrated my concern and my determination to advance women's opportunities in every reasonable way possible. But—I do not believe this is the time or place for this amendment.

Let me say first that I agree with many of the statements my women colleagues have made about the great amount of discrimination against women. Any woman who wants to have a career, who wants to go into the professions, who wants to work, I feel cannot possibly reach maturity without being very keenly and very painfully made aware of all the discrimination placed against her because of her sex.

This is true when I am invited to a club in Washington as a guest to attend a conference, and when I arrive at the front door to attend that conference, solely because I am a woman, I have to go to the side door to gain admittance.

I do not know whether you gentlemen realize it, but not long ago—in fact, in September—a group of Latin American editors were invited to the Press Club here in Washington, D.C. When that group of 12 Latin American editors arrived there was one woman among them, and the group was barred admission to the Press Club and held up for 20 minutes because one woman was in the group. After 20 minutes the group, including the woman editor, was finally escorted up the fire steps at the back of the building. That is a matter of record.

I do not feel that anyone can really, honestly deny various discriminations in many ways.

Mr. Chairman, discrimination is also rampant in politics. You gentlemen want the women to work in your campaigns, but I hear more jokes about women in politics than about women in any other field.

If I may digress, I have tremendous admiration for MARGARET CHASE SMITH—for her ability, for her integrity, for her political courage. I do not know—but deep down in her heart I do not believe she feels honestly she could possibly win this year—but what wonderful courage! And perhaps she is making that sacrifice hit which will allow some woman at some time in the future to get to third base or possibly to score.

After I have said all of this Mr. Chairman, I honestly cannot support the amendment. For every discrimination that has been made against a woman in this country there has been 10 times as much discrimination against the Negro of this country. There has been 10 times maybe 100 times as much humiliation for the Negro woman, for the Negro man and for the Negro child. Yes; and for the Negro baby who is born into a world of discrimination.

From the first day of life that baby is the object of discrimination—sometimes subtle, sometimes cruel, and he or she will feel it far more keenly all of his life than I possibly could. Yes—the Negro will suffer far more from discrimination than any discrimination that has been placed against me as a woman or against any other woman just because of her sex. Whether we want to admit it or not, the main purpose of this legislation today is to try to help end the discrimination that has been practiced against Negroes. This becomes almost a way of life. May I submit to my women colleagues, while I join with you in objecting to the discrimination against women, may I say that in all fairness the discrimination against the female of the species is not really a "way of life" and, I repeat, it is a way of life against Negroes in many parts of the country and has been for far too many years. And I must admit to my male colleagues that sometimes, in some ways, maybe women do get some advantages. However, this bill is primarily for the purpose of ending discrimination against Negroes in voting and in public accommodations and in education and, yes, in employment, under this FEPC law. As much as I hope the day will come when discrimination will be ended against women, I really and sincerely hope that this amendment will not be added to this bill. It will clutter up the bill and it may later—very well—be used to help destroy this section of the bill by some of the very people who today support it. And I hope that no other amendment will be added to this bill on sex or age or anything else, that would jeopardize our primary purpose in any way.

The CHAIRMAN. The time of the gentlewoman has expired.

Mr. THOMPSON of New Jersey. Mr. Chairman, I ask unanimous consent that the gentlewoman from Oregon [Mrs. GREEN] may proceed for 5 additional minutes.

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

There was no objection.

Mrs. GREEN of Oregon. Mr. Chairman, in the spirit of American freedom and liberty, cruel discriminations cry out to be corrected in this Nation. Today, I repeat, let us not add any amendment that would place in jeopardy in any way our primary objective of ending that discrimination that is most serious, most urgent, most tragic, and most widespread against the Negroes of our country.

May I also say I am not in complete agreement with everything that has been said by my women colleagues. I think that I, as a white woman, have been discriminated against, yes—but for every discrimination that I have suffered, I firmly believe that the Negro woman has suffered 10 times that amount of discrimination. She has a double discrimination. She was born as a woman and she

was born as a Negro. She has suffered 10 times as much discrimination as I have. If I have to wait for a few years to end this discrimination against me, and my women friends—then as far as I am concerned I am willing to do that if the rank discrimination against Negroes will be finally ended under the so-called protection of the law.

May I say, Mr. Chairman, to the best of my knowledge, there was not one word of testimony in regard to this amendment given before the Committee on the Judiciary of the House or before the Committee on Education and Labor of the House, where this bill was considered. I repeat—there was not one single bit of testimony given in regard to this amendment. There was not one single organization in the entire United States that petitioned either one of these committees to add this amendment to the bill. There was not one single Member of the House who came to the Committee on Education and Labor or who came to the Committee on the Judiciary and offered such an amendment.

Finally, Mr. Chairman, may I read a letter which was sent to me yesterday which reads as follows. It is from the American Association of University Women:

Hon. EDITH GREEN,
House of Representatives,
Washington, D.C.

DEAR MRS. GREEN: It has been brought to the attention of the Legislative Program Committee of the American Association of University Women, which is meeting today, that it is probable that an amendment providing for the addition of the word "sex" to section 704 in title 7 of the civil rights bill on discrimination because of race, color, religion or national origin would be offered on the floor this afternoon. In our opinion the inclusion of the word "sex" in this title on discrimination is redundant and could actually work to the disadvantage of this very important legislation. We urge you to speak against this and other amendments which could weaken or impede the passage of this very vital legislation which you, as an AAUW member, know we in the association support.

Sincerely,

MARJORIE C. HAHN
Mrs. George C. Hahn,
Chairman, Legislative Program Committee.

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

Mrs. GREEN. I yield to the gentleman from California.

Mr. ROOSEVELT. Mr. Chairman, I want to pay tribute to the courage and to the objectiveness of the very distinguished lady from Oregon. I want to corroborate what she has said. I want to say simply that before the Committee on Education and Labor there was an agreement that the committee of which my mother had the privilege to be chairman, when it was appointed, it was with the understanding that it would finish its work and after it finished its work and a report came from the administration, then a bill would be considered in the proper course of events. I would certainly say to the gentlelady, and I think she will agree, that when that time comes and the recommendation is made we will try to find a way to eliminate the discriminations which have been spoken of without doing the injuries which we all know also might exist if we legislated in an unwise fashion.

Mrs. GREEN. I thank the gentleman.

Mr. THOMPSON of New Jersey. Mr. Chairman, will the gentlewoman yield?

Mrs. GREEN. I yield to the gentleman from New Jersey.

Mr. THOMPSON of New Jersey. I have the good fortune to be the chairman of the subcommittee of the Committee on Education and Labor which handled the bill of the gentlewoman from Oregon providing, after years and years of effort on her behalf, equal pay for equal work for women. I know perfectly well that although this legislation is great and good, there are still things to be done. But I think the experience which the Congress had with respect to equal pay legislation might well be thought of carefully here.

In the first instance it was not considered carefully enough, moved too fast and was defeated in this body. There is much to be done, that is true. If one were to consider carefully all of the suggestions, there is much to be done. This is a difficult area in which to legislate. I think, however, that we do not want to go so fast and so far that the old rule of abandoning ship will be changed and the woman will have to take her place in line rather than to go first.

I do not think the gentlewoman from Oregon need yield to anyone, with all due respect to her colleagues, in the interests of legislating in behalf of women because she has proven it in the form of legislation. If one were to analyze all of the cases, the hypoethetical cases set forth by our distinguished colleague from Michigan [Mrs. GRIFFITHS], it would appear that only color need be substituted for sex in those instances, and the result of every one of them would be changed.

So I thank the courageous gentlewoman from Oregon for her contribution, and I might say that I agree quite clearly with her.

Mrs. MAY. Mr. Chairman, I rise in support of the pending amendment.

Mr. Chairman, this indeed seems to be, as my distinguished colleage from Oregon stated, ladies' afternoon. You have heard eloquent, articulate, logical, and consistent arguments in support of this amendment from my distinguished fellow female colleagues from both sides of the aisle.

Certainly, the gentlewoman from Michigan [Mrs. GRIFFITHS] has outlined in effective legalistic terms what we are asking here today in the way of equal consideration for all women. The gentlewoman from New York [Mrs. ST. GEORGE] and the gentlewoman from Ohio [Mrs. BOLTON] and others have presented additional cogent arguments. I believe the case is fully presented, and I do not wish to prolong the debate.

However, in recognizing my colleague from Oregon [Mrs. GREEN], for her courageous stand, I would say that I do not think we can ever really assume what is in the mind of any one of the 435 Members of the House when he offers an amendment or prejudge any Member on how he intends to vote on a measure. I would not assume that responsibility. I know the gentlewoman is sincere in her convictions, as I am sincere, because we have worked together in this field of trying to get an equal rights amendment to the Constitution. But may I point out to her that I just cannot assume, as she has, that the addition of this important amendment, no matter who offers it, will jeopardize this bill. We have been trying since 1923 to get enacted in the Congress an equal rights for women amendment to the Constitution.

Since 1923 more and more Members have offered this amendment, but we have never gotten the bill out of the Committee on the Judiciary. The League of Women Voters, some Federated Women's Clubs, the National Federation of Business and Professional Women have joined the National Woman's Party in consistently asking that wherever laws or Executive orders exist which forbid discrimination on account of race, color, religion, or national origin that these same laws and orders should also forbid discrimination on account of sex.

Recently in our congressional mail we received a letter from Emma Guffey Miller, national chairman of the National Woman's Party, which expresses alarm over the complete absence in this bill of any reference to civil rights for women. She says:

We are alarmed over the interpretation that may be given to the words "discrimination on the account of race, color, religion, and national origin" used in the bill, if the meaning of these words is not made clear in the bill itself. We are informed that in the past some government officials have interpreted "race, color, religion, and national origin" in a way that has discriminated against the white, native-born American woman of Christian religion.

I share the views of my colleague from Oregon in her desire to eliminate the proven discrimination which colored women have suffered, but at the same time I feel it is only just and fair to give all women protection against discrimination.

Mr. Chairman, this is to me the crux of the question before us. As I say, I am supporting the amendment on that basis and on behalf of the various women's organizations in this country that have for many years been asking for action from the Congress in this field, and who see this as the one possibility we may have of getting effective action.

I urge your support of this amendment.

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

Mr. Chairman, I rise in support of this amendment. I feel I would be remiss in my duty if I did not so state. There is little I can add to the arguments of my colleagues who supported this amendment, the gentlewoman from Michigan who presented most legal arguments. My colleague from New York [Mrs. ST. GEORGE] who stated that "fringe benefits" and the protective laws of the several States would not be destroyed by our favorable action on this amendment. I also compliment my colleague from Oregon who is opposed to the amend-

ment, for her arguments, even though I disagree with her position. If this section VII, equal employment opportunity section cannot be perfected to include women, then, it has no place in the bill. Why restore civil rights to all and fail to give equal opportunity to all. My support and sponsorship of this amendment and of this bill is an endeavor to have all persons, men and women, possess the same rights and same opportunities. In this amendment we seek equal opportunity in employment for women. No more—no less.

I do not want any person to secure more rights than any other, all I want is same opportunities and right—on and in all levels of government, or entities.

I do not want anyone to be denied that which is his or her inherent rights as an individual.

Let us recognize that there are many minorities in this country in all groups and organizations. There are minorities within groups as was mentioned this morning by previous speakers. For their opportunity, we seek to secure these rights under this bill—whether group is civic, social, or racial or an economic group.

It is unfortunate that there is not equal opportunity on account of economic status. It is reaching a point in this country when a person cannot seek public office because one lacks the economic status. This must, too, be corrected by proper legislation. Sure, all Americans do not want this. Furthermore, we do not want opportunities obtained on account of race, color, or creed, social status, or economic status—but on account of merit.

I admit there are many places of employment I would prefer not to have women employed but I never want to deny them the right if they wish to seek that employment.

I regret to state that the Department of Labor was against the equal pay bill for many, many years. I had introduced the bill back in 1951 and was delighted to have my colleague, the gentlewoman from Oregon [Mrs. GREEN], achieve its passage last year. Mrs. Peterson whose letter was read in opposition to the present amendment does not speak for all the women of the United States nor do the university women.

Again I state I am not for the equal pay amendment. I introduced the original equal pay bill as the answer to that amendment. I believe in equality for women, and am sure the acceptance of the amendment will not repeal the protective laws of the several States. I therefore urge all to support this amendment and hope it will prevail.

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

Mr. Chairman, I rise to compliment the performance of the brilliant female Members of this great body.

It has been brought out in the debate here today that I am definitely a member of a minority group. In view of the reference to Innsbruck and the brilliant performance here on the floor today, I accept my place, ladies, as a second-class citizen. Although I am second class and a member of a minority group, I rise to inform the House that I always take my stand for the majority.

I have been vigorously opposed to this bill—not as a racist—but in the interest of the rights of all of the citizens of this country. Since I am a man, which places me in the minority and makes me a second-class citizen—and the fact that I am white and from the South—I look forward to claiming my rights under the terms of this legislation.

But, Mr. Chairman, the main purpose of my rising is this: Some men in some areas of the country might support legislation which would discriminate against women, but never let it be said that a southern gentleman would vote for such legislation.

Therefore, Mr. Chairman, I rise in support of this amendment.

Mr. POOL. Mr. Chairman, I move to strike out the last word and rise in support of the amendment.

Mr. Chairman, I arise in support of the amendment and point out that the interests and welfare of all American citizens, without distinction as to sex, shall prevail. This principle of equality of rights under the law for all citizens without distinction as to sex would thereby safeguard American women from such inequities with regard to their civil rights as are now threatened in the pending civil rights bill.

Mr. ANDREWS of Alabama. Mr. Chairman, I move to strike out the last word and rise in support of the amendment.

Mr. Chairman, I rise in support of this amendment offered by the gentleman from Virginia [Mr. SMITH]. Unless this amendment is adopted, the white women of this country would be drastically discriminated against in favor of a Negro woman.

If a white woman and a Negro woman applied for the same job, and each woman had the identical qualifications, the chances are about 99 to 1 that the Negro woman would be given the job because if the employer did not give the job to the Negro woman he could be prosecuted under this bill. Failure to employ the white woman would not subject the employer to such action.

Commonsense tells us that the employer would hire the Negro woman to avoid prosecution. The white woman will be at a great disadvantage in the business world unless this amendment is adopted.

Mr. RIVERS of South Carolina. I rise in support of the amendment offered by the gentleman from Virginia [Mr. SMITH] making it possible for the white Christian woman to receive the same consideration for employment as the colored woman. It is incredible to me that the authors of this monstrosity—whomever they are—would deprive the white woman of mostly Anglo-Saxon or Christian heritage equal opportunity before the employer. I know this Congress will not be a party to such an evil.

Mr. SMITH of Virginia. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I shall not take the 5 minutes but I want to call attention to the fact that the gentlewoman from Oregon read a letter from the Organization of University Women.

I did not mention it, but I assume all of you have received the same letter I received from the American Women's Party urging the adoption of this amendment. I hope you will take that into account in determining how to vote on this amendment.

There is one thing that I want to say that I think is extremely serious about this bill so far as white women are concerned.

If the bill is passed there is a provision in subparagraph (c) on page 79 which would require that every employer in the United States, from General Motors on down to anyone who employs as many as 25 people, keep an accurate record of all hiring and firing activities. That record would have to contain all of the details required by this Commission. The organization woud have to keep records as to why one was not employed and why another was employed.

I put a question to you in behalf of the white women of the United States. Let us assume that two women apply for the same job and both of them are equally eligible, one a white woman and one a Negro woman. The first thing that employer will look at will be the provision with regard to the records he must keep. If he does not employ that colored woman and has to make that record, that employer will say, "Well, now, if I hire the colored woman I will not be in any trouble, but if I do not hire the colored woman and hire the white woman, then the Commission is going to be looking down my throat and will want to know why I did not. I may be in a lawsuit."

That will happen as surely as we are here this afternoon. You all know it.

I have not heard anybody give any valid reason why the amendment should not be adopted.

Mr. GARY. Mr. Chairman, will my distinguished colleague yield?

Mr. SMITH of Virginia. I yield to my colleague.

Mr. GARY. I wish to associate myself with my colleague in support of his amendment. I believe it is a good amendment and I trust the House will adopt it.

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

Mr. SMITH of Virginia. I yield to the gentleman from Alabama.

Mr. HUDDLESTON. I thank the gentleman for yielding. I shall take only a minute.

I do not wish to delay the further consideration of the bill any longer than necessary.

We have all heard this afternoon from some of the opponents of this amendment a hue and cry that this will do so much damage to the civil rights bill. Those of you who were in the House in 1957 will remember that, at that time, we considered an amendment to allow women to serve on Federal juries. That amendment was offered on the floor. At that time the hue and cry went out from these same partisans to the effect that it would ruin the bill. It did not ruin that bill.

I fail to see any logic in the argument that this amendment would do any damage to the legislation.

I thank the gentleman from Virginia for yielding.

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

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

Mr. WATSON. Mr. Chairman, I commend my distinguished leader from Virginia for his foresight in presenting this splendid amendment. I join with him and others in wholehearted support of the amendment. I hope that it will pass to prove to everyone that we believe in equal rights for all people, and especially for the ladies of our Nation.

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

Mr. Chairman, I oppose the amendment, because I do not believe it belongs in this bill. I hope it will be voted down.

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

Mr. LINDSAY. I yield to the gentleman from Maryland.

Mr. MATHIAS. I concur fully with the gentleman from New York in opposition to the amendment.

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. LINDSAY. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. I have been touched by the strong support of this legislation by some of my colleagues—for instance, the gentleman from Alabama [Mr. HUDDLESTON]. Could the gentleman tell me if he gave his support to the equal-pay-for-equal-work bill, considered a few months ago?

Mr. HUDDLESTON. Last year?

Mrs. GREEN of Oregon. Yes.

Mr. HUDDLESTON. I supported that legislation, and I also supported the amendment in the 1957 civil rights bill to allow women to serve on Federal juries. I intend to support the amendment this afternoon.

Mrs. GREEN of Oregon. I am glad the gentleman did. However, many of the people who are most ardent in support of this amendment today were among those who appeared before our committee and who talked to me on the floor and who were the strongest in their opposition to a very simple bill to provide equal pay for equal work for women.

Because of biological differences between men and women, there are different problems which will arise in regard to employment. These should be carefully considered by the Committee. There will be new problems for business, for managers, for industrial concerns. These should be taken into consideration before any vote is made in favor of the amendment without any hearings at all on the legislation.

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

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

Mr. ROOSEVELT. Mr. Chairman, I thank the gentleman for yielding. I want to quote from the President's Commission on Opportunities for Women of which, as I previously said, my mother was the Chairman. There are the following words in that report, and I hope you will all read them:

> Actually situations vary far too much to make generalizations applicable and more information is needed on rates of quits, layoffs, absenteeism, and illness among women workers and on the qualifications of women for responsible supervisory or executive positions.

This is a clear indication that responsible women themselves recognize the problems that are inherent in any such approach as has now been proposed. I shall have to vote against the proposition.

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

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

Mr. CELLER. I ask for this time in order to ask the gentleman from California if he will furnish some of the names of the women members and the organizations that are represented on that President's Commission of which your late lamented mother was Chairman.

Mr. ROOSEVELT. I do not want to take the time of the Committee to read all of them, but there are Dr. Mary I. Bunting, president, Radcliffe College; Mrs. Mary E. Callahan, member, executive board, International Union of Electrical, Radio & Machine Workers; Miss Dorothy Height, president, National Council of Negro Women, Inc.; Miss Margaret Hickey, public affairs editor, Ladies' Home Journal; Mrs. Viola H. Hymes, president, National Council of Jewish Women, Inc.; Miss Margaret J. Mealey, executive director, National Council of Catholic Women; Mr. William F. Schnitzler, secretary-treasurer, American Federation of Labor and Congress of Industrial Organizations; Dr. Cynthia C. Wedel, assistant general secretary for program, National Council of the Churches of Christ in the U.S.A.

I shall ask later for the privilege of inserting the entire list.

The list of all members of the Commission follows:

MEMBERS OF THE COMMISSION

The names of the men and women appointed to the Commission, and the posts they occupied at the time of their appointment, were:

Mrs. Eleanor Roosevelt, Chairman (deceased).

Mrs. Esther Peterson, Executive Vice Chairman, Assistant Secretary of Labor.

Dr. Richard A. Lester, Vice Chairman, Chairman, Department of Economics, Princeton University.

The Attorney General, Hon. Robert F. Kennedy.

The Secretary of Agriculture, Hon. Orville L. Freeman.

The Secretary of Commerce, Hon. Luther H. Hodges.

The Secretary of Labor, Hon. Arthur J. Goldberg, Hon. W. Willard Wirtz.

The Secretary of Health, Education, and Welfare, Hon. Abraham A. Ribicoff, Hon. Anthony L. Celebrezze.

Hon. George D. Aiken, U.S. Senate.

Hon. Maurine B. Neuberger, U.S. Senate.

Hon. Edith Green, U.S. House of Representatives.

Hon. Jessica M. Weis (deceased), U.S. House of Representatives.

The Chairman of the Civil Service Commission, Hon. John W. Macy, Jr.

Mrs. Macon Boddy, Henrietta, Tex.

Dr. Mary I. Bunting, president, Radcliffe College.

Mrs. Mary E. Callahan, member, executive board, International Union of Electrical, Radio & Machine Workers.

Dr. Henry David, president, New School for Social Research.

Miss Dorothy Height, president, National Council of Negro Women, Inc.

Miss Margaret Hickey, public affairs editor, Ladies' Home Journal.

Mrs. Viola H. Hymes, president, National Council of Jewish Women, Inc.

Miss Margaret J. Mealey, executive director, National Council of Catholic Women.

Mr. Norman E. Nicholson, administrative assistant, Kaiser Industries Corp., Oakland, Calif.

Miss Marguerite Rawalt, attorney; past president: Federal Bar Association, National Association of Women Lawyers, National Federation of Busines & Professional Women's Clubs, Inc.

Mr. William F. Schnitzler, secretary-treasurer, American Federal of Labor and Congress of Industrial Organizations.

Dr. Caroline F. Ware, Vienna, Va.

Dr. Cynthia C. Wedel, assistant general secretary for program, National Council of the Churches of Christ in the U.S.A.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. GATHINGS. 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 Arkansas?

There was no objection.

Mr. GATHINGS. Mr. Chairman, the amendment of the gentleman from Virginia [Mr. SMITH] to protect the employment rights of all women should be agreed to. There can be no plausible reason that a white woman should be deprived of an equal opportunity to get a job simply because of her sex and a colored woman obtain that position because of her preferential rights as contained in this bill. Title VII seeks to make it an unlawful employment practice for an employer to fail or refuse to hire or to discharge or otherwise discriminate against any individual because of race, color, religion, or national origin. The language covers all employees, or would-be employees, except white women. I do not want to discriminate against a job applicant because of her sex and I hope that Members of this body will approve the amendment of the gentleman from Virginia.

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

Mrs. GRIFFITHS. Mr. Chairman, on that I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. CELLER and Mrs. GRIFFITHS.

The Committee divided, and the tellers reported that there were—ayes 168, noes 133.

So the amendment was agreed to.

AMENDMENT OFFERED BY MR. REID OF NEW YORK

Mr. REID of New York. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. REID of New York: On page 69, line 23, after "training"

insert "or retraining, including on-the-job training".

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

Mr. REID of New York. I yield to the distinguished chairman from New York.

Mr. CELLER. Mr. Chairman, this amendment is acceptable to me.

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

Mr. REID of New York. I yield to the gentleman from Ohio.

Mr. McCULLOCH. The amendment is acceptable over here.

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

Mr. REID of New York. I yield to the gentleman from New York.

Mr. LINDSAY. I congratulate the gentleman for offering this amendment. It does not change the meaning of the section at all. It restates what is already in it, and we will accept it.

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

Mr. REID of New York. I yield to the gentleman from Arkansas.

Mr. HARRIS. Mr. Chairman, what does the gentleman mean by "retraining"? If you have been trained in something, what is the interpretation of "retraining"?

Mr. REID of New York. In answer to the question of the gentleman from Arkansas, it includes those in need of new skills; and those affected when a business moves. It would deal with automation, those who have been automated out. It involves any kind of retraining of that sort.

Mr. HARRIS. In other words, if a person is trained in a particular skill and it is later determined he wants to pursue another skill and he is trained in that particular skill, then you call that retraining?

Mr. REID of New York. That is one definition.

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

Mr. REID of New York. I yield to the gentleman from Iowa.

Mr. GROSS. What will this cost?

Mr. REID of New York. I would hope it would save money, because I think apprentice training is basic to the whole question of hard-core unemployment. It is the area in employment where there is perhaps the greatest need—the semi-skilled and the unskilled.

As the gentleman perhaps knows, something like only two percent of those undergoing apprentice training in the United States are Negroes. I would hope this section and these additional words retraining and on-the-job training would make the section explicit; would help the whole question of unemployment; and would help the economy. Above all, I hope it will represent a step forward for equal opportunity or merit in employment.

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

Mr. REID of New York. I yield to the gentleman from New York.

Mr. LINDSAY. The word "training" as appears in line 23, page 69, includes retraining. The gentleman in his amendment does not add anything or take away anything. It just makes explicit what was intended by the drafters of the bill.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. PURCELL

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

The Clerk read as follows:

Amendment offered by Mr. PURCELL: Page 70, line 4, insert "(1)" immediately following "title," and immediately before the period in line 10 on page 70 insert the following: ", and (2) it shall not be an unlawful employment practice for a school, college, university, or other educational institution or institution of learning to hire and employ employees of a particular religion if such school, college, university, or other educational institution or institution of learning is, in whole or in substantial part, owned, supported, controlled, or managed by a particular religion or by a particular religious corporation, association, or society, or if the curriculum of such school, college, university, or other educational institution or institution of learning is directed toward the propagation of a particular religion".

Mr. PURCELL. Mr. Chairman, this amendment is being offered to provide protection to the organized religious groups in this country from action by the Federal Government under the provisions of title VII of this bill.

I am sure that it is not the intention of those who are supporting this bill to subject religious organizations or church groups to a requirement of hiring employees from outside their particular faith or belief. Evidence of the effort to protect these groups is found in the language of section 703. This section, as you will recall, exempted any "religious corporations, associations, and societies." Again, in section 704, the language indicates an intent to protect church-related organizations, when they have jobs involving a "bona fide occupational qualification reasonably necessary to a normal operation."

In my study of the bill, I discovered that generally the church-affiliated schools and colleges are not protected by these two attempts to exempt them.

Almost without exception, the term "religious corporation" would not include church-affiliated schools unless this definition should receive the most liberal possible interpretation by the courts. Actually most church-related schools are chartered under the general corporation statutes as nonprofit institutions for the purpose of education.

The same problem exists in section 704(e) as it now reads. A church-affiliated school could probably easily defend the choice of a professor of religion, a professor of philosophy, or even a professor in the social science department, on the basis of religious background and church membership. I believe, however, that a court could easily choose to interpret this law in such a way that the failure of a church-affiliated school to hire an atheist for the job of chemistry professor could subject that school to legal action.

It might be equally difficult to prove that a specific religious background would be a "bona fide occupational qualification reasonably necessary," in the hiring of a dean of students, or a director of a dormitory, or even the supervisor of library materials.

The church-affiliated schools should have the right to hire employees on the basis of religion if they choose to do so.

Should there be any doubt that these church-related schools come under this bill as "affecting commerce," I would like to call your attention to the fact that these schools: First, sell research projects to both the U.S. Government and private enterprise; second, they sell radio and TV rights to their athletic contests; third, they sell pamphlets, books, and text materials; and, fourth some of them own stocks and government bonds.

The National Labor Relations Board has found several times that colleges qualify under the commerce clause as "affecting commerce."

There may be some who feel that it would be an unwise policy for a church-affiliated school to restrict itself only to members of its own church for its employees, but certainly it should be their right to do so.

Failure to specifically exempt church-affiliated schools could subject them to legal action that should never have to happen. The church-related school should never be called upon to defend itself for failure to hire an atheist or a member of a different faith. Also the school should not be called upon to prove in a legal action that it is protected by a provision of this bill. It should be so spelled out that there is no question of their right to hire employees on the basis of religion.

Failure to be sure that church schools are exempt would be failure to continue the recognized policy of keeping churches and church activities free from Federal controls. Failure to provide specifically for the exemption of church schools as given in my amendment would be an intrusion on the right to freedom of religion and would be a violation of the principle of separation of church and state.

I earnestly request your support for this amendment.

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

(By unanimous consent, at the request of Mr. EDMONDSON, Mr. PURCELL was granted permission to proceed for 2 additional minutes.)

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

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

Mr. EDMONDSON. Will the gentleman tell us, is this designed to be confined entirely to schools that have a mission to propagate a religious faith? Do I understand that part of the gentleman's amendment correctly?

Mr. PURCELL. This amendment would be limited to church affiliated colleges and universities, part of whose

mission, I am sure, is to propagate the belief of the denomination that is supporting that educational institution; yes, sir.

Mr. EDMONDSON. If I understand the exemption correctly, it would apply only to selections which they make of personnel on the basis of religion; is that correct?

Mr. PURCELL. It would be only on the basis of religion. It does not touch color, race, or country of origin, or any other aspect.

Mr. EDMONDSON. I thank the gentleman, and will support the amendment.

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

Mr. PURCELL. I yield to the gentleman.

Mr. GATHINGS. Mr. Chairman, I support the gentleman's amendment and wholeheartedly hope that the amendment will be adopted. Religious institutions should not be subjected to domination or control of the Equal Employment Commission or any governmental body in connection with the hiring of faculty members or any employees or in any way interfere with the policies of the religious organization. There should be complete separation of church and state.

Mr. PURCELL. I thank the gentleman.

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

Mr. Chairman, the amendment offered by the gentleman from Texas [Mr. PURCELL] would broaden the exemption of section 704(a) which provides that where religion or national origin is a bona fide occupational qualification and reasonably necessary to the normal operation of a particular business or enterprise, the provisions of title VII shall not apply.

Section 704(e) seems clearly to exempt teaching and administrative positions in religious, educational institutions, and the amendment therefore is unnecessary with respect to these classifications.

However, insofar as the gentleman's amendment would also exempt nonadministrative and nonteaching personnel, the amendment goes too far.

Now we cannot object to any bona fide occupational qualifications for positions like professors, teachers, experts, research assistants, registrars, deans, or directors of dormitories. We exempt them under the present wording of the statute, but the gentleman goes further, and he would exempt nonadministrative and nonteaching personnel and practically all personnel or employees of a particular organization.

He would exempt, for example, janitors. He would exempt laborers. For that reason—because it would go too far—and for the further reason that the wording of the provision in the bill is ample for the purposes, I feel I must oppose the amendment.

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

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

Mr. McCULLOCH. The chairman has carefully and accurately analyzed the legislation as is and he has carefully and accurately analyzed the amendment. I am of the opinion that it is not within the intent, the spirit, and the purpose of the legislation as written and as understood by an overwhelming majority of the House to change that concept. In my opinion, the amendment should be rejected.

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

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

Mr. HARRIS. As an example, let us suppose that Ouachita Baptist College in my district received an application from a person who happened to be an atheist for a position of janitor. Suppose that the college determined it would not be a proper employee. Suppose he made a complaint. Would the Commission then have authority to investigate and take action?

Mr. CELLER. Religion is not, and should not, be a qualification for the job of janitor.

Mr. HARRIS. The gentleman said a moment ago that subsection (e) was applicable insofar as the exclusion is concerned, with reference to teaching.

Mr. CELLER. As to teaching, yes; and as to administrative positions, yes; but when it comes to nonteaching and nonadministrative positions, for ordinary laborers, there should not be an exemption.

Mr. HARRIS. Then an atheist could be forced upon this particular college?

Mr. CELLER. Not necessarily. It would depend on all the circumstances.

Mr. HARRIS. But the Commission would have authority to determine whether it would come within the statute?

Mr. CELLER. That would be for the courts and the Commission. That example goes a little too far.

Mr. HARRIS. Perhaps so, but I am trying to get an understanding.

Mr. CELLER. I wish to make this clear. Certainly with respect to bona fide occupational qualifications involved in teaching and involved in the administration of a college that is covered by the title, and which may be denominational, the act shall not apply. However, with respect to nonteaching and nonadministrative positions, the ordinary laborers and the ordinary janitors, I believe the act should apply. That is what we intended.

The CHAIRMAN. The time of the gentleman from New York has expired.

(By unanimous consent Mr. CELLER (at the request of Mr. HARRIS) was given permission to proceed for 2 additional minutes.)

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

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

Mr. HARRIS. I used an example of my own denomination. It could have been Catholic University or any other religious school.

A person who did not have a professed belief in God, then, could go to an institution, could apply for a laborer's job or for a janitor's job, if that were a position, and, if turned down, would have a right to go to the Commission?

Mr. CELLER. If the institution was not a "religious corporation or society," you would be correct.

Mr. HARRIS. And the Commission would have a right to say to the institution, "You have to give consideration to this man's employment."

Mr. CELLER. Yes. They would have to give consideration to it.

Mr. HARRIS. They would?

Mr. CELLER. Yes.

Mr. HARRIS. The amendment ought to be adopted, then.

Mr. CELLER. I believe the amendment should not be adopted. The gentleman has given a very isolated case which probably would not arise.

Mr. HARRIS. Let me give another illustration. Suppose a man applied as a coach of the football team. Would that be included?

Mr. CELLER. That might be in the nature of an administrative qualification, for a football coach.

Mr. HARRIS. It might be?

Mr. CELLER. It might be.

Mr. HARRIS. But it might not be?

Mr. CELLER. I believe it likely would be. I believe it would be administrative.

Mr. HARRIS. We are getting into a very dangerous area, Mr. Chairman.

Mr. CELLER. All of these cases might be in a dangerous area, and they would have to be tested in the courts, eventually. All new legislation presents difficulties.

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

Mr. Chairman, I hesitate to take time on this. I have not spoken often today, but I think the gentleman from Texas offered an amendment which deserves very careful scrutiny before this House acts precipitously. Let us ponder for just a moment why the authors of this bill considered it wise to grant any exception under the FEPC title to those institutions which might for one reason or another prefer to employ people who profess a particular religion. Was it not because they realized that the heads of the institutions were concerned that the employees who came in daily contact with the students enrolled in those institutions might influence those students? And who can say what employee will influence the impressionable mind of a student and what employee will not? If you will pardon the personal allusion, the best friend I had among the employees of the college I was privileged to attend was not the professor of political science but the janitor. And that old gentleman had a very great impact upon the formulation of many of the convictions which I hold dear today. I say that we should not tamper with the freedom of any religious body in the operation of any of its institutions to propagate its religious beliefs by meddling with the employment policies it pursues.

Accordingly, I most earnestly, I most earnestly hope that we will not for the sake of expedition or dispatch, about which we have heard so much, lightly disregard and cast aside the import of the amendment offered by the gentleman from Texas.

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

Mr. Chairman, I regret that it is necessary to oppose the gentleman from Virginia, my colleague, on so many occasions. I repeat what I said with respect to the chairman's statement. My conclusion was not hastily arrived at. The bill as drafted exempts all administrative personnel and those of the teaching profession in these religious institutions. It would, in my opinion, exempt the executive officials of the religious institutions. I ask the members of this committee why should the janitors of an institution be discriminated against in seeking employment on the ground that they were going to influence students in these educational institutions? If we adopt this amendment, we may well be building in the bill a legal discrimination which we have worked so long to eliminate. In my opinion, the amendment is not needed and will not serve the purpose intended by an overwhelming majority of this House.

Mr. HUTCHINSON. Mr. Chairman, will the gentleman yield to me for a question?

Mr. McCULLOCH. I yield to the gentleman for a question.

Mr. HUTCHINSON. I would like to ask the gentleman this question: Let us suppose a situation of a church-related college where the religious organizations of the church make contributions of one sort or another to the support of that college. Then do I understand that a man who is a professed atheist can be hired as the janitor at such a college and that the good people of that church can be made to support him?

Mr. McCULLOCH. This bill will have nothing to do with the logical reasons of hiring or failing to hire anyone. No chief of personnel of any religious educational institution needs to hire any atheist, if that be a logical reason for not hiring employees there. We are talking about discrimination by reason of color.

Mr. HUTCHINSON. No. We are talking about discrimination by reason of conviction.

Mr. McCULLOCH. And religion.

Mr. ROOSEVELT. Will the gentleman yield?

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

Mr. ROOSEVELT. Mr. Chairman, I want to say to the gentleman from Ohio that he has exactly expressed the views of those who originally wrote this legislation. In section 703 we clearly exempt all religious corporations as such, definitely and properly, and then on page 70, beginning at line 4 we again do just what the gentleman said which is, wherever there is a proper bona fide reason, because of the occupational qualification, there can be no question that the people would be exempt and need to be exempt.

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

Mr. Chairman, I have for the past few days sat on this side of the aisle and consistenly supported the committee in their opposition to the many amendments which have been offered to this bill. However, on this particular amendment I must desert their cause, because I do not believe it is just. The gentleman from Texas is a very sincere and able colleague of ours. It was not his intention in any way to deprive us of the full effect and intention of this bill which was to protect and to assure our colored friends their just rights. This goes to something I think would touch almost every Member here because surely they have a denominational school in their district.

I am not so sure, as has been stated here, that the exclusion of that section 703 does apply. I am not so positive of that. First of all most of these schools are religious, nonprofit corporations. Secondly, we have no assurance that a church-related college or university is a religious corporation. Then, too, I think you have to understand the atmosphere of a college campus if that college or university is denominational.

I attended a denominational college. I serve on the board of trustees of a denominational college. I lived on the campus of a denominational college. That college insists not only that its administrators, not only its teachers and professors adhere to its religious beliefs, but insists that the janitors and everyone else who is employed by that school adhere to those beliefs. That college should have the right to compel the individuals it employs to adhere to its beliefs, for that college exists to propagate and to extend to the people with whom it has influence its convictions and beliefs. To force such a college to hire an "outsider" would dilute if not destroy its effect and thus its very purpose for existence.

There are five such schools in my particular district and each of them fits this category. You have to understand the total atmosphere of these college campuses in order to understand what this gentleman is attempting to do. To force them to hire those outside their own beliefs destroys the total influence of those colleges. Surely the membership of this House does not want that.

Mr. Chairman, I strongly urge my colleagues to support the amendment of the gentleman from Texas. I think it is a good amendment and should be adopted.

Mr. ROBERTS of Texas. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I take this time in order to direct a question to the gentleman from California [Mr. ROOSEVELT]. The district I am privileged to represent has probably the largest church-supported orphans' home in the United States. As a matter of fairness, the house mothers for those orphans are widows of preachers of the same faith and, insofar as possible, retired ministers make up most of the other personnel.

My question is this: Is that home completely exempt? Can they employ people of their own faith in all positions in the orphans' home?

Mr. ROOSEVELT. May I ask a question? Is the organization to which the gentleman refers wholly owned by this religious order?

Mr. ROBERTS of Texas. Yes, it is.

Mr. ROOSEVELT. Unquestionably it would be exempt under section 703.

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

Mr. ROBERTS of Texas. I yield to the gentleman from Hawaii.

Mr. GILL. Is it an educational institution?

Mr. ROBERTS of Texas. It is an orphans' home. They operate a school in connection with it, but they also operate a very large experimental farm to take care of the orphans of the faith of this group of people. In light of the problems raised, the gentleman from Texas [Mr. PURCELL] has offered an amendment that should be approved by this body, and if there is any doubt, certainly it should be approved.

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

Mr. ROBERTS of Texas. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. I would agree with the gentleman wholeheartedly on the last statement he made because of the difference that appears to prevail in the leadership of the committee on this question. Very definitely, the gentleman from California and the gentleman from Hawaii too have given a different answer on this point than the answer that was given by the very distinguished and able chairman of the committee. Unless the chairman of the committee modifies his views as he has given them to this committee, it seems to me the only safe course to follow to assure fair action to these religious institutions such as the gentleman has described is to adopt the amendment offered by the gentleman from Texas.

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

Mr. ROBERTS of Texas. I yield to the gentleman from Kentucky.

Mr. CHELF. Mr. Chairman, I would like for the RECORD to show that I supported the previous amendment that gave all women of this Nation equal rights. As a member of the Judiciary Committee for 19 years, I have supported equal rights for women all that time. I want the RECORD to show also I am supporting this amendment because I have far too many religious orders in my district to take any chances. I have many splendid Catholic colleges, schools and orders. Why I have the famous and God-fearing order of the Trappist Monks, Baptist colleges, Presbyterian colleges, even some fine Mormons. All of these good people have the right under the first amendment to follow the religion of their own choice. My colleagues—insomuch as there is much doubt in the hearts and minds of many of us—let us vote for the Purcell amendment. We absolutely cannot take any chances—there is far too much at stake.

Mr. Chairman, I want to compliment both the gentleman from Texas [Mr. PURCELL] and the able gentleman from Texas [Mr. ROBERTS] for their great fight to remove any doubts about religious freedom in this Nation.

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

Mr. ROBERTS of Texas. I yield to the gentleman from Hawaii.

Mr. GILL. Can the gentleman tell me whether he believes a large institution of higher education which is receiving a substantial amount of Federal funds, which happened to be connected with one denomination or another, should be allowed to prohibit the hiring of all other members of that institution?

Mr. ROBERTS of Texas. I certainly do. I believe any religious institution should select any employee of any faith desired.

Mr. GILL. Including the use of Federal funds?

Mr. ROBERTS of Texas. There are no Federal funds involved. The gentleman is adding a condition that does not exist. There are no Federal funds involved in this orphans' home.

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

Mr. ROBERTS of Texas. I yield to the gentleman from Texas.

Mr. WRIGHT. Since there seems to be some doubt, if the authors of the bill believe it is the intent of the bill to exempt such institutions in the employment of people on their faculty and similar jobs, if they believe that, what possible harm can there be in spelling that out as the gentleman from Texas does in this amendment of his?

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

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

Mr. HARRIS. I want to ask a question of the distinguished gentleman from California as to whether or not there is any difference between a religious corporation and an educational institution that is supported by a denomination?

Mr. ROOSEVELT. It depends on the individual case. You will have many institutions which do not even come under the commerce clause, and they have to come under the commerce clause in order to be eligible at all under the act.

Secondly, there are other institutions which would, and I think it would depend somewhat on the degree of operations by the individual university or college, like Catholic University.

Mr. HARRIS. Is the Catholic University a religious corporation?

Mr. ROOSEVELT. I do not know. I think it is owned by one of the orders of the Catholic Church.

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

(On request of Mr. POAGE, and by unanimous consent, Mr. ROBERTS of Texas was allowed to proceed for 5 additional minutes.)

Mr. HARRIS. Mr. Chairman, will the gentleman yield for a question to the gentleman from California again?

Mr. ROBERTS of Texas. I yield.

Mr. HARRIS. The distinguished gentleman from New York, the eminent and very able chairman of the Committee on the Judiciary, I think answered forthrightly a moment ago what I deem to be the correct interpretation of this act applicable to this particular problem. The distinguished gentleman from California seems to rely on the exemptions in section 703. I find no place where there is any distinction between what the gentleman refers to as a religious corporation and an educational institution conducted as such by a religious organization. From the gentleman's response a moment ago, I simply do not believe the distinguished gentleman from California can give the committee the correct answer to the question as to whether or not it would be applicable.

Mr. ROOSEVELT. Will the gentleman yield so that I can have a try at it?

Mr. HARRIS. I would like to have that information from the gentleman if he can give it.

Mr. ROOSEVELT. I can only tell the gentleman what the purpose of the committee was. Let me give an example. Suppose you have a religious corporation. My son happens to go to one of them, which is wholly owned and operated for the purposes of a religious corporation. It is not open to outside students. It is run only for the purposes of that religious corporation. Suppose, however, we take the case of Catholic University.

Mr. HARRIS. That is all right with me, because I used the example of Ouachita Baptist College, in my district, in my earlier remarks.

Mr. ROOSEVELT. Here is a university that is not run only for the particular order that owns it, it is an institution operated for general purposes. It would be correct to say, I believe, that it is operated for religious purposes only in the case of religious courses, or something of that kind. There, I think, they would have the right to demand that religion play a part. They would not want anybody not related to that religious purpose.

Mr. HARRIS. Then I would say to the gentleman that the chairman of this committee is correct when he says it would be applicable to an educational institution supported by a particular denomination, and the gentleman's interpretation of section 703 is narrowly limited to that particular religious corporation which promotes only the beliefs of that organization.

Mr. ROOSEVELT. I think the gentleman from New York and I are in complete accord on it.

Mr. HARRIS. Then the amendment should be adopted.

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

Mr. ROBERTS of Texas. I yield to the gentleman from Texas.

Mr. POAGE. It seems we have two different viewpoints on the part of the committee. The chairman has clearly expressed, as the gentleman from Arkansas pointed out, his viewpoint, which I think is the proper interpretation of the bill as written. The gentleman from California and the gentleman from Hawaii have indicated that in their view the bill is subject to a different interpretation, but they then narrowed that down to where it probably has no meaning.

Now, is it the view of the gentleman from Texas, as it is mine, that a great majority of the church-affiliated schools over the United States are established not simply to provide instruction in mathematics, science, or language, or even simply to promulgate a specific religious faith but in a great many cases it is also to provide a religious atmosphere in which they may help develop a better citizenship, and that that religious atmosphere certainly cannot be maintained if these schools are required by some agency in Washington to employ any atheist that comes along and asks for employment when they have a vacancy?

Mr. ROBERTS of Texas. I certainly agree with the gentleman from Texas [Mr. POAGE]. I feel that here are these religious leaders and their wives who have contributed to this religious faith all of their lives. Now they have come upon times when they need to be employed. Certainly, they are entitled to be taken in by their church that they have supported all of their adult life.

Mr. CHELF. If there is any doubt about it, then we should adopt the amendment; should we not? Of course, we should.

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

Mr. ROBERTS of Texas. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

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

There was no objection.

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

Mr. ROBERTS of Texas. I yield to the gentleman.

Mr. POAGE. Without regard to the orphans' home, and I think the gentleman has given us a splendid illustration there, but there are hundreds of church-affiliated schools throughout the United States. Maybe they are more prevalent in the country with which I am familiar than they are in the area with which the chairman of the Committee on the Judiciary, the gentleman from New York, is familiar. There are hundreds of them across the South. I think these schools are rendering a wonderful service to our Nation and to our civilization. I think, if they should be wiped out, and even if we should replace them with State-supported institutions which might well be able to give our young people every bit of education and cultural training which these church-affiliated institutions are now giving, Mr. Chairman, that the Nation would suffer an irreparable loss in the type of training for citizenship and Christian living which the church-affiliated institutions provide.

I want to ask the gentleman from Texas if he did not understand that the chairman of the Committee on the Judiciary made it perfectly plain that he did not believe that our church-related schools had any purpose except to promote a particular theology. The chairman made it plain that he was not concerned with the moral or religious attitude of the students, but that his only concern was to see that there were properly qualified teachers of mathematics and of physics and of sociology and that he was willing that the head of the department of religion held views somewhat in accord with the beliefs of the denomination which supported the school. He then went on to make it clear that the bill as written would prohibit

the school from refusing employment to a housemother, for instance, just because she was an atheist. Would not the gentlemen agree that any church affiliated school should be free to deny employment to anyone who comes in contact with students—and on the strictly religious grounds that such a person was of another faith?

Mr. ROBERTS of Texas. I would answer the gentleman by saying we certainly have no unanimity and certainly the amendment ought to be adopted.

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

Mr. ROBERTS of Texas. I yield to the distinguished chairman of the full committee.

Mr. CELLER. There is no inconsistency whatsoever with the statement I made and the statement made by the gentleman from California.

Mr. ROBERTS of Texas. May I repeat the illustration, Mr. Chairman, since the gentleman from New York was not here when I first started to speak.

I have in the district that I am privileged to represent one of the largest church supported orphans homes in the United States. As a matter of course, they employ the widows of deceased preachers of their faith and pastors who have become disabled to come in as teachers in that orphans home. They maintain a large farm. It is a wholly church supported institution. Is my orphans home exempt from your bill?

Mr. CELLER. If it is a wholly church supported organization, that is, a religious corporation that comes under section 703.

Mr. ROBERTS of Texas. But it is not set up as a corporation.

Mr. CELLER. Will the gentleman let me please answer. I appreciate the gentleman's impatience, but please let me answer.

That orphans home, as the gentleman described it, would be exempt under the terms of section 703 where we state specifically that this title should not apply to an employer with respect to the employment of aliens outside any State, or to a religious corporation, association, or society. So, therefore, they would be exempt completely.

Mr. ROBERTS of Texas. Mr. Chairman, it is not established as a corporation. It is an association. It is not a corporation.

Mr. CELLER. The language of the bill uses the word "association" and therefore would be covered by this provision. The bill says "religious corporation and association or society." The word "association" is in the bill and, therefore, they are exempt.

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

Mr. ROBERTS of Texas. I yield to the gentleman.

Mr. COLLIER. In light of the fact that the question was raised here on whether or not this amendment would be in order where there are Federal funds used in aid or in support of an institution of higher learning under this amendment, I respectfully call to the attention of the House that in the original land-grant charter of the American University here in Washington, the U.S. Government permitted a provision that certain members of the board of directors be of the Methodist faith.

So I believe by precedent and historically this should erase any argument which might develop in that light.

Mr. ROBERTS of Texas. Mr. Chairman and my colleagues, under the circumstances it would seem obvious there is no way to be certain other than by adopting the amendment of the gentleman from Texas [Mr. PURCELL]. I hope it will be adopted and I congratulate the gentleman for introducing the amendment.

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

I shall not use the entire 5 minutes.

I should like to remind Members of the remarks made by the ranking minority member of the committee, the gentleman from Ohio [Mr. MCCULLOCH] when he stated very clearly that the bill provides a clear exception in any instance when religion or national origin is a bona fide occupational qualification reasonably necessary to the normal operations of the business or enterprise.

What could be more reasonable? What could be more all embracing? What could be more fair than that language?

I cannot understand why we should now open this up to the broadest possible loophole by removing the standard that the exception be related to bona fide occupational qualification reasonably necessary to the enterprise. No college, no school, no university, no church that I can think of would call this standard unreasonable. It appears to me to be eminently fair.

The amendment which has been offered is designed to strike out any standard at all and would eliminate the application of this act in all areas involving colleges and universities of religious orientation. It seems to me to be unreasonable. I believe the amendment should be voted down.

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

Mr. LINDSAY. I yield to the gentleman from Arkansas.

Mr. HARRIS. Do I correctly understand the gentleman to say that there is no conflict between what is presently included in the exemption of the present section and the provisions included in the amendment offered by the gentleman from Texas?

Mr. LINDSAY. There is most certainly a conflict, because the amendment offered by the gentleman from Texas would remove the standard.

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

It seems to me, at this stage of the debate, we may tend subconsciously to become confused with respect to the racial provisions of the law and the religious provisions. What we are in the position of advocating, it seems to me, if we take a position against this amendment, is that a religiously founded and maintained institution shall be judged on its compliance with the laws of the United States on the basis of the number of people of some other faith it employs. That does not seem reasonable to me.

I believe there is room for an exception. Perhaps more important than this is the point beginning to be made repeatedly by speakers at this time that if there ever was a legislative history which became confused in the time of less than an hour, this is it. I believe every shade of opinion has been ventured on this language which is conceivable.

I agree most wholeheartedly with the vigorous gentleman from Kentucky and others that so long as there is any question about the interpretation of this we should nail it down with the amendment of the gentleman from Texas.

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

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

Mr. SCHADEBERG. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

I rise in support of this amendment. At this point in our deliberations I am inclined to vote for this bill. I, however, must vigorously approve any attempt by this Government to interfere in any way with any church or religious institution in its hiring of personnel—in any category.

I agree with my good friend from Ohio that by this amendment we may be throwing a legal roadblock in any way—but if we do not include this amendment we are throwing a moral roadblock in the attempts of the church related institutions to carry out what they consider to be their moral responsibility to their faith.

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

Mr. Chairman, I think the evening has worn on to the point where the hunger gnawing at our vitals may be gnawing a little bit at our understanding as well. We are now attempting to move into an area where there are great wells of emotion, where there is probably a great well of misunderstanding, intentional or otherwise, and an area which is going to cause us a great deal of difficulty unless we stop and think carefully about what we are trying to do here.

I assume the gentleman offering this amendment is not trying to kill the bill. I have to make that assumption. I assume he is not trying to open up a door which will cause us trouble in the future.

I would like to call your attention to the language of the amendment, which is the only thing that has not been discussed so far. The amendment says:

> It shall not be unlawful employment practice for a school, college, university, or other educational institution or institution of learning to hire and employ employees of a particular religion if such school, college, university or other institution of learning is in whole or in substantial part owned, supported, controlled, or managed by a particular religion or by a particular religious group, association, or society or if the curriculum of such school, college, university, or other educational institution or institution of learning is directed toward the propagation of a particular religion.

Let me merely point out that a very large percentage of the private universities of this country—and American University has been mentioned; Harvard University has not been mentioned, but I now mention it, and Southern Methodist University is another, and there are scores of other large and prestigious universities of this country that were connected in the beginning or are still connected with some particular denomination of the Christian faith. What this amendment would allow these universities to do, if they so desired—and I think or I hope, at least, that their good sense would prevent them from doing it—would be to say that you cannot work for Southern Methodist if you are a Presbyterian, or you cannot work for Harvard if you are a Catholic.

Now, this is ridiculous. If what is involved is the control of the institution or exercising guidance over it, as some of your boards of visitors in your Methodist colleges do, fine; you are exempted in the act. It is a bona fide condition of employment. But if it is a matter of working as a janitor or cafeteria employee, why should you be a Methodist, Presbyterian, Catholic, or, in my State, a Buddhist? What difference does it make as long as you can do the job? I might ask you further what difference does religion make to a mathematics professor at Southern Methodist? Are Methodists better mathematics professors than Presbyterians or Baptists? Not necessarily. It depends on the individual. I think you are opening up a Pandora's box, perhaps unintentionally.

If the gentleman who offered this amendment would like to limit the application of the amendment by the condition that the curriculum of such school is directed toward the propagation of a particular religion, I think his amendment would be fine. Certainly you should hire Methodists to teach Methodism but not necessarily Methodists to sweep the floor just because they are Methodists.

I would also like to point out there is hardly a large private school in this country that does not receive substantial amounts of Federal funds. We all know this. And under the new Higher Education Act they will receive more funds. Do you not think you are going to run into a problem here of paying Federal funds to an institution which would have the right under this law to say, "We will not hire certain qualified citizens of these United States purely because of their religion"? I think you have a problem—a real bag of pears, prickly pears, out of Texas.

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

Mr. GILL. I yield.

Mr. EDMONDSON. I thank the gentleman for yielding.

Mr. Chairman, I will concede that some of the points he has made have validity, but I think when you turn the coin around, when you look at it from the other side, a case can be made which is just as strong the other way. While I think it is very unlikely that a university like Harvard would lay down the type of restriction you are talking about, at the same time will not the gentleman concede that a college that is dedicated primarily to the propagation of its faith should have the right to say that, "We are not going to hire someone who opposes that faith and vigorously talks against that faith?" Should not that college have at least that basic right, on the other side?

The CHAIRMAN. The time of the gentleman from Hawaii [Mr. GILL] has expired.

Mr. QUIE. Mr. Chairman, I rise in support of the Purcell amendment.

Mr. Chairman, I am going to support this amendment because I think it will clear up what we really mean to do. There seems to be an assumption that religious-affiliated educational institutions—an assumption made by those who oppose the Purcell amendment—refuse to hire anyone of a religion other than their own. That is just not the case. You will find instance after instance in religious-affiliated educational institutions where they hire people of other religions. I know of instances where a Catholic university hired a Jewish professor or a Lutheran college hired a Catholic professor. What we are really saying by this amendment is that there is no way for the Federal Government to make the judgment of whether the institution made a mistake in selecting a person because they took into consideration his religion.

Let us take for example Harvard University which has been referred to as having religious affiliation. Suppose they have a Newman club in that university and they want to hire a mathematics professor who agrees that he will be the advisor of a Newman club at that university. They should be permitted to do that. There is nothing in this amendment which goes to the question of race, color, or national origin. In title VI if the university receives Federal money under the Academic Facilities Bill that we passed earlier this year they will be subject to the provisions of Title VI in regard to race, color, or national origin.

However, I think there is no way for the Federal Government to make a proper decision as to the religion of employees in religious educational institutions. I think in the case of an institution which is in whole or in part connected with a religious denomination or is directed toward the propagation of a particular religion, that decision ought to be made by them and in order to make it absolutely clear this amendment should be adopted.

This amendment does not strike out any language that applies to section 703. The language in 703 still applies. The language in section 704(e) still applies. Nothing has been stricken.

Just to make it abundantly clear, in the case of religious educational institutions or those that propagate a particular religion, they can have this freedom to decide whether they think a janitor or somebody to take care of their lawns or a mathematics professor or someone working in the treasurer's office in the college or any other employee should be of any particular religion. They may want him to be of their own religion or some other religion. I think we had better leave religious decisions to religious institutions themselves and not attempt to do it ourselves through Federal executive agencies.

Therefore I believe that we can and should in our best judgment support this amendment.

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

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

There was no objection.

Mr. DON H. CLAUSEN. Mr. Chairman, the amendment offered by the gentleman from Texas [Mr. PURCELL] deserves our most serious consideration. In my judgment, it is one of the most important amendments yet introduced. I vigorously support this amendment and urge my colleagues to do likewise because it penetrates right to the heart of the church-state issue. The fact that this bill, if enacted into law, without the Purcell amendment could set the stage for regulation or possible subversion of any religion, under the guise of discrimination is, in my opinion, in direct conflict with the first amendment to the Constitution. As stipulated, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof"; the language is precise and very clear.

Unless this amendment is accepted, the civil rights bill in its entirety will be in jeopardy for final passage and rightly so because one of the most important and fundamental rights of mankind is that of religious liberty. Destroy this, in whole or in part and you have set the stage for the moral decay of this great republic.

Any and all acts by legislation or Executive decree which unite or tend to unite church and state are subversive of human rights, potentially persecuting in character, and opposed to the best interests of church and state, therefore, it is not within the province of human government to enact such legislation.

It is our duty to use every lawful and honorable means to prevent the enactment of legislation which tends to unite church and state, and to oppose every movement toward such union, so that all may enjoy the continuing and inestimable blessings of religious liberty.

Mr. LINDSAY. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. LINDSAY to the amendment offered by Mr. PURCELL: In line 3, after the word "employ", insert "administrative or instructional".

Mr. HARRIS. Mr. Chairman, I ask unanimous consent that the original amendment be read as amended by the amendment that has been offered to the amendment.

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

There was no objection.

The Clerk read as follows:

On page 70, line 4, insert "(1)" immediately following "title," and immediately before

the period in line 10 on page 70 insert the following: ", and (2) it shall not be an unlawful employment practice for a school, college, university, or other educational institution or institution of learning to hire and employ administrative or instructional employees of a particular religion if such school, college, university or other educational institution or institution of learning is, in whole or in substantial part, owned, supported, controlled, or managed by a particular religion or by a particular religious corporation, association, or society, or if the curriculum of such school, college, university, or other educational institution or institution of learning is directed toward the propagation of a particular religion.

Mr. LINDSAY. Mr. Chairman, it seems to me that the amendment to the amendment covers on all fours precisely the problem that we were discussing, and I would hope that the distinguished gentleman from Texas, author of the original amendment, would accept this amendment to the amendment.

Mr. CELLER. Mr. Chairman, I accept the amendment to the amendment offered by the gentleman from New York and I understand the author of the amendment will accept it.

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

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

Mr. POFF. May I inquire of the gentleman if the language on pages 68 and 71 does not already exclude administrative and instructional personnel?

Mr. LINDSAY. It does not, because there would be religious qualifications involved.

Mr. POFF. What does the language in those sections exclude?

Mr. LINDSAY. A librarian would be one.

Mr. POFF. Are professors instructional personnel?

Mr. LINDSAY. Yes; all members of the faculty, deans and the dean offices.

Mr. POFF. Is the gentleman saying when the language was written on pages 68 and 71 there was no intent to except professor's in church-related schools?

Mr. LINDSAY. Again, every professor, in my judgment, could be one who could meet this standard that is written into the bill; he may have the occupational qualifications reasonably necessary for the operation of that institution.

Mr. POFF. I can only express the hope that the author of the amendment will not heed the entreaties to accept the amendment to his amendment.

Mr. LINDSAY. I cannot see how a reasonable man could quarrel with the proposition. The amendment would cover members of the faculty. It covers all administrative personnel. The persons who would not be covered would be those of the labor force, groundskeeper and the like. I am at loss to try to discover what the objection is.

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

Mr. LINDSAY. I yield to the gentleman from Minnesota.

Mr. QUIE. What about the housemother in a girls' dormitory, or the family that takes care of the boys' dormitory?

Mr. LINDSAY. That is clearly administrative.

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

Mr. LINDSAY. I yield to the gentleman from Mississippi.

Mr. WHITTEN. Is it not commonly taken in law that where you set out by name a particular group, which is excepted, that the courts would hold all those not named would be included? If you except administrative employees together with one or two groups by name, do you not thereby include everybody else or every other group not mentioned?

Mr. LINDSAY. I think the word "administrative" is very wide. I understand the gentleman's point of view. He does not want to include anybody.

Mr. WHITTEN. Is it not true that when the gentleman's amendment attempts to name one group, the provisions of the act would apply to everyone who is not named?

Mr. LINDSAY. Who is the gentleman worried about? What employees is the gentleman concerned about?

Mr. WHITTEN. Where religious institutions are involved, I believe that the religious institutions should have full right to see that all employees fit into their own plan of operations and are cooperative with what their objective is. There are plenty of religious denominations who are taught under their beliefs to be missionaries, to attempt to convert every other person they come in contact with. I will not call their names here, but there are several such denominations in the United States. The gentleman would require a religious group to employ even members of these competing religious groups who make a practice of converting members of another faith? I say to the gentleman that would be done.

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

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

Mr. ASHMORE. I yield to the gentleman from Iowa.

Mr. GROSS. The gentleman from New York [Mr. LINDSAY] says he is at a loss to understand why the author of the amendment, the gentleman from Texas [Mr. PURCELL], will not accept his amendment. May I say a few words: In the first place, the gentleman from New York [Mr. LINDSAY] was opposed to any amendment to the original language of this section of the bill. He said there was nothing wrong with it; that there be no tampering with the bill. So did the gentleman from New York [Mr. CELLER]. Now they offer an amendment and expect us to follow them down their "primrose path."

Mr. ASHMORE. I agree with what the gentleman from Iowa has said. It is as I said last Saturday during the general debate. I attempted to tell you how this bill got here. It was never considered by the full Judiciary Committee. Mind you, I say the full committee. The full Judiciary Committee has never debated, never discussed, never analyzed, and never attempted to amend one single word, line, phrase, or section in title VII of this bill. If we had, it would have come to you in far different shape than what it is today.

Therefore, I say we are spending time here this afternoon on this measure that should have been spent months ago by the Committee on the Judiciary of this House of Representatives where 35 lawyers could have sat down and acted as a law firm at the conference table and discussed this thing in a proper, calm, temperate manner, as we ordinarily do when we have important legislation to consider.

Of course, that is all gone—water over the dam. But I just want to emphasize to you that here we have the chairman of the Committee on the Judiciary and the ranking minority member of the committee offering 8 or 10 amendments, to perfect this most imperfect bill—this bill that all of us will have to acknowledge is in exceedingly bad condition, and which should never have come here to this floor.

Now to get to the main point for which I arose, Mr. Chairman. Certainly there is, in the minds of most Members of this House, serious question as to whether religious institutions are eliminated or covered under the present language of the bill. Therefore, as several Members have already stated, we should give serious consideration to this and, if there is any doubt about what the bill now provides, we should support the amendment offered by the gentleman from Texas.

But there is one point that has not been mentioned so far in the debate on this paritcular amendment. That is something fundamental which I want to call to your attention. I do not believe anyone then will say that there is any reason not to adopt the amendment of the gentleman from Texas.

I call to your attention, Mr. Chairman, and to my friends on both sides of the aisle that the first amendment to the Constitution of the United States says, that is the clause I am interested in says:

Congress shall make no laws respecting an establishment of religion or prohibiting the free exercise thereof.

Now is the Government of this country under this FEPC section of the bill entitled to tell a college or university of any religious faith who they must hire or fire? Whether the employee is a member of the faculty or of the administrative department of the university or college, or whether he be a cook, janitor, or gardener, it makes no difference—because it would be contrary to the Constitution in either case. That college or that university has the right, if it is a religious institution, to select all of its administrative officers, its faculty members and all of its employees without being dictated to by the Federal Government.

So if you do not adopt the amendment that my friend, the gentleman from Texas offered, you will be going directly contrary to the first amendment of the Constitution. The language in the bill as now written is unconstitutional.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BENNETT of Florida. Mr. Chairman, I move to strike out the last word.

I come in the well of the House with a great deal of trepidation and a deep

emotional impact on my own personal life when I talk about this particular amendment. This is because I belong to a brotherhood, the same one which the President of the United States belongs to. I belong to the Disciples of Christ—and some people call it the Campbellite Church and some call it the Christian Church. It came into existence in the log cabins of western Virginia, which was later Kentucky, about 200 years ago. I am proud of my church. I am glad to belong to it. I feel the principles it teaches are good and I want to hand those principles on down to my children after me. Part of the principles of my church is that it is a brotherhood. We have church schools. I am on the board of trustees of Lynchburg College, which is a Disciples of Christ Church school. I am happy to be there. I am happy to serve in connection with the old people's home in Jacksonville, Fla., where retired Disciples of Christ people go. They do hire janitors of my faith. They hire charwomen of my faith. Is there something bad about that? Every year of my life I give something, I hope it is generous, to these institutions. I am happy to belong to this brotherhood. I hope I die a member of this brotherhood. Is there something wrong that I want to see the fine women of my church—why may reach the point in life where they are having a tough time and who have contributed to our church through the years—have an opportunity to become charwomen in the old people's home or in the school at Lynchburg? I hope these fine institutions would not be discriminating against anyone in the sense of hurting anybody, but they do have a right not only to pick the faculty from my brotherhood but they have a right to have a community of our brotherhood there.

This is the reason why the first amendment to the Constitution was adopted. The electrical unhappiness about what is happening here today is at the heart of the first amendment to the Constitution.

Several days ago I heard the President of the United States make a statement before a group of us at a prayer meeting. I cannot quote his words exactly, but in essence he said that he hoped our country would never get into the position where it entered into the vitals of church matters and destroyed their ideals and fundamental principles.

I say we should turn down the amendment of the gentleman from New York, and accept the amendment of the gentleman from Texas, because this is the way our country was wisely operated. We do have different people. We do have different religious beliefs. We ought to preserve them. We should not insult anyone. All of us should allow all of us to worship as we see fit.

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

Mr. BENNETT of Florida. I yield to the gentleman from Virginia.

Mr. GARY. I am a member of the board of trustees of a Baptist college, and it is a large Baptist college. It employs Negroes.

But I do not want that college to be forced to employ a janitor or any other employee who is an atheist or a Communist or a member of some other religious faith unless it wishes to do so. On the other hand, if it prefers to employ only Baptists, whether it be for the position of janitor, charwoman, or any other service, I see no reason why it should not have the right to do so.

We are talking about rights in this bill. I believe we ought to respect the rights of all of our people. I do not believe we should pass legislation aimed solely at rights for a certain group or class of people. I believe it should protect the rights of all the people of the United States.

Certainly a religious college should have a right to employ members of its own religious faith to administer and to handle the affairs of that college, regardless of the position which might be involved. I thank the gentleman from Florida for yielding me the floor.

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

Mr. BENNETT of Florida. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. The gentleman from Florida now in the well has, as always, spoken from the heart. He has gone directly to the heart of this problem.

I know the gentleman from New York [Mr. LINDSAY] is well intentioned in this regard, but I agree wholeheartedly with the gentleman from Florida that his amendment will not do the job which would be done by the amendment of the gentleman from Texas [Mr. PURCELL]. I hope we will reject the amendment of the gentleman from New York and adopt the amendment of the gentleman from Texas.

Mr. BENNETT of Florida. I thank the gentleman.

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

Mr. BENNETT of Florida. I yield to the gentleman from Texas.

Mr. MAHON. I wish to heartily endorse the statements made by the gentleman from Florida and the other gentlemen. I want to join in strong support of the amendment of the gentleman from Texas [Mr. PURCELL].

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

Mr. BENNETT of Florida. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. I wish to associate myself with the remarks made by the gentleman from Florida.

Mr. BENNETT of Florida. I thank you for your support.

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

Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Texas and in complete opposition to the amendment to the amendment offered by the gentleman from New York.

In my district and State there are many religious and church-related colleges, orphanages, and other charitable institutions. They are Baptist, Methodist, Quaker, Catholic, Presbyterian, Christian, Masonic Order, and others. I do not know of my own personal knowledge what their employment practices are. It is none of my business and none of the business of the Federal Government. I feel very strongly, Mr. Chairman, that the Government should never have the authority to dictate or meddle into the affairs of our religious and charitable institutions. This provision should never have been placed in the bill, and it should be removed by the amendment. I stand here on the floor and earnestly beg this House not to take away from our dedicated historical and vital church-related schools and other charitable institutions the right to employ the teachers or the janitors of their choice. Gentlemen, this is a fundamental and constitutional right which must never be violated, and I urge with all of my power that the chairman of the committee accept the amendment of the gentleman from Texas.

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

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

Mr. CELLER. In the light of the debate which has ensued on the amendment offered by the gentleman from Texas and the amendment to the amendment offered by the gentleman from New York, I personally am willing to accept the amendment offered by the gentleman from Texas.

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

Mr. KORNEGAY. I yield to the gentleman from California [Mr. ROOSEVELT].

Mr. ROOSEVELT. I simply wish to say that I am happy at the decision of the gentleman from New York. The Committee on Education and Labor felt that was what it had done in the bill. Obviously, as it appears, we had not sufficiently covered the point. Therefore, we are entirely in agreement with the decision of the gentleman from New York.

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

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

Mr. McCULLOCH. We were pleased to discuss the matter with the chairman of the committee and we are glad to withdraw our amendment and support the amendment of the gentleman from Texas.

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

Mr. KORNEGAY. I yield to the gentleman from Arkansas.

Mr. HARRIS. Do I understand after these most distinguished and able colleagues have gotten together here and finally gotten religion, do I interpret them to mean the amendment of the gentleman from New York [Mr. LINDSAY], would not be acceptable?

Mr. CELLER. That is correct.

Mr. HARRIS. And without the amendment to the amendment you are willing to take the amendment of the gentleman from Texas?

Mr. CELLER. That is correct.

Mr. HARRIS. Let me commend the gentleman and each of the gentlemen,

and I hope the gentleman from New York [Mr. LINDSAY], will give his assent to it.

Mr. KORNEGAY. I would like to highly commend the gentleman from New York for accepting this amendment which will permit our religious and church-related colleges and charitable institutions the freedom to employ the teachers and personnel of their choice.

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

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

Mr. DORN. I want to join my distinguished colleague from North Carolina in support of the amendment. I thank the gentleman from North Carolina for his able argument as I am certain his contribution to this debate greatly influenced the chairman and the House to accept this amendment which protects our sacred institutions.

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

Mr. KORNEGAY. I am grateful to the gentleman from South Carolina and I now yield to the gentleman from Kentucky.

Mr. CHELF. I want, too, to add my commendation and congratulations to our distinguished and beloved chairman of the great Judiciary Committee of the House on his acceptance of this Purcell amendment. It is very wise and fair. He reminds me of St. Paul on the road to Damascus. He suddenly sees the light. Also I want to salute my good friend from North Carolina [Mr. KORNEGAY] for his hard fight to secure the adoption of this most vital amendment. Bless you, my dear friend. Your support on this fight was most convincing.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. LINDSAY. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Without objection the amendment offered by the gentleman from New York [Mr. LINDSAY] to the amendment offered by the gentleman from Texas is withdrawn.

There was no objection.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. CAHILL

Mr. CAHILL. Mr. Chairman, I offer two amendments. Mr. Chairman, I ask unanimous consent that both amendments be read together and considered at the same time. They both amend the same section.

Mr. GROSS. Mr. Chairman, may we have the amendments read before consent is given to having them considered en bloc?

The CHAIRMAN. The regular order is that the Clerk will report the amendment offered by the gentleman from New Jersey.

The Clerk read as follows:

Amendment offered by Mr. CAHILL:

On page 69, line 17, after the semicolon, strike out the word "or" and after line 20 add, "(4) to give preference to one applicant for membership over another applicant for reasons other than job qualifications and for reasons which may have the indirect effect of causing discrimination because of race, color, religion, or national origin."

On page 70, line 3, strike out the period and insert in lieu thereof a semicolon and add the following: "or to give preference to one applicant over another in admission to, or employment in, any such program for reasons other than job qualifications and for reasons which may have the indirect effect of causing discrimination because of race, color, religion, or national origin."

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey that the amendments be considered en bloc?

There was no objection.

Mr. CAHILL. Mr. Chairman and members of the committee, these two amendments would amend section 704 of the bill. I was surprised to learn—and I do not know whether it is within the knowledge of the members of the committee or not—that prior to this bill there has never been a Federal statute under which any agency of the Federal Government could compel a union to accept any person as a member. I understand that all of the national unions of the United States are supporting this title of the bill, as am I, but as I read the section of the bill which makes it an unlawful employment practice for a labor organization to exclude membership, it can only exclude membership on the basis of race, color, religion, or national origin; and, in the following section, section (d), it is only an unlawful practice if an employer or a labor organization fails to accept apprentices on the same basis.

The courts have held, as I understand the law, that unions have an absolute right to fix the qualifications of their members and it has been my impression that the national unions of this country have been experiencing a good deal of trouble with some of the smaller unions, some of the unaffiliated unions, that have excluded membership in spite of the fact that the applicant is qualified.

For example, I have a case in my own district where a man served his apprenticeship, he worked at the trade since 1948, and he cannot get membership in a union.

The purpose of my amendment is to permit any qualified person to become a member of a union and not to limit the authority of the Commission merely to cases of disqualification on the basis of race, color, creed, or national origin. Thus, if a qualified person makes application for membership in the union and is denied membership for any reason other than his qualifications to do the job, that person would also have a right to go to the Commission and there get a hearing. If it were determined by the Commission or the courts that he was excluded for any reason other than qualifications, he would be permitted to become a member of the union. In that way he would be permitted to go and get a job where union membership was required.

A similar amendment having the same intent and purpose would apply to section (d) of the bill. It has been my understanding that the national labor organizations have been conducting a commendable fight to eliminate this type of discrimination where some of the small unions that have handed down jobs from father to son and brother to brother, and who have declined to accept membership, even though the members were qualified. While the national unions have been trying to eliminate this abuse and I want to commend all of the national organizations, particularly the AFL–CIO, in attempting to do this, and also in supporting title VII of this bill, the evil nevertheless continues to exist.

I feel therefore if we are going to eliminate discrimination on the basis of race and color we ought to also eliminate any other discrimination that may exist, so that any man who is qualified and who is anxious to work can become a member on paying the union dues. Since there is no statute compelling admission to a union, this will be the only statute, and if this statute is not amended then the only basis for exclusion will be race, color, and so forth.

I would urge the Committee to accept my amendment.

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

Mr. CAHILL. I yield to the gentleman from Pennsylvania.

Mr. DENT. If I understand the gentleman right, you would go beyond just a labor organization. You might take in a professional association that practices that sort of discrimination, as you call it?

Mr. CAHILL. No. That is not the fact.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

(By unanimous consent (at the request of Mr. ROOSEVELT) Mr. CAHILL was allowed to proceed for 3 additional minutes.)

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

Mr. CAHILL. I yield to the gentleman from Pennsylvania.

Mr. DENT. I want to clarify this situation. In Pennsylvania, for instance, a student may enter a law school, he may graduate from that law school, and the local bar association can prevent him from practicing law in any specific county although he has passed the bar, graduated from college, yet the bar association committee on admittance will bar him for something he had nothing to do with.

Mr. CAHILL. I understand the gentleman's question, and I understand the situation as it exists in Pennsylvania. I will say this is an amendment to section 704, subsection (1) which reads that it shall be an unlawful employment practice for a labor organization. The bar association is not included.

Mr. DENT. I do not think the gentleman's amendment is germane to the purpose of the act anymore than if I offered an amendment to prevent a bar association from admitting only approved applicants.

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

Mr. CAHILL. I yield to the gentleman from New Jersey.

Mr. OSMERS. Mr. Chairman, I am in strong support of the bill.

Mr. Chairman, the enactment of broad civil rights legislation is long overdue. I urge my colleagues to give their full support to the bill before us and to oppose any amendments which have the objective of weakening its enforcement provisions or limiting its coverage.

The bills which I introduced in January and June of 1963 contain substantially the same provisions as those included in the bill before us today.

In the preamble to our Constitution it is stated that "We the People of the United States" are establishing the Constitution to "secure the blessings of Liberty to ourselves and our Posterity."

The Emancipation Proclamation signed by President Lincoln more than a century ago gave freedom to the enslaved. That action will always stand as a great monument to freedom. But now, we, as the Congress of the United States, have the responsibility and the long delayed obligation to guarantee equality as well as freedom to all Americans regardless of race, color or creed.

Then, in 1868, the 14th amendment was ratified. Section 1 of that amendment to the Constitution states that "no State will make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." Section 5 of the same amendment clearly states that "The Congress shall have power to enforce, by appropriate legislation, the provisions of this article."

The 15th amendment, ratified in 1870, gives to all citizens the right to vote and empowers the Congress to enforce the right by appropriate legislation.

To the credit of a large majority of our States, nearly every civil right that is provided for in the bill before us is completely protected by State law. But until every citizen in every State, in every county, and in every municipality, has his constitutional rights spelled out and safeguarded by the Federal Government, we cannot claim to the world or to ourselves that we are the land of the free.

Other Members have gone into the most exhausting detail with respect to every provision of this bill. Every conceivable, and a few inconceivable, amendments to it have been offered. Very little more can be said with respect to its detailed provisions. The broad provisions contained in it have withstood every assault.

It is my deepest hope, Mr. Chairman, that the House will pass this bill without substantial change so that in the future every American will have his right to vote, to use public accommodations and public facilities, to equality in education and employment. Let us also end Federal financial assistance to any program of any kind, anywhere, when there is a finding of racial discrimination. The enforcement provisions must remain clear and strong or the whole bill will prove to be a farce.

The time has long since passed when any citizen of the United States anywhere in our great land should be required to ask for his constitutional rights with hat in hand. They have been his rights under the Constitution for nearly 100 years. It is the duty of the Congress to insure that he is protected in the exercise of them by law.

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

Mr. Chairman, I want to make very clear that if we had understood the amendment when it was read we would have objected to it on the ground of germaneness, because this bill is limited to discrimination on account of race, color, or creed. The gentleman from New Jersey may have a very laudable idea in his mind and certainly, perhaps, one that should be given consideration, but it has nothing to do with this bill. I earnestly ask my colleagues on the committee not to bring into the bill subject matter which has really nothing to do with this bill at all.

Mr. GRIFFIN. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, I am very reluctant to oppose the amendment of my colleague from New Jersey but I am constrained to do so. We are dealing here with legislation having a limited purpose. The amendment of the gentleman from New Jersey goes to a serious evil which is outside the scope of this bill. Regretfully, I must indicate that I think it would be bad legislative practice to try to deal with a different problem on the floor in this fashion.

The amendment of the gentleman from New Jersey refers to other practices which "may" have the "indirect effect" of discriminating on the basis of race, color, and so forth.

I should like to say here for the record, for the purpose of establishing legislative history, that if a union, or an employer, for that matter, engages in a practice which actually is a subterfuge amounting to discrimination on the basis of race, color, or creed in some indirect fashion then a court could probably find that such a practice would fall within the scope of this bill.

However, so far as the gentleman's amendment is concerned, there are factors such as seniority, length of employment, and other factors which could affect union membership, union rights, and so forth, and have nothing to do with color, race, or creed.

I realize and appreciate the general problem at which the gentleman's amendment is directed. And, I am in sympathy with what he is trying to do. However, I hesitate to support the amendment for the reasons I have indicated.

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

Mr. GRIFFIN. I yield to the gentleman from New Jersey.

Mr. CAHILL. I wonder if the gentleman would let me have his expert opinion about a small union which excluded applicants from membership because they were not sons or brothers of members. If they excluded a Negro because he was not a brother or a son of one of the members, would the gentleman say that the bill as presently written would take care of that situation?

Mr. GRIFFIN. If the admission rule were adopted for that purpose, for the purpose of actually excluding Negroes, then I believe the bill would cover it; however, that would be a question of fact. Again, I must say that the gentleman's amendments raises a number of different problems and a lot of factors outside the scope of the limited subjects we are trying to deal with in this legislation.

Mr. O'HARA of Michigan. I gather that one of the things the gentleman from New Jersey is trying to get at is discrimination because of relationship.

Mr. CAHILL. Or no relationship. I think this is something the Committee on Education and Labor ought to go into.

Mr. O'HARA of Michigan. We discussed this matter before in a different context and never seemed to get anywhere in connection with labor employment because of relationship. I do not know why we ought in this bill to try to impose it on one particular kind of citizen and no one else.

Mr. CAHILL. The gentleman recognizes that the only thing that can happen is that the person excluded would then have the same right as the Negro excluded, that is, to say that he was unfairly discriminated against. The only thing that could happen would be that the union would have to accept him as a member.

Mr. GRIFFIN. I realize that in our society there are lots of situations of discrimination besides the discrimination against Negroes, but we are not trying to solve all the other problems today. I think it would be unwise to try to do that on the floor of this legislation.

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

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

Mr. TAFT. I would like to have the gentleman's comments on the qualifications that would be required for the members of this particular Commission in times to come. Would they assure ability to decide on questions relating to labor relations?

Mr. GRIFFIN. Having looked at the language of the amendment, I think it might be very difficult for experts in labor relations to make the determinations required. It would be even more difficult for Commission members who did not have expertise in this field.

Mr. CAHILL. The gentleman is one of the ranking members of the Labor Committee. He recognizes this abuse exists. I wonder if he can tell me what, if anything, the committee is doing to correct this.

Mr. GRIFFIN. I cannot report that the committee is doing anything in that field right now; however, perhaps we can persuade the people on the other side of the aisle who control the committee to take a look at it.

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

The amendment was rejected.

Mr. DONOHUE. 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 Massachusetts?

There was no objection.

Mr. DONOHUE. Mr. Chairman, I have consistently opposed every attempt to weaken any section of this bill and wish to emphasize, again, as earnestly as I can, the urgent necessity of passage of H.R. 7152, as presented to us by the Judiciary Committee, without the adoption of any crippling changes.

As a member of the House Judiciary Subcommittee that recommended this measure to the full committee I can solemnly state that all of the subcommittee members and the full committee membership worked harder and longer and more conscientiously, with inexhaustible patience and tolerance, over several months to present this House with a civil rights bill as strong as it could be humanly made to legally insure, to every American citizen, the fullest exercise of his God-given rights, as recognized in our Declaration of Independence and guaranteed by our Constitution. I sincerely believe that this measure eminently achieves the purposes I have just recited and I sincerely trust the effectiveness of the bill will not be diminished by the addition of restrictive and confusing amendments.

I very deeply feel the distinguished chairman of the House Judiciary Committee, who served as chairman of this particular Civil Rights Subcommittee, the members of the subcommittee and the full committee, as well as the committee staff personnel, deserve the approbation of this House for their untiring efforts and zeal in the preparation and presentation of this measure. I hope that when everyone here has enjoyed their privilege of discussing the provisions of the bill it will finally be given the well-merited stamp of your overwhelming approval.

This measure, as you are aware, is composed of seven major and three procedural sections or titles. None of them can be deleted or diminished without crippling the patriotic purpose and effectiveness of this long overdue legislative program.

To summarize the major sections of the bill, title I deals with the subject of voting rights and is designed to remove the frustrating barriers of continued use of literacy tests and similar performance examinations as devices to prevent the exercise of a voting right.

Title II applies to the problem of negation of equal access to public facilities, which negation provoked most of the racial demonstrations that took place in 1963. This title reaffirms and projects the right of all citizens, without regard to race or color, to the full and equal enjoyment of defined public accommodations and prohibits any deprivation or interference with the right to use the public accommodations within its coverage.

Although this title appears to have generated the greatest fears and called forth the widest expression of technical disagreement in law and in custom, I very deeply believe that, while obviously sincere, these fears and technical contentions are factually unfounded. To my mind this title solely and simply emphasizes the traditional basic proposition in a civilized society that, whenever they confront each other, human rights take precedence over property rights. To flagrantly deny, directly or indirectly, this fundamental concept of human association, under God, would be tantamount to a rejection of the American system and it could well mark the beginning of the fall of a great Nation from its destined role of leadership in an already divided and fearful world.

Title III attempts to prevent discriminatory denials in connection with access to public accommodations. When facilities "owned, operated, or managed by or on behalf of any State or subdivision thereof" fall within the scope of the 14th amendment the objective of this section is to authorize the Attorney General of the United States to enjoin denials to such places as well as the right to intervene in equal protection cases, generally.

Title IV covers the vitally important subject of segregation in public education and is designed to accelerate the acceptance of current law which holds that continuously indefinite delay in elimination of racial barriers in schools amounts to frustration of the concept of deliberate speed. Title IV of this measure has two fundamental objectives: First, to authorize technical assistance to public school officials in fulfillment of desegregation plans; and second, it provides authority to the Justice Department to initiate civil suits in the Federal courts in cases presenting discrimination in public schools and colleges.

Title V would make the Commission on Civil Rights a permanent unit of the Federal Government. Even though the enactment of this measure is inevitable it cannot and it will not solve all our racial problems overnight. The Commission on Civil Rights has performed a most valuable research service in this field and we will obviously have a continuing urgent need of the agency's invaluable service into an unchartered future.

Title VI reminds us all that the Federal Government, as recognized by the Fourth Circuit Court in connection with the Hill-Burton Hospital Act, is under a legal obligation to prohibit the use of Federal funds in programs being administered in a manner to perpetuate racial discrimination.

Unquestionably, both from the legal and moral standpoints, the benefits of programs aided by Federal funds should and must be made available to all regardless of race or color. Title VI, then, enables Federal agencies to withhold Federal financial participation from any program found to be administered on a segregated or discriminatory basis.

Title VII is designed to cover the vitally important area of equal employment opportunities to all. The just and sole purpose of this section is to insure that an individual's qualifications to do a particular job constitute the only measure by which he is given or continued in employment.

Mr. Chairman, the language of the provisions within each title of this bill is as strong as could be humanly made in legislative pursuit of the establishment of equal rights and opportunities for all American citizens, but it is not extreme and it does not diminish or intrude upon the rights of some in order to give expanding rights to others. The objectives of this measure are not directed toward any one geographical area of the country; it is obvious that the problem and issues involved exist in every sector of the Nation, south and east, west and north, and the urgency of the whole matter is increasing daily.

It is abundantly clear that the time has come, now, for this body to legislatively redeem its previous pledges that the promises of equal opportunity for all, as set forth in our Constitution, shall be realistically fulfilled through and by Federal direction and authority.

Mr. Chairman, the substance of this problem, now threatening the very foundations upon which this Nation rests, is the need to spur our national consciousness to the stark realization. out of our human experience, that incidents of disastrous and unintended violence inevitably develop from certain peaceful activities. Accepting this realization and to forestall any expansion of the atmosphere and circumstances for violence, which no responsible citizen desires, let us promptly demonstrate our legislative willingness to make federally available to each and every American, through our legal institutions, the effective instruments, for the fullest and freest exercise of constitutional rights, contained in this measure.

Mr. Chairman, we are faced today with the absolute and imperative need for removing racial, and all other discriminations, from every walk of American life. Our response should be heightened by the reflection that it is hypocritical and contradictory to aspire for world leadership to honorable peace until we have removed every temptation for the occurrence of racial strife in the streets of our own cities.

The issues being debated here are truly of national significance. The problems confronting us here are not those of one race; they are a challenge to all Americans worthy of the name.

The responsibility for equitable solution cannot be placed upon one faction of our people or our government; every person in all stratas of our society and at every level of government must share in the responsibility and contribute toward the solution.

The major accomplishments we have already reached in this legislative area have been the results of mutual respect and unified patriotic determination without prejudice, without partisanship and without parliamentary harassment.

Strengthened by reflection of past achievement, let us go forward again in unified patriotic response to our individual duty and fulfillment of our national obligation.

Mr. Chairman, it is written in the Book of Proverbs that "where there is no

vision, the people perish." Mindful of this holy admonition and the example of our forefathers' foresight let us join our minds and our hearts and our voices to the speedy accomplishment of this milestone in the legislative history of the United States so that the heralded "home of the brave" may become now and forever and in truth, "the land of the free."

AMENDMENT OFFERED BY MR. DOWDY

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

The Clerk read as follows:

Amendment offered by Mr. DOWDY: Page 68, line 18, after the word "individual's", insert the word "age".

Page 68, line 23, after the word "individual's" insert the word "age".

Page 69, line 3, after the word "his", insert the word "age".

Page 69, line 5, after the word "his" insert the word "age".

Page 69, line 10, after the word "his", insert the word "age".

Page 69, line 16, after the word "individual's", insert the word "age".

Page 69, at the end of line 24, insert the word "age".

Mr. DOWDY. Mr. Chairman, I shall not take very long on this amendment. I offered this as an amendment to a former civil rights bill in 1957 or 1960, I have forgotten which one.

I am sure that most of the Members of this House have had the same experience I have had, hearing from people in our districts.

This amendment inserts the word "age" as one of the things that cannot be discriminated against. Along with color, race, sex, religion, or national origin it just adds "age" as another factor.

I have had many pitiful letters from people in my district and I am sure you have had the same kind of letters from yours stating how after they get over 40 years of age or maybe 45 years of age, they cannot get jobs. The employers simply will not hire them.

That is the worst kind of discrimination when a person is discriminated against at that age, particularly, that young age. In some parts of the country it has gotten to where at 35 years of age it is impossible to get a job—at a time when a man is trying to raise his family.

A lot of this is caused by laws that the Congress has passed. A lot of this is caused by laws that the States have passed on account of physical examinations, insurance, workmen's compensation laws and such things as that.

Certainly, if we are going to prevent discrimination in employment, I feel this is an area that should be included in the bill. I cannot help but believe the rest of you feel the same way.

I believe the official statistics of the U.S. Government show that when a person loses his job after he is 40 years of age, the chances are 6 to 1 that he will not be able to get employment in a similar job or a job paying anything like the salary that he had before he lost his job.

Many people are being thrown out of their businesses and out of their jobs by programs of the U.S. Government, which makes this amendment more essential.

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

Mr. DOWDY. I yield to the gentleman.

Mr. BECKWORTH. I want to commend the gentleman for taking an interest in this particular problem. Not only is this true in the case of private industry, but the Government itself is a difficult place for an older man to obtain employment. There are plenty of statistics on that. Even though we have agencies in the Department of Health, Education, and Welfare and in the Department of Labor that are supposed to be doing something about it, yet, when one asks them for the statistics they say they have no estimates and no information on the extent to which older people are hired. The gentleman is on a mighty important line of reasoning.

Mr. DOWDY. A few years ago Congress passed a law to keep the Federal Government from discriminating on account of age in employment, yet the gentleman is correct. The problem still exists.

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

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

Mr. WAGGONNER. Does the proposed amendment of the gentleman contemplate equal application to Government employment as well as private employment?

Mr. DOWDY. Actually a law already exists for Government employment, which we passed. My amendment would apply to everything the bill before us would apply to. I have offered it in every place that race, color, sex, religion, or national origin discrimination is to be banned.

Mr. Chairman, I believe the amendment deserves the utmost of consideration. Certainly it should be adopted. I urge it. The people of the country are writing to you and writing to me asking, "What can we do? We are past 40 or past 45 and cannot get a job. Employers will not listen to us."

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

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

Mr. PEPPER. Is it not a fact that the Full Employment Act of 1946 committed the Government of the United States to the principle of providing an economic climate in this country in which all citizens who were ready, willing, and able to work should have an opportunity to work, and did not exclude senior citizens?

Mr. DOWDY. That is correct; it did not exclude them.

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

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

Mr. SIKES. I certainly support the gentleman in what he is attempting to do. This is one of the best of the amendments which have been offered.

Mr. Chairman, there is a group—a growing group—of Americans who need help and need it badly. They are the men and women whose age makes them no longer desirable in the job markets of the Nation. Many of them are skilled. But companies which are looking at retirement, disability, and fringe benefit problems want younger employees. There is discrimination against men and women in this group. Theirs is a harsh problem. Living costs are high. Income is low. Employers all too frequently follow a hard and fast rule against employing persons over 45.

In the field of help for the aging, a bill such as this could be useful. It would force action on a problem which has long been recognized, but about which nothing of consequence has been done. Year after year there is talk. There are high level conferences. Commissions are appointed. But nothing comes of it. After some pious resolutions, the problem goes back on the shelf. There is no comprehensive plan to help provide jobs for the aging.

For days the House has attempted to create an image by which to place this bill in a favorable light. A provision on the aging will not make it a good bill. But here at least is an area where action is needed. I sincerely hope the amendment will be accepted.

Mr. DOWDY. Mr. Chairman, I feel sure that Members will find that more discrimination is practiced in this area than in any other. I urge the adoption of my amendment.

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

However laudable may be the purpose of the gentleman from Texas in the offering of the amendment, I am convinced that acceptance of the amendment would cause a great deal of difficulty and would result in confusion without end.

The gentleman speaks of discrimination based on age. What age? Some men are old at 20. Others are young at 70. At what age would discrimination occur?

I think we would be entering into a thicket of difficulties if we adopted the amendment.

If Members will turn to page 84 of the bill, to section 718, under the heading "Special Study by Secretary of Labor" they will see that the committee provided:

The Secretary of Labor shall make a full and complete study of the factors which might tend to result in discrimination in employment because of age and of the consequences of such discrimination on the economy and individuals affected.

In other words, not only the Committee on Education and Labor, but also the Committee on the Judiciary felt restrained about going into this difficult area because of a lack of knowledge; because of woefully insufficient information on the subject of so-called discrimination based upon age.

In the bill we call upon the Secretary of Labor to make a comprehensive study and to report back to us. After we receive the conclusions of the Secretary of Labor we shall be in a better position to offer legislation.

The answer is that now we do not have sufficient information, concerning discrimination based on age, to act intelligently. I believe, therefore, it would be rather brash to rush into this situation without having sufficient information to legislate intelligently upon this very vexatious and difficult problem.

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

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

Mr. COLMER. What difference would it make what the age was, provided the discrimination was because of age?

Mr. CELLER. It might make a big difference, depending upon the surrounding circumstances. But, frankly I do not know; and I do not believe the gentleman knows. We should wait until we get the fullest possible information on the subject. We should permit the Secretary of Labor to look into the situation. We should permit him to put his experts to work on it and give us the results of their labors. Then we could legislate on this subject intelligently.

I do not believe we could do so now. We cannot legislate intelligently now.

Mr. COLMER. If the gentleman will permit a further interruption, it seems to me that the gentleman is begging the question when he wants to put it off until we can get the bureaucrats to give a report on it. That may never happen. Also, the question of whether a man is 35, 40 or 50 years of age is immaterial. The same point might be made by somebody else on the question of the color of a man's skin; as to whether it was a light color or a dark color, a chocolate color or a medium color.

The question would be a question of discrimination because of age.

Mr. CELLER. Mr. Chairman, I want to say that the bill provides that the Secretary of Labor investigate discrimination in employment because of age and to indicate the consequences of such discrimination on the economy and the individuals affected. I think that we should wait for the results of such an investigation and then we will be armed with the proper facts.

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

Mr. Chairman, it has been my privilege to serve on the subcommittee that has held very extensive hearings for 3 years now, I believe, on this whole question of fair employment practices. The committee is chaired by the distinguished gentleman from California [Mr. ROOSEVELT]. We have traveled to New York. We have held hearings in Chicago and held hearings in California. So we are not entirely strangers to this subject.

Mr. Chairman, I rise in support of this amendment. I have been pleading with my committee from the very first day we started hearings that we really cannot do an effective job in eliminating discriminatory practices in hiring in this country if we limit ourselves only to race, religion, and national origin. I have 174,000 citizens in my district who are 45 years old or older. I was extremely depressed when I saw a survey of the Department of Commerce which indicated that unless an American worker has an extraordinary skill, his chances of getting another job once he loses his original job are 6 to 1 against him if he is 45 years old or older. I tell you that you cannot solve the problem of discrimination in hiring practices with this title VII, limiting yourself to what you have in the bill now, because there is not a Member on this floor—and I fear no contradiction in this statement—there is not a Member on this floor who does not know that when people apply for a job today the first question they are asked—and it does not make any difference whether they are white, colored, Indian, Chinese, Catholic, Protestant, or Jew—the first question that is asked is, "How old are you?" You know and no one can deny the fact that when you tell a personnel manager that you are 45 years old or older, he does not want to know any more about you. Now, you know this. Gentlemen, let us test the wisdom of what I am saying.

There are 26 States in the United States that have adopted various forms of fair employment practices acts. Of those 26 States, 14 have learned that their acts fell short of the purpose, which is to bar discrimination in employment, and they have since been compelled to adopt amendments dealing with age. This goes for the State of my chairman, the gentleman from California [Mr. ROOSEVELT], and this goes for the State of the ranking member of the committee on the Republican side, the gentleman from New York [Mr. GOODELL]. Both the State of New York and the State of California had to recognize the fact that they cannot deal effectively to wipe out discrimination in providing an opportunity for people to earn a living in this country unless they wrote into their act the question of age.

I say to you that the very same arguments that apply to this whole title apply to age. We have based this title on one thing. We say in this title that if an American worker, be he man or woman, is otherwise qualified for employment—and that is the key of this whole title—otherwise qualified for employment—he shall not be denied an opportunity to earn his living because of his race, color, or national origin.

Earlier today we voted to bar discrimination because of "sex," and now I hope we make this act complete by adding the word "age."

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

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

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

There was no objection.

Mr. PUCINSKI. Mr. Chairman, I have sat here for 7 days patiently listening to debate and listening to the learned members of the Committee on the Judiciary argue the points that they know best. Therefore, I do not think that I am imposing upon the good will of the membership when I take the floor and ask for additional time to discuss a subject that I have spent years studying very carefully as a member of the Labor Committee. This is not something that I am pulling out of my pocket. I sat in California and heard the director of labor there argue that the State law of California was ineffective until they wrote a bar against discrimination in hiring because of "age" into their act. I heard witnesses in New York argue that their act was ineffective until that State included in their State law a prohibition against discrimination in hiring practices in that State because of a person's age if he or she is otherwise qualified for the particular job.

So, Mr. Chairman, we can look through the committee hearings, and the statements are there, the testimony is there.

I know there are those who say, let us not include this point because we may lose some support for this bill. I say you will gain support. If you want to do something, if we honestly and sincerely want to do something about this problem of giving every American an opportunity to earn a living if he is otherwise qualified, we will include this subject of age in this title.

I am aware of one thing: There is no question that there is an economic factor involved, and I believe the Congress will have to deal with this economic factor if we accept this principle of nondiscrimination because of age. I recognized that it may cost an employer more money to hire an older worker and it is for this very reason that I have introduced legislation to relieve an employer of these additional costs by giving him a tax credit for these additional costs if such additional costs occur in hiring older people.

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

Mr. PUCINSKI. I yield to the gentleman from North Carolina.

Mr. WHITENER. Mr. Chairman, I want to congratulate the gentleman for the excellent statement he has made. It so happens that I come from a very large textile area, and I can say to the gentleman that there is no greater discrimination in employment than you will find in this age situation.

I would point out to the gentleman something that came to my attention a few days ago that was astounding. One of the qualifications under the unemployment compensation law, in North Carolina, at least, is that before one is eligible for benefits he must be "available for work."

A lady wrote to me and sent a copy of a decision by the unemployment commission in which they found as a fact that the textile industry in that area did not generally employ people over a certain age even though they had experience and, therefore, this lady was not under the law "available for work."

I wrote to the State director of the employment security commission and received not only a letter, but a copy of the instructions given to their hearing examiners in which this very item appeared. They said in order to qualify under the act and be available for work

you must be within the age group generally employed in the area in the industry of one's experience. I will say to the gentleman I do not agree with that decision, but it does point up the severity of age discrimination.

Mr. PUCINSKI. It is my hope that the chairman of the Committee on the Judiciary will accept the amendment.

This amendment will do no more violence to this bill than any other amendment we have accepted so far. I honestly believe this amendment strengthens the bill. There is not going to be any more difficulty in enforcing this amendment than in any of the other amendments, including sex.

I say to the Members of this Congress that unless you prohibit discrimination because of age in here, the rest of this title, in my judgment, will be ineffective. It is not the young people; it is not the highly skilled people of America who are having difficulty finding jobs. It is that unemployed American worker who is in his forties or fifties, regardless of his race or religion, who has been displaced by automation and for no other reason than because of a growing practice of refusing to hire older workers of this country, is being denied a job. If you want to make this an effective piece of legislation, I do not see how you can leave this big loophole in there. You know and I know that once you bar discrimination because of race, religion, or national origin, you will find age as the main factor for continuing discrimination in hiring.

The Department of Labor has been making surveys and said it is going to make more surveys, but these, in my judgment, are of very little value. We have been working on this problem in my committee for almost 4 years. The Labor Department has had all kinds of opportunity to recognize the fact that more than one-half of the people unemployed in America today are victims of discrimination because of age. The President sent to the Congress an antipoverty bill. We have declared war on poverty. How can we hope to solve these problems of poverty when more than half of the people in the country today who are unemployed are unemployed for no other reason than because they are 45 years of age or older.

I fail to see how this amendment can create any more problems than all the other provisions of this title. I am confident that just as the 14 States have found ways to adequately enforce their State laws barring discrimination in hiring practices because of age, so can the Department of Labor set up adequate procedures under the title not to cause industry any more problems with this age provision than it will have with the other provisions of this title.

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

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

Mr. SIKES. The gentleman is making a most significant contribution. We have had commissions, hearings, studies from year to year, but the problem becomes more aggravated. Now is the opportunity to do something about it.

Mr. PUCINSKI. I would like to conclude with one statement. If what I am saying is incorrect, why have 14 of the 26 States that have FEPC laws on their books had to amend their acts to bar discrimination in hiring practices because of age in order to make their State laws effective. The experience of these 14 States which, incidentally, are among the most industrially developed States, proves better than anything I might say that you cannot have effective antidiscrimination legislation unless you include age as a factor. If I am wrong, then, Mr. Chairman, these 14 States are also wrong.

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

Mr. Chairman, this is a right serious amendment to some of us. I will have to look after myself a little bit, as we carry on. I have carried the amendment in my pocket all day, waiting for an opportunity to offer it. I was so busy looking after the amendment protecting women that somebody got the floor before I could offer this.

I want to direct my remarks to the chairman of the Judiciary Committee, my friend, the gentleman from New York [Mr. CELLER]. We have been here for 10 days in the most grueling debate I have ever seen in my 30 years in Congress, and he is going strong. I do not know of any of the boys around here that could beat his record for staying on the job and doing an intelligent job and doing an able job, yet he is opposing an amendment that is going to put us out of business. I think the chairman of this committee is exhibit A in favor of this amendment.

I have been here all the time he has been here and sometimes when he was not here. I have been here night and day during this debate. I offer myself as exhibit B.

Then I look around the Chamber. I see some gentlemen whose hair has departed from their cranium. I see others who are grey and wrinkled. He is going to put those, too, out of business. I think he ought to accept this amendment. I think he ought to have compassion on the rest of us and those in that category.

I want to say to you that age has nothing to do with it. My father lived to be 72 years old, and he said that it was not a question of how many years old you were, it was a question of how old did you feel. The gentleman from New York feels like a boy. Why should he vote to put himself out of business and put me out of business and put the rest of you baldheaded fellows out of business?

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

Mr. SMITH of Virginia. I yield to the gentleman from New York.

Mr. CELLER. An old adage is, you know, "While the candle burns there is work to be done." There is another adage I think the gentleman understands, that "old trees bear fruit."

Mr. SMITH of Virginia. Well, I do not know what the gentleman has reference to, but there is another adage along that line. That is the old spiritual that says that "as long as the light holds out to burn, the vilest sinner may return." I hope the gentleman will avail himself of that advice and support the amendment.

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

Mr. Chairman, I want to underscore what the gentleman from Michigan just said that this vote is going to be a real test of the responsibility of this House of Representatives, because we all recognize and know that if we continue to load up the bill with all kinds of impractical amendments which cannot be administered, the time will come when even the best supporters of the bill will find it impossible, of course, to vote for it.

I want to say in all good faith, I must admit there is very definitely a problem of discrimination because of age in the United States. Our own records of our own committees show that to be a fact.

But I want to also say that our committee was unable immediately to find a proper solution for this kind of discrimination and, therefore, we only dealt with those kinds of discriminations where we knew we could find an adequate and a workable remedy.

I would say to you, Mr. Chairman, and to my colleagues, I can asure you if that clause in the bill which directs the Secretary of Labor to make a report gives any kind of reasonable assurance as to how we can legislate that I, as chairman of the committee before whom it would come, and I say this to my friend, the gentleman from Illinois, even if it does not come from the Secretary, that we will sit down and bring out the kind of a measure which we believe does have some practical way to enforce it.

As the gentleman has introduced it here today all I can say is it would run against the practice of nearly every business in the United States. Is there a man or a woman who is supporting this who is not at the same time the first to say, "Let us not interfere with the prerogatives of management"? Yet here you are getting some of the same people who are saying they want to interfere with them without giving them the proper kind of protection in order that they can efficiently run their business.

Mr. ROONEY of New York. Mr. Chairman, will the gentleman from California yield?

Mr. ROOSEVELT. I am happy to yield to the gentleman.

Mr. ROONEY of New York. Mr. Chairman, I should like to ask the distinguished gentleman from California if it is not the fact that the matter of age in the American labor market is entirely and presently within the jurisdiction of the House Committee on Education and Labor, and is it not also the fact that the pending amendment is merely another attempt to gut this civil rights bill and delay its passage?

Mr. ROOSEVELT. I think the gentleman is absolutely correct.

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

Mr. ROOSEVELT. I yield to the gentleman.

Mr. PUCINSKI. I certainly hope the gentleman from New York is not accusing me of trying to gut the bill because I have been interested in the subject of age for a long time. As a matter of fact, the gentleman might be interested to know that the first bill that was reported out of the Committee on Education and Labor on FEPC did include an age provision in it and that was the bill that was stymied in the Committee on Rules and never came to the floor of the House.

Second, I would like to ask the gentleman from California how his own State handles the question of age?

Mr. ROOSEVELT. Oh, I am glad the gentleman asked me that because it is important that I answer it.

My own State of California has a very carefully written statute which surrounds the question of age with all kinds of hedges which would protect management. This is not in this amendment as it is offered here. Therefore, it very clearly is not the matter we are discussing at this time.

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

Mr. ROOSEVELT. I yield to my friend, the gentleman from New York [Mr. GOODELL].

Mr. GOODELL. I think the gentleman from California will agree with me that what we are seeing here, in some instances with great sincerity and in other instances less so, is an attempt, frankly, to load the bill with items and factors that the bill is not designed to cope with.

The problem of this amendment is that the whole framework, and our whole section here was drawn especially to meet the very peculiar problems of discrimination on the basis of race, creed, or color.

Discrimination based on age has an economic source. There are many other factors that are very complicated in the problems of age. We should cope with this problem. We should try to develop some machinery to deal with it. But this is not the vehicle by which to do it.

I hope we are not going to load this bill down or load this title down with this kind of amendment and jeopardize the entire title to the bill.

Mr. ROOSEVELT. The gentleman has made an excellent statement.

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

Mr. ROOSEVELT. I yield to the gentleman.

Mr. WAGGONNER. The gentleman from New York asked the gentleman from California if he would not agree that this was a matter which properly should lie within the jurisdiction of the Committee on Education and Labor. He agreed that it should be there.

Since the gentleman has made this admission, would he not further admit that the entire section or entire title should lie within the jurisdiction of the Committee on Education and Labor?

Mr. ROOSEVELT. It does lie within that jurisdiction.

Mr. WAGGONNER. Then it should not be in this bill.

Mr. ROOSEVELT. We requested the Committee on the Judiciary to include it in this bill; therefore, they are not violating our jurisdiction.

Mr. WAGGONNER. The gentleman said that the vote would reflect the responsibility of the House on this particular amendment. Will the gentleman admit that the vote will also reflect the interest of the House and who we are interested in as well?

Mr. ROOSEVELT. I do not quite understand what the gentleman means by that comment.

Mr. WAGGONNER. Would not the gentleman admit that the vote will reflect the interest we have in the old people?

Mr. ROOSEVELT. It may reflect the interest that some people have in the older people, but it is also a reflection of doing something in the wrong way and a reflection of the fact that we are losing sight of the main purpose of the bill.

I am just as interested as is the gentleman in the older people of this country, I say to my friend. I have demonstrated that time and time again. I am dedicated to trying to do something meaningful with respect to discrimination because of age. I would not ruin the bill to do so. I would not put in something to lead them down a wrong path. Then at some time in the future, after their hopes had been raised, we would find there was nothing for them. Let us not mislead the senior citizens but I strongly feel they will be able to recognize their true friends.

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

I shall not take 5 minutes. Since the gentleman has already discussed the question of age and its wide impact, and I recognize how seriously concerned he is, would he not agree that a provision against discrimination because of age would open up a tremendous number of problems which are not envisaged.

Mr. ROOSEVELT. Yes. I agree with the gentleman.

Mr. RODINO. Would it not be better to have this subject studied comprehensively by the Committee on Education and Labor.

Mr. ROOSEVELT. Yes.

Mr. RODINO. I agree wholeheartedly with the gentleman, who as a member of the Committee on Education and Labor has great knowledge of the subject. But we had no opportunity to go into this subject of age. I, too, am seriously concerned, for as the gentleman from California has already stated, there is evidence on discrimination because of age, and yet I believe this bill is hardly the proper vehicle to deal with this question. I believe the subject is properly within the jurisdiction of the Committee on Education and Labor.

Mr. O'HARA of Illinois. Mr. Chairman, I move to strike the requisite number of words.

If there is any subject in the world I have a right to discuss it is that of age.

I am happy to say that I am now 81; that I will be 82 in April; that I am a candidate for reelection; and that I will be reelected this year—but that, 20 years thereafter, I do intend to retire, and not before.

My friends and colleagues, we started out here to do a little job, to do what we could to guard against discrimination because of race or creed. We started on a simple little excursion. Then, because we like women and we want to give them all we can give them, we included them.

Now, apparently because I must have made so many friends—and I thank you all—you want to include old people.

Do you not feel that would be going pretty far? Do you not feel we should get back on that little excursion on which we started, to take care of discrimination because of race or creed?

Then, after we have done the job and have a happy world, without anyone being discriminated against because of his race or religion, we can help out the ladies and the old folks. I can wait for another 10 or 12 years at least for you to get around to me, if that is necessary. The job now is to complete what we set out to do—to end discrimination because of the color of the skin or the manner of worship.

Then you can come and help out the ladies and the old people. If you wrap them all in one package, three good causes will die on the vine. That is the way I think about it.

Thank you for giving me your attention. I know you want to vote, but I insisted on my right to speak, and I am going to insist upon that. Once in a campaign they raised the age issue on me. I challenged anybody in the audience not over 21 who would put on the gloves with me with the understanding that if I could not knock him out in two rounds, I would quit the race. I hope the amendment will be defeated. It is in a good cause, but the timing is bad.

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

The question is on the amendment offered by the gentleman from Texas [Mr. DOWDY].

The question was taken; and on a division (demanded by Mr. DOWDY) there were—ayes 94, noes 123.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. LANDRUM

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

The Clerk read as follows:

Amendment offered by Mr. LANDRUM: On page 63, line 16, strike out "Title VII—Equal Employment Opportunity" and all that follows through line 23 on page 85.

Mr. LANDRUM. Mr. Chairman, this is, I suppose, what you would call a sort of perfecting amendment. It has the effect of striking the entire title. The debate here since 11 o'clock today has demonstrated that the longer we go the more ridiculous we get. With that being the true state of facts, I see no reason why we should not, as mature men and women, realize the futility of trying to legislate in such a field as telling an employer whom he can hire and strike the title entirely and go ahead with some sort of decision on the balance of the bill.

What we have here is the poor employer. No one has talked about him today. What we have here, though, is the poor employer faced with the proposition first of discriminating between two or more applicants for a job. Then, after he makes his choice, he is not sure that he will not be charged under the terms of this bill and harassed for a year or more with defending himself on the choice he made. Then after he makes his choice, he also may decide that, "Well, I have made a mistake. This person I have employed cannot do the job that I expected him to do. So, I cannot afford to promote him. I will shift him over here a bit and keep him because I am afraid to fire him, because the terms of this bill will get me into trouble if I fire him. So I shift him over here a little bit, and then what happens to me? I am charged with discriminating against him on promotion."

So the employer, any way it goes, is caught "between the rock and the hard place." He cannot run the risk of not hiring him; he is afraid to fire him, and he is afraid to shift him over, out of the way, if he is complicating his manufacturing schedule or the balance of the operation of his business. So he just keeps him drifting along there, and the poor employer is just frankly out of luck.

Therefore, I think the wise thing to do—and we are trying to do the fair thing for the welfare of the country—is to strike this entire title and get up from here at 8 o'clock p.m., after more than 9 hours of debate today, and go home.

Mr. CELLER. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Georgia.

Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 5 minutes.

Mr. JONES of Missouri. Mr. Chairman, reserving the right to object, if this unanimous-consent request is agreed to, is it the purpose of the Chairman to move that the Committee do now rise and come back and finish this bill next week?

Mr. CELLER. I have no such intention.

Mr. JONES of Missouri. Under my reservation to object, I might make the observation we are going through a period now that we know we are coming back next week. We have tortured ourselves here for 3 nights, and I think it is apparent we will come back next week to finish the bill.

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

Mr. JONES of Missouri. I yield to the gentleman from Georgia.

Mr. LANDRUM. If the amendment which the gentleman from Georgia has just offered to strike title VII is agreed to, then there is a very small amount of this bill left, and it could be attended to quickly.

Mr. JONES of Missouri. What I am saying is: If we agree to limit debate on this part of the bill, the most important part, and I am going to want to speak on it, we ought to be realistic. We are going to be back here on Monday. We are going to have an engrossed copy of this bill read before it is passed.

The CHAIRMAN. Is there objection to the request of the gentleman from New York [Mr. CELLER]?

Mr. JONES of Missouri. Mr. Chairman, I object.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that all debate on this amendment conclude in 15 minutes.

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

Mr. WILLIAMS. Mr. Chairman, reserving the right to object, I am wondering if there has been any agreement reached as to what time the Committee might rise this evening?

Mr. CELLER. It is not within my power to determine that. I think that will be up to the leadership on this side.

Mr. BARRY. Mr. Chairman, I think the majority and minority leaders are outside now.

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

Mr. WILLIAMS. Mr. Chairman, I object.

Mr. CELLER. Mr. Chairman, one of the most widespread forms of discrimination harmful to the Negro and to the Nation as a whole, is racial discrimination in employment. Denial to the Negro of the right to be gainfully employed shuts off to him all prospect of economic advancement. The right to be served in places of public accommodation is meaningless to the man who has no money. The opportunity for education in an integrated school or college is lost on a child who knows that, whatever his education, he is condemned to a life of unskilled and menial labor punctuated by periods of unemployment.

Congress has received ample evidence of the extent and seriousness of the problem of discrimination in employment because of race, color, religion, or national origin. The House Committee on Education and Labor recently concluded, after 10 days of hearings, that:

> Job opportunity discrimination permeates the national social fabric—North, South, East, and West.
>
> Job discrimination is extant in almost every area of employment and in every area of the country. It ranges in degrees from patent absolute rejection to more subtle forms of invidious distinctions. Most frequently, it manifests itself through relegation to "traditional" positions and through discriminatory promotional practices. The maxim "last hired, first fired," is applicable to many minority groups, but most particularly Negroes, as is evidenced by the greater unemployment rate for these groups. (H. Rept. No. 570, 88th Cong., 1st sess., p. 2.)

The committee report points out that certain rapidly growing fields which are traditionally prime employers of young people, are among the chief practitioners of discrimination—banks and other financial institutions, advertising agencies, insurance companies, trade associations, management consulting firms, and book and publication companies. House Report No. 570, page 3.

Statistics presented to the Congress by the Department of Labor demonstrate the gravity of the problem. Among male family breadwinners, the unemployment rate today among nonwhites is three times what it is among whites. While nonwhites represent approximately 11 percent of the total civilian workforce, they represent more than 25 percent of those who have been out of work more than 26 weeks, the long-term unemployed. Furthermore, the discrepancy between white and nonwhite unemployment is steadily growing greater. In 1947, the nonwhite unemployment rate was 64 percent higher than the white; in 1952, 92 percent higher; in 1957, 105 percent higher; and in 1962, it was 124 percent higher.

Nor are comparative unemployment rates the most significant indicators of the extent to which discrimination in employment affects our racial minorities. Where nonwhites are employed, it is generally in the lower paid and less desirable jobs. For example, 17 percent of the employed nonwhites have whitecollar jobs; the corresponding proportion among whites is 47 percent. Fourteen percent of all employed nonwhites are unskilled laborers in nonagricultural industries; the corresponding proportion among whites is only 4 percent.

Secretary of Labor Wirtz pointed out in his testimony before a subcommittee of the House Committee on Education and Labor:

> Negroes make up 90 percent of the nonwhite population and also receive the brunt of the burden of discrimination. Only one-half percent of all professional engineers are nonwhites. There are no more than 3 percent of male Negroes employed in each of 19 of the standard professional occupations for which we have data; for example, accountants, architects, chemists, farm assistance, and lawyers. These numbers are depressingly small.
>
> There were only about 250 professional male Negro architects in 1960; the largest number in any of the 19 professions was about 4,500, which is the figure for doctors. (Hearings before the General Subcommittee on Labor of the House Committee on Education and labor, 88th Cong., 1st sess., p. 445. June 6, 1963.)

Unquestionably some of the present disparity between the employment figures for whites and for nonwhites is not the direct result of discrimination in hiring. For many skilled jobs there is a lack of qualified nonwhite applicants. This shortage of skills, however, is attributable in large part to present and past patterns of discrimination which discourage Negroes and other nonwhites from preparing themselves for those jobs from which they have been traditionally excluded by reason of their race. It is an unhappy fact that if all racial discrimination in employment were to cease tomorrow, the legacy of past discrimination, as reflected in inadequate training, economic and cultural deprivation, as well as the seniority rights of the present work force, will be felt for at least a generation. Permitting such discrimination to continue projects these evil effects still further into the future.

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

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

There was no objection.

Mr. DENT. Mr. Chairman, the question of race discrimination, along with all other forms of discrimination, enters into the field of job opportunities even more dramatically than it does in other fields of human endeavor. Of all forms of discrimination against which the civil rights bill is directed none is more widespread and none more harmful to the Negro and to the Nation as a whole than discrimination in employment.

For the past few years there have been some misconceptions on the importance of the various areas of discrimination and the order of sequence of that importance to the welfare of those discriminated against.

Great emphasis has been put upon the discrimination against equal opportunity for education. A great deal has been said about the discrimination in housing and in places of public accommodations. The matter of job discrimination has been brought to the public's attention. There are those amongst us on the floor of this House who would be willing to vote for this legislation but hesitate to do so with a FEPC provision in it.

I find that there are some numbers of our citizens, including Members of Congress, who want to end discrimination in the fields of education, and accommodation, but who balk at any suggestion that an employer must be forbidden the right to discriminate because of race, color, creed, or national origin.

It is my humble belief that man's first need is for his physical well-being and, therefore, the first right under any government that must be guaranteed in order that any and all other rights and freedoms can be enjoyed must be the right to an equal opportunity for gainful employment. Once a man's stomach is full he will then seek shelter from the elements. So, second in importance in the rights to be guaranteed a citizen is the right to decent and proper housing without geographical, racial, or any other line of discrimination.

The next item in man's step toward full freedom and enjoyment and the pursuit of happiness is after having been fed and sheltered he searches for knowledge. This, then, is the third step toward fulfillment of the promises of the Constitution of the United States and the goal of men of good will.

This series of man's steps toward fulfillment of life goes way back to the days of the early beginning of mankind when early man, after having killed his game and fed upon it, crawled into his cave, safe from the dangers of the outside, and then he scratched crude drawings and lines on the walls of the caves in search of knowledge.

So, Mr. Chairman, I want to particularly stress the importance of keeping title VII in this bill as a meaningful weapon against discrimination in its meanest form. Job opportunities are not too abundant and the competition for the diminishing job openings is keen indeed. For the person seeking employment today, the added handicap of discrimination because of color, race, creed, or country of origin makes it practically impossible for such a person to find employment.

In my district the upward trend of public dependency continues. In December, 435,457 persons were on public relief. This is an increase of 11,527 persons over the previous month. In a recent report from the Pennsylvania Public Assistance Department the following information appeared:

> In Pittsburgh the unemployed total increased by 600 over the previous month's total of 65,300 of 7.1 percent of the work source. As in November the reason for the rise in unemployment and in public assistance was the loss of gainful employment. Aid to dependent children increased by 10,407 persons. There were 3,761 more new cases opened than cases closed. Application for new assistance increased by 3,800 from the previous month. Expenditures for the public assistance totaled $21,729,000 for the month of December.

This means, Mr. Chairman, that with 4 percent of Pennsylvania's total population on relief, approximately 12 percent of the citizens of the State are dependent upon unemployment relief and public assistance. Any Member of this House can readily understand why discrimination must not be allowed in the area of employment opportunities.

Sending a jobseeker into the highly competitive job-seeking competition with the added burden of discrimination strapped to his back, certainly does not give that person any hope whatsoever of winning one of the few jobs available.

This may be true in greater or lesser degrees in every State. Nothing contained in title VII will destroy job opportunities for any select group. However, it may open up some job opportunities, especially for the Negroes who have for too long been discriminated against in many fields, and in many areas.

I support this legislation in all of its phases and all of its titles but I would only support it with great disappointment if title VII is deleted or weakened in any manner. It has been said by the old Chinese philosopher that "a man once bitten by a snake fears every rope," Having personally tasted poverty in the bitter cold and desolation of a strike bound mining camp in the hills of Pennsylvania, I know of no greater agony or more degrading experience to mortal man than the deprivations of poverty as mirrored in the eyes of hungry children; the helpless look of the mother; and the voiceless protest of the jobless father.

I know, as you all know, nothing in this legislation will make a lamb lie down with a lion nor will it remove the spots from the leopard. Discrimination, bigotry, and prejudice are as old as man himself. Not only between the blacks and the whites, the blacks and the blacks, the whites and the whites, the reds and the reds, the yellows and the yellows, but between the Catholics, the Jews, and the Protestants, the rich and the poor, the strong and the weak; yes, in every field of endeavor in a greater or lesser degree we find it.

It goes way back in history and as children we were all told the tale contained in Holy Writ of the poor travelers from Galilee who spent that eventful night with the animals in the stable because, for them, there was no room in the inn.

Those of us who support this legislation whether we are white or colored, do not do so with the idea it will make over the hearts of all men into something good and understanding, but we fight for its enactment because we believe that all pretense of constitutional or legal protection for the discriminator must be removed by the affirmative action of the Congress of the United States, in legal language spelled out for once and for all. We must believe that the pursuit of happiness was not just a whimsical phrase of one man. John Adams wrote:

> The happiness of society is the end of government as all divine and moral philosophers will agree that the happiness of the individual is the end of man.

Somewhere in the 19th century we degraded the faith of Jefferson, or at least we tarnished it, with the materialism of Josh Billings' definition of happiness.

> Most of the happiness in this world konsists in possessing what others kan't git.

I believe it is essential to the well-being and security of the Nation that increased emphasis be placed upon all measures to prevent poverty, including the elimination of racial and religious discrimination and the development of full and unrestricted opportunity for employment at a suitable wage, and for adequate housing, education, social insurance, and medical care.

I believe that a democracy has the obligation to assure to all persons in the Nation, without regard to race, color, creed, or national origin, full and equitable opportunity for family life, healthful living, responsible citizenship, and maximum use of their potentialities.

I advocate that public welfare programs should provide effective services to all who require them, including financial assistance and preventive, protective, and rehabilitative services; these services should be available on the same basis to all persons without regard to race, color, creed, national origin, residence, settlement, source of citizenship or circumstances of birth.

WHEN WE LOOK AT POVERTY WE FIND

It has no face, and yet it has a million faces.

Poverty is everywhere, in the slums, on the farms, in the coal towns, the steel towns, the big and the little towns. Pockets of poverty can be found in the silk suits of prosperity.

It is recognized mostly by those who are in it.

Poverty has always been with us but that is no reason for it to be with us forever.

It is different today.

Abe Lincoln said "The Lord must have loved the poor, he made so many of them."

Being poor is different than being poverty stricken.

Today so many things besides food, clothing, and shelter are a part of our way of living that a person can be poor by not having carpeted floors, mechanical refrigeration, a radio or a car, maybe having just one suit or one decent dress makes a person poor by our standards, but poverty, that is something else.

Being poor is to be in an income class below the minimum standards. Being poverty stricken is to be in the no-earned income class. To be on relief year after year with a large family, to be sick with a chronic disease depending entirely upon charity care, being out of work and fighting to save your little home from the State relief department, living on the barest of diets; this is poverty in its meanest form.

We have uncounted hundreds of thousands of our people, according to our own Government statistics, over 20 percent of our population is living in those miserable degrading conditions, in the stench and darkness of poverty.

I hate poverty more than any other single thing in life.

The disease of poverty is a cancer upon the body politic and the Government of our Nation.

Unless we strike at its roots with this and other legislation aimed at the inequities that make the breeding ground so prolific we shall have not the biblical poor but the degradation of poverty in a world filled to the rim with the good things of life, with a surplus of food, shelter, and education piled into the caldron of despair with our surplus of poverty.

Denial to the Negro of the right to be gainfully employed shuts off to him the opportunity for economic advancement. The right to be served in places of public accommodation is meaningless to the man who has no money. The opportunity for education in an integrated school or college is lost on a child who knows that, whatever his education, he is condemned to a life of unskilled and menial labor punctuated by periods of unemployment. If there is any single point at which the vicious circle which discrimination has drawn around the Negro must be broken, it is in the field of employment.

Statistics presented to the Congress by the Department of Labor demonstrate the gravity of the problem. Among male family breadwinners, the unemployment rate today among nonwhites is three times what it is among whites. While nonwhites represent approximately 11 percent of the total civilian work force, they represent more than 25 percent of those who have been out of work more than 26 weeks, the long-term unemployed. Furthermore, the discrepancy between white and nonwhite unemployment is steadily growing greater. In 1947, the nonwhite unemployment rate was 64 percent higher than the rate for whites; in 1952, 92 percent higher; in 1957, 105 percent higher; and in 1962, it was 124 percent higher.

Nor are comparative unemployment rates the most significant indicators of the extent to which discrimination in employment affects racial minorities. When nonwhites are employed, it is generally in the lower paid and less desirable jobs. For example, 17 percent of the employed nonwhites have white collar jobs; the corresponding proportion among whites is only 4 percent.

Secretary of Labor Wirtz pointed out in his testimony before a subcommittee of the House Committee on Education and Labor:

> Negroes make up 90 percent of the nonwhite population and also receive the brunt of the burden of discrimination. Only one-half percent of all professional engineers are nonwhites. There are no more than 3 percent of male Negroes employed in each of 19 of the standard professional occupations for which we have data; for example, accountants, architects, chemists, farm assistants, and lawyers. These numbers are depressingly small.
>
> There were only about 250 professional male Negro architects in 1960; the largest number in any of the 19 professions was about 4,500 which is the figure for doctors. (Hearings Before the General Subcommittee on Labor of the House Committee on Education and Labor, 88th Cong., 1st sess., p. p. 445.)

Unquestionably some of the present disparity between the employment figures for whites and for nonwhites is not the direct result of discrimination in hiring. For many skilled jobs there is a lack of qualified nonwhite applicants. This shortage of skills, however, is attributable in large part to present and past patterns of discrimination which discourage Negroes and other nonwhites from preparing themselves for those jobs from which they have been traditionally excluded by reason of their race. It is an unhappy fact that if all racial discrimination in employment were to cease tomorrow, the legacy of past discrimination, as reflected in adequate training, economic and cultural deprivation, as well as the seniority rights of the present work force, will be felt for at least a generation. Permitting such discrimination to continue projects these evils effects still further into the future. For this very reason, it is essential that this Nation take prompt and decisive action to end discrimination in employment.

Federal fair employment legislation has often been considered by Congress. Title VII of the civil rights bill draws very heavily on this previous consideration, and is substantially similar to H.R. 10144, which was favorably reported by the House Committee on Education and Labor in the 87th Congress. The title 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. Exemptions are provided for religious organizations and other situations in which race, religion, or national origin is a bona fide occupational qualification. 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 be empowered to receive and investigate charges of discrimination, to attempt through conciliation and persuasion to resolve disputes involving such charges and, if conciliation is unsuccessful, to seek judicial relief against such discrimination. In the event, however, that the Commission fails or declines to bring suit within a specified period, the individual claiming to be aggrieved may, with the written consent of any one member of the Commission, bring a civil action to obtain relief. Relief available upon suit either by the Commission or an individual would include injunctions against future violations, and orders for reinstatement and, in appropriate cases, the payment of back pay. In order to avoid the pressing of stale claims, the title provides that no suit may be brought on any practice occurring more than 6 months prior to filing of a charge with the Commission.

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. The experience of the State and local commissions teaches that more may often be accomplished in achieving fair employment opportunities through the exercise of persuasion, mediation, and conciliation than through the initial use of compulsory enforcement.

Ample provision has been made in title VII for the utilization of existing State fair employment laws and procedures to the maximum extent possible. Present State laws would remain in effect except to the extent that they conflict directly with Federal law. Furthermore, where the Commission determines that a State or local agency has and is exercising effective power to prevent discrimination in employment in cases covered by the title, the Commission is directed to seek agreements with that agency whereby the Commission would refrain from prosecuting any such cases. The Commission is also authorized to use the services and employees of State and local agencies in the carrying out of its statutory duties, and to reimburse the agencies accordingly. Thus, the bill envisions the closest cooperation of Federal, State, and local authorities in attacking this national problem.

In order to enable employers, employment agencies, and labor organizations to bring their policies and procedures into line with the requirements of the title, and to avoid a multitude of claims arising while such adjustments are being made, the provisions prohibiting unlawful employment practices and providing relief therefrom are not to take effect until 1 year after the date of enactment of the title. For similar reasons,

employers of fewer than 100 employees and labor organizations with fewer than 100 members will be excluded from coverage during the first year after the date on which the enforcement provisions of the title become effective, and employers of fewer than 50 employees and labor organizations with fewer than 50 members will have an additional 1-year period before the title becomes applicable to them.

Mr. JONES of Missouri. Mr. Chairman, I move to strike the last word.

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

Mr. JONES of Missouri. I yield to the gentleman from New York.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment conclude in 15 minutes.

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

There was no objection.

Mr. JONES of Missouri. Mr. Chairman, I rise in support of the amendment to strike out all of title VII offered by the gentleman from Georgia. I am observing that during the day a lot of people got religion here, and I am glad to see that. I am glad to see that the Committee has agreed by their acceptance of amendments that the bill was not perfect in the first place.

We did a lot of things here today which are contrary to the private property rights of people.

I recall when I was a boy there was a man in St. Louis named Mr. Danforth, who started the Purina Mills. He employed people who did not smoke, who did not drink, and who were regular attendants at church. Under this bill he would be accused of discriminating. Yet I think that since he owned the business and used his money he was taking the full risk. By hiring people who were regular church attendants he had some assurance that he was going to have men of good morals around him, he was not going to have employees who were using vile language, who were telling dirty stories, and doing things which would have a bad influence on the minds of young people who might be employed in that business. Yet under this title here you are taking away from people like that the opportunity to exercise a right that I think they have under the Constitution.

If the Government has any money in a business, if they have made a loan, if it is their business, if it is anything that the Government has a financial interest in, I would say then he would have the right to do it, but this title involves, if the amendment does not carry—if it does not carry, then I think the title should be open to a lot of other amendments. I do not think we should try to close off debate on this section here tonight. We are going to come back here Monday. I think I can assure you of that. We are going to be back here; we are going to be back. Anybody proceeding under the illusion that they are going to try to stay here and pass this bill tonight I think has another think coming. This bill needs a lot more debate on it. There are a whole lot more amendments needed here. The simplest thing to do is knock out title VII. Then you might get a few more votes for passing the bill.

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

Mr. JONES of Missouri. I yield to the gentleman from Michigan.

Mr. GRIFFIN. In the event that the pending amendment does not carry and we do have this title in the bill and it does become a law, I would not want the statement of the gentleman to go unchallenged in the RECORD that under this title an employer could not set up qualifications for employment, such as to require that the employee to be hired shall not drink or smoke or swear, and so forth, because under this bill he can require any qualification or discriminate on any other ground than race, color, religion, or sex.

Mr. JONES of Missouri. Can he require that an employee must be a regular attendant of a church but not a member?

Mr. GRIFFIN. If he did not specify any specific religion, I think he could.

Mr. HALL. 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 Missouri?

There was no objection.

Mr. HALL. Mr. Chairman, since last Friday, I have listened intently through almost 40 hours of debate on H.R. 7152, commonly referred to as the civil rights bill, now before the House of Representatives. I have studied both the majority and minority reports issued by the supporters and opponents on the all-lawyer House Judiciary Committee which considered this legislation. I have tried to judge the merits of each of the titles in the bill, which is quite detailed and very complex, in contrast to the simple label of "Civil Rights." This is not the administration's bill, nor the full committee bill, but a substitute of unknown parentage and origin.

I regret that when the issue is finally decided, it will not be possible to vote separately on each of the 10 major titles in the bill. I believe some of these sections are unjust, and that others contain more good than bad. The uninformed may be amazed to know that some of these titles contain penalties for discrimination based on religion, as well as race, color, and common origin—and others do not. But, there is one section of the bill, in particular, which I cannot support, and unless it is stricken from the bill in the hours that lie ahead, I cannot in good conscience vote in favor of the whole bill.

The section I refer to is title VII, the so-called fair employment practice section, which, in my opinion, is unconstitutional, and will, if adopted, ultimately create a police state with authority to dictate hiring and firing policy for 70 million Americans.

I do not believe the Constitution gives the Attorney General of the United States that kind of authority, and I believe it would touch off more racial problems than it would solve. I feel all prudent men would agree, if they could read and study the exact language with me.

In the technical sense of the word, an employer discriminates every time he hires someone, as long as there is more than one applicant for any position. What Federal officer can say whether such discrimination is based on race, education, religion, appearance, experience, personality, or the way an applicant responds to questions? The only way we could ever avoid complete lack of discrimination in employment would be to force an employer to hire everyone who applies for a job. I believe an employer must have the final authority to hire whoever he believes will advance the interest of his customers, his business, and the investment it represents. I believe the Constitution gives him that right and I don't think it can be delegated to the Attorney General of the United States, unless we are ready to accept the premise of a police state. Who is to say what percent of minority group employment constitutes nondiscrimination? Is it 3, 5, 10, or 50 percent? In short, moral intent is difficult if not impossible to legislate.

I do not believe the issue here is one of civil rights. It is one of extending the power of government beyond reason, and beyond the specific limits set forth in the Constitution. Inclusion of this particular section will signify the end of constitutional guarantees against the excessive use and abuse of power, and might well place it in the hands of a minority group.

Over the past 2 years, I have voted on every occasion, in support of civil rights amendments to specific bills, such as the vocational training bill, for example, to insure that the benefits of any Federal program were available to all those whose taxes support them. That issue is entirely different from the one posed by the fair employment practices section of this bill. I hope that section will be eliminated. It was not in the original bill, and it does not deserve to be in this one. If it is not stricken, I shall be constrained to vote against the entire bill, and will always feel it was political in nature—not good legislation.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. RYAN].

Mr. RYAN of New York. Mr. Chairman, throughout the day we have listened to a great deal of talk and many implausible arguments. But we have failed repeatedly to face the crucial issue, and that is whether or not it is time for us to declare as a matter of national policy that there shall be no discrimination in employment on the basis of race, creed, or color. I think that is the issue.

Discrimination in employment is obvious if we look at the statistics. We know that unemployment among Negro workers in this country is twice as high as among white workers. We know that the average income of Negro families is far below the average income of white families. That is the root of this problem.

Let us fulfill this obligation. Let us have enough of this irrelevant talk about property rights. Now is the time to seize the opportunity to make it clear that human rights and human values are the important things. So let us put human rights ahead of property rights.

Mr. Chairman, Title VII: Equal Employment Opportunities is one of the most important titles of the civil rights bill. Equal rights will never be fully realized until we eliminate discrimination in employment. The inseparable concomitant of racial justice is equal economic opportunity—the right to work based on one's merit, skill, and ability and not on one's race, color, religion or national origin.

The demands for equal employment opportunity are based on the realities of our economic life. In 1963 the average rate of unemployment for nonwhite workers was 10.9 percent as compared to an unemployment rate of 5.1 percent for white workers. In cities like Detroit and Pittsburgh, the unemployment rate for Negro males hovers around 17 percent. Among younger workers, age 14 to 19, the 1963 unemployment rate for whites was 14 percent while for nonwhites it was 28.4 percent. Not only is there more unemployment among nonwhite workers, but they stay unemployed much longer than white workers. Of the long-term unemployed—more than 26 weeks—in 1963, 27 percent were nonwhites, although nonwhites are only 11 percent of the labor force.

In addition, the gap between the white and nonwhite unemployment rate, with the exception of 1963, has grown steadily greater. In 1947, the nonwhite unemployment rate was 64 percent higher than the rate for whites; in 1955, 92 percent higher; in 1957, 105 percent higher; and in 1962, it was 124 percent higher. In 1963, the nonwhite unemployment rate was still appallingly 114 percent higher than that of white workers.

Even a Negro with a college education finds it difficult to obtain a well-paying job. The Senate Committee on Labor and Public Welfare in its February 4, 1964, report on S. 1937, the Equal Opportunity Act, states:

> According to the projections developed by the Bureau of the Census, the average nonwhite male with 4 years of college education can expect to earn during his working lifetime $185,000, while the white dropout with no more than eight grades of elementary education will earn $191,000.

Even when they are employed, nonwhites are generally employed in the lower paid and less desirable jobs. Secretary of Labor Wirtz stated on June 6, 1963, before a subcommittee of the House Committee on Education and Labor:

> Negroes make up 90 percent of the nonwhite population and also receive the brunt of the burden of discrimination. Only one-half percent of all professional engineers are nonwhites. There are no more than 3 percent of male Negroes employed in each of 19 of the standard professional occupations for which we have data; for example, accountants, architects, chemists, farm assistants, and lawyers. These numbers are depressingly small.
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> There were only about 250 professional male Negro architects in 1960; the largest number in any of the 19 professions was about 4,500, which is the figure for doctors. (Hearings Before the General Subcommittee on Labor of the House Committee on Education and Labor, p. 445.)

The sad story of unemployment and discrimination is reflected in the statistics on income. Sixty percent of all nonwhite families in this country still have incomes of less than $4,000 a year, compared with 26 percent of all white families. As a whole, the income of Negro families is only slightly more than half of that of white families, a situation that has remained almost unchanged during the last decade.

It is clear that in the economic life of the Nation the Negro is not equal.

In 1962 and 1963 the Civil Rights Commission held hearings on discrimination in employment in Indianapolis, Newark, Memphis, and Phoenix and found evidence of racial discrimination by employers and unions. According to the Civil Rights Commission, rarely are open confessions of discrimination made, but many, even those who are obliged by law not to discriminate, frequently say that, if Negroes were hired for certain positions, customer relations would be jeopardized or there would be dissension among white employees.

Secretary of Labor Wirtz on August 2, 1963, before the Senate Subcommittee on Employment and Manpower discussed the prevalence of discrimination in employment. According to the Secretary:

> Discrimination has become, furthermore, institutionalized so that it obtains today in some organizations and practices and areas as the product of inertia preserved by forms and habits which can best be broken from outside.

The failure of civilian employers to eliminate discrimination comes most clearly into focus when their performances is compared with that of the military. Fifteen years ago President Truman decreed an end to racial segregation in the Armed Forces. Last year the Commission on Civil Rights reviewed the implementation of the Truman order. It found that, compared with the civilian economy, the military had made striking progress. Negro enlisted men in the Armed Forces do better in every clerical, technical and skilled field. These include jobs in electronics, as medical and dental technicians, draftsmen, aircraft and auto mechanics, electricians and communications linesmen, construction and printing craftsmen. The same is true to a large extent for Negro officers who serve in fields such as engineering, finance and accounting, aviation, navigation and other management careers in much larger proportions than do Negroes in the civilian economy. And Negroes reenlist in larger proportions than whites, in great part because opportunities in these fields are not open to them in the civilian economy.

This does not suggest that the Armed Forces are by any means perfect; there are still areas of deficiency. But compared with their counterparts in the civilian economy, the armed services are better employers. Their success in developing and utilizing Negro manpower helps to demonstrate how large a barrier racial discrimination is in the civilian economy.

Clearly, discrimination is not the only factor involved in the Negro's economic plight. The Negro from the time he is born is disadvantaged. President Kennedy eloquently pointed this out in his June 11, 1963, civil rights speech:

> The Negro baby born in America today, regardless of the section of the Nation in which he is born, has about one-half as much chance of completing high school as a white baby born in the same place on the same day, one-third as much chance of completing college, one-third as much chance of becoming a professional man, twice as much chance of becoming unemployed, about one-seventh as much chance of earning $10,000 a year, a life expectancy which is 7 years shorter, and the prospects of earning only half as much.

However, racial discrimination in employment is at the root of the problem. Senate Labor Committee report—Senate Report No. 867—on S. 1937 which was based on extensive hearings shows the interrelation between discrimination in employment and the total situation of the Negro. The report states on page 6:

> Discrimination in employment thus begins at the top of the economic system and filters down through the lower levels despite educational attainment. The Negro youth, observing this, becomes demoralized and disinterested in educational achievement and drops out of school at alarming rates, ranging as high as 20 percent. He is caught in a vicious cycle in which, untrained, undereducated, and undermotivated, he is rarely prepared for an employment opportunity should one arise.

The responsibility to break the vicious cycle rests with the Federal Government. Racial discrimination in employment as in other areas is a fundamental violation of our constitutional principles. In addition, racial discrimination in employment has a severe negative effect on our national economy. President Johnson, on December 12, 1963, told a meeting of representatives from 64 leading companies:

> The Council of Economic Advisers has estimated that our gross national product would be more than $20 billion greater than it is if the full potential of our Negro citizens were at work in our economy.

The President went on to say:

> The fullest use of this Nation's most vital resource—human beings—will be achieved only when the artificial standards of race, religion, and national origin are no longer used.

Mr. Chairman, title VII is a major step toward eliminating the "artificial standards of race, religion, and national origin" in employment. It requires that all employment agencies, employers, and labor organizations with a specified minimum number of employees or members shall not discriminate against any person on account of race, color, religion, or nationality. This requirement applies to nondiscrimination in employment, advancement, referral to employment, membership in unions, and participation in apprenticeship and other training programs.

Under this title a bipartisan Equal Employment Opportunity Commission will

be set up to implement these provisions. It will receive and investigate charges of discrimination and use conciliatory techniques to resolve bona fide disputes. If informal methods are unsuccessful, the Commission may commence a civil action to prevent the continuance of the unlawful practices. Unfortunately, the Commission has not been given the same power as the NLRB, the SEC, ICC, and other agencies of the Federal Government which have the power to issue cease and desist orders which are enforceable in the Federal court of appeals. Instead, if informal methods are unsuccessful in eliminating unlawful discrimination, the Commission must go to the district court where the case will be de novo.

Mr. Chairman, title VII is not a panacea; its passage will not totally eliminate discrimination in employment. But it does set a Federal standard of conduct and does empower the Federal Government to end racial discrimination in employment where it finds such practices exist. It is a long overdue step toward fullfilling our constitutional guarantees and our democratic ideals.

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

Mr. ASHBROOK. Mr. Chairman, I yield back my time since I intend to offer an amendment at the proper time.

The CHAIRMAN. The Chair recognizes the gentleman from South Carolina [Mr. ASHMORE].

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

Mr. ASHMORE. I yield.

Mr. FUQUA. Mr. Chairman, title VII of the Civil Rights Act of 1963 is counter to my basic beliefs in the rights of all American citizens. The right of a business owner to judge the competency of his own employees seems to me to be a basic one.

Does not our system of free enterprise allow the owner of a business to judge for himself the type of employee that he wishes to have in his business. Under the free enterprise system it seems to me that a man who operates a business must meet the competition of his competitors and this is the criteria by which he must employ his work force.

This particular section seems to me to be not only extremely unfair, but unconstitutional and unworkable. The establishment of the Fair Employment Practices Commission brings to the fore a new governmental agency, that through its investigators, commissioners, administrators, lawyers, and judges, assumes control in a sense over the management of the affairs of businesses and their private property.

What is to constitute discrimination? If only 5 percent of a particular racial group is employed in a particular industry, and this group constitutes 50 percent of the population of that community, does this constitute discrimination. I doubt seriously that we would say that half of the lawyers in that community would have to be of that particular racial group, when, just for example, none had the training to become attorneys.

And when the Commission states that it has cause to proceed against an employer, that employer who has been charged must then assume the burden of producing evidence that he did not discriminate—he has to prove his own innocence. He is in essence guilty until proven innocent.

The competency of such a commission is in question. They are given powers over the conduct of businesses to such an extent that the management of industry and business has their hands tied in the type of employees they must hire. I ask you, Is this fair? Is it not a basic precept of these United States that a man has the right to hire those employees he feels will most benefit his business, and make him a profit on his investment.

This is the concept which our Nation used to become the greatest and most powerful nation in the world. Under this system we have developed the means to become the best fed and most prosperous people in the history of mankind. Contrast this Nation with that of the Communist nations where government dictates all existence.

Such action as this on the part of the Government of these United States does not eliminate discrimination, it simply takes away the basic rights of our free enterprise system and I sincerely hope that the Members of this body, with so much at stake, will stop and think, and vote to eliminate title VII.

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

Mr. ASHMORE. I yield.

Mr. GATHINGS. Mr. Chairman, title VII deals with jobs. Let us look at what is happening in the Deep South with regard to the employment practices of larger employers of labor. I have asked four firms in Phillips County, Ark., to furnish me a comparison of employment by race in their business establishments. Here are the replies received from them. They indicate full well that Negroes are accorded the privilege of good jobs and good pay. They are in the great majority in filling all the available jobs in these business establishments:

McKNIGHT VENEER & PLYWOODS INC.,
Helena, Ark., November 15, 1963.

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

DEAR "TOOK": It's nice to have your note of November 13, inquiring about the percentage of our employees by race.

We are one of the older employers in this community, and we have always had a preponderance of the colored. The figures are as follows:

Total number employed, 140; 14 percent white, 86 percent colored.

With kindest regards, I am,

Yours very sincerely,

FRENCH R. McKNIGHT.

CHICAGO MILL & LUMBER CO.,
West Helena, Ark., November 19, 1963.

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

DEAR SIR: In reply to your letter of November 13, with regards to our percentage of employees by race, as of week ending November 17, we have 30 percent white and 70 percent colored employees.

Yours very truly,

W. J. LITTLE,
Office Manager.

HOWE LUMBER CO., INC.,
Wabash, Ark., November 29, 1963.

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

DEAR TOOK: In answer to your letter of November 13 our records show that we presently employ 341 Negroes (72 percent), 34 Mexicans (7 percent), and 98 white people (21 percent).

From these figures it would appear that we are being unfair to the white race. No one here, however, has complained of this situation as yet.

Hope this information may be of help to you. I also send best personal regards.

Sincerely yours,

S. J. HOWE, *President.*

BEISEL VENEER CO.,
West Helena, Ark., November 18, 1963.

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

DEAR TOOK: Appreciate very much your November 13 letter mentioning your plan to appear before the House Committee on Rules regarding civil rights legislation.

In our plant we have 18 percent white and 82 percent colored.

Trusting this information may be of some small help to you, and to all of us, I am

Sincerely yours,

ERVIN BEISEL, *President.*

The CHAIRMAN. The Chair recognizes the gentleman from Alabama [Mr. ANDREWS].

Mr. ANDREWS of Alabama. Mr. Chairman, I rise in support of this amendment. The purpose of this bill is to try to eliminate discrimination against Negro applicants for jobs. But just as sure as the sun rises in the east it is going to amount to giving Negro applicants the right-of-way in the employment field.

If I understand correctly, under this bill any man who fails to give a Negro a job on account of his race will be subject to severe action taken against him under the provisions of this bill.

Now let us assume an employer runs an ad in the paper advertising for 10 workers to appear at 8 o'clock on Monday morning at a certain place. Let us say 15 men appear, 10 of whom are white and 5 of whom are colored. For sure those 5 colored people will get the jobs, and only 5 out of the 10 whites will be employed, for the simple reason that if the employer fails to give 1 of the Negroes 1 of those jobs he will be hailed into court. That is a decided preference that is given to the Negro applicant to the disadvantage of the white applicant.

I am opposed to this section. I think it is one of the worst, if not the worst, section of the entire bill.

Mr. Chairman, when the Federal Government can step into a man's place of business, if he is covered by this act, and tell him whom he can employ and whom he can promote and whom he can fire it sounds more like Russia than America.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio [Mr. OLIVER P. BOLTON].

Mr. OLIVER P. BOLTON. Mr. Chairman, I am in favor of the objective of title VII.

I have taken this time, however, to ask members of the committee in order to establish a legislative record why the exception was made in subsection (b) of section 702 on page 64 which specifically excludes the United States or a corporation wholly owned by the Government of the United States from the applicability of this act. I ask members of the committee that question in order to establish a record whether this would apply to the TVA or any similar corporation under the provisions of this title and whether they would be exempt from the applicability of its provisions. Would one of the committee members respond to my request?

Mr. ROOSEVELT. Mr. Chairman, will the gentleman yield to me, although I am not a member of the committee?

Mr. OLIVER P. BOLTON. I am glad to yield to the gentleman from California.

Mr. ROOSEVELT. We felt this was a matter which should be left to the discretion of the executive branch.

Mr. OLIVER P. BOLTON. If the gentleman will let me comment at that point, that was the specific reason why I raised the point when I discussed the matter with counsel for the committee. I was assured that this was not within the executive jurisdiction but that this was because of the provision of the Constitution. If it is a question of executive jurisdiction I would say to the gentleman it will be my intent to offer an amendment which will make this act applicable because I do not think it should be a question of executive jurisdiction. I think it should be a question of law.

Mr. ROOSEVELT. I think I should point out to the gentleman in previous action today we have already eliminated this section of the bill that dealt with that subject and the Committee of the Whole has distinctly made the decision that this is a matter for the executive and therefore unless we reverse that decision through the gentleman's amendment, that decision has already been made.

As to whether or not the TVA is a corporation wholly owned by the Government of the United States, one of my lawyer friends will have to tell me. I believe it is. If it is, it would be excluded.

Mr. OLIVER P. BOLTON. I am trying to establish a legislative record. I shall do that later.

The CHAIRMAN. The Chair recognizes the gentleman from Alabama [Mr. SELDEN] for 2½ minutes.

Mr. SELDEN. Mr. Chairman, title VII of the measure now before us would do, in the realm of employer-employee relations, what the public accommodations section proposes to do in other areas of community life.

What is proposed in title VII, in my opinion, is a veritable "Star Chamber Employment Bureau"—a Federal commission to be vested with powers of regulation over American business and economic relationships.

Our Nation today leads the world economically, and this is due in large part to the economic freedom we enjoy.

Consequently, I believe that this title not only is unnecessary but that it would be a very dangerous extension of Federal powers. Therefore I support the amendment of the gentleman from Georgia [Mr. LANDRUM] to strike title VII from the bill.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. CORMAN] to close the debate on the pending amendment.

Mr. CORMAN. Mr. Chairman, I yield to the gentleman from Alabama [Mr. GRANT].

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

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

There was no objection.

Mr. GRANT. Mr. Chairman, I rise in support of the amendment to strike title VII. For years, there have been groups in this country who have recommended the enactment of legislation establishing a Fair Employment Practices Commission which has become known as FEPC. The proper legislative committee of this House, that is, the Education and Labor Committee, has time and time again considered this proposal, and now this monstrosity appears under the title of "Equal Employment Opportunity." But, to paraphrase the well-known phrase, a rose by any other name smells the same; of this, I say that under any other name, it stinks just the same.

I am frank to say that this measure will, in the end, not accomplish what its proponents claim that it will. It is punitive, vindictive, and ill considered. Some are constantly talking about this Nation's image before the world. Must we surrender everything that has made this Nation great in order to attempt to show the world that this Government tells its people whom they must or cannot employ?

Never in the history of this Nation has there been proposed such drastic legislation which takes over the intricate and personal matters relating to the hiring and firing of employees; and, here and now let me warn my union, labor members that section is a slap in your face and that these high-sounding phrases are only a gimmick to snare your support.

Since this bill has been under consideration, we have seen some chairmen and ranking minority members of the various committees of the House sit by and see the legislative rights and prerogatives of their respective committees gobbled up by this bill. Never has this been so brazenly done in the legislative history of this House. There have, of course, been a few exceptions to this which is a matter of record. Do we want to surrender our responsibilities and rights under the rules of this House to turn the legislative program over to one, all-powerful committee? As for me, I do not.

I am sincere when I say that I want people of all races to have good employment. I am not so blind that I do not realize that the economic development of my great section of the country is inevitably bound between the white and Negro races and that the more the white race prospers, the more all races prosper—and this is just and right as it should be.

This section, if enforced, will cause more trouble, hatred, and ill feeling than anything else. It is unworkable and will do much more harm than any contemplated good.

If this motion to strike this section is not adopted, let me appeal to you to give careful attention to the well thought out and carefully drawn amendments that will be offered in an effort not to kill this section, although I wish that this could be done, but in an effort to make the section more workable.

It is stated under the findings and declaration of policy that the Congress declares that the section is necessary in order, first, to remove obstructions to the free flow of commerce among the States and with foreign nations and, second, to insure the complete and full enjoyment by all persons of the rights, privileges, and immunities secured and protected by the Constitution of the United States.

Do I understand from this that in order to provide this "free flow of commerce" that an employer must abandon his rights given him under the Constitution and laws of our Nation? As to the second part, it is noted that this will insure complete and full enjoyment by all persons of the rights, privileges, and so forth. I challenge this statement because it would not insure the rights of all or any employers. Does not the employer have some rights under the Constitution of the United States? Has he no protection under this same Constitution?

It is a matter of unlawful practice for an employer to discriminate, and so forth. Now, let us presume that a person is fired because he is shiftless or for any other reason that can be named, such as always being late, leaving his responsibilities unattended, and so forth, and he reports to this all-powerful commission and states that he was fired because of his race or religion. This immediately makes the employer a defendant—not the employee—and the employer has to prove that the employee was not fired because of his race or religion. Why should the burden of responsibility be on the employer? This is a new departure in American jurisprudence.

Mr. CORMAN. Mr. Chairman, I yield to the gentleman from Hawaii (Mr. GILL).

Mr. GILL. Mr. Chairman, the civil right to enter a hotel or a motel or a restaurant is of little value without the money to pay the bill. The civil right to equal schooling is of little use when that schooling cannot be put to use in a job. If we are to raise the economic and social status of the Negro and other underprivileged people of this Nation, we must insure their equal opportunity to use their training and talents without discrimination because of their race.

This title, and indeed this bill, will not solve our racial problems, but it will

help. It will state clearly that the law will protect our people against racial discrimination in employment. It will put the weight of this Nation behind the concept of equal opportunity for all. If it does nothing else it will give hope where there is no hope; a hopeful future where the future is bleak.

This title may not be in the form that I would prefer, and many others have reservations, but it is workable. I hope this amendment which would strike the entire title VII is defeated.

Mr. CORMAN. Mr. Chairman, this is an honest amendment, because it would do directly what has been attempted by some rather circuitous routes. It would destroy a very important portion of the bill. I urge that it be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia [Mr. LANDRUM].

The question was taken; and on a division (demanded by Mr. WAGGONNER) there were—ayes 90, noes 150.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. ASHBROOK

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

The Clerk read as follows:

Amendment offered by Mr. ASHBROOK: On page 70, line 10, after the word "enterprise" insert a new section:

"(f) Notwithstanding any other provision of this title, it shall not be an unlawful employment practice for an employer to refuse to hire and employ any person because of said person's atheistic practices and beliefs."

Mr. ASHBROOK. Mr. Chairman, I have heard it said time and time again that we are not endeavoring to include all types of discrimination in this title and in this bill. However, we are prescribing very definite and positive requirements on employers.

If I may have the attention of the chairman of the Judiciary Committee, I should like to propound a question to him, because if my interpretation of the bill is incorrect I shall gladly withdraw my amendment.

I would like to propound just one question. I am thinking in terms of a private enterprise for profit, which would be covered by this bill. A man comes for employment and the employer is honest enough to tell the applicant, while he is otherwise qualified, he will not hire anyone of atheistic convictions. The man then uses his remedies provided by this measure. It is my interpretation of the bill that as a part of his civil rights purported to be extended by this FEPC title, he could allege he has been discriminated against and proceed against the employer.

I wonder if the chairman of the Committee on the Judiciary could give me his interpretation of this. As I said, if I am wrong, I will gladly withdraw my amendment.

Mr. CELLER. The bill provides there can be no discrimination on the ground of religion. That is the answer I have to give you.

Mr. ASHBROOK. So if I do not want to hire an atheist, I can be forced to hire one?

Mr. CELLER. Not necessarily. It all depends on the surrounding circumstances. If the employer deliberately discriminates against a person because of his religion, although he may be otherwise qualified and all other things being considered, he may run afoul of the law. But just because he is an atheist would be no reason why there should be any discrimination, whether he be a Catholic, a Protestant, or a Jew. It all depends on the facts and circumstances in the case.

Mr. ASHBROOK. I think you have answered my question. I have stipulated that the man would be otherwise qualified and he has been honestly told this is why he would not receive the position.

Mr. CELLER. There is no need for your amendment.

Mr. ASHBROOK. This would be a practice which the employer could not do, according to what you said. He could not discriminate against a person because he is an atheist. Is that correct?

Mr. CELLER. That is correct.

Mr. ASHBROOK. That is what my amendment would endeavor to do; that is, to say the employer could discriminate because of the atheistic practices or beliefs of an applicant for a job. My amendment would seem to speak for itself, and I certainly encourage everyone to support it. It seems incredible that we would even seriously consider forcing an employer to hire an atheist. This is one of the booby traps in the bill which the sponsors have very glibly alleged did not exist.

Mr. ELLIOTT. 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 Alabama?

There was no objection.

Mr. ELLIOTT. Mr. Chairman, I cannot but recall that when word spread that land was near, the brave band of our forefathers aboard the *Mayflower*, 350 years ago, immediately met in the hold of their ship and adopted an agreement, now known as the Mayflower Compact, which started with the words:

In the name of God, Amen.

America started under God.

The United States of America has progressed under God to the highest pinnacle of perfection of any nation on this earth.

Her dedication to God in the early years was inscribed upon all her basic documents, upon her constitutions, her declarations, and her tablets of stone.

America wrote upon her coins of money "In God We Trust."

As our Nation grew, she pushed her boundaries across her frontiers and her men of God were the keepers of civilization pending the formal planning of our political subdivisions.

The concept of a nation which respects God has continued to this very hour.

A few years ago I had the privilege, as a Member of the U.S. House of Representatives, of helping to write into our basic statutes the recitation in the Pledge of Allegiance to our flag that we are "one nation under God."

In furtherance of that dedication we set aside a prayer room in this Capitol where men of all faiths might repair for communion with God.

We erected the declaration "In God We Trust" over the Speaker's chair of this very Chamber.

We stand today upon the very summit of the world. Men of earth proclaim our greatness. It is written upon the winds. Soon it will be reflected upon the stars. Surely the God of all things has directed us. Divine Providence has led us.

In the midst of it all is man. God put him there. He gave him the wonderful attribute of free choice. America gave to all a free choice of religion. We call it freedom of religion. We protected that choice in the Constitution itself. America gave the atheist the right of disbelief. It gives it to him today. But surely, our America gives the employer the right to reject an applicant for employment who does not believe in God. Under this amendment we are speaking of private employment. Today the American employer has a right to insist that his employees believe in God. This amendment insists that that right not be taken away from the American employer if he desires to exercise it.

There will be cries of anguish from those on the other side of this debate that this amendment is abridging a freedom of free man. On yesterday many of these same people voted to give a swarm of bureaucrats the right to cut off the very milk that goes into the mouths of little schoolchildren of whatsoever color. They voted to uproot customs and habits that were more than 300 years old in our America. They voted to cut off the benefits of a hospital program which is the envy of the world. They voted to cut off aid in fields where that aid is necessary and beneficial.

Here, we do not seek to take any right away from anybody. We leave the right of the atheist to believe, or not to believe, as may be his choice. All this amendment does is preserve for the American employer a freedom to insist that his employees be under God. I think the amendment ought to be adopted.

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

Mr. Chairman, after listening to the debate for about a week and reading this bill and hearing the answers of the gentleman from New York and the gentleman from Ohio, at least their replies rather than answers, I have tried to determine why it is that the Republican leadership and, may I say, most of the Republican Members have worked in such complete harmony with the gentleman from New York and the Democratic leadership to pass this bill without substantial amendment. I have never seen it before. I am not going to put this in the form of a question, because I would not want my Republican colleagues to give me a misleading answer. Yet I could not expect them to admit it if it is true.

However, after consideration, to my mind, the only plausible answers I can see for this close harmony between the Republican and Democratic leaders to the point of holding councils around the table while debate continued and going

outside to further cooperate are two in number. One is that my Republican friends in helping to pass this bill are knowingly giving to President Johnson and to Attorney General Kennedy all the rope in the world, where if anything occurs they can say, "Well, we certainly gave them the authority. Why did they not keep it from happening?" or they will say, "It is not the law, it is the administration of the law," and may I say, no person and no President and no Attorney General could handle the authority granted in this bill without stirring up all the people, and I believe, without destroying a great country.

The only other plausible basis for the Republican leadership helping the Democratic leadership is that they note that the senior Democratic members on the Judiciary Committee in the Senate are first the chairman, Senator EASTLAND, of Mississippi, the Senator from South Carolina, Senator JOHNSTON, the Senator from Arkansas, Mr. MCCLELLAN, the Senator from North Carolina, Mr. ERVIN, and then that you Republicans feel that if the present bill goes to the Senate as is and they follow the custom of appointing the most senior Members to the conference committe, then you can go to the country and say, "We Republicans did everything, but the Democrats knocked out something in conference."

That is not absolutely true as I understand it, because the senior members do not have to be appointed.

But I want to follow a thought for the moment that many of you have not apparently given any attention to. The gentleman from New York and the gentleman from Ohio said that this is not covered and that is not covered; this is exempted and that is exempted. My friends, I challenge any man in the House to tell me that there is any section in this bill that one individual cannot put anybody under the control of this bill until he can get himself out. It may be that a man in business may be able to get himself out, but any individual can go in and make a claim that he is being mistreated or discriminated against. Then you get into the question of, Is it so or is it not?

Where does that leave us? If you read this, everything and everybody, every home, and every school, every election in every precinct could be claimed to be included. Then the person, or organization has to prove his right to be out from under the terms.

I know the gentleman from Ohio [Mr. MCCULLOCH] said in a letter to Congresswoman MAY, which appears in the RECORD on page 2541—I know he said this bill affected only a small section of the country. My friends, he may just intend it to be my section of the country, but this bill will have general application. You may think your section is not involved, but remember it just takes one complainant to charge he or she has been discriminated against to get the businessman into trouble, and he has to get himself out.

Before it is too late, realize you make it possible for one individual to drag anybody into court, drag him all over the place.

In 1956 I was in Russia. We were with our most experienced U.S. Government representatives, people who have been there for 4 or 5 or more years. Our committee made arrangements to go by train from Moscow to Kiev. We then decided afterward that we would like to go by automobile. It took us 3 days to get permission to change our plans and go from Moscow to Kiev by automobile, though we were cleared to go by train. We could visualize that the delay was perhaps because of mass movement of troops, that we were going into an area where they were testing this or testing that. Our American friends, our representatives, our attachés, said "Oh, no. It is nothing like that. This nation is so regulated and so controlled there is nobody in this nation that would sign anything short of taking 3 days, to be sure he was not getting into trouble with his superiors."

Mr. Chairman, that is what we are doing here. We, too, are setting up a Russian system and the Republican leadership is a 100-percent partner in this effort.

Mr. JONES of Missouri. Mr. Chairman, I rise in support of the pending amendment.

Mr. Chairman, it is very apparent that there is a lack of agreement among members of the committee. You will recall a minute ago I made the inquiry of the chairman of the committee, the ranking member of the committee, who was not here. The gentleman from Michigan gave me his interpretation that as an employer I could require that an employee be a member of a church. Yet, we have heard the chairman of the full committee say that this bill would permit an atheist to go before this Commission and making the point he had been discriminated against. I do not know how the rest of you people feel about this. I am sorry that the author of the amendment did not include Communists in here also.

It would be interesting to see how many people are going to stand up here and be counted, and say they feel an employer is compelled to give consideration to the hiring of an atheist, when he is trying to run a business that is based on good moral grounds.

I would invite your attention to a speech made by our President last Thursday morning when he spoke at the Presidential prayer breakfast about his belief in God. He thought we should have here in the Capital City a monument, a religious center—not paid for out of public funds. I do not think the President of the United States would have any objection to this.

I want to ask at this time the chairman of the committee if he would be willing to accept this amendment?

Mr. CELLER. Of course I cannot. How could the Federal Government give sanction to religious discrimination?

Mr. JONES of Missouri. We are not doing that.

Mr. CELLER. That is what the amendment does.

Mr. JONES of Missouri. What you are trying to do is to give a preference to guarantee employment of atheists. That is what you are doing if you fail to accept this amendment. I know you try to get out of this, but we found out a lot of things here today that have happened in connection with this section. There are still many more amendments that are going to come. I would like to find out what the position of the people is in relation to atheists.

This is a nation that believes in God, a nation that was established under a belief in God. We have put up over the Speaker's dais, and I want to remind you of this, these letters, "In God We Trust," which were put there after the Supreme Court decision. They were put there to show, at least, that many Members wanted to do something positive to indicate they did not agree with or concur in the Supreme Court decision.

I still believe that the American people believe in God; that they have very implicit trust in God, and I do not want to have any of our laws weakened to the extent we do not recognize that this is a nation that believes in God.

I support the pending amendment, and hope it will be adopted.

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

Mr. Chairman, I should like to make this comment on the recent remarks of the gentleman from Missouri. Although I am reluctant to do so, I disagree with the chairman of the committee. While the debate was in progress here a moment ago I looked in Webster's dictionary, and in my opinion, discrimination on the ground of religion, if we accept the definition in the dictionary which we have in the front of this Chamber, does not include atheists. It says that atheism and religion are antithetical terms. Hence, under the terms of this bill, one cannot discriminate among Methodists, Catholics, or Mohammedans, yet may discriminate against an atheist with impunity.

Mr. JONES of Missouri. If the gentleman will yield, in other words, the gentleman would have no objection to putting this amendment in the bill?

Mr. BROMWELL. I think in the circumstances, under my view, it would be surplusage and unnecessary.

Mr. JONES of Missouri. In the light of what the chairman has said in establishing this legislative history, that it could be, I should think the gentleman would demand that this amendment be adopted to conform to his belief.

Mr. BROMWELL. I think it to be unnecessary. This is my view of the matter. I myself would not see any reason to include it.

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

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

Mr. ASHBROOK. Suppose an interpretation were later made by the Supreme Court that would say that atheism would be lack of religion? They would not treat them in the same way.

Mr. BROMWELL. I would hesitate to anticipate an opinion of the Supreme Court. It is entirely possible you would have a judicial construction which would make the amendment necessary.

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

Mr. Chairman, I am opposed to this amendment. I was one of the original cosponsors of the proposal to include the words "under God" in the Pledge of Allegiance. I am a Catholic by faith, but I respect the right of other people to believe or not to believe. I do not see any reason to discriminate against a person on account of race, color, national origin, or religion. If a person seeks not to believe in God, I believe it is his American right not to believe, although I would continue to adhere to my religion. Believing that this Nation grew because it had in its basic fabric a strong belief in God, nevertheless I as an American and as a Member of this Congress feel that this amendment is entirely out of order. Therefore, I oppose it and hope that the rest of the Members, feeling as strongly as we do about this great country of ours and about the right of every individual to believe in his own religion, will vote down this amendment.

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

Mr. Chairman, I appreciate the statement made by the gentleman from New Jersey, but he does not go to the root of this matter. That which is sought to be cured is the compulsion upon an employer to hire an atheist. That is the issue. It is not a question of how the gentleman from New Jersey or the gentleman from Iowa feels, but rather it is the compulsion upon the employer to hire. That is why this amendment ought to be adopted.

Mr. JONES of Missouri. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield.

Mr. JONES of Missouri. If we adopt the amendment and an employer wants to hire atheists he could do it if he wanted to, but we leave it in the discretion of the employer.

Mr. GROSS. An employer who does not want to hire an atheist should not be compelled to do so for any reason, and by the same token he should not be prohibited from doing so if that is his desire.

Mr. Chairman, I have no quarrel with an atheist simply because he is a godless person. I would protect his right under the Constitution to believe or not believe in God with all the vigor at my command.

Again I urge adoption of the amendment and yield back the balance of my time.

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

Mr. Chairman, I think we have come to the point where this subject of freedom of religion compels me to rise and say a few words.

I want to say in advance that I am not an atheist. I believe in a Supreme Being, so I am not here protecting an atheist from the standards of my personal beliefs. I take exactly the same position that the gentleman from New Jersey [Mr. RODINO] takes. I happen to be a Protestant. I happen to believe in God Almighty, but I say that any nation that protects freedom of religion has no right to impose compulsory religion on any citizen in this country. If any man in this country wants to go to a church of any denomination or stay away from one he has that right under the Constitution, and there is no place in the Constitution that tells man to worship God in any fashion. This is a matter of individual decision. This is a matter of individual conscience.

I can remember the teaching of the Holy Scriptures, when the Saviour spoke to the people of Jerusalem. He condemned the Pharisees and the Sudducees for their adherence to the forms of religion and their denial of the true spiritual principles of religion.

I can remember that he condemned the Pharisees for making long prayers in the marketplace, where they could be seen by men and for the purpose of being applauded for their false piety.

But the Saviour said they, the Pharisees, would not lift the burden of the poor with their little finger, a burden that was pressing down on some person who needed that help nor would they give a crumb to those who were hungry.

So I say to these people who are religious—and I am religious—that there is something wrong with your religion if you seek to impose upon any man a specific form of religion or an adherence to a religion of any type. That is tyranny whether it is imposed by the sword or by legislation. True religion is a matter of personal conviction within the soul and the spirit and the mind of man.

There is an inscription in the Jefferson Memorial that quotes the words of Jefferson. He said:

> I have sworn eternal hostility against every form of tyranny over the mind of man. To enforce the form of religion on a man against his will is tyranny.

There have been many crimes committed throughout the centuries of history in the name of religion. Millions have died because of persecution in the name of religion. So I say, let us not get so excited about whether a man believes in God or not that we are willing to embrace tyranny. That is his privilege under our country's Constitution, and it is not your job nor is it my job to impose upon him any specific religion; or to punish him because he does not have a religion.

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

Mr. Chairman, I did not want to talk on this subject, but we have gotten into some very fundamental discussions here and I am afraid some of my good friends are missing the point entirely.

There is not any imposition on a man to have any kind of religion because an employer who does not want to employ an atheist refuses to employ him. The employer certainly should not be compelled to employ the man. The compulsion is on the employer and not on the man who is seeking a job. I do not feel any discrimination in my heart because of anybody's religion. But I do not want anybody to say to me that I have to employ an atheist if I should happen not to want to employ one.

I know some good, God-fearing business people who are very, very strong in their convictions on this subject. If you say to one of them, "You have to employ this fellow whether you want him or not, and you have to ignore the fact that he does not believe in God," that is an impairment of the right of that businessman and employer that is much more serious than the impairment of a man's right to have that job. Certainly, the employer should have the same right to determine whom he will hire.

Mr. Chairman, this is a very, very serious thing. No man ought to be compelled to hire a man who is an atheist if he has strong religious convictions. The problem would not arise in big industry but it could happen in a small company and that is the place where the danger really exists.

Mr. Chairman, the amendment ought to be adopted and I am surprised that the gentleman from New York did not accept the amendment when it was offered.

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

Mr. Chairman, as a person with deep religious convictions personally, I merely rise to say I never dreamed the time would come when I would hear it argued in the name of religion that we would say to the children of a nonbeliever that because your father is a nonbeliever, you shall not be given your daily bread.

Mr. Chairman, I yield back the balance of my time.

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

Mr. Chairman, I would like to direct one question to the chairman, the gentleman from New York [Mr. CELLER]. If a person came to an employer and asked for employment and the person identified himself as a Communist, if the employer denied him employment, would the employer be violating this act in its present form?

Mr. CELLER. This bill has nothing to do with political affiliation. It would be the same as if it were denied to a Republican, to a Democrat, or to a "mugwump."

Mr. BALDWIN. The theory of communism also includes the theory of atheism. If the man identified himself as a Communist, what is there in the bill which would insure to the employer that if he denied employment on that ground the employer would not be accused of violating the provisions of the bill?

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

Mr. BALDWIN. I yield to the gentleman from Georgia.

Mr. FLYNT. I say to the gentleman from California that I have an amendment at the desk which I believe will answer the question the gentleman from California has raised. I hope he will support my amendment at the proper time.

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

I rise in support of the amendment.

Mr. Chairman, I had not intended to inject myself into this discussion, but we have heard so many pious phrases about freedom of religion that I am reminded

that perhaps more damage has been done to the foundations of this Nation throughout history with pious phrases and appearances of piety than has been done in any other way.

I do not attack any other Member, but I was shocked to see a Member stand here a moment ago and talk about takthe bread out of the mouths of the children of an atheist, when that individual diligently voted to take the bread out of the mouths of innocent children who may live in a community which might fall under the provisions of title VI, which we sought to strike out of the bill.

It is felt to be bad, by some, to defend the fundamental faith of mankind, which has made this country great, and yet it is felt to be a terrible thing to disagree with the gentleman's views of sociology in this country.

You would take the milk bottles out of the lunchrooms of the parochial and public schools because someone does not agree with you on the matter of segregation, but you would say to those of us who believe deeply in the power and the necessity of preserving Christian beliefs in this country that we should not have such a right.

I yield to no man in the sincerity of my belief that we in this Nation will not survive unless we adhere to the principles of Christianity.

When we get to the heart of this proposition, I believe we are not being honest with ourselves or with our colleagues if we try to make this a religious freedom amendment. This is an amendment which would give to an employer the freedom to select his employees, and to refuse to employ an atheist. I say to you that no man should be required by his government to employ anyone in controvention of his own religious and moral views.

I say further to the gentleman who has spoken so eloquently that if tonight I were walking down the street and some man walked up to me and said, "I am an atheist," I would ask him to let me walk on or to get out of his presence, because I do not wish to be in the presence of such people, and I certainly do not wish to employ one.

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

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

Mr. TUCK. I ask the gentleman whether he considers that in this country there is an alliance between atheism and communism.

Mr. WHITENER. Of course, the gentleman serves on the Committee on Un-American Activities, and I know he would agree with me that the question answers itself.

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

Mr. Chairman, I had not intended to talk on this particular amendment, but it may be the only opportunity that many of us in the Congress will have to talk about some of the fundamental things in which we believe.

I have received more communications concerning the Supreme Court's decision on the prayer and Bible-reading cases than I have received on civil rights questions or on any other question which has ever come before the Congress.

As many of us know, we have not had an opportunity to talk about this fundamental matter. This is the reason why I wish to take a few minutes to talk about the amendment of the gentleman from Missouri.

I am in favor of the amendment. It would not deny a man a right of belief. It would not deny a man a right to be an atheist. It would merely say to a man who owns property, a man who has jobs to give, "You do not have to give that man a job if he is an atheist."

Mr. Chairman, I have gone about my district for years saying that there are two fundamental differences between our way of life and that of communism. The first is that our Nation was founded on a belief in God.

In Thomas Jefferson's immortal Declaration of Independence he said:

> 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—

Mr. Chairman, when Thomas Jefferson wrote the Declaration of Independence he said, "These privileges come from God." Gentlemen, they come from God. They do not come from man, but they come from God. So if this Nation were not founded on God, I contend we would not have the kind of Nation we do.

The other differentiation, as I said, between our way of life and that of communism is that we believe in private property. We believe a man ought to have the right to own his property and to manage it within rules and regulations that are not alien to the interests of the people. So you see this is what worries me now about the bill we are considering. We are talking about taking away a man's property rights, and now some of us say that a man who owns property must hire an atheist and he seemingly practices discrimination against the man because he is an atheist.

You know, I started out in life to be a preacher, Mr. Chairman. Sometimes when I get up to make a talk in the church, after I finish, someone says, "I can understand why you are a good Congressman." Then other times I try to make a political speech and someone says, "Well, I can understand why you would make a good preacher." But be that as it may, I cannot for the life of me, Mr. Chairman, see why a man who owns his property, and manages his property, must hire an atheist.

Let me say it has nothing to do with the right of that man to believe as he wants to believe.

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

Mr. MATTHEWS. I will be glad to yield.

Mr. GRANT. I would like to call the attention of the gentleman and the House to the words above the Speaker's desk.

Mr. MATTHEWS. I want to thank the gentleman. And let me say again I believe every man, every man, ought to have a right to his beliefs as far as his religion is concerned, but at the same time I do not believe that a man who owns property, who has a business, should be made to hire a man if he is an atheist.

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

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

Mr. JENNINGS. I want to commend the gentleman for the fine talk he has made and to associate myself with his remarks and his beliefs.

Mr. MATTHEWS. I thank the gentleman very, very much.

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

Mr. MATTHEWS. I yield to the gentleman from Nebraska. There is no finer man in the Congress than he is. Is the gentleman going to agree with me?

Mr. BEERMANN. I would like to say for the benefit of my friend from Florida and my associate on the Agriculture Committee that for the benefit of the House and his benefit I did not want this opportunity to go by to recognize this amendment was sponsored by the gentleman from Ohio [Mr. ASHBROOK], instead of the gentleman from Missouri, and I congratulate you for supporting it, Billy Matthews Graham.

Mr. MATTHEWS. I thank you. I am for the gentleman's amendment, as the gentleman from Nebraska [Mr. BEERMANN] explained, and I think the gentleman from Missouri [Mr. JONES] is also in favor of this amendment, as are others.

I will be delighted to yield to anyone else who will say a kind word about me, Mr. Chairman, or for this amendment.

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

Mr. Chairman, I rise in support of the amendment of the gentleman from Ohio.

I am not going to take 5 minutes, but just make one short statement. The issue in this amendment is not whether or not anyone has a right under our Constitution to be an atheist. The issue is whether or not under our Constitution a believer in God has a right to choose whether or not he must hire an atheist. In other words, if we do not have this amendment, our Government is going to be in a position in which it has the authority to interfere with a man's right to make what he believes to be a moral judgment. I think this is not the prerogative of government.

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

Mr. Chairman, I rise in support of the amendment. At this time I should like to ask the chairman of the committee a question with reference to this section of this bill. Can the chairman assure the Members that this bill, as written, exempts fraternal orders in their daily activities, as well as in the operation of Masonic homes, Woodman homes, Moose homes, Elks homes, Odd Fellows homes, and in the operation of their respective lodges, orphans homes, and homes for the aged?

Mr. CELLER. It exempts all fraternal orders.

Mr. WICKERSHAM. All fraternal orders are exempted. Thank you. That is the assurance I desired.

In connection with the pending amendment I should like to say this to you: I agree with the gentleman here that if you permit, if you require those who are religious to hire those who are not religious, you are interfering with the religious freedom on which this country was founded. I cannot see how any employer, including a Congressman, should be required to hire a Communist or an atheist or anyone else in that category whom he does not desire to employ, even though such individual might meet all other requirements. You might even require the churches and lodges, clubs and businessmen and Congressmen to hire atheists unless this amendment is accepted.

Therefore, Mr. Chairman, I am in thorough accord with the gentleman who offered the amendment. I urge the adoption of the amendment, and I yield back the balance of my time.

Mr. RYAN of New York. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, this Nation was founded and has been made great by people who were seeking religious freedom. Our Founding Fathers wrote the guarantee of religious freedom into the Bill of Rights. Diversity has been our strength.

I was shocked a few moments ago to hear the gentleman from North Carolina—I hope he did not mean what he said—say there was only one form of religion that matters in this country, and that is the Christian religion. Many religions and many diverse points of view have made up this Nation. Our citizens belong to many faiths.

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

Mr. RYAN of New York. I yield to the gentleman from North Carolina.

Mr. WHITENER. I will say to the gentleman he either inadvertently or purposely entirely misconstrued what I said. I will say to the gentleman and to Members of the House that whatever I said I meant every word of it.

Mr. RYAN of New York. I do not think I misunderstood the gentleman.

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

Mr. RYAN of New York. I yield to the gentleman from Texas.

Mr. ROBERTS of Texas. If the gentleman will refer back to the history of our country he will find it was based on the premise of freedom to worship God according to the dictates of his own conscience.

Mr. RYAN of New York. That is fundamental, but I take exception to the false concept that only one religion should be singled out as the source of our greatness.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. ASHBROOK].

The question was taken; and on a division (demanded by Mr. CELLER) there were—ayes 137, noes 98.

So the amendment was agreed to.

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

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

There was no objection.

Mr. GALLAGHER. Mr. Chairman, we are today debating what I consider to be the most important provision of the civil rights bill—that which would assure that an individual could not be denied employment because of race, color, or national origin.

If the Negro is to be fully integrated into our American society, a status to which he is entitled by our Constitution, he must be given the opportunity to work and advance to the highest levels of employment in business, government, and industry. If he is denied, because of the color of his skin, the opportunities of employment and advancement on merit and on the same basis as others, the benefits deriving from equal opportunities and privileges in education, voting, and public accommodation would be to a great extent, nullified.

We may achieve for the Negro the unrestricted right to vote, integrated education, and the right to be accommodated in a hotel no matter where it may be located, and I sincerely hope that we will, but if we fail to assure that he will be granted equal employment opportunity, our efforts will have been largely in vain.

Consider the Negro who struggles for an education under the most difficult circumstances and after many years of schooling, frequently including post graduate work, is thus eminently qualified as a scientist, industrial designer, merchandise manager, art director, advertising account executive, editor, or stockbroker; how slim are his opportunities, even out of the South, to gain employment compatible to his qualifications.

Consider the Negro who perseveres and qualifies as a doctor, lawyer, or educator; how limited are his opportunities outside of the Negro community. I know this provision does not cover the professional man in private practice, but the problem is related—the Negro doctor whose patients are largely members of his own race; the Negro lawyer whose clients are largely Negroes and who has little hope for an integrated clientele.

I am mindful of this great waste of talent at a time when this country desperately needs to make the greatest possible use of every available educated, trained, and qualified citizen. And yet how many college trained Negroes, as qualified as other employees, more so than many, are employed as messengers, clerks, and truckdrivers and never given the opportunity for advancement because of the color of their skin.

There have been hundreds of thousands of Negroes graduated from college in recent years, many with postgraduate training. But how many Negro corporation vice presidents are there, how many department store managers, how many top level industrial designers, how many advertising executives. Very few.

The argument is made that they are not equally qualified, but the record refutes this. There is a tremendous pool of trained talent, upon which this country does not draw for the distressing reason that they are Negro. This provision of the civil rights bill would do much to assure that the Negro employee would be hired and advanced in his employment on the basis of merit; that he would not be denied employment or promotion merely because of the color of his skin.

It is imperative that in our economic and business community we assure a place for the Negro on the very same basis as it is provided for every other citizen. We must tear down the wall that now holds back the educated and qualified Negro.

Unless we make way at the top, we shall find the pool of unused talent growing larger.

The first step toward the accomplishment of this is the passage of a civil rights bill which includes strong fair employment practices provisions. I believe it is imperative that the section remain intact and be enacted into law.

Mr. ALGER. 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 Texas?

There was no objection.

Mr. ALGER. Mr. Chairman, the long and reasoned debate of the past several days on the Civil Rights Act of 1963 has made it abundantly clear that this legislation is indeed a blueprint for total Federal regimentation of the people of the United States.

Many of the provisions of the proposed bill are, in my opinion, unconstitutional and should not be enacted into law. If they are, I am convinced of the results as outlined by Loyd Wright and John C. Satterfield, both past presidents of the American Bar Association.

These gentlemen, in a detailed study of the bill, point out that it will extend Federal control over businesses, industry and over individuals, with a corresponding destruction of State power in a degree that exceeds the total of such extensions of power by all judical decisions and all congressional actions since the Constitution of the United States was adopted.

Think of it, Mr. Chairman, in this one measure we are wiping out more basic freedoms than in all the legislative history of this Nation.

This bill will destroy the constitutional checks and balances between the Federal Government and the States.

It will destroy the constitutional checks and balances between the executive branch of the Federal Government and the legislative and judicial branches.

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

The Civil Rights Act of 1963 is skillfully drawn with the patent, deliberate intent to destroy all effective constitutional limitations upon the extension of Federal governmental power over individuals and the States. It draws within

the ambit of Federal control, all material phases of such governmental regulation and vests it largely in the executive branch.

By adopting this one bill, Mr. Chairman, we put into hands of the Chief Executive the awful power to make himself a virtual dictator.

No one section of the bill shows more clearly the direction in which we are headed, nor is more of a threat to private enterprise and individual freedom than title VII, The Federal FEPC.

Title VII sets up a Commission to:

> Prevent discrimination against employees or applicants for employment because of race, color, religion or national origin by Government contractors and subcontractors.

And, note this well:

> By contractors and subcontractors participating in programs or activities in which direct or indirect financial assistance by the U.S. Government is provided by way of grant, contract, loan, insurance, guarantee, or otherwise.

It cannot be overlooked that "Government contractors and subcontractors" compose only a very small percentage of those covered. There are more than 100 Federal agencies administering Federal financial programs or activities by way of grant, contract, loan, insurance, guaranty or otherwise. All acts creating such agencies and appropriating the moneys therefore are amended by this bill to give authority to administrative personnel to withhold, restrict, or deny participation in such programs or activities.

There are hundreds of thousands of professional men, individual businessmen and small businesses not now engaged in interstate commerce nor subject to Federal control under the 14th amendment which affects only "State action." The control of those engaged in interstate commerce has been heretofore largely limited to legitimate business purposes. If this legislation is enacted and upheld, the Constitution of the United States will have been amended, or nullified, by the deadly combination of legislative and judicial action. The basis will have been laid for every individual who pays a license to the State or municipality and every private corporation organized under State law to become subject to control of Federal personnel to bring about sociological and political ends.

Under Federal FEPC those who contract with the U.S. Government, those who are contractors or subcontractors in the programs and activities defined by this measure include banks and savings and loan associations, persons entering into loan contracts through the FHA, VA, PHA, FNMA, CHA, Federal Home Loan Board, Small Business Administration, Federal land banks, banks for cooperatives, production credit associations, Commodity Credit Corporation, Soil Conservation Service, Farmers' Home Administration, REA, Area Redevelopment Administration, Forestry Service, airlines, railroads, buses which carry the mail, all colleges, high schools, and elementary schools which themselves or through their students directly or indirectly participate in Federal financial programs. And this only names a few. If you buy or sell or borrow or lend, under this bill you will be subject to Federal regulation.

Title VII creating the "Commission on Equal Employment Opportunity" goes far beyond what we know in any existing State FEPC. A Federal FEPC under this title has unlimited powers. This act states:

> The Commission shall have such powers to effectuate the purposes of this title as may be conferred upon it by the President.

This act includes not only the hiring of employees, but every element that goes into the relationship of employer and employee. Under this act business could be required to go out and recruit Negroes, or Protestants or Catholics or Jews, to end the "racial imbalance" or "religious imbalance" found to exist by Federal inspectors. I submit that private enterprise could not exist under such conditions so that, in the end, the Government will necessarily own all business and we will have achieved the Socialist-Communist goal of the end of capitalism.

The harsh penalties provided in this bill for failure to hire according to the demands of a Federal inspector will not only destroy private business but it will destroy labor unions, seniority rights, civil service, and private employment.

I would like to call to the particular attention of those in the labor movement who are strong advocates of this bill, the minority views on how this legislation will affect labor unions and members. This may be found on page 71 of the report.

Some idea of the extent to which business, private employers, employment agencies, and unions will be controlled by Federal bureaucrats may be had by quoting again from the minority report on page 107 in an analysis of title VII enumerating a series of acts or omissions on the part of an employer which it declares to be "unlawful employment practices." These include:

First. Failure to hire a job applicant on account of his race.

Second. Refusal to hire a job applicant on account of his race.

Third. Discharge of an employee on account of his race.

Fourth. Discrimination in compensation against an employee on account of his race.

Fifth. Discrimination in terms of employment against an employee on account of his race.

Sixth. Discrimination in conditions of employment against an employee on account of his race.

Seventh. Discrimination in privileges of employment against an employee on account of his race.

Eighth. Limitation of employees on account of race in such a way as to tend to deprive an individual employee of employment opportunities (promotions) or otherwise adversely affect his employee status.

Ninth. Segregation of employees on account of race in such a way as to tend to deprive an individual employee of employment opportunities or otherwise adversely affect his employee status.

Tenth. Classification of employees on account of race in such a way as to deprive an individual employee of employment opportunities or otherwise adversely affect his employee status.

Eleventh. Discrimination against any job applicant or any employee who makes a charge under this title or assists or participates in an investigation or proceeding conducted pursuant to this title.

Twelfth. Publication of any notice or advertisement relating to employment which indicates "any preference limitation, specification, or discrimination based on race."

Thirteenth. Discrimination on account of race against any individual in an apprenticeship program.

Mr. Chairman, there is only one way any American citizen can get and hold a job or take advantage of opportunities for promotion and that is through his willingness to learn, his ability and his initiative on the job. To throw out as job qualifications learning, ability, know-how, willingness to work in favor of the sole consideration of race, religion, or national origin is to destroy for every American the incentive which has enabled the least of America's workers to rise to topmost positions in American business and industry. The success stories of Americans who have achieved success on the job includes Negroes as well as whites, Catholics, Protestants, Jews, and members of every national group whose ancestors helped create and build this land of ours.

I could go on in greater detail to point out the inequity which adoption of this title will bring about among all American citizens. The minority views in the report on the bill contain strong arguments on the unconstitutionality of this section, the consequences to business, industry, and labor if it is adopted. I have attempted here to outline the most dangerous aspects to freedom and private enterprise. I would like to include just one more thought to show that, in proportion to their percentage of the population, Negroes are already being given great consideration.

The latest figures I have been able to obtain from the Library of Congress indicate that Negroes make up about 10 percent of our total population. Figures in private employment are not easy to come by as the Department of Labor studies concentrate on unemployment rather than on those holding jobs. But it is apparent that Negroes occupy well above 10 percent of existing jobs.

In the Federal Government as of June 1962, the latest figures available to me, 13 percent of all Federal jobs in the United States are held by Negroes. As a sample of the spread of such employment we find 9.1 percent in classified jobs, 18.6 percent in wage board or blue collar jobs and 15.1 percent in the postal service.

Federal employment of Negroes in the District of Columbia show 22.8 percent in all Government jobs; 16.4 percent in classified jobs; 48.6 percent in blue collar jobs and 48 percent in postal jobs. We are already discriminating in favor of Negroes in Federal employment.

We cannot improve the lot of the Negro by taking away the rights of all our citizens. We cannot guarantee the Negro job equality, greater opportunity, by destroying the private enterprise system, the only way we can continue to create jobs. The Negro citizen, along with every citizen of the United States, can best be protected and his freedom preserved only by maintaining the strength of our constitutional guarantees of liberty. A Federal FEPC will destroy the security we enjoy under the Constitution.

This title, as well as the whole bill, may be subjected to the same criticism that under the zealous guise of protecting our "civil rights" we are playing a dangerous game with our freedoms. Terms used throughout the bill are never defined.

We talk constantly of "discrimination" but it is never defined. Nor is "segregation", and in some instances the two are used interchangeably so we are not sure if we are talking about "discrimination and segregation" or "discrimination or segregation".

The whole concept of this bill is based on government by men and not by law and therein is its greatest threat.

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

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

There was no objection.

Mr. TALCOTT. Mr. Chairman, it appears to me that we should not delay this "civil rights" debate any longer than is necessary to give every Member an opportunity to be heard fully on any amendment.

We should adjourn to an early time Monday, if we will not conclude the debate tonight. I have no speech commitments over the Lincoln week. However, if we can commence a meeting of the House at 7 a.m. to give a credit card to Russians for the purchase of our wheat, we could certainly come at 7 a.m. on Monday next to insure civil rights or equal opportunities to our citizens.

Mr. CELLER. Mr. Chairman, it is apparent we cannot finish either the bill or even title VII tonight. It is hoped that we may finish the entire bill on Monday, and for that reason I now move that the Committee do now rise.

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

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

Mr. HALLECK. I just want to say that I cannot agree to have the Committee rise tonight. I expressed the hope all along that this bill could be disposed of today. We have been debating it for many days, and I guess by this time about 55 hours, and something over 100 amendments have been considered and at least a third of those have been adopted.

Having said as much, because I thought we ought to go on and finish the bill tonight, it would seem to me that the least the gentleman from New York could do would be to ask unanimous consent now that if we are forced to go over until Monday, and as I said, I shall not vote for the Committee to rise, if we do have to go over until Monday then there should be a limitation as of now as to the debate not only on this title but the whole bill and amendments thereto.

Mr. CELLER. Must I not make that request in the House rather than in the Committee of the Whole?

Mr. HALLECK. It can be made right here and right now. I would like to find out what the "score" is. As I say, I would rather go on and finish tonight. That has been my firm position. It is still my position.

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

Mr. CELLER. I yield.

Mr. SMITH of Virginia. I notice the gentleman from Indiana says he would like to see this predicated upon the idea that the bill would be completed on Monday. I am wondering if the gentleman means that if that agreement is reached the gentleman would vote to rise at this time.

Mr. HALLECK. No. No, I have made my position clear.

Mr. SMITH of Virginia. I wondered why the gentleman made the suggestion that the Committee rise.

Mr. HALLECK. I made the suggestion yesterday that I thought we ought to complete this bill this week. There has been an arrangement here under which debate has not been shut off. It is the first time in my experience we have operated under such an arrangement. I do not want to quarrel with the gentleman from Virginia. He and I have been good friends too long to be in any controversy like that, and I will say as much for the gentleman from New York. I want to say for the people on the Republican side that we have been here, and we have participated in the debate. We have done everything we could to expedite a fair consideration of the bill. As I said a little bit ago, there has been full and free consideration. It was not too long ago that I was subjected to a little criticism for allegedly having done a little something to get this bill to the floor of the House of Representatives. May I say to the chairman of the committee, of course, we are in the minority, and we cannot arrange to finish this bill tonight if the Committee is to rise. The only suggestion I make, and I make my position clear, is that certainly before the Committee rises we ought to have some understanding of what we can expect on Monday next.

Mr. CELLER. I can say to the gentleman from Indiana as chairman of the committee that I would be very happy to meet early on Monday morning and be able, therefore, to conclude not too late on Monday evening. The gentleman will agree, I am sure, that the debate we have had thus far has been on a very high level. Everyone that desired to express himself has had a free opportunity to do so. I certainly have not sought to invoke cloture. I have only asked unanimous consent to end debate. I felt that was the appropriate thing to do on a bill as important as this was because of its far-reaching consequences. A great many men have spoken, and many amendments have been offered. Of course, it is now almost 9 o'clock. We have been at this since 11 o'clock today. It is natural that some of us are a bit weary, and we would like to conclude. The gentleman, I am quite sure, would be willing to arrange to come here early, say at 10 o'clock Monday morning, and enter into an agreement that all debate on title VII end at 12 o'clock on Monday, so that we would then start a few minutes after 12 on the three remaining titles. They are very short. I do not think they are too controversial. Then we can end in the late afternoon. That would be the latest we would conclude the bill.

Mr. SMITH of Virginia. I think the chairman of the committee has made a suggestion which is eminently fair. His suggestion, I understand, is that the Committee rise now—it is 9 o'clock—and that we meet Monday and conclude the consideration of the bill on Monday.

Mr. CELLER. And that we vote definitely on VII at 12 o'clock on Monday.

Mr. SMITH of Virginia. All I can say is that insofar as I can, I will cooperate with the gentleman.

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

Mr. CELLER. I yield to the gentleman.

Mr. ALBERT. Mr. Chairman, it is obvious we cannot make the agreement to vote at 12 o'clock now, but why could we not make an agreement that debate on title VII be limited to 1 hour and 30 minutes on Monday next?

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

Mr. CELLER. I yield to the gentleman.

Mr. HALLECK. I appreciate the suggestion of the majority leader. But let me just say this. The chairman has said that these other titles in the bill are not controversial and I do not think they should be controversial. But debate on them could run along ad infinitum. I would say that the request could be made now and if we have to go over until Monday, which I am against, we ought to have the arrangement made right now to close debate not only on title VII but on the bill and all amendments thereto within some reasonable time.

Mr. CELLER. I would be willing to pledge, for example, that we close debate on title VII in 2 hours after we meet; and that we meet at 10 o'clock and we conclude debate on the entire bill by 6 o'clock or 5 o'clock on Monday.

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

Mr. CELLER. I yield to the gentleman.

Mr. ARENDS. In case the gentleman makes the request that we come in at 10 o'clock on Monday morning and someone objects, which is of course entirely possible, then what would we do?

Mr. CELLER. Then we would have to start at 12 o'clock.

Mr. ARENDS. That is exactly it. I think it would be better to find out tonight what we are trying to do before we adjourn.

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

Mr. CELLER. I yield to the gentleman.

Mr. HAYS. What is wrong with the gentleman asking right now to end debate on the bill at a specified time on Monday afternoon and we can see where we are. I do not care what time it is, but this will give you an idea as to whether you are going to get an objection.

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

Mr. CELLER. I yield to the gentleman.

Mr. McCULLOCH. I should like to ask, Mr. Chairman, if the Committee of the Whole House on the State of the Union can now effect binding action as to time on the titles of the bill which we have not reached?

The CHAIRMAN. The Chair would inform the gentleman from Ohio that that could be done only by unanimous consent.

Mr. ALBERT. And cannot it be done in Committee of the Whole, Mr. Chairman?

The CHAIRMAN. It can be done in Committee of the Whole. It would also depend in a measure on the nature of the request.

Mr. McCULLOCH. Might I suggest, Mr. Chairman, in view of this exchange, with all due deference to the majority leader, that the gentleman make a request that will be binding on Monday procedure.

Mr. Chairman, the reason I say this is because some of us have been working since the 31st day of January 1963 on civil rights legislation.

So, Mr. Chairman, I would like the arrangement to be definite and certain and binding before I agree to it.

Mr. ALBERT. Mr. Chairman, will the gentleman yield so that I may propound a unanimous-consent request?

Mr. CELLER. I yield to the gentleman.

Mr. ALBERT. Mr. Chairman, I ask unanimous consent that debate on title VII on Monday next be limited to 2 hours and that the debate on the remainder of the bill be limited to 2 hours, making a total of 4 hours.

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

Mr. COLMER. Mr. Chairman, reserving the right to object, and I am just one ordinary Member of this House, but I do have certain rights as one ordinary Member of the House, if I understand what was agreed upon originally, I am willing to abide by that agreement. That understanding and agreement, as I understand it, was that we who oppose this bill might have through Tuesday of the coming week, if necessary, to complete this work.

Some of us are not in as big a hurry to get this monstrosity enacted into law as some of the other people around here may be. I happen to be one of those humble Members of the House who are not in a hurry to get it passed.

I am perfectly willing to go along with any reasonable request, but my friend the majority leader is talking about limiting this particular provision to 2 hours, to finish this title, and then 2 hours for the remainder of it, because the chairman of the committee, who certainly sees no controversy about this, says it is noncontroversial.

I believe the whole thing is controversial, and I believe we ought to go along and give everybody an opportunity, within the limitations of the agreement. Unless that is done, some of us are going to feel constrained to object.

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

Mr. COLMER. I yield to the majority leader.

Mr. ALBERT. There has been a lot of talk about an agreement. My understanding of the matter was—and I believe I was present when some of these conversations were had—that the only element involved in the request of those who wanted to go on was that all the principal titles of this bill should be debated with ample time for full consideration. It was particularly desired, if I remember correctly, that we not cut off at the end of this week unless we could allow ample time for the consideration of title VII, which was the last major title in the bill.

We have been debating title VII for 10 hours today, and we would debate it for 2 hours on Monday under the request I have made, making a total of 12 hours on title VII.

There has been no attempt at all to limit the debate. I should think that would be ample time on this title. My friend would agree with that.

There was never any agreement to have this go until Tuesday. The agreement was that we would try to finish debate this week, but to make certain that every title was amply debated, through title VII, we would not try to cut off debate by motion this week.

Mr. COLMER. Unless it was necessary.

Let me say to my friend that he speaks of debating this title for 10 hours. Has it ever occurred, I wonder, to some of the people around here that when the bill gets to the other body, where the rules are more flexible, it might be debated for 10 days or 10 weeks? Why should we put ourselves in a straitjacket here, with respect to consideration of something which strikes at the very foundations of this country? Do we have an inferiority complex, that we must be placed in such a position, that we must be placed in a straitjacket?

Mr. ALBERT. If the gentleman will yield, in response to the gentleman I wish to say I do not really believe this is a proper time to argue the merits of the rules of the House and the rules of the other body. The rules of the House require a limitation of 5 minutes on debate, and there has not been one effort by the leadership to limit any Member on any amendment to 5 minutes, or to have any other limitation that was not satisfactory to the gentlemen debating the amendment.

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

Mr. COLMER. The gentleman from Indiana asked me earlier to yield. I yield to the gentleman.

Mr. HALLECK. I thank the gentleman.

I wish to have it clearly understood that in all the conversations I had with everybody having anything to do, as I understood it, with the progress of the civil rights bill through the House of Representatives, my constant position was—and I thought the understanding was—that we would finish consideration tonight. I was quite surprised when I read in the newspaper an announcement that some sort of arrangement had been made to carry it over until Tuesday. I just want everybody on my side of the aisle, before they start criticizing me, to know that I did not participate in any such agreement.

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

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

Mr. HALEY. May I inquire, Mr. Chairman, as to how many amendments on title VII are pending at the desk at this time?

The CHAIRMAN. The Chair will state to the gentleman from Florida that there are at the desk at this time two amendments to title VII.

Mr. CELLER. Mr. Chairman, will the gentleman yield? Five amendments have been handed to me, in addition.

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

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

Mr. HALEY. I understand, from the chairman of the Judiciary Committee, that he now has in his hands five amendments, in addition, and I understand that on the other side of the aisle there are several amendments.

If we are going to cut off debate here, I think every Member of this Congress should have a right to present his amendment and be heard. I do not know how many are pending on the other side, but there are two up here and five over here. I know of seven. How many do you have over there? I think, after all, if you are going to come in here at 10 o'clock and cut off debate at 12 o'clock, undoubtedly you are going to have a quorum call. So that will give you what? Less than an hour and a half to debate these amendments.

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

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

Mr. ALBERT. On the observation of the gentleman, we have just about finished Saturday. I think everybody is convinced of that. There is no agreement that anyone can have any extra time on Monday, and we will move to conclude debate on Monday by motion unless we can work out a reasonable agreement by unanimous consent.

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

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

Mr. HAYS. Mr. Chairman, I would like to propound a parliamentary inquiry. If the unanimous-consent request of the majority leader should be objected to, would not the majority leader or the chairman of the committee

have a right to move that that be set and that the debate be ended at a specified time on Monday?

The CHAIRMAN. The Chair would say a motion to limit debate would be in order after there has been debate on the title.

Mr. COLMER. Mr. Chairman, if I have the floor, I yield to the gentleman from Virginia [Mr. SMITH].

Mr. SMITH of Virginia. Mr. Chairman, as I said a few minutes ago, I think the suggestion that the chairman of the committee, the gentleman from New York, made is a reasonable suggestion. As I understood it, that was that we rise now and, I believe, have two hours of debate on this title.

Mr. CELLER. And meet at 10 o'clock.

Mr. SMITH of Virginia. Ten o'clock is all right with me. I cannot speak for others. Then that we would conclude the consideration of the bill at some time on Monday night. That seems to be a reasonable thing, and I do not know why we should stand here bickering about it for so long. However, I am impelled to say one thing further, because there has been some talk here about what this original agreement was. I was a party to it, and the way I happened to be a party to it was that I happened to be right in the middle. As chairman of the Committee on Rules I was being shot at from all sides to get this bill out so that we could get it through in time so that our Republican colleagues and friends could depart prior to Lincoln's birthday and go back to their homes and make eloquent speeches about how they had killed the bear. I have no objection to that.

During the course of those negotiations, which occurred not on the floor and not in the presence of the minority leader, the gentleman from Indiana [Mr. HALLECK], but we were dealing with it in the Rules Committee, the agreement was—and I submitted it to the minority side on the committee—I dealt with the leader, the minority member, the gentleman from Ohio [Mr. BROWN], and I went to him—and as a matter of fact, I went to him the morning we passed the rule out—and I told him just what I said before; namely, that we would agree to bring this bill out and let it start two days ahead of time so that they could go out and make these dinner speeches, which I am sure will be very entertaining to their constituents, and that we would agree there should be no limitation upon the debate and anybody would have an opportunity to discuss the seven separate bills contained in this document. Also there would be no limitation until Tuesday, at the latest, of next week at which time debate would cease and we would vote on the bill and conclude it not later than Tuesday.

If it could be concluded earlier, we would all be happy. That was the situation and that was the arrangement made and, of course, the minority leader at that time was not a party to the agreement. That was agreed to and that was the way it was followed in the Committee on Rules.

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

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

Mr. ALBERT. Does the gentleman from Virginia feel the request I have made is substantially in accordance with that agreement considering the progress we have made up to this point?

Mr. SMITH of Virginia. No, sir. I cannot say I do, because you are putting a limitation on debate prior to the date. But it seems to me that the suggestion made by the chairman of the committee, the gentleman from New York, is reasonable.

Mr. ALBERT. Mr. Chairman, may I withdraw my unanimous-consent request and ask unanimous consent that the debate on title VII and all amendments thereto be limited to not exceeding 2 hours on Monday?

Mr. BROWN of Ohio. Mr. Chairman, reserving the right to object, I think it is about time I make a little comment on the whole matter.

I opened the debate for our side of the aisle on this rule, and I explained it thoroughly. I thought at that time I had explained the agreement. I want to repeat that an agreement was made.

Mr. COLMER. Mr. Chairman, will the gentleman yield for a parliamentary inquiry?

Mr. BROWN of Ohio. If it does not come out of my time.

Mr. COLMER. Mr. Chairman, the majority leader made a unanimous-consent request. I reserved the right to object. Then the gentleman from Oklahoma, the majority leader, after some discussion, asked unanimous consent to withdraw his unanimous-consent request. I did not hear the Chair rule on the gentleman's request, therefore, I assume I still have the floor.

The CHAIRMAN (Mr. KEOGH). The gentleman from Oklahoma withdrew his unanimous-consent request to which the gentleman from Mississippi had reserved the right to object. The gentleman from Oklahoma submitted a new unanimous-consent request to which the gentleman from Ohio [Mr. BROWN] reserved the right to object.

Mr. BROWN of Ohio. The gentleman from Ohio has the floor?

The CHAIRMAN. The gentleman from Ohio [Mr. BROWN] has the floor.

Mr. COLMER. Mr. Chairman, it was the request of the gentleman from Oklahoma to withdraw his unanimous-consent request. The Chair has not ruled on that.

The CHAIRMAN. There need not be unanimous consent to withdraw a unanimous-consent request.

Mr. BROWN of Ohio. Mr. Chairman, under my reservation, I would like to comment, if I may. The agreement, as I explained in opening debate on the rule, was made in substance as the gentleman from Virginia [Mr. SMITH] has explained. The agreement was made by all members of the Rules Committee. I think I spoke first with the gentleman from Virginia [Mr. SMITH] about the matter, or he spoke to me. Then later we discussed it with the two sides, then all members participated in the discussion that the rule would be reported the following week.

That agreement was made a week before the rule was reported.

It was agreed that the rule to be reported would provide, first, we agreed on 2 days or 12 hours, finally we agreed on 10 hours' general debate to be conducted on Friday and Saturday, following which, on Monday of this week, we would start consideration of the bill under the 5-minute rule, which was done.

At that time, after the matter had been discussed the night before and the morning before, we were informed, and I was informed, by the chairman of the committee, and he has been a very fair chairman, I do not question anything he has said—he advised me, and I believe other members of the committee, that he had discussed the situation with the leadership of the House and with the Speaker, and had advised he wanted the privilege of debating if necessary—we had talked about a week under the 5-minute rule for amendment, or until tonight—the privilege and right to take the bill out, if it was not completed on Monday, and on Tuesday, the 10th and 11th. I pointed out at that time, and we did so in the full committee hearing—I believe the record will so show—it was the desire of the minority leadership to finish the bill on this Saturday night or this week, April 8. Of course, once the bill is brought to the floor of the House under the rule, then the leadership of this House controls it.

Since that time, under the agreement that was made that there would be no attempt to shut off debate on any amendment or discussion by any Member, except in cases of delaying tactics, as everybody knew was for delaying purposes only, there would be no attempt to filibuster. Those agreements have been kept up to this time. However, there was no agreement made as to how long the House would sit and consider these amendments or debate the different sections or titles of the bill under the 5-minute rule.

We have had the question here before us two or three times this week as to whether or not we should rise or whether we should stay here and complete the bill and consider amendments. In keeping with that agreement that I made in behalf of the minority leadership of this House and the agreement that the minority members of the Rules Committee made that we would do everything we could to make certain that every Member of this House had every opportunity in the world to offer any amendment that he might desire and have it considered and debated, we have consistently opposed every attempt to close debate. I oppose it now because I want to keep that agreement and give those of you who may oppose this bill, or may support it, every opportunity in the world to offer your amendments and have them considered. If you have to stay all night, all right. I am ready. I think most of the men and women on the minority side of this House are ready to do just that.

I have been in Congress for a long time, not quite as long as my good friend, the gentleman from Virginia, Judge

SMITH, the chairman of the Rules Committee, perhaps too long as many people may believe, but I have seen the sun come up many times on Sunday morning when the House was still in session. I have wended my way home from sessions of Congress on Sunday morning when the church bells were pealing out their calls to prayer and to worship. What is wrong with that now, if you want to debate this bill, if you want to offer amendments; whether you are for or against it, it makes no difference. If you want to talk about an amendment, if you want to discuss it, why not stay here and do just that, instead of taking all the time that has been taken in a vain attempt to rise and to shut off debate or do something else. We do not want to shut off debate, we want to conclude it, and there is a difference between shutting it off and finishing the job. If we can do it by tonight or tomorrow morning, fine. If not, that is something else again. But we ought to make an honest, decent effort to do just that which we know ought to be done. We ought not to begin to talk about quitting at 6 or 7 o'clock every evening.

Mr. ALBERT. I want to say to the gentleman that I have not been a party to any effort to cut off debate. I said that those agreements had been kept.

Mr. BROWN of Ohio. I would like to say to the gentleman, and I say this sincerely and not facetiously, that most of the requests were made, and it is natural that they would be, because next week is Lincoln's Birthday.

Mr. ALBERT. I am trying to cooperate and finish this bill on Monday.

Mr. BROWN of Ohio. That is fine. I appreciate the gentleman's cooperation, and I love him for it, but I know that President Lincoln's birthday will be celebrated in many communities, and there will be many Democratic fundraising dinners held, too.

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

Mr. BROWN of Ohio. I yield to the gentleman from Louisiana.

Mr. HÉBERT. I asked the gentleman to yield to ask the majority leader a question. As I understand it, the gentleman's unanimous-consent request is contingent on the fact that the Committee will rise. If it is not contingent on the Committee's rising immediately after this discussion, I shall object.

Mr. BROWN of Ohio. I understand that a motion to rise will be made. Of course, if the Committee votes that down, there will be no point in making a unanimous-consent request.

Mr. HÉBERT. I want to know that there is a definite motion to rise and that we vote on it, not a unanimous-consent request.

Mr. BROWN of Ohio. The gentleman from New York can speak for himself, and I understand he will move that the Committee rise.

Mr. CELLER. Mr. Chairman, I move that the Committee do now rise.

Mr. BROWN of Ohio. I still have the reservation.

Mr. HALLECK. Mr. Chairman, will the gentleman from Ohio yield to me for a parliamentary inquiry?

Mr. BROWN of Ohio. I yield to the gentleman.

Mr. HALLECK. As I understand it, Mr. Chairman, there was pending a unanimous-consent request that debate on title VII and all amendments thereto close in 2 hours. Is that the proposition that the Chair was putting to the Committee?

The CHAIRMAN. That is correct.

Mr. HALLECK. Then, Mr. Chairman, may I make a further parliamentary inquiry? If the request is granted, then as I understand it, it would be effective as long as the Committee were to sit tonight and if the Committee did rise, when we come in on Monday it would likewise be effective?

The CHAIRMAN. That is correct.

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

Mr. BROWN of Ohio. I yield to the gentleman.

Mr. HÉBERT. That is what I was trying to clear up.

Mr. Chairman, there have been so many misunderstandings as to these arrangements here that I want it pinned down in black and white. And it is very difficult to do that.

Mr. BROWN of Ohio. Might I remind the gentleman that that is what this whole discourse is about—black and white.

Mr. HÉBERT. Yes, I know, and I do not want any discrimination in it.

Mr. BROWN of Ohio. There has been a lot of discourse on this.

Mr. HÉBERT. There is much discourse and I want to see that there is no discrimination.

Mr. ALBERT. Mr. Chairman, I am quite sure that my unanimous-consent request was that debate should be limited to 2 hours on Monday next on title VII.

Mr. BROWN of Ohio. On Monday? Then, Mr. Chairman, I object to that.

Mr. CELLER. Mr. Chairman, I renew my motion that the Committee do now rise.

The question was taken; and on a division (demanded by Mr. HALLECK) there were—ayes 175, noes 154.

Mr. STINSON. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. CELLER and Mr. MCCULLOCH.

The Committee again divided, and the tellers reported that there were—ayes 169, noes 159.

So 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.

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 10 o'clock on Monday next.

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

There was no objection.

Mr. HALLECK. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HALLECK. When the motion to adjourn is made, could that be subject to a rollcall vote?

The SPEAKER. If a sufficient number stand.

SMALL BUSINESS INVESTMENT ACT AMENDMENTS

Mr. PATMAN. Mr. Speaker, I call up the conference report on the bill (S. 298) to amend the Small Business Investment Act of 1958, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

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

Mr. HAYS. I object.

The Clerk read the conference report.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 1129)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 298) to amend the Small Business Investment Act of 1958, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments numbered 1, 4, 6, and 7.

That the Senate recede from its disagreement to the amendments of the House numbered 2, 3, and 5, and agree to the same.

WRIGHT PATMAN,
ALBERT RAINS,
ABRAHAM J. MULTER,
W. A. BARRETT,
CLARENCE E. KILBURN,
WILLIAM B. WIDNALL,
JAMES HARVEY,
Managers on the Part of the House.

A. WILLIS ROBERTSON,
JOHN SPARKMAN,
TOM MCINTYRE,
MILWARD L. SIMPSON,
PETER H. DOMINICK,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 298) to amend the Small Business Investment Act of 1958 submit the following statement in explanation of the effect of the action agreed upon by

the conferees and recommended in the accompanying conference report:

Amendment No. 1: Section 2 of the bill as passed the Senate raises the amount of subordinated debentures of a small business investment company which the Small Business Administration may purchase on a matching basis under section 302(a) of the Small Business Investment Act of 1958 from the present limit of $400,000 to $700,000. The Senate bill also increases the time during which such debentures may be purchased to 5 years from the date of enactment of the bill or the licensing of the SBIC, whichever is later.

Amendment No. 1 of the House would have reduced the period within which such debentures could be purchased in the case of SBIC's licensed before the enactment of the bill, and would also have placed a time limitation expiring June 30, 1965, on the purchase of debentures in excess of $400,000. The House recedes.

Amendment No. 2: Section 3 of the bill deals with loans by the Small Business Administration, both direct and participating, to SBIC's.

Amendment No. 2 requires that such loans bear interest in no case lower than the average investment yield, as determined by the Secretary of the Treasury, on marketable obligations of the United States outstanding at the time of the loan involved. The Senate recedes.

Amendment No. 3: Section 3 of the Senate bill would have increased to $5,000,000 the dollar limitation on section 303(b) loans to any one SBIC. The House amendment restores the limitation of $4,000,000 contained in existing law. The Senate recedes.

Amendment No. 4: Amendment No. 4 would have added to the provisions of the bill relating to section 303(b) loans a requirement that the Administration's share on a participating basis could not exceed 90 percent. The House recedes.

Amendment No. 5: Amendment No. 5 corrects a purely technical error in the Senate bill, by which the section heading of section 306 of the Small Business Investment Act of 1958 would have been inadvertently stricken out. The Senate recedes.

Amendment No. 6: Section 4 of the Senate bill eliminates the present dollar limitation, in section 306 of the act, of $500,000 on the investment in a single small business enterprise by an SBIC, but retains the limitation of 20 percent of combined capital and surplus.

Amendment No. 6 would have imposed a dollar limitation of $1,500,000. The House recedes, but it was the sense of the conferees that the Administration should pay particular attention to very large investments by SBIC's in single enterprises, and should include a special report on such investments in its annual report to the Congress.

Amendment No. 7: Section 5 of the bill authorizes SBIC's to invest their funds not needed for current operations in insured savings accounts (up to the amount of the insurance) in institutions insured by the Federal Savings and Loan Insurance Corporation.

Amendment No. 7 would have added an express authorization to invest in savings accounts insured by the Federal Deposit Insurance Corporation. The House recedes, as the intended effect of the House amendment is already being accomplished under existing law through the mechanism of time certificates of deposit.

WRIGHT PATMAN,
ALBERT RAINS,
ABRAHAM J. MULTER,
W. A. BARRETT,
CLARENCE E. KILBURN,
WILLIAM B. WIDNALL,
JAMES HARVEY,
Managers on the Part of the House.

The conference report was agreed to.

A motion to reconsider was laid on the table.

CIVIL RIGHTS ACT OF 1963

Mr. THOMSON of Wisconsin. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. GURNEY] 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 Wisconsin?

There was no objection.

Mr. GURNEY. Mr. Speaker, this Civil Rights Act of 1963 disturbs me profoundly. From listening to the debate, from observing the voting on the amendments that have been offered, and from talking to my colleagues, I am convinced that the House has embarked upon a dangerous course.

It is evident by now that this bill is going to pass the House without substantial amendment.

It is also evident that many Members will vote for this bill who firmly believe that it is not good legislation. Any number of my colleagues have told me this in private.

This House is caught in an emotional crisis, which is overriding reason, and which is about to dictate passage through this House, of legislation that we shall fast come to regret.

This bill should not be termed a "civil rights bill." It should be termed a "power-grab bill," for it proposes the stretching of the long arm of the Federal Government to lengths never conceived in the minds of lawmakers, even a few years ago.

Now, all men of reason and good judgment realize that race relations need improvement. Except for a relatively few in this House, most Members would support some kind of a civil rights bill.

In title I, covering voting rights, is legislation that most of us concede is needed. It protects Negroes and whites alike, and will help remove election frauds. I would have preferred that we did not create a special three judge court to handle cases under this section. I think it will cast unnecessary burdens on the Federal judiciary, but this is more an objection to procedure rather than substance.

Title II—the public accommodations section—is far too sweeping in its coverage. For example, in throwing open the doors of motels and hotels, it reaches down to establishments as small as six rooms.

It goes far beyond the opening up of motels and hotels for interstate travel, which the proponents say is the purpose of the section. Furthermore, it permits the Attorney General to prosecute actions under this title. This, in effect, means that the powerful legal arm of the U.S. Government would be available on the side of one citizen against another in private law suits.

There is great danger in this provision, that there may be an abuse of this new power given to the Attorney General. For example, many small defendants will be unable to bear the cost of litigation, and especially against an adversary as formidable in money and legal talent as the Federal Government. This is clearly unjust. Great economic harm will result to many small individual businessmen, under this title.

Title III: Desegregation of Public Facilities is another instance where the legal arm of the Federal Government, the Attorney General's office, is made available to private citizens in actions brought under this title. Again, I would point out that the use of the Attorney General of the powers granted to him under this section, can work great economic hardship upon some defendants.

Title IV: Desegregation of Public Education is particularly objectionable. Had this title been limited to the purpose seemingly expressed in its caption, then I think most reasonable men in the House of Representatives would have been willing to support it. Desegregation of public education has been the law of the land for many years. To authorize the Attorney General to bring suits on behalf of complainants, would have been a reasonable extension of and implementation of this title.

However, the title goes far beyond that and most of the new law here is in the field of Federal aid to education. It provides for Federal grants to public schools in the whole field of training teachers, employing specialists, drafting plans, establishing institutes of special training, all in connection with desegregation. Again, this matter of desegregation should be a local matter.

People on a local level can best determine how to meet it, once they face up to the problem, through the legal action which will be permitted under this section.

However, to inject the Federal Government further into the handling of this matter on a local level, in our public school system, is a type of extension of Federal aid to education, which has long been frowned upon by the Congress. This further intrusion of the Federal Government in aid to education to the public schools is wholly unwarranted. It would be unthinkable to have this matter handled by the Judiciary Committee, instead of the Committee on Education and Labor, except for the emotional drive behind this bill. Again, we shall live to regret the enactment of this title.

Title VI—which provides for a cutoff of Federal aid in cases of discrimination—is particularly objectionable. This puts in the hands of the Federal Government a political club, which can be wielded with arbitrary and capacious intent against State and local governmental units. It is clearly possible under this title that many innocent people, taxpayers and residents of local governmental units, may be injured because of discriminatory acts of a few who may be in government or policymaking positions on the local level. Great harm can be done under this section by a politically and power-minded Federal administration.

Moreover, the provisions in this title for judicial review of the actions hereunder of the administrative agencies are very poorly drawn and do not at all meet criteria for the protection of defendants under this title.

Title VII—the equal employment opportunity section of the act—will make the Federal Government virtually a partner, at least in the case of employment, of employers in determining who to hire and fire.

I cannot imagine a greater threat to the free enterprise system. Under this act, minor bureaucrats in the Federal Government, will be in a position to tell an employer who to hire and to fire, and dictate policy in his employment practices. The whole fabric and strength of the free enterprise system, which has made this country the greatest industrial Nation in the world, will be seriously hampered and interfered with, to the extent that the United States will inevitably lose much of the efficiency and capability of her great industrial might.

That this will come to pass is evident, for in the last year, even without any such power as is provided here to be placed in the hands of the Federal Government, the Federal Government has definitely influenced the hiring and firing patterns of some employers in this country. When the Federal Government is able to do this with no special legislation, what will be the result under legislation of this sort?

This Nation can tremble in predicting the evil which will flow from this title.

Time does not permit me to comment further on this civil rights bill.

I should like to point out in closing that my reason for opposing this bill is not a matter of integration-segregation—not a matter of color.

I am opposed to this bill because it places entirely too much power in the hands of the Federal Government. We are here granting too much power to the Federal Government, even though it were wisely used. We know from long experience that power granted to a giant Federal bureaucracy is often misused, and the misuse of the power which this bill will grant can and will lead to dire consequences for the whole economic and social fabric of this Nation.

THE FATS AND OILS SITUATION

Mr. THOMSON of Wisconsin. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. FINDLEY] 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 Wisconsin?

There was no objection.

Mr. FINDLEY. Mr. Speaker, recent stock reports and forecasts issued by the U.S. Department of Agriculture have had an adverse effect on soybean prices, and are costing farmers millions of dollars as they market their soybeans.

I called this situation to Agriculture Secretary Freeman's attention in a letter dated February 2, as follows:

DEAR MR. SECRETARY: May I invite your attention to the Department's Fats and Oils Situation report for January 1964, which forecasts a carryover of 15 million bushels of soybeans on next October 1, and adds this comment:

"The above carryover forecast is based on a total 1963–64 soybean supply of 717 million bushels. However, the January 1, 1964, soybeans stocks in all positions (559 million bushels) plus the October-December 1963 disappearance indicate a total that may be somewhat larger than the 717 million bushels. * * * Based on the relationship of the January 1 stocks compared with actual disappearance for the entire year, stocks estimated as of January 1 for the 1959–63 period averaged around 20 million bushels too high."

What all of this adds up to is that USDA is forecasting that the soybean carryover will be either 15 million bushels or about 40 million bushels, depending upon whether you want to accept the Department's Fats and Oils report or its stocks report—both issued the same week. It seems to me that soybean producers, processors and exporters are entitled to a more reliable reporting system. If, as is indicated, the January 1 stocks reports on soybeans have "averaged around 20 million bushels too high" over the preceding 5 years, the public should have been cautioned against accepting at face value the Department's stocks estimate at the time it was issued.

As you may know, the recently released soybean stocks report was about 25 million bushels higher than the trade (and apparently USDA's Fats and Oils Division) had anticipated. The result was a sharp drop in soybean prices, this coming at a time when farmers still have perhaps 35 to 40 percent of their crop to market. In other words, an official USDA report which is probably inaccurate (if past experience is any criterion) is costing farmers millions of dollars as they market their soybeans.

If the January 1 stocks report by any chance is correct, then it must follow that USDA's December crop report which set 1963 soybean production at 701 million bushels was around 25 million bushels too low. Obviously there is something radically wrong with present methods of estimating either soybean production, or stocks, or both. Unfortunately, the farmer seems to be the principal victim of the system.

It is my fear that the producer will also be the ultimate victim if soybean price supports are increased for 1964, as has been widely rumored. It seems likely that soybean acreage will increase substantially in 1964 without any additional price-support incentive. Some land coming out of the soil bank this year will undoubtedly go into soybeans and the reduction in Soft Red Winter wheat acreage in the Midwest also points toward an increase in soybean plantings.

Except for the problem of an oversupply of soybean oil, the soybean industry is in good shape and will probably remain that way unless the Government insists upon creating unnecessary headaches through unsound price-fixing policies. Brazil and other countries can expand soybean production and will probably do so at an increasingly rapid rate if U.S. soybeans are priced out of world markets. In view of this Nation's unfortunate experience in pricing cotton too high and encouraging increased production in other countries, I believe that further tinkering with soybean price supports at this time would be most unfortunate.

Sincerely yours,

PAUL FINDLEY,
Representative in Congress.

IMPORTANCE OF TITLE VI

Mr. THOMSON of Wisconsin. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. FINDLEY] 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 Wisconsin?

There was no objection.

Mr. FINDLEY. Mr. Speaker, as the Representative of the congressional district in Illinois which includes Lincoln's Springfield, I am proud of the role taken by the party of Lincoln in the debate of this bill and particularly in connection with title VI.

Several times during my 3 years in this body I have exerted my effort and vote in behalf of amendments and bills to withhold Federal aid funds from facilities and programs which permit racial discrimination.

I recall the amendment offered by the gentleman from New York [Mr. LINDSAY] on the housing bill of 1961, and an amendment I offered to the farm bill of June 1962. Both were given solid Republican support. Unhappily, both were opposed almost unanimously on the Democratic side and were defeated.

Similar amendments were offered to the impacted school aid, and library services bills this year in the House Education and Labor Committee. At the committee level they received solid Republican support, and, I am glad to report, Democratic support too. Later, the nondiscrimination clauses got lost in the legislative shuffle.

Several of my colleagues on both sides of the political aisle supported legislation which emerged from the Committee on Education and Labor, with bipartisan support, to withhold Federal funds from existing Federal aid to education programs. Unfortunately, the legislation did not reach the House floor.

Therefore, it is gratifying to have the opportunity to support a title that would establish a very elementary rule of fair play: if we do not discriminate on the basis of color in collecting taxes, we should not discriminate on the basis of color in making available tax-financed facilities and program.

PANAMA IMPASSE

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that the gentleman from West Virginia [Mr. STAGGERS] may extend his remarks at this point in the RECORD.

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

There was no objection.

Mr. STAGGERS. Mr. Speaker, in view of the continuing difficulty in reaching a solution in Panama, I wish to make a suggestion to the President and to the Congress. My proposal is very simple: First, close the canal for a period of 1 year; and, second, bring home all operating and all auxiliary personnel, leaving only sufficient military forces to guard the canal against sabotage.

My proposal is by no means so drastic as it may appear at first glance. I point out several considerations: No emergency, military or commercial, makes the canal indispensable at this moment.

The canal has outlived its original justification; it is neither wide enough nor deep enough to accommodate modern traffic, either military or commercial. Its series of locks makes passage slow and expensive. An accident to any one of the locks, easily possible in this unsettled state of affairs, would close the canal for an indefinite period. It would be much easier to protect the canal if it were not in use.

Meanwhile, alternative routes of necessary transportation are now available. Efficient railroad lines cross the United States, and possibly Mexico and some of the other Latin American nations, ending in well-developed ports on the west coast. Shipping originating in South America could be diverted to these rail lines and reach its destination with a possible saving in time and in transportation costs. Much of the shipping finds its terminal point in the United States in any event. The railroads are indispensable to this country. They would be benefited by increased freight consignments. New life would be infused into the sick railroad employment situation. Without doubt, the railroads would give sympathetic consideration to the problem of working out satisfactory arrangements with shippers.

A period of suspended operation of the canal would give opportunity for a calm and dispassionate reexamination of the whole Panama situation. Causes of irritation to the Panamanians would be removed. The true interests of Latin American and U.S. citizens in cooperative understandings would be clarified. Possibilities of enlarging and improving the present canal, or finding alternative sites for a sea level canal, could be investigated and evaluated.

Let us close the canal now and bring an end to this fruitless wrangling. No other solution that will restore good will and harmony has yet been proposed. On the contrary, every move we have made thus far drags us deeper into the morass of misunderstanding and animosity.

THIS IS THE 54TH SCOUT WEEK ANNIVERSARY

Mr. HALL. 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 Missouri?

There was no objection.

Mr. HALL. Mr. Speaker, last Friday I had the opportunity of attending the national Boy Scout breakfast at the Statler Hilton, which has been traditional in Washington during Boy Scout Week for the last 20 years. This breakfast honored 12 "Report to the Nation" Scouts who were selected out of the Boy Scout membership of over 4 million boys, 1 each from the 12 regions. The breakfast was attended by more than 100 representative citizens from the Congress, various branches of the Government and representatives of church, civic, and school organizations that are sponsoring the scouting program. I had the privilege of making a response along with our colleague, Senator RALPH YARBOROUGH, of Texas.

Attendance from the Congress was limited to the Congressmen from the home districts of the 12 boys and the Senators from their State. I am proud to report that every boy had his Congressman by his side, and either one or both of the Senators from his home State.

Mr. Speaker, I avail myself of the privilege of writing into the CONGRESSIONAL RECORD the names of the 12 Scouts and the Congressmen and Senators.

I would also like to include as part of the RECORD remarks by Gen. Bruce C. Clarke, chairman of the division of relationships, Boy Scouts of America, who represented President Ellsworth Augustus, as chairman of the meeting, and also a resolution of appreciation to the Congress as read by Mr. Joseph A. Brunton, Jr., chief Scout executive.

Secretary of Agriculture Orville Freeman was especially honored for his strong scouting cooperation and that of the various Services of the U.S. Department of Agriculture. Secretary Freeman is a longtime Scout and Scouter.

A special feature of the Boy Scout breakfast was the unveiling of a new program to strengthen our American heritage in the minds of millions of youngsters throughout America, through the cooperation of the Freedom's Foundation and the Boy Scouts of America. This program features the great documents of our country, including the Declaration of Independence, the Constitution, and the Bill of Rights, and will be highlighted at Freedom Camp Fires all over the country, and at Valley Forge on July 18 of this year. The Scouts, at that time, will pledge to help friends and the people of their community to appreciate the rich heritage of our country and enrich our freedom through reverent resolution, and responsible patriotism, and to pass on this heritage for all Americans.

Mr. Speaker, this voluntary youth training program for tomorrow's leadership, is the U.S. way, based on the American heritage, in which the Nation, the sponsoring institutions, and the Congress can hold deserved pride.

STATEMENT OF GEN. BRUCE CLARKE

This breakfast is an important part of the annual report of the Boy Scouts to America. Meetings similar to this will take place by groups of Scouts reporting to Governors, mayors, and other officials all over the Nation.

This morning we honor the 12 regional Scouts who because of their outstanding scouting and other accomplishments have been chose to report on scouting personally to the President of the United States and members of his Cabinet. They will do this during their current stay in Washington.

The outstanding Scouts represent 4 million boys in scouting in the United States. They also represent the 1½ million adults who as volunteers help carry on this great cooperative movement for the benefit of boyhood and the part they will play in the future of our country.

My role here is as chairman of the National Relationships Committee of the Boy Scouts of America. I am honored to represent President Ellsworth Augustus.

Am pleased to welcome you all. You represent not only the Congress, which charters the Boy Scouts of America, but also the national leadership of 90,000 local churches, schools, service clubs, fraternal organizations, veterans' groups, and citizens who sponsor scouting in 139,000 local Scout units. We're all happy to come together this morning to salute the Scouts and their leaders.

RESOLUTION READ BY MR. JOE BRUNTON, JR., CHIEF SCOUT EXECUTIVE

To the Congress of the United States:

Public Law 88-41, passed by the House of Representatives on February 4 and the U.S. Senate on June 11, authorizes the Secretary of Defense, under such regulations as he may prescribe, to lend certain Army, Navy, and Air Force equipment and provide certain services to the Boy Scouts of America for use in the 1964 National Jamboree, and for other purposes.

The national executive board of the Boy Scouts of America at its quarterly meeting held October 17, 1963, acknowledged with deep appreciation this act of the 88th Congress. The board offers its thanks to Representative CARL VINSON and Senator CARL HAYDEN, authors of the act; to the Armed Services Committees; to all Members of the Senate and the House; and to the President of the United States for this expression of confidence in the Boy Scouts of America.

On behalf of scouting's 5½ million members, the national executive board extends you a warm invitation to visit the 50,000 Scouts and Scouters who will be at the jamboree at Valley Forge State Park, July 17–25, 1964, thus to reconfirm your faith in American youth.

BOY SCOUTS OF AMERICA: 1964 "REPORT TO THE NATION" SCOUTS

Explorer Bruce Alan Schulze, Congressman Sylvio O. Conte, Senator Leverett Saltonstall.

Explorer James Craig Adamson, Congressman Harold C. Ostertag, Senators Jacob K. Javits and Kenneth B. Keating.

Explorer Thomas Young Davies III, Congressman Harris B. McDowell, Senators John J. Williams and James Caleb Boggs.

Explorer James D. Goforth, Congressman Frank A. Stubblefield, Senators John Sherman Cooper and Thruston B. Morton.

Explorer John Whitterka Dorough, Jr., Congressman Kenneth A. Roberts, Senator John J. Sparkman.

Explorer Ronald Aaron Riepe, Congressman Phillip M. Landrum.

Explorer Michael Stanley Costello, Congressman Winfield K. Denton, Senator Vance Hartke (represented by Dr. Clair Cook, administrative assistant) and Senator Birch Bayh.

Explorer Briney Welborn, Congressman Paul S. Jones, Senator Stuart Symington.

Explorer Robert William Dupuay, Congressman Wright Patman, Senators Ralph W. Yarborough and John G. Tower.

Explorer James M. Sulerud, Congressman Odin Langen, Senator Eugene J. McCarthy.

Explorer Michael Masao Michigami, Congresswoman Edith Green, Senators Wayne L. Morse and Maurine B. Neuberger.

Explorer David Reynolds Mendenhall, Congressman Walter S. Baring, Senators Alan Bible and Howard W. Cannon.

URBAN RENEWAL PROBLEMS

Mr. HUDDLESTON. 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 Alabama?

There was no objection.

Mr. HUDDLESTON. Mr. Speaker, it gives me great pleasure to bring to the attention of our colleagues a recent address by the Honorable JOHN DOWDY, of Texas, on the subject of urban renewal problems.

In his remarks before the Dayton Lawyers Club of Dayton, Ohio, Congressman DOWDY spoke on several aspects of the urban renewal program, not only in the District of Columbia but throughout the Nation.

At the present time, Congressman DOWDY is chairman of Subcommittee No. 4 of the House Committee on the District of Columbia, of which I have the honor to be a member.

This subcommittee has spent many hours of constructive hearings on urban renewal problems in the District of Columbia. I feel every Member should take time to read this speech as it covers a subject that affects every citizen of the Nation.

I insert Congressman DOWDY's remarks at this point in the RECORD:

URBAN RENEWAL PROBLEMS

Gentlemen, I am honored to be with you tonight. I must admit considerable trepidation, however, as a country lawyer who has had no opportunity to practice during the 11 years I have been in Congress, appearing before big city lawyers. I learned something last year—I learned that by sitting quietly and listening to the self-styled planners, you can find out what makes them tick.

After listening to renewal and redevelopment planners for hours, I learned what they consider to be trifles. I suppose the head of the local public agency in Washington is about par for the course. In his plans he treats human beings as commodities, and as cattle. In the mind of the planner, it is all right to uproot 5,000 families, bulldoze their homes, and leave them no place to go. His answer is that 5 or 6 years from now, he will have another 5,000 families in there to take their places. That is much like a rancher handles his cattle. The planners forcibly take homes, businesses and jobs, and tell the man and his family to move out, and they tell him they don't care where he goes, just so he goes.

Here we have an agency that will take your job and leave you unemployed; it will take your home and leave you in the street; it has callous disregard for old and young alike; in Washington its actions caused an elderly woman to freeze to death, and a young woman to be condemned to a life in a mental institution, and on and on, the planners consider those things to be trifles—so this is the Agency without a heart.

It has been the stated policy of the Government for many years to encourage homeownership. I asked the administrator in Washington about this, and he indicated his opinion that it is better to demolish the homes of the homeowners, and let them become tenants of what one of the administrators chose to call the chosen instrument redeveloper. He overlooks the fact that these homeowners could never afford the high rent on the luxury apartments that will someday be built on the barren wastes that are left in the wake of the demolition crew.

From my study of law, I obtained a high and wholesome regard for precedent. It is a lesson that can be learned from history, or from science, or, over a long life, from personal experience and observation—but the law teaches it best. For over a thousand years, our common law has evolved from man's experience in particular cases. Experience has produced the theory, rather than theory coloring the experiences. The American law for the new is an asset of the human race, but a respect for the experiences of the past can contribute more to its fulfillment than is generally understood or appreciated by the average person. My study of the law, and the resulting regard for precedent, enabled me to see the substance of the soil out of which the present and the future grow.

Men are not ready to turn the clock back 200 years, and surrender to government condemnation of their property for private use for the enrichment of the chosen few.

Liberty and property are necessary, one to the other. A man has the right to his land and the fruits of his toil, and to his savings, whether great or small. The poor and the wealthy alike possess this right, and government exists to guard it—not destroy it. Your right to your property is God-given, and is as sacred as your soul.

As lawyers, we necessarily play pretty close to the rules, and if, perchance we stray, someone shortly and abruptly pulls us up. This is not so in urban renewal and redevelopment as it is operated in the District of Columbia, under Federal subsidy. The rules have been thrown away and the game is being played according to the changing whims of a few planners.

John Searles, when he was head of the redevelopment agency there, in referring to rules, laws and regulations said: "We struggle with them daily and feel that the world would be richer for the dumping of about 95 percent of the U.S. Government total bag of procedures, regulations, rules, manuals and other requirements, particularly those that relate to us." There is much evidence that the program is now being operated in disregard of the rules and regulations, though they have not been repealed.

Earlier this week, the man who is now head of the Urban Renewal Agency which doles out your money in the billions to local public agencies, was testifying before my subcommittee. He stated, in effect, that it is not necessary to meet the tests of the law in declaring an area to be a redevelopment project, and that he would approve such action, and subsidize it with tax money. In this particular instance the area did not meet the residential test, nor did it meet the test of having existing substandard housing at the time of its approval.

This particular testimony had to do with the Columbia Plaza project in the District of Columbia. At no time, while serving as chairman or member of a congressional committee, during the last 12 years, have I experienced such a parade of vague answers, inconsistent statements, and evasive tactics on the part of witnesses speaking under oath, as I did in those hearings. My committee worked tirelessly to bring to light the facts about the administration and conduct of the urban renewal program, not to undermine it, but to clean it up. If the discrepancies which we have uncovered are not given the public discussion necessary to democratic action, then scoundrels and opportunists will pervert this attempt to provide housing for the Nation's poor and rehabilitation for the Nation's slums, into a sham of corruption, graft and unrestrained Government license.

I am far from convinced that private enterprise is incapable of doing the job, without taxpayer subsidy, but I am amenable to the notion that the program be reviewed with an open mind. I must admit that theoretical and abstract questions of the need of Federal aid for urban renewal have been clouded by what is actually going on in the District. The urban renewal program as now being conducted is not the urban renewal program on the lawbooks; rather, it is a confused story of deceit, with the law becoming what the selfishly interested parties want it to be.

I believe you would be interested in the activities connected with the appraisers. As attorneys, you will readily understand the implications, which would be missed by laymen. Appraisers enter the urban renewal picture early in the game. Ordinarily you would expect that many appraisers would be involved in various aspects of the program. At least two appraisers would work for the owners of the land, making separate appraisals as to the value of the property. At the same time, two other appraisers would be at work for the local redevelopment agency, appraising the land for the prospective public purchaser. Later, more appraisers would be called in to perform reuse evaluations for the public agency in order that the selling price to the redevelopment might be established. At the same time, the prospective redevelopers would have their own appraisers looking into what should be paid. Out of all this work, by many different experts, a fair market price would be established between willing buyers and willing sellers.

At least, that's what the books say should be the operation—but after hearing the story of Columbia Plaza, the authors may want to rewrite the books.

From the testimony given before my committee, there were just two appraisers involved in the Columbia Plaza project, from beginning to end. They worked for the original owners of the property; they appraised the land for the local redevelopment agency which bought the property; they did the reuse appraisals, and apparently worked for the prospective redeveloper. These two men monopolized the appraisal activity regarding acquisition of the property, as well as its disposition. It was also noted that the reuse appraisal was completed 2 months before the final acquisition appraisal, and long before there was an approved urban renewal plan. In other words, the reuse appraisal was made before it was known what the reuse would be.

The evidence showed that the appraisers were advised of their selection some 6 months before the contract for the appraisals were let by the local redevelopment agency, and that the redeveloper was also predetermined, permitting him, as the chosen instrument, to get advance opinion as to the value of the land. In fact, a statement made under oath by Mr. Searles, the then head of the local redevelopment agency, indicates that the redeveloper agreed to advance the money for the appraisers.

There was plenty of cooperation here—but hardly in the public interest. In the business world it would be called collusion.

I could continue indefinitely demonstrating that the planners have utter disregard and contempt for the law, morals and ethics, but I have styled the renewal and development as an agency without a heart, and want to prove that to you.

First, there is the question of jobs—a man's means of making a living for his family. Unemployment is created by the urban renewal and redevelopment programs. They are destroying small businesses and jobs all over the United States, and contributing to our unemployment problem. Hundreds of thousands of business firms, and many times that number of jobs are involved. In the city of Washington, alone, the planners intend in one project to dislocate 2,000 of the 5,000 businesses; and in another project which has 141 businesses, providing employment for 1,000 people and a payroll in excess of $5 million per annum, they plan to displace the lot. The head planner expressed before my committee a cold disregard for the plight of the people involved; he said they could find jobs somewhere else, and that the services they are now rendering would be taken over by someone else. Heartless? Well, you render the verdict.

A central factor in all renewal projects is that a substantial part of the businesses displaced never are able to relocate at all. They are compelled by the severity of the jolt, to discontinue operations and give up as independent businessmen, and this, of course, also involves their employees. Various studies of numerous projects in many cities have disclosed that more than 25 percent of the firms in a redevelopment area discontinue operations altogether, and in some lines, the proportion giving up and going on public welfare and relief rolls, 30 percent, 40 percent, and even more. A Brown University report shows that 40 percent of the establishments in the urban renewal areas of Providence had to go out of business, and that same percentage holds true in Washington, D.C.

Urban renewal programs have resulted in significant increases in unemployment, and it is just starting. As these projects increase and get under full sway, they will become an even more important factor in unemployment.

Business and industry dislocations to date have been incidental to the demolition of residential areas, but the numbers will increase by leaps and bounds as the planners are now getting into the commercial and industrial areas.

The high mortality rate of firms within urban renewal areas has resulted in a level of unemployment, the magnitude of which can only be guessed from the reports and studies that have been made. No one has made a full accounting, but it could well total into a significant proportion of the total unemployed in the Nation, and be an important factor in hard-core unemployment. It is no consolation to say that the firms which fail to relocate were small firms; they had provided jobs and livings for their owners and for their employees. This is a national loss that is never taken into account in the rosy descriptions which are put out by the Agency without a heart.

According to information furnished us from Pittsburgh, not one small business firm displaced from what is now the Golden Triangle has been allowed to relocate in that area; practically the same thing has happened in Southwest Washington. When businessmen in Reno, Nev., brought suit to protest the designation of their buildings as slum or blighted, the judge said it appeared that such designation was made in order to qualify for Federal funds.

And in that connection, to stray for a moment, I will mention a few of the fantasies that are indulged by the planners to declare buildings as slum or blighted in order to get their sticky fingers in the taxpayer's pocket. In Washington, in the mentioned Columbia Plaza project, nonexistent buildings were declared to be substandard; in the Erieview project in Cleveland, according to a GAO investigation, millions of dollars worth of fine buildings were declared blighted and condemned to the wrecking crews for such reasons as this: In one building, the light bulbs in the hallway were not strong enough; in another, the wastebaskets had not been emptied; in another, the stairway to the basement did not have a handrail—all picayune—a $900,000 building was condemned to destruction for a complaint that could have been remedied in a matter of hours for an expenditure of $200 or $300 at the most. Is it any wonder taxes are so high and our debt so great, with planners of so little judgment, so wasteful and destructive of the resources of our people.

As an aside, I might mention that you lawyers are going to have to be doubly vigilant of your clients' property rights, because the courts seem to be holding that once a city council approves a project, no matter how arbitrary or capricious such action may be, that no appeal will be heard.

The tale of the Agency without a heart is a complex and often sad story about how a piece of legislation has been manipulated and corrupted in the hands of do-good bureaucrats and windfall-hungry developer speculators. During our investigation of the Southwest Washington urban renewal development, we compiled case studies on some of the citizens who were displaced, and, as I recall, there were some 13,000 people.

The Government Accounting Office made a spot check on some of the Redevelopment Agency's relocation reports, and in investigating two addresses where families were reported, in the files, to be relocated in standard housing. These two addresses were vacant lots, with no buildings at all on them. Is that a heartless disregard for truth and for people? I would say yes.

A careful examination of the projects will reveal that a large majority of the people whose homes and businesses are demolished and who are displaced are getting along in life, and the most heartless action of the Agency is what it is doing to these people; it is making them miserable and fearful—there are not enough phrases in the dictionary to gloss over this ugly reality. I have letters from all over the United States from aging people who are helpless before the ruthless, grasping, greedy thrust of urban renewal. There is no amount of money that can remedy what is being done to these old people—it tears them loose by their roots, and they will never root again. As a matter of fact, perhaps the relocation of the elderly is the easiest of the relocation problems, because it kills so many of them, after which they are no longer relocation problems.

The urban renewal planners have lost sight of the human destruction involved in taking a person's home; they have pushed people into the background; "out of sight, out of mind" is the heartless philosophy of the master planners. The Urban Renewal Agency does not tally the number of the homes of the aged it has destroyed—it does not tally the number of people it has killed, put in asylums, and added to the welfare rolls—but the number is considerable.

People object to being forced out of the neighborhoods which they love, and from locations which offer advantages to them which are not visible to the stranger's eye. People know what they want and like; they have a right to their property—are they being foolish, as the planners suggest? Are the planners justified in assuming that they know what is best for the people involved?

Only a person as heartless as the planners could agree that the planners are justified. I want to relate to you a few case studies, of which there are a great number, to illustrate the Agency without a heart.

The first case involved a 65-year-old widow, with a daughter in college. She had a fine old brick home in Southwest Washington, recently rebuilt, with new plumbing, new lighting and completely modernized. Rental of rooms gave her an income approximating $300 per month. The Redevelopment Agency offered her $16,000 for her home, which was $11,500 less than it cost. When she refused this amount, the Agency advised her tenants they would have to leave as the house was being taken for urban renewal. Without an income, the 26-year-old daughter was taken out of college; with insufficient income to live, the situation was so desperate the daughter suffered a nervous breakdown, and was placed in a mental institution. She has not recovered. The widow had to apply for public welfare to subsist. When she was finally evicted from her home, she found living space, but was again evicted for inability to pay rent. Her own health is breaking, and will probably not be a problem much longer.

In the second case, two elderly sisters owned and operated a rooming house, with an income to be self-sufficient. Here the Agency advised them the property was to be taken, and notified the roomers to leave. The sisters were permitted to stay on in their home, but they had to pay rent to the Agency. During a freeze, the heating system failed for lack of fuel, and the water pipes froze. The Agency refused to make repairs, and also did not relocate these helpless sisters. One of them became ill, and died in this unheated home, probably freezing to death, as the undertaker found ice on the bed covers when he came for the body.

The third case is a Negro family with 10 children which was displaced from the property they owned. The family was informed that they would be relocated, but that the family would have to do away with two of the children, since no more than eight children could be accommodated. Did I say "heartless"? I need a stronger word.

The fourth case involved an 81-year-old widow, who lived in her home for 50 years, supporting herself by renting rooms after her husband's death. She received only a fraction of the worth of her home, and the shock of losing both her home and her income brought on a heart condition which caused heavy expenses for doctors and hospitalization. This tragedy reduced her savings to zero; she was living in a second floor room with a kitchenette and bath, when she was struck and killed by a trolley car, which relieved the Agency of its obligation in this case.

These are just a few of the stories that lie behind the statistics of the Agency without a heart. I am heartsick that such results should be obtained; it is a terrible price that has been paid—yet urban renewal has only just begun to dislocate people. According to the planners, nearly 11,000 additional families are to be displaced in Washington alone, during the ensuing 4 years. Is all this necessary for a beautiful city? Can a city without a heart be a beautiful city?

The story is the same all over the country. Urban renewal is just now at the takeoff point, and it will displace untold thousands in the future. I hear the anguished cries of those who are displaced. It is my obligation to represent the people—I am bound to represent the people against the powerful planners and developers who disregard human values in favor of their own private enrichment.

Under the urban renewal program, the lofty purpose of helping low-income families obtain decent housing has been deflected. Landgrabbing and moneygrubbing has become the most important end. Most of the families being displaced are Negro families, and they are getting a bad deal. As one Congressman expressed it, this program started out as slum clearance, and is now being used for Negro clearance. Being from the South, I have many times come to the defense of Negro people who were being mistreated, and I believe this is an example of gross mistreatment at the hands of these planners. I will oppose it by every means at my command; their right to their homes is just as precious to them as my right to my home is to me.

Urban renewal sounded splendid when first proposed, and all sorts of respectable people got behind what seemed a very good thing—and for the real estate people who are on the inside, it is a very good thing.

When the press releases come out about a project, it goes on with words like blight, slums, and blighted area. The word "blight" is a curious word. I have never been able to get one of the planners to define it for me, though I have asked several times during committee hearings. But if you investigate, you will find that the blighted area is about the best area in town—and particularly, it is not the worst area—but these urban planners come in with their favored real estate operator, loaded with Federal money and the vast and drastic power of eminent domain.

They throw you out of your home, pay you a condemnation price for a house whose mortgage you have been paying off for 20 years, and construct a monstrous anthill in its place which is called luxury housing—and all at the expense of the taxpayer.

What is particularly sickening about this is the use to which our language is put in these affairs. Gentleness is called blight; homes are called slums; middle class and even fine neighborhoods are called blighted areas.

So tell me, if we are to have renewal and redevelopment programs, why do they not descend on the worst neighborhoods in town, rather than on the best, or near best. Americans can never again afford to build homes and buildings as fine and as substantial as those that have been torn down in the name of urban renewal. Why can't we keep these homes we have. And why should we use public funds to build high rent apartments, with rents running from $4,000 per annum. To my mind, it is an unconscionable waste of our national resources to tear down substantial, and even beautiful buildings, that might be remodeled at much less expense.

Of course, my suggestion would reduce the plunder to the builders and real estate speculators that are favored by the Urban Renewal Agency. There are plenty of places to build buildings, which places are not currently occupied by homes. Why tear down the homes, and displace honest, hard-working people, when it's unnecessary.

THE PAPERWORK JUNGLE

Mr. OLSEN of Montana. 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 Montana?

There was no objection.

Mr. OLSEN of Montana. Mr. Speaker, I know that Members of the House were pleased, as I was, to learn that President Johnson has launched a new drive against excessive paperwork in the Federal Government. In the President's statement to the Cabinet released on December 11, 1963, he asked Cabinet officers to give more attention to the management of their departments and agencies and to cut out excessive paperwork because it breeds overstaffing. I might add also that excessive and unnecessary paperwork generated by the Federal agencies places a costly burden on the business community, so costly in fact, that the small businessman can hardly manage to cope with it.

COMMITTEE REPORTS

Now, this problem is not new to me nor to the members of our Subcommittee on Census and Government Statistics of the Committee on Post Office and Civil Service. Ever since this subcommittee was organized in the 86th Congress, we have received numerous complaints about Government paperwork and we have been investigating and reporting on the problem. Our report on the "Business Reporting Requirements of the Federal Government" in the 86th Congress, followed by our report on "Reducing the Reporting Requirements of Transportation Industries" in the 87th Congress and our report on the "Use of Electronic Data Processing Equipment in the Federal Government," released in October 1963, during the 1st session of the 88th Congress—all of these reports in whole or in part have dealt with Federal reports and statistics and the collection, compilation, processing of billions of pieces of paper by the Federal Government.

Mr. Speaker, let me quote briefly from our October 1963 report on the subject of paper:

This committee has been particularly watchful of opportunities to reduce paperwork requirements originating in the Federal agencies. It has also been mindful to the fact that computers are prodigious consumers and producers of paperwork with the result that, without judicious selection and use of data processing programs and materials, this new technology could [literally] bury us in paper. It seems elementary, but one of the first—and most important—electronic data processing decisions that has to be made is whether the program which is under consideration for automation should be continued at all.

There have been a number of cases in the Government where feasibility studies [made by experts brought in from outside] have raised serious doubts as to the validity of the basic programs. In some instances, activities have been discontinued; in others, monthly reporting has been converted to quarterly or annual reporting, thus reducing the volume of reports to be filed by respondents. The Interstate Commerce Commission, for instance, recently simplified its monthly hours of service report, required of motor carriers, resulting in an estimated annual reduction of some 400,000 pages of reports.

The possibilities of paperwork reduction through or as a byproduct of electric data processing automation in the Government are enormous. Exploration of machine-to-machine reporting is only in its infancy, but a few applications reported by the agencies suggest what the future has in store. As described in this report, an outstanding example of paperwork reduction through interagency data exchange is the Treasury Department's arrangement whereby the Division of Disbursements receives check issue information on magnetic tape from a number of cooperating agencies [Veterans' Administration, Department of Health, Education, and Welfare, Internal Revenue Service, and others]. Another example is the arrangement whereby the Bureau of Old-Age and Survivors Insurance (BOASI) receives Federal Insurance Compensation Act (FICA) earnings statements on magnetic tape; some 4 million earnings items are received quarterly, 3 million from the Armed Forces and 1 million from State agencies and private employers. A third, which may point the way to greater paperwork savings, is the Census Bureau's use of BOASI lists and employer identification numbers in the 1963 Censuses of Business and Manufactures.

From these remarks, it will be understood that although some progress is being made, there is no easy or simple solution to the paperwork problem. What we need is continuing vigilance against the empire builders and paper pushers who if we gave them half a chance would, as I said, "literally bury us in paper." In his state of the Union message, the President made it clear that we do not intend to be buried by anyone, and I am sure he included the Federal agencies in those remarks. Now, I do not mean to be unfair to those agencies which have been and are making a genuine effort to simplify and streamline their reporting systems. As I indicated, the outstanding job done by any agency in recent months was done by the Interstate Commerce Commission which has been studying ways of reducing the paperwork burden of rail, motor, and water carriers.

The Interstate Commerce Commission recently reported to me that after a review of its reporting systems it was able to eliminate 13 reports completely, 11 others were changed from monthly to quarterly, resulting in 500,000 less forms each year from the regulated carriers. I want to commend Chairman Goff, of the Interstate Commerce Commission, for this work and to urge other Federal agencies to follow this fine example set by the ICC. I wonder how many other agencies could cut out a half-million reports each year if they took a good look at their paperwork load.

Paperwork is often too onerous for the small businessman who does not have the employee numbers or skills to fulfill the reporting required of some Government—Federal or local—agencies.

Paperwork requirement can often make the difference of profit or loss for the small businessman.

THE NUMBERS GAME

Mr. Speaker, earlier I referred to the fact that electronic data processing offers enormous possibilities for paperwork reduction and cited several examples in the Federal agencies. But, it is also true that electronic data processing automation is creating its own new load of paperwork, much of which did not exist prior to the widespread use of computers. Today we are all playing the numbers game—your number is much more important than your name to the Internal Revenue Service, the Social Security Administration, and to your bank, insurance company, magazine publisher, and, of course, to the telephone company.

The biggest paperwork operation in history is going on right now in the Internal Revenue Service and the Social Security Administration. This program calls for, first, assigning tax account numbers to over 100 million wage earners and business enterprises; and second, assigning tax numbers to every recipient of rents, dividends, and interest payments; this phase alone affects 50 million shareholder accounts, 40 million depositors in banks and savings and loan firms, plus an unknown number of millions of accounts in mutual funds, brokerage houses, real estate firms, and similar groups. Now this taxpayer numbering program was approved by the 87th Congress in Public Law 87-397, which also authorized the Internal Revenue Service to impose penalties on taxpayers for failure to supply their numbers. But, in spite of the threat of penalties, many taxpayers have refused to disclose their social security numbers for tax account purposes. Many others have ignored IRS requests to supply them. One large corporation canvassed all of its stockholders requesting social security numbers—only 64 percent of the shareholders complied.

NEARLY 500 MILLION REPORTS

We all know that there is nothing more certain than death and taxes and everyone agrees that we should support the Internal Revenue Service in its efforts to collect taxes from tax evaders, but let

us look at some of the mechanics involved in this new reporting system. First of all, the assigning of a tax account number is obviously only the first step in the paperwork flow. A taxpayer who owns stock in five corporations and has savings accounts in three banks will have to make out eight IRS forms No. 3435 and return them to the sender with his name, address, and social security number, if he has one. But, if he does not have one, he has to apply for a social security number on IRS No. 3227 and after he received his number back from the Social Security Administration, he can then proceed to fill out the No. 3435 forms. Note that the mechanics I have described so far are designed to get the tax account numbering system started, the real volume of paperwork—and I am talking about some 500 million reports each year—will start to flow when corporations and savings institutions begin to report their dividend and interest payments to all recipients for the year 1963 on an individual tax account number basis. To be specific, imagine, for instance, the paperwork job of the American Telephone & Telegraph Co., when it reports on dividend payments to its 2 million shareholders, and then the verification job to be done in the Internal Revenue Service when each of these 2 million A.T. & T. shareholders' reports are verified against the 78 million taxpayer records in the IRS masterfile.

We can get some idea of the paperwork dimensions of this IRS program if we compare it to the decennial census, which is always referred to as the biggest statistical operation in the world. In 1960, the Census Bureau enumerated some 180 million persons in 53 million households and although the Census tabulations were completely automated using the most modern EDP and optical scanning devices—equipment which IRS does not use, as yet—it took the Bureau over 3 years to finish the job. The IRS, we are told, will keep a current masterfile of 78 million taxpayer accounts and will update the file once a week under present plans. According to Mr. Caplin, this weekly updating is necessary so that the payment of refunds will not be delayed.

ATLANTA EXPERIENCE

Now, the first individual income tax returns to be automated by IRS were the 1962 returns from individuals residing in seven southeastern States. These returns were processed last year at the IRS Atlanta service center. Let me quote from a report appearing in the Wall Street Journal of September 5, 1963, which discusses the Atlanta experience:

> Though the exercise rang several warning bells, investigation by Federal agents uncovered little proof of premeditated fraud and much evidence of inadvertent error. Out of 7 million returns analyzed, only one cheat has been turned up so far. Other leads produced such interesting but far from alarming discoveries as these:
>
> About 10,000 taxpayers in the area filed more than one return. At first glance, this suggested a broad-scale attempt by citizens to bilk Uncle Sam by seeking more than one refund. But apart from the lone swindler [he's been jailed], all of the other duplicate filers were guilty of sins no more serious than: Submitting a second return when a withholding statement arrived late from a forgotten past employer; or, in the case of a husband and wife who had filed separate returns, the filing of a joint return after they had learned this would save them taxes. "We didn't realize so many people filed duplicate returns," say William Bookholt, Atlanta regional IRS commissioner.
>
> Another 14,000 returns each contained a social security number that had been used by an earlier filer. This, too, aroused IRS suspicions, but checks with the late filers disclosed that about half simply had erred in jotting down their social security numbers. The other half insist they were accurate. Now agents are contacting taxpayers who used these duplicated social security numbers first and, though it's felt some fraud may be detected, the law of averages suggests that human error again will be the discovery in most cases.
>
> Atlanta's computers are the first of a network that eventually will screen returns filed by all Americans, but that won't come for several years. New installations are expected to be ready to examine 1964 income tax returns by January 1, 1965, in Philadelphia, Dallas, and Cincinnati. A year later facilities in Boston, Chicago, Omaha, and San Francisco are scheduled to complete the network.

Most of us will agree that surely there must be more sensible and infinitely cheaper ways of finding 1 crook in 7 million. As for the persons who were claiming more than one refund and similar cases, you may rest assured that such cases are more than offset by others which are in IRS's favor. We are all familiar with the quota system and similar gimmicks used by the IRS in the past. I understand that Mr. Caplin, to his credit, has stopped some of these malpractices.

PAPERWORK JUNGLE

Mr. Speaker, I would urge Secretary Dillon to carefully review this IRS program, and I suggest that the appropriate congressional committees take a good look at this bureaucratic monster we have created. I strongly support the statement of my esteemed colleague, the gentleman from Virginia [Mr. GARY], the chairman of the Appropriations Subcommittee:

> There is such a thing as being a little too meticulous in enforcement.

And further:

> You can spend more time on a tax return than is necessary with the result that the additional revenue added to the rolls does not justify the expenditures or the efforts to discover it.

The events have justified the gentleman from Virginia [Mr. GARY] worst fears: Since 1960, in spite of millions spent for computers, employment in the IRS has increased by 13,000, and the 1965 budget calls for 2,000 more employees in Treasury, most in IRS. The costs of collecting $100 in taxes has gone up over 30 percent. How could it be otherwise in the paperwork jungle I have been describing?

In closing, Mr. Speaker, let me refer again to the President's statement about excessive Federal paperwork and suggest that he might start with the IRS. Our committee fully supports any efforts taken by the executive branch to ease the reporting burden placed on the public generally and on the business community, in particular. I want also to announce at this time, as chairman of the Subcommittee on Census and Government Statistics, that our subcommittee is scheduling hearings on paperwork with key Federal agencies to be held in March. If any of my colleagues in the House would like to present testimony or statements or have any thoughts on the matters discussed here, I hope you will get in touch with me.

THE ARREST IN HATTIESBURG, MISS., OF MEMBERS OF CLERGY

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

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

There was no objection.

Mr. HALPERN. Mr. Speaker, at the very time of this historic debate on the civil rights bill, a flagrant development has occurred which tragically highlights the need for the legislation before us.

I refer to the outrageous situation in Hattiesburg, Miss., which has resulted in a travesty of justice involving nine distinguished and highly respected clergymen, two of whom are outstanding spiritual leaders in the district I am privileged to represent in this body, the Reverend Charles H. Nelson and the Reverend Donald Key Scott, of Hollis Presbyterian Church, Hollis, Long Island, N.Y.

These men, moved by faith in God and in the brotherhood of man, thoroughly dedicated to the principles they so devoutly believe, joined in peaceful protest of blatant instances of voter intimidation in this Mississippi community. It resulted in their arrest and their conviction for breach of peace. What an ironic twist of justice for men of peace and good will.

Before I relate the immediate development I want, Mr. Speaker, to explain some of the background which has a direct pertinence to several of the provisions of the bill before us and which sets the stage for the incident involving the arrested clergymen.

The Reverend Carl R. Smith, of the First Presbyterian Church, Jamaica, Long Island, who is thoroughly familiar with the climate of fear that prevails in Hattiesburg, since he was one of 50 clergymen who had been there on January 21 through 25, informs me that the facade of law was present in the community. The clergymen were protected, no mobs were permitted to gather, and the leaders of the city appeared to be courteous. But behind this facade, two facts remained immovable. On the one hand, the voting registrar, Theron Lynd, continued to register Negroes at the glacial rate of 35 a day, and on some days less. On the other hand, police maintained a policy of harassment that kept the Negro community afraid and away from the registrar's office, except for the unusually brave ones.

For instance, during the week Rev. Dr. Smith was there, a young Negro civil

rights leader was fined $200 and given 60 days in jail for failure to move along fast enough when ordered to do so. A home where two clergymen were staying was searched late at night for liquor. A New York SNCC volunteer was thrown into a cell with two drunks, who were told he was an integrationist, which resulted in a physical attack on him. Three Negroes lost their jobs because they peacefully demonstrated. An 18-year-old Negro youth was picked up on his way to a mass meeting and put in jail overnight.

This campaign of intimidation has been successful. Out of about 10,000 Negroes in Hattiesburg, only 100 are registered to vote and during the week there were only about 150 to appear at the registrar's office.

The question of criminal contempt against the registrar is now in the hands of the Justice Department, and I fervently trust that there will be the fullest possible probe of all the circumstances involved in this matter, so that the ends of justice can be properly served. I have strongly protested the entire Hattiesburg situation to the Attorney General and have asked him for a complete report on the Department's role in the case and all the facts concerned with it.

Mr. Speaker, the latest development in this abuse of human rights, which I included in my protest to the Attorney General, occurred only last Tuesday. It involves, among others, the two learned and respected constituents I mentioned earlier. I bring it to the attention of this House today in view of its timeliness to the vital subject before us.

The nine clergymen, including the the Reverends Charles H. Nelson and Donald Key Scott, were arrested on January 29 on charges of breach of the peace while walking in an area, adjacent to the courthouse, arbitrarily restricted by Hattiesburg city police.

Their trial was set for Tuesday, February 4, and each of the clergymen were held on a $500 bond. Following the arrest, Circuit Judge Stanton J. Hall issued an injunction against picketing or acts calculated to breach the peace, which named the United Presbyterian Commission on Race and Religion and the Episcopal Society on Racial and Cultural Unity, among others.

Eight of the nine found guilty were fined $200 each and sentenced to 4 months in jail; one was fined $100 and given a 30-day jail sentence. These arrests and convictions, as well as the naming of these groups in the injunction, are further evidence of a deliberate policy of harassment not only against the local citizens who desire to fulfill their constitutional rights but against their sympathetic champions, these clergymen who were in Hattiesburg as observers of Negro attempts to register to vote.

Yes, Mr. Speaker, what more blatant example do we need to pass this civil rights bill? We must have strong, effective statutes to protect the human rights of all Americans. This, coupled, of course, with understanding and compassion, which I am sure will inevitably result despite the unfounded and decadent contentions that have been made by certain Members of this body against this bill.

In the name of justice, decency, morality, and conscience, I trust this bill will pass overwhelmingly and that good, dedicated men will never find it necessary to face up to another Hattiesburg.

THE PRESIDENT IS TO BE COMMENDED FOR HIS MESSAGE ON CONSUMER INTERESTS

Mr. ROOSEVELT. 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. ROOSEVELT. Mr. Speaker, the President is to be commended on his message on consumer interests. His recommendations, if carried out, can fulfill a most vital function.

It is commonly accepted that we are the most diverse nation in the history of the world. Our economy is composed of many industries—many conflicting interests. Virtually every interest group has representation somewhere within our governmental structure. Farmers, labor, commerce, these and other segments of our economy have received the representation to which they are entitled. Yet, the largest single group of all within our economy—the consumer—has for too long had no one to speak for him.

President Kennedy's initiation of this program was a bold new step to protect the interests of the people. President Johnson has now come forth with a well-considered program to implement and broaden the program begun by his predecessor.

The President has called for the enactment of a number of legislative proposals which would be of assistance in insuring the consumer a square deal. I have today introduced legislation in line with his recommendations on temporary cease and desist orders. This matter has long been of great interest to me. In a number of the hearings held by my small business subcommittee, I have had firsthand opportunity to see the irreparable harm that has been done to both small businessmen and the consumer for want of such legislation.

I have likewise today introduced a bill designed to carry out the President's recommendation on truth in packaging.

One matter not covered by the President's message which is closely related as a matter of consumer interest is the question of the home buyer's right to rely on FHA insurance. On November 20 I introduced a bill to require indemnification bonds in all cases of new construction to cover the reasonable costs of correcting structural and other defects which might be found in the building in order to bring it into substantial conformity with plans and specifications approved by FHA. Thus the home buyer would be secure in his belief that he was receiving a soundly built home actually conforming to the specifications called for by FHA.

As the President points out, in the final analysis, this is a matter not only for governmental concern but also for those engaged in the many industries that compose our national economy. I have every confidence that, given the leadership of the President and the very distinguished and able Special Assistant for Consumer Affairs, Esther Peterson, American industry will make every effort to cooperate with this program.

The American consumer in many respects is the most fortunate individual in the world today. He has a choice of a vast array of consumer goods. Personal incomes continue to reach record heights. We can succeed in this attempt to increase the effective purchasing power of those who have not shared this prosperity. All consumers will get a square deal. This program will make a vital contribution to the public interest.

THE GUILT OF THE UNITED STATES IN PANAMA

The SPEAKER. Under previous order of the House, the gentlewoman from Missouri [Mrs. SULLIVAN] is recognized for 30 minutes.

Mrs. SULLIVAN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include various statements and additional material.

The SPEAKER. Is there objection to the request of the gentlewoman from Missouri?

There was no objection.

Mrs. SULLIVAN. Mr. Speaker, in the month since the eruption of rioting and bloodshed in and around the Canal Zone on January 9 and 10, the role of the United States in the operation of the Panama Canal, and our relationships with the Republic of Panama, have been matters of utmost public attention in the press and over radio and television, as well as here in the Congress. During that time, every fault or alleged fault in our policy and conduct in the Canal Zone has been discussed and analyzed and microscopically inspected. The question always seems to be: What have we done wrong?

As chairman of the Subcommittee on the Panama Canal of the House Committee on Merchant Marine and Fisheries, I have been deeply involved in the official discussions within the Government on the situation in Panama and our future policies in the zone. However, except for a brief statement on the revenues of the canal which I made in the House on January 22—appearing at pages 966–967 of the CONGRESSIONAL RECORD—I have done all my talking on Panama and the canal in executive session, and in private discussions with the Secretary of the Army and the top aids in the State Department in this area of great national concern, and I have also written privately to the President. I have not felt it useful to attempt publicly to instruct the President through speeches or press releases, or to contribute in any way to a further deterioration of our relations with the Republic of Panama.

In the latter connection, Mr. Speaker, it has not been at all easy to stay silent, because I have received a great deal of information about the savagery of the

attacks upon our people and upon our property in the zone, and about the deliberate manner in which the mobs were incited to this savagery by some of their political leaders. However, while rehashing the events of last month will not solve the serious problems which confront us, and which also confront responsible leaders in the Republic of Panama, I certainly believe we must speak forthrightly and unequivocally about the sham and shame of the charge of aggression placed against us by Panama in the Organization of American States.

WERE WE RESPONSIBLE FOR THE RIOTS?

My purpose in asking for this time in the House today, therefore, is to try to put the charge of aggression in some perspective. I have been moved to make this statement because of deep concern—a sense of shock—which I have experienced in noticing how quickly and enthusiastically some of our editorialists and commentators were ready to plead guilty for the United States as being responsible for all of the problems in Panama, and for the bloodshed and rioting of last month.

The newspapers, and the other media, have, of course, tried to give objective accounts of the facts in their spot news coverage of the events in the Panama story since January 9. The facts were not always easily obtainable at first, and are still not clear in all details; some new facts have been uncovered, for instance, as to the alleged spontaneity of the rioting last month. Essentially, however, most Americans interested in knowing the facts about the Panama riots have found them in print, and these facts are essentially correct.

At the same time, however, floods of nonsense—reams of uniformed opinion and smug, know-it-all editorial bombast—have also been printed and spoken through our news media convicting the United States over and over of villainy, colonialism, bourbonism, dollar diplomacy, cruel exploitation, and economic imperialism in our relations with the Republic of Panama.

God knows, Mr. Speaker, pure altruism has not always marked every step of our relations with every other country over the last 188 years of our independence. Anyone who could claim that the United States always was right in every situation involving foreign affairs is blind to the fact that we have committed our share of mistakes. We could argue endlessly whether the act of Teddy Roosevelt in recognizing—and thus making possible—Panama's independence from Colombia so that we could get on with the canal was the best thing which ever happened for the Panamanian people, just as General de Gaulle these days might have some questions in his mind whether his royal predecessor back in our Revolutionary War days really did us a favor by helping us win independence from Great Britain. And, on our part, we can deeply resent or oppose some De Gaulle policies today without reference to the fact that our two countries almost went to war against each other soon after we won independence with France's help.

The point is, Mr. Speaker, that relations between sovereign nations must be based on current actualities as well as on past favors or even ancient grudges. Our relations with the Republic of Panama are seriously disrupted right now, but in assessing the reasons, we are obligated to look at the facts as they are, not at the possible shape of those facts if something different had been agreed to in 1903.

"OUR COUNTRY, RIGHT OR WRONG" IS WRONG

And, above all, I think all Americans—and that includes columnists and commentators and editorial writers who seek to shape public opinion according to their concepts of the facts—owe it to their country to give the United States at least the benefit of a reasonable doubt when it comes to assessing our alleged criminality or depravity. We are not a depraved people, or a government of imperialists. We have made mistakes in Panama, and in the zone, and some of our Zonians have, from time to time, acted arrogantly and as poor examples of American democracy.

But our Government has neither enslaved the Panamanians nor deprived them of any birthright. We have, through the Panama Canal, brought far more prosperity to Panama than is enjoyed by any other Central American nation. The people of Panama, I am sorry to say, do not seem to have equal opportunities to share in that prosperity—but since the Republic of Panama is not our colony, we can hardly dictate to its leaders how poverty should be eliminated or employment and education opportunities be more equally distributed. Besides, we have some gaps in our own prosperity and equality of opportunity here in the United States—as we have been discussing here all week in this civil rights bill and in the poverty battle.

Mr. Speaker, it is because so much of the public discussion in the United States about the Panama crisis has gone on the assumption that this country has been acting like some sort of monster in Panama—because so many commentators have proclaimed America's guilt, voicing a theme which seems to say "Our country, right or wrong, is wrong"—that I think some of the official documents on the matter should be spread on the record, here in the CONGRESSIONAL RECORD, for more objective analysis of the facts.

PRESIDENT JOHNSON'S STATEMENT

I therefore submit at this point in my remarks the statement made by President Johnson on January 23 about the Panama situation. This statement has, of course, been printed widely. However, it should be read again as a preliminary to the further official documents I am introducing.

Herewith is President Johnson's statement:

THE WHITE HOUSE, STATEMENT OF THE PRESIDENT ON PANAMA, JANUARY 23, 1964

I want to take this opportunity to restate our position on Panama and the Canal Zone. No purpose is served by rehashing either recent or ancient events. There have been excesses and errors on the part of both Americans and Panamanians. Earlier this month actions of imprudent students from both countries played into the hands of agitators seeking to divide us. What followed was a needless and tragic loss of life on both sides.

Our own forces were confronted with sniper fire and mob attack. Their role was one of resisting aggression and not committing it. At all times they remained inside the Canal Zone and they took only those defensive actions required to maintain law and order and to protect lives and property within the canal itself. Our obligation to safeguard the canal against riots and vandals and sabotage and other interference rests on the precepts of international law, the requirements of international commerce, and the needs of free world security.

These obligations cannot be abandoned. But the security of the Panama Canal is not inconsistent with the interests of the Republic of Panama. Both of these objectives can and should be assured by the actions and the agreement of Panama and the United States. This Government has long recognized that our operation of the canal across Panama poses special problems for both countries. It is necessary, therefore, that our relations be given constant attention.

Over the past few years we have taken a number of actions to remove inequities and irritants. We recognize that there are things to be done and we are prepared to talk about the ways and means of doing them. But violence is never justified and is never a basis for talks. Consequently, the first item of business has been the restoration of public order. The Inter-American Peace Committee, which I met this morning, deserves the thanks of us all not only for helping to restore order, but for its good offices. For the future, we have stated our willingness to engage without limitation or delay in a full and frank review and reconsideration of all issues between our two countries.

We have set no preconditions to the resumption of peaceful discussions. We are bound by no preconceptions of what they will produce. And we hope that Panama can take the same approach. In the meantime, we expect neither country to either foster or yield to any kind of pressure with respect to such discussions. We are prepared, 30 days after relations are restored, to sit in conference with Panamanian officials to seek concrete solutions to all problems dividing our countries. Each government will be free to raise any issue and to take any position. And our Government will consider all practical solutions to practical problems that are offered in good faith.

Certainly, solutions can be found which are compatible with the dignity and the security of both countries as well as the needs of world commerce. And certainly Panama and the United States can remain, as they should remain, good friends and good neighbors.

THE U.S. POSITION IN OAS

Next, Mr. Speaker, I submit the statement made on behalf of the United States by Ambassador Ellsworth Bunker before the Council of the Organization of American States on January 31, when Panamanian accusations against us of aggression were taken before that organization:

STATEMENT BY AMBASSADOR ELLSWORTH BUNKER BEFORE THE COUNCIL OF THE ORGANIZATION OF AMERICAN STATES, JANUARY 31, 1964

Mr. Chairman, the Government of the United States regrets that the Government of Panama has chosen to break off not only diplomatic relations and direct talks, but discussions which were going on through the Inter-American Peace Committee, and to take instead the course of bringing this matter before the Council to level charges of aggression against the United States.

Both the U.S. Government and our people were profoundly saddened by the unfortunate events which transpired in Panama on January 9, 1964, and on the days immediately following. These events, which have left a tragic balance of dead and wounded on both sides, cannot in any way be considered to have served the best interests of either the United States or Panama, but rather have redounded to the sole benefit of those who seek the breakdown of the inter-American system, of those who would sow the seeds of discord among the sister republics of the New World, of those who seek to reap the bitter harvest that would result from internecine strife in the Americas.

I want to reiterate that the United States remains ready at all times to try to resolve our differences around the conference table. We do not think that violence is the way to settle disputes, nor, may I add, for emotion. This is a time for calm and reason.

The record will show that the Peace Committee has worked tirelessly and selflessly, literally day and night, in Panama and in Washington, and always in the spirit of utmost impartiality and helpfulness in its efforts to bring the two parties together. My Government wishes to express its deep gratification to the Inter-American Peace Committee and individually to the distinguished members who make it up, for their significant contribution to the peacekeeping tradition of our Organization. I shall have occasion to refer again to the Inter-American Peace Committee, Mr. Chairman, but I now wish to turn to the specific charges which have brought us together today.

The truth is that the United States has at no time committed any act of aggression against the Government or the people of Panama. There is no basis in fact for the charges which have been made. Since we have not committed aggression, we are obviously not responsible for the damages and injuries to which Panama alludes.

The United States therefore welcomes a full investigation of the charges which have been made by an appropriate body of the Organization of American States and will, of course, cooperate fully in such an investigation.

If an investigation is made it will demonstrate that the civil police and the U.S. military forces in the Canal Zone never made any attempt to enter Panama itself and, indeed, that they only attempted to protect lives and property in the zone. It will show that, as a result of the attacks which were made on the zone, there were more than 100 American casualties, both civilian and military, including 4 killed. It will show continuous sniping with rifle fire from buildings and the roofs of buildings in Panama City into the zone and great restraint on the part of U.S. forces notwithstanding these attacks. It will show that violent mobs, infiltrated and led by extremists, including persons trained in Communist countries for political action of the kind that took place, assaulted the zone on a wide perimeter, setting fire to buildings inside the zone, and attacking with incendiary bombs and rocks the people who were inside. It will show that the Government of Panama, instead of attempting to restore order, was, through a controlled press, television and radio, inciting the people to attack and to violence. It will show a delay for some 36 hours on the part of the Government of Panama in restoring order. It will show looting and burning by violent mobs in Panama City itself. And it will show that no small proportion of the Panamanian casualties were caused by Panamanians themselves, including those who died of fire and suffocation in buildings and in automobiles which were set on fire.

Mr. Chairman, I reserve the right at a future meeting to make specific comments on these details of alleged happenings to which the distinguished representative of Panama referred which unfortunately do not correspond with the facts.

We also think it important that any investigation include the full story of the efforts of the IAPC in the last 20 days. For we are confident that that will demonstrate that the United States has gone more than halfway in seeking to resolve this matter.

As to the most appropriate mechanism by which such an investigation might be undertaken, my delegation believes that there are several possibilities which might be explored and certainly it would be essential to have a full investigation before seeking or implying any judgment on the charges. In addition to the present proposal to invoke the Rio Treaty, it is possible, and in the view of my Government would be quite appropriate, for the IAPC itself to undertake an investigation. This has the advantage that its members are thoroughly familiar with so much of the situation. Alternatively, the United States would be willing to undertake a joint investigation with representatives of Panama under the chairmanship of a representative of the Council. Perhaps, as an initial step before taking final action on the current proposal, the Council might request one of its own committees to gather the necessary information and evidence.

In determining what action should be taken, however, it seems to me important to bear in mind the principal stumbling-block at the moment which has divided the United States and Panama and the real objective which we seek. This point was well stated by the distinguished delegate of Panama himself when he said, if I heard him right, that "Since it has not been possible to attain an express manifestation of the intention of the Government of the United States to initiate negotiations for the conclusion of a new treaty * * * the Government of Panama finds itself under the painful necessity of presenting its case to the Council of the OAS."

Whether the Rio Treaty is the proper instrument to seek to force a revision of existing treaties is a question which the Council will, of course, want to consider.

However, the most important consideration which guides our deliberations and action is the objective which we seek. So far as the United States is concerned, our consistently held objective remains to restore diplomatic and friendly relations with the Government and people of Panama and to sit down together with them at the conference table to seek to resolve all outstanding issues.

As President Johnson has said, "Our obligation to safeguard the canal against riots and vandals and sabotage and other interference rests on the precepts of international law, the requirements of international commerce, and the needs of free world security.

"These obligations cannot be abandoned. But the security of the Panama Canal is not inconsistent with the interests of the Republic of Panama. Both of these objectives can and should be assured by the actions and the agreement of Panama and the United States."

We have taken the position that while we cannot agree to preconditions which impair existing treaties in advance of discussion and agreement, we are prepared to engage in a full and frank review and reconsideration of all issues, may I repeat, all issues between the two countries, including those arising from the canal and from the treaties relating to it, in an effort to find practical solutions to practical problems and to eliminate the cause of tension.

We have made it abundantly clear that in the discussions which we propose, each Government would be free to raise any matters it wished and that each Government must be equally free to take any position it deems necessary on any issue raised by the other.

In short, Mr. Chairman, the United States rejects all charges of aggression.

The United States reiterates its appreciation for the work of the Inter-American Peace Committee and its conviction that the instrumentalities of the OAS are competent to deal with this problem.

The United States is prepared to cooperate in a full investigation of the facts if that is desired.

The United States urges that the Council issue a call to prevent any further violence.

The United States feels that the principal stumbling block at the moment is the insistence of one of the parties on a precondition of treaty revision.

The United States maintains its objective of resuming talks on all issues.

The United States is willing to do this on the basis of the communique of January 15. It is willing to accept the wording of the draft communique which was discussed in the sessions of the Inter-American Peace Committee. In any event the United States is prepared to resume meetings with the Peace Committee and with the representatives of Panama to seek to work out a new solution.

And finally, the U.S. Government and people continue to extend the hand of friendship to Panama and to the Panamanian people.

CHILE QUESTIONS THE APPROPRIATENESS OF CHARGE OF AGGRESSION

And now, Mr. Speaker, I submit the text of an address delivered by Ambassador Manual Trucco, of Chile, at the special meeting of the Council of the Organization of American States on February 4, 1964, questioning the appropriateness of a charge of "aggression" against the United States under the Inter-American Treaty of Reciprocal Assistance—a treaty which calls upon all nations in the hemisphere to come to the aid of any nation which is the victim of armed attack:

ADDRESS DELIVERED BY HIS EXCELLENCY, MANUEL TRUCCO, AMBASSADOR, REPRESENTATIVE OF CHILE, AT THE SPECIAL MEETING OF THE COUNCIL OF THE ORGANIZATION OF AMERICAN STATES HELD ON FEBRUARY 4, 1964 [1]

Mr. Chairman and fellow members of the Council: In invoking articles 6 and 9 of the Inter-American Treaty of Reciprocal Assistance and basing a request for the convocation of the organ of consultation on them, the Government of Panama has formed an accusation: it has filed suit against the Government of the United States for having endangered the peace of America and for having committed an "unprovoked armed attack against the territory" and "the people" of Panama.

In invoking the Inter-American Treaty of Reciprocal Assistance, the Government of Panama, in our judgment, has had recourse to the instrument of greatest importance in the inter-American system; to the treaty of the most far reaching and serious consequences; to the penal code of the juridical structure of the hemisphere.

My country has always held that the Inter-American Treaty of Reciprocal Assistance should be interpreted in a restrictive sense, due to the drastic consequences of its application and because it is founded on the

[1] The original Spanish text appears in OEA/Ser.G/II/C–a–533, Acta de la sesión extraordinaria del Consejo de la OEA celebrada el 4 de febrero de 1964.

principle of hemispheric solidarity against aggression.

This characteristic of the Inter-American Treaty of Reciprocal Assistance flows from the trustworthy history of its origin. The work of drafting the Rio Treaty was prolonged and laborious. Two years elapsed between Chapultepec and Quitandinha. The Quitandinha conference devoted 3 weeks to the job of giving final form to the Inter-American Treaty of Reciprocal Assistance.

Anyone who studies this legislative history of its creation, even superficially, will see that nothing was left to the interpretation of the parties and that the mechanism thus forged can only be put into operation in cases of necessity, on those occasions when the peace, the political independence, the sovereignty, the territorial integrity, or the security of the states is truly threatened, or when some clear act of aggression has been committed, such as those pointed out in article 9 of the treaty.

The principle of hemisphere solidarity against aggression was reflected, in the first place, in article 3 of the treaty, which considers that an armed attack [against an American state] will be considered as an attack against all the American states, and as a result each American nation undertakes to assist in meeting the attack.

Later on, the same article states that the Organ of Consultation will meet without delay for the purpose of examining the immediate measures that each state may individually take in accordance with the principle of continental solidarity in the face of aggression, and agreeing upon the measures of a collective character that should be taken.

Later on, in article 6, which has been invoked by the Government of Panama, the Inter-American Treaty of Reciprocal Assistance provides that the Organ of Consultation shall meet immediately in order to agree on the measures that must be taken in case of aggression to assist the victim of the aggression or, in any case, the measures that should be taken for the common defense and for the maintenance of the peace and security of the continent.

Emphatically holding to this thesis that, as I have stated, arises from the trustworthy history of this law and from its own stipulations, the eminent Colombian internationalist, Mr. Caicedo Castilla, states that "in defending a state that is the victim of aggression, the other states are indirectly defending themselves, since their independence and territorial integrity would be placed in danger by the success of the aggressor"; and Mr. Caicedo Castilla adds that "it is obvious that consequences of extraordinary seriousness are derived from that principle that need not be taken account of or given too great emphasis, for they are plain enough to be self-evident."

And in his report to the Pan American Union on the Inter-American Conference for the Maintenance of Continental Peace and Security, the then Director General of the Pan American Union, Dr. Alberto Lleras Camargo, holds that the Inter-American Treaty of Reciprocal Assistance, signed in 1947, is of such importance that if the American governments had not concluded the American Treaty of Pacific Settlement in Bogotá the following year, the terms of our juridical relationship would have been reversed and we would have entrusted to collective force the supreme guarantee of peace, rather than entrust it, in the first instance, to law, to pacific procedures, to intelligence.

For his part, the enlightened Mexican internationalist, Mr. Gómez Robledo, has stated that the Inter-American Treaty of Reciprocal Assistance "was conceived, if we must say the least about it, to meet tremendous situations."

When a state presents a claim based upon Articles 6 and 9 of the Inter-American Treaty of Reciprocal Assistance, as Panama has done on this occasion, another state is being accused of the crime of aggression, another state is being classified as an international criminal on which the entire weight of the force and punishment of the hemisphere must fall.

Suffice it to recall that article 8 of the treaty, in citing the measures that the Organ of Consultation should adopt against the aggressor, lists those that are quite familiar to all of the representatives and that conclude with the use of armed force. These are the reasons that have persuaded my Government always to take the position that, in order to invoke the Inter-American Treaty of Reciprocal Assistance and start the punitive machinery of the organization, there must be a series of conditions that are not alternative but copulative in nature, one of which is that there be a clear aggression or acts or situations that in fact endanger the peace of America.

To put the machinery of the Inter-American Treaty of Reciprocal Assistance into operation the acts referred to in article 9 must be evident, patent, and unimpugnable.

It is not enough, in our judgment, and in this thesis we follow the most famous treaty experts of modern American international law, that one state unilaterally classify an act of aggression. It is the Council that is responsible for declaring whether or not the qualification of aggression is valid, and whether there is or is not process of law. And this prior action on the part of the Council is indispensable, because admitting process of law is already indicating that there is an accused and an accuser, a presumed victim of aggression and a possible aggressor.

I have said that the acts of aggression committed must be evident, patent, and unimpugnable, because the Inter-American Treaty of Reciprocal Assistance is founded on the principle of solidarity against aggression and because the punitive machinery of the treaty should be put into effect, through the organ of consultation, "without delay for the purpose of * * * agreeing upon the measures of a collective character that should be taken."

So obvious is this nature of the Inter-American Treaty of Reciprocal Assistance, insofar as it refers to aggression, that in no part is there mention of any investigating procedure that should be followed in order to determine whether or not an act of aggression exists. The aggression, I repeat, must be patent, evident, unimpugnable. Our illustrious colleague, Ambassador Penna Marinho, rightly maintains that one of the virtues of article 9 of the treaty is that it gives a "clear definition of aggressor."

But, Mr. Chairman, it is all too clear that the case of aggression claimed by the representative of Panama is not one of these evident, patent, and unimpugnable acts, since the claimant has not been able to formulate precisely the crime committed by the accused nor to frame that crime, also precisely, within the terms of the penal statute it asks to applied.

We have carefully studied note No. 10, dated January 29, 1964, addressed to the Chairman of this Council by the Ambassador Representative of Panama, the speech delivered by Ambassador Moreno at the special meeting of the Council held on January 31, and the draft resolution that has been submitted to this body for consideration.

In note No. 10, of January 29, the Ambassador of Panama includes the cable sent by the Minister of Foreign Affairs of Panama, His Excellency Galileo Solís, to the Chairman of the Council in the early morning hours of January 9, and makes some brief comments on the situation that has arisen.

My Government believes, Mr. Chairman, and has so informed the Government of Panama, that the crisis that developed on January 9 and 10 might have justified, at that very time, the application of the Inter-American Treaty of Reciprocal Assistance, on the basis of the terms of article 6. But it is also the firm belief of my Government that that situation was mitigated and superseded by the intervention of the Inter-American Peace Committee and that, as a result, there is not now a situation that endangers the peace of the hemisphere.

I was a member of the Inter-American Peace Committee. In the minutes of the meetings held by the Committee in Panama, and as each of my distinguished colleagues and the representatives of both parties will remember, I am sure, there was sufficient evidence that the emergency situation that existed in Panama on January 9 and 10 was completely solved within 48 hours after the Inter-American Peace Committee, with the collaboration of both parties, took action. Communique No. 2, published by the Committee on January 31, 1964, states:

"In compliance with the objective assigned to it by its statutes, of keeping vigilance to insure that states between which any dispute or controversy exists will solve it as quickly as possible, the Inter-American Peace Committee is pleased to announce that, through its good offices, and with the acquiescence of the parties, the following agreement has been reached in the case between Panama and the United States:

"1. To create a Mixed Committee on Cooperation, whose specific purpose shall be to take cognizance of the problems that may arise in the maintenance of order within their respective jurisdictions, especially in the bordering areas of the Canal Zone and the Republic of Panama, to agree upon measures to prevent and resolve any disruption of order, and to determine the places to be especially watched. The Mixed Committee on Cooperation shall be composed of one civilian and one military representative appointed by each of the two governments, respectively, and they shall act jointly with a representative of the Inter-American Peace Committee, who shall preside over the Mixed Committee.

"2. To take note that the fact that on January 11, 1964, the U.S. Secretary of the Army, Cyrus Vance, announced that the Canal Zone authorities would continue to fly the U.S. flag outside the public schools in the Canal Zone, and that, in accordance with the agreement between the Republic of Panama and the United States, the Panamanian flag would be flown along with that of the United States at these places."

At the first meeting of this Mixed Committee on Cooperation it was agreed to remove the barricades and obstruction of the Bridge of the Americas and the so-called Colón Corridor. That occurred on January 13 of this year.

No new act of violence, no clash between the Panamanian civilian population and the police or armed forces of the Canal Zone occurred or has occurred since that date.

I can also say that, from January 13 to the 29th of the same month, on which date Ambassador Moreno stated to the Inter-American Peace Committee that he had instructions from his Government to put an end to its action before that autonomous agency of the Organization of American States, the members of the Committee never heard any discussion between the parties as to the existence of an aggression. In the innumerable meetings the Committee held, day and night, for more than 2 weeks, with the representatives of the United States and Panama, all the conversations referred to the need

for quickly reestablishing diplomatic relations between the two countries. All the exchanges of points of view of the parties were limited to the question of stipulating the terms under which negotiations should be undertaken later with a view to solving the problems existing between them, as a consequence of the existence of the Panama Canal.

To such an extent was this the case that, on January 15, the parties agreed to and signed an agreement that has been read by the Ambassador of Colombia.

That agreement was revoked only 20 hours after it was signed. But I do not believe it appropriate at this time to analyze the manner and the circumstances in which that occurred.

I can also state emphatically that, when the meetings of the Inter-American Peace Committee with the representatives of both parties were resumed here in Washington, for more than a week the parties continued to search, among themselves, with the assistance of the Committee, for a formula that would permit them to establish their diplomatic relations and later begin direct negotiations with a view to the solution of the problems that separated them. Those problems did not include, nor was there any discussion of, a presumed aggression.

It has been only after the end of the efforts of the Committee and of both parties to agree upon the text of a declaration that would state the aim of both governments of reestablishing their diplomatic relations as soon as possible and endeavoring to begin direct negotiations between the parties, that the representative of Panama has presented to this Council the claim of aggression of which we are taking cognizance.

The situation that I have just described also demonstrates, in my judgment, and with excess of eloquence, the inadmissibility of the claim.

Nor did Ambassador Moreno, in his address before this Council on January 31, define the offense committed by the accused. In the opinion of our distinguished colleague, there had been "a police action that gave rise to an exaggerated display of military might on the part of a great power." Our esteemed friend has also told us that "the aggression is latent and will rise to the surface when the Panamanians demand compliance by the United States with the obligations contracted with Panama." But, Mr. Chairman, unfortunately, in our opinion, the Organ of Consultation cannot meet and the Inter-American Treaty of Reciprocal Assistance should not be invoked for future and problematical cases.

Ambassador Moreno has also referred to the fact that the United States authorities in the Canal Zone closed off the normal traffic on the Bridge of the Americas and the so-called Colón Corridor during the days of the emergency to which I have referred. I repeat, Mr. Chairman, that those acts are reprehensible, but that they were rectified and resolved on January 13 with the intervention of the Committee and the exemplary cooperation of the parties.

My Government maintains, Mr. Chairman, that what in truth exists is a dispute between the United States of America and Panama. This dispute, which concerns other matters, can only be resolved through understanding between the parties, with the good faith of the parties, with the devotion of the parties to the peaceful means of settlement that constitute the most valued tradition of the inter-American system. The settlement of this dispute can be obtained only through good and normal relations between the parties and not by the application of the punitive machinery of the system.

For the reasons I have stated, I find it necessary to deny my Government's vote to the request presented. This is not an easy attitude to take, because the Panamanians and Chileans are united by the bonds of a close and cordial friendship and our sympathies and our affection will always be with the noble Panamanian nation. But sympathy for the weaker should not lead us to violation of the law, in whose majesty and untouchability, precisely, lies the guarantee of the weak. Before the law, Mr. Chairman, there are neither strong nor weak men or nations. The foundation of justice is in the equality of all before the law. I have the hope, which comes from the bottom of my heart, Ambassador Moreno, that perhaps this attitude will be well understood by the people and the Government of Panama. So sincere is our conviction that the best interests of Panama lie in the search for peaceful means of settlement of the dispute, and so profound is our conviction that the procedure that is being used will only place Panama further away from those possible solutions, introducing new elements of friction into its relations with the United States, that we believe that our position is not prejudicial to Panama but rather is a positive contribution to meeting its real needs. It is for this reason that we have cooperated, to the extent of our ability, but without sparing any effort, and with loyal devotion, in the work of the Inter-American Peace Committee. I am sure that the Government of Panama, and that of the United States, will recognize the impartiality and inflexibility that has characterized our action. This position of the Government of Chile was expressed by the Minister of Foreign Affairs of my country to His Excellency the Foreign Minister of Panama, Galileo Solís, in the cable dated January 31, that I take the liberty of reading to you now. It reads:

"I have the honor to acknowledge the receipt of Your Excellency's cable of January 30, 1964, and of a note that was delivered to me personally by your Ambassador in Santiago, Mr. Alfredo T. Boyd, referring to the presentation made by Panama to the Council of the OAS requesting the convocation of the organ of consultation by virtue of the Inter-American Treaty of Reciprocal Assistance.

"The Government of Chile has followed closely and with deep concern the events that have disturbed Panama, and has made every effort to help solve the problems that have arisen between your country and the United States of America. The representative of Chile on the Council of the OAS, Ambassador Manuel Trucco, as a member of the Inter-American Peace Committee, has interpreted the feelings of the Chilean Government and people by cooperating in the search for a solution to the controversy that separates the two countries today.

"Notwithstanding the feelings of my Government and the close ties of friendship that unite us with the Panamanian people, I have had to inform your Ambassador that unfortunately we will be unable to accede to the petition presented by Panama.

"I have informed Ambassador Boyd of the principles that Chile has always maintained on the restrictive application of the Inter-American Treaty of Reciprocal Assistance and which, in our opinion, are essential requisites in safeguarding the integrity of the inter-American system. The representative of Chile to the United Nations, Mr. Carlos Martínez, has also made known this position to the representative of Panama to that organization. Ambassador Aquilino Boyd.

"I wish to point out once more, however, that Chile maintains its firm intention to cooperate, through the appropriate machinery of the inter-American system, in the effort to find a solution that will settle the disagreement between two countries with which we maintain close ties of friendship.

"JULIO PHILIPPI,
"Minister of Foreign Affairs of Chile."

In summary, Mr. Chairman, I am instructed by my Government to explain that Chile's position conforms to its firm conviction that the inter-American juridical system must be safeguarded through the proper use of the instruments that compose it. The Government of Chile believes that there is an international controversy between Panama and the United States, but that the application of the Inter-American Treaty of Reciprocal Assistance as invoked by the Government of Panama is not suitable. The Government of Chile firmly upholds its long-standing position that the Inter-American Treaty of Reciprocal Assistance must be interpreted restrictively, that it is a treaty to be applied in exceptional cases, when there has been a clear breach of the peace. The Government of Chile believes that a loose, unrestricted interpretation of the Inter-American Treaty of Reciprocal Assistance would immediately lead us into difficult situations, possibly endangering the inter-American juridical system. The Government of Chile faithfully and resolutely intends to cooperate through the appropriate machinery of the inter-American system, as it has already done on the Inter-American Peace Committee, in finding a solution to the controversy. The Government of Chile supports any measure designed to solve this dispute, short of invoking the Inter-American Treaty of Reciprocal Assistance. The Government of Chile believes that if what the parties seek is the appointment of an investigating committee, which is one of the peaceful means for settling a dispute, they should be supported in achieving that common objective, but within the appropriate mechanisms of the inter-American system.

Many thanks.

AMBASSADOR BUNKER OFFERS PROOF OF RIOT PLANNING

On the same day, Mr. Speaker, on February 4, last Tuesday, Panama again made accusations of aggression against us, and Ambassador Bunker made the following significant reply—very little of which, I believe, was apparently considered newsworthy at the time, for I saw only about a paragraph about it in the newspapers I read:

STATEMENT BY AMBASSADOR ELLSWORTH BUNKER, REPRESENTATIVE OF THE UNITED STATES, AT THE MEETING OF THE COUNCIL OF THE ORGANIZATION OF AMERICAN STATES, FEBRUARY 4, 1964

Mr. Chairman, I regret that my distinguished colleague from Panama has seen fit to return to these charges which he made at the last meeting. As President Johnson said, it seems rather futile to rehash these past events; what we ought to do is—it seems to me—to be devoting our energies to finding ways of restoring relations between our two countries and getting around to the conference table where I am sure that with good will and trust on both sides our problems can be resolved.

In my remarks to the Council on January 31, I indicated that at some future meeting I might make some specific comments on the details of alleged happenings to which the distinguished representative of Panama referred to in his speech. I had not intended to do so today, but in view of additional inaccuracies and distortions to which we have just listened, Mr. Chairman, I feel it is more than ever important that the world knows what really happened.

As I indicated in my statement before this Council at our last meeting, the United States firmly rejects the charge of aggression which has been leveled against us and not only welcomes but is indeed most interested in having all of the facts concerning the events of the 9th and 10th of January brought to light. Indeed as we have gone more deeply into our own investigations of the situation, U.S. authorities have developed considerable information concerning the acts of violence and the behavior of the mob, which we may well want to insist, be brought to light.

Mr. Chairman, much as I dislike having to question the statements made by the distinguished representative of Panama the allegation is untrue that U.S. high school students, some of their parents, and the Canal Zone police attacked the Panamanian students who entered the Canal Zone at approximately 4:30 p.m. January 9 and who marched peacefully to the Balboa High School where a delegation of five Panamanian students displayed the Panamanian flag. There is incontrovertible evidence from photographs which I would be glad to show any interested member of the Council as well as sworn statements of U.S. officials indicating that there was no attack by the American students or those parents present on the Panamanian students. The photographs will show that the Canal Zone police kept these groups apart; that the whole affair was orderly and that the police at no time used firearms on these students or in fact did anything more than escort them out of the zone, despite the fact that the Panamanian students did engage in considerable property damage. As a matter of fact, the Canal Zone authorities had several buses brought to the area to take the Panamanian students back to the Republic of Panama but the students did not care to use them and departed on foot.

I would be able to show any interested member of the Council a photograph of the Panamanian flag being borne to the school by the students. An examination of this photograph will show that the center top of the flag was already torn prior to the time it was alleged we tore their flag. In other words, the flag was torn before it ever went from Panama into the Canal Zone and the allegation that the American students, their parents, and the Canal Zone police had anything to do with defiling the Panamanian flag is simply not correct.

Later on in his statement the distinguished representative from Panama indicated that the U.S. Army forces in battle gear used machineguns, tanks, and long-range automatic weapons in firing on crowds of Panamanians whose only wish was to enter the Canal Zone to raise the Panamanian flag. I am in a position to offer evidence to any member of the Council who is interested that no machineguns were used, that no tanks were used although I am sure the distinguished representative from Panama has confused the personnel carriers that were used to bring the troops from their quarters to the area where the mob was running wild, with tanks. No automatic weapons were ever employed by U.S. personnel during the mob violence. In fact, most of the American soldiers initially were not issued ball ammunition at all and when it was later used, it was carefully directed at Panamanian snipers in order to avoid casualties.

The distinguished members of the Council may recall that the widow of one of the U.S. soldiers killed early in the violence in Colón was recently in Washington when her husband was buried at Arlington Cemetery and that at that time it was stated that this particular sergeant had no ammunition for his rifle when he was shot and killed. This is because it is, I am told, standard procedure for only the leaders to have ammunition in riot control with the rest of the group equipped with tear gas and instructed to use persuasion.

The distinguished representative from Panama indicated that U.S. helicopters and aircraft violated airspace of Panama and added to the confusion. What he failed to point out was that the helicopters had loudspeakers and Spanish-speaking personnel were urging the mobs to disperse and go home. It is true that the Colón corridor through the Canal Zone on the Atlantic side had to be closed for a short period of time, in keeping with specific treaty provisions, because of the danger of mob elements getting in behind the forces trying to defend the Canal Zone in that general area, but the statement that the Isthmian Highway was closed thus preventing the shipment of blood plasma and medical help to the Atlantic side is absurd.

The destruction of property by the mob on the Atlantic side was very great. I have, if any member of the Council is interested, photographs of the destruction caused by the mob in that area.

In short, as I stated on January 31, the facts when brought to light will show that what little force the United States used was employed with the greatest restraint and solely within the Canal Zone for the protection of the residents of the zone. Reflection will convince you, I think, that a crisis with Panama could serve no conceivable U.S. interests; that my country had nothing whatsoever to gain either in causing the crisis or seeing it expand; and that U.S. interests as well as humanitarian considerations argued for the very minimum use of force. However, my Government could not and should not be expected to order its defensive forces to stand aside and permit violent mobs, the true character and intentions of which is clearly shown by the pillaging, looting, and wanton destruction that took place in Panama City and Colón, to enter the Canal Zone unopposed.

Now, Mr. Chairman, it seems to me not particularly helpful to keep on attempting to present evidence before the Council, evidence which should go to an investigating committee, if we have one. It doesn't seem to me that we are promoting the cause of understanding which we want to achieve here. I do, however, consider it necessary to say that I again must reserve the privilege of commenting further on statements of my distinguished colleague from Panama, if this is the course which is to be pursued here. But I do hope that we may be able now to get on with the business in hand, and certainly my Government is most appreciative of the strenuous efforts, not only those which the Peace Committee made but also those which the distinguished members of this Council have been making over the last days here to attempt to find some formula that will provide an avenue of approach to these problems.

HOW PANAMA HAS REALLY FARED FINANCIALLY IN OUR RELATIONSHIP

Mr. Speaker, I now want to put into perspective another question which has been so widely discussed in these past 4 weeks, that of our financial treatment of Panama. Many of the editorial comments in the press and over the air have indicated we have been reaping huge profits out of the Canal and giving only a pittance to poor Panama—not only robbing the country of its greatest single resource, but underpaying the Panamanians who work for us, depriving them of opportunities for promotion, and otherwise acting the bully while the Panamanian economy staggers under our exploitation and neglect.

I am familiar with the charges, because I have heard them time after time in the years I have been visiting Panama—not only since coming to Congress in 1953 and being assigned to the Subcommittee on the Panama Canal, but for years before that when I vacationed in Panama or visited friends in the zone. Compared to the United States, Panama is a poor country and the Panamanian standard of living is low—although many Panamanians live most luxuriously as a result of the monopolistic privileges accorded the families which control the economy. But unless there are far-reaching reforms in the Panamanian economy, including fairer taxation and more equality of opportunity—more economic democracy—it would not make much difference how much aid the United States directed into the country—most of its benefits would go to the few at the top. This is a fact we have to face.

On the other hand, the degree of well-being of the average Panamanian is still very directly affected by the aid and assistance and business activities we carry on with Panama. I have had a factual compilation made of the benefits accruing to Panama and to the people of Panama as a result of our purchasing policies in the zone and of our other economic relationships with Panama and I think this information will be an eye opener to many Americans.

This compilation, as I said, is factual. In fact, it is matter of fact. For instance, it explains that we provide the principal cities of Panama with purified water "at the relatively low rates of $0.075 per unit of 100 cubic feet for the first 100,000 units, and $0.07 per unit for all in excess of 100,000 units," and states, furthermore, that "Panama distributes this water in her terminal cities at sufficiently high rates to generate a significant income from the sale of this water."

THE UNPAID WATER BILLS AND OTHER ACCOUNTS

What the factual account does not explain, however—it was prepared to give a perspective, rather than throw rocks—it does not explain that Panama, while reselling the water we provide it, has not been paying us for the water. At the modest rates we charge them, they owe us about $2½ million for water. The President of Panama announced when he took office several years ago that he would just wipe off the books and forget the $2 million Panama owed us for various services—water, hospitalization of Panama residents, and so on—and would start fresh with a clean slate, paying us from then on. Since then, however, Panama has run up another $1 million or so of additional debts for these services—so that when the compilation which follows says Panama can make a significant income from the resale of water purchased from the United States, it is a whole lot more significant than

it would appear, since the Government of Panama apparently counts on getting the water free from us while charging their nationals a price based on what we are supposed to receive for it.

A FACTUAL SURVEY

In any event, Mr. Speaker, I now submit the factual survey prepared at my request of benefits accruing to the Republic of Panama in our relationships, as follows:

PART I. DIRECT FINANCIAL BENEFITS ACCRUING TO PANAMA

The following is a listing of estimated income received by the Republic of Panama from Canal Zone sources for the years 1960, 1961, and 1962:

	1960 (revised)	1961 (revised)	1962 (preliminary)
Net payments, including retirement and disability to non-U.S. citizens employed in the Canal Zone	[1] $28,183,000	[1] $33,219,000	[1] $36,461,000
Direct purchases made in Panama by U.S. Government agencies	9,611,000	9,743,000	11,781,000
Purchases of goods in Panama by private organizations operating in the Canal Zone	4,416,000	4,600,000	4,400,000
Contractors' purchases in Panama of goods and services for Canal Zone projects	8,400,000	10,415,000	10,668,000
Expenditures made in Panama by U.S. citizens employed in the Canal Zone	12,990,000	15,675,000	19,155,000
Canal Zone annuity to the Republic of Panama	1,930,000	1,930,000	1,930,000
Total	65,530,000	75,582,000	84,395,000

[1] Includes estimated net payments to all non-U.S. citizens employed in the Canal Zone by U.S. agencies, contractors, and private organizations. Derivation: Gross payrolls less deductions for civil service retirement and employees' expenditures in the Canal Zone for service center and retail store purchases; medical and hospital services, rent and utilities; and miscellaneous services.

PART II. BENEFITS ACCRUING TO PANAMA FROM PANAMA CANAL COMPANY-CANAL ZONE GOVERNMENT

Introduction

Outlined below are benefits that accrue to Panama from the Panama Canal Company and the Canal Zone Government and from the proximity of the U.S. presence in the Canal Zone. This listing emphasizes benefits currently accruing to Panama; however, highlights and cumulative totals of past major benefits and services are included where appropriate for purposes of perspective and completeness. Dollar valuations are included when applicable to illustrate the extent of capital facilities or the cost of operating programs. Benefits accruing from other agencies on the Canal Zone are not listed nor are all of the direct benefits covered in the estimated $84 million in purchases and payments tabulated as part I of this report.

Direct economic support

Increasing revenues from transactions in goods and services with the Canal Zone accounted, in important part, for the 8.5 percent rise in Panama's gross national product for 1962. Increased direct economic support from the Canal Zone also aided in offsetting Panama's worsening foreign trade deficit caused by her increased spending for imports over export sales in 1962.

(a) Direct purchases from Panama by the Panama Canal organization and its contractors totaled $13,300,000 in 1962. In addition, U.S. citizen employees of the canal organization spent approximately $8,500,000 in Panama for goods and services in 1962.

(b) The canal organization currently employs approximately 11,000 non-U.S. citizens, primarily Panamanians, at a total 1962 payroll cost of $25 million.

(c) The U.S. Government agencies in the Canal Zone on September 1, 1963, initiated, at the Republic of Panama's request, a tax-withholding service to collect Panamanian income tax from the salaries of Panamanian citizens employed in the Canal Zone by the U.S. Government. The Panama Canal spent $29,000 on start-up costs for this tax collecting service and operating expenses will exceed $15,000 annually. Checks are dispatched to the Panamanian Government biweekly to cover the previous pay period's collections. Annual tax receipts of approximately $675,000 are expected to be deducted from the salaries of canal employees and paid to the Republic. Total tax receipts from all the agencies in the Canal Zone will probably reach $900,000 annually.

Capital facilities

The canal organization currently maintains heavy investments in capital facilities that provide important services and support to the Republic and to large numbers of Panamanian citizens. The lands and improvements transferred to Panama in the past 20 years with a total market value of $40 million are not included in the items described below.

(a) Water system: Perhaps no other Latin American capital city has the safe, modern water system enjoyed by Panama City. During the canal construction era the United States invested $10,600,000 in a water purification and distribution system to handle water needs in the Canal Zone and in Panama's two terminal cities, Colon and Panama City. In 1946, the U.S.-built water and sewer systems in these two cities were transferred to the Republic at an unrecovered cost of $669,000 to the United States.

1. Last year the Panama Canal Company spent $1,562,733 to operate its Water Laboratories Branch; more than 70 percent of the water it purified went to Panama. In 1963 the Panama Canal Company spent $700,000 for a 30-inch main to meet the increasing needs of Panama City and suburbs. The population of Panama City and Colon has increased from 24,000 in 1904 to 350,000 in 1963. Now under construction is a 14,000-foot pipeline, 12 inches in diameter, costing $110,665 which the Company is building to furnish fresh water to five Atlantic-side communities in Panama. More than $1 million has previously been spent in water system improvements to accommodate increased Panamanian consumption.

2. Panama is charged for purified water at the relatively low rates of $0.075 per unit of 100 cubic feet for the first 100,000 units, and $0.07 per unit for all in excess of 100,000 units. Panama distributes this water in her terminal cities at sufficiently high rates to generate a significant income from the sale of this water.

(b) Ports and harbor facilities:

1. Docks and piers: The Panama Canal Company has 11 docks and piers, which total 2.9 miles of berthing space in operation at Cristobal and Balboa. Panama has no deep water docks or piers and utilizes the canal organization's facilities for her export-import trade. Panama Canal Company docks and piers at Balboa and Cristobal have a plant value of $19 million.

2. Aids to navigation: The Panama Canal maintains lighthouses and buoys more than 100 miles beyond the canal's entrance to guide vessels safely to Balboa, Panama City, and Cristobal-Colon. Modern, accurate, and perfectly maintained inner harbor aids assure the safe and expeditious handling of vessels entering and leaving the terminal-city ports. Many vessels dock at Cristobal and Balboa without transiting the canal, using Panama Canal tugs, pilots, and equipment for this purpose. A portion of the cargoes carried by these nontransiting vessels figures in Panama's external trade.

3. Floating equipment: The Panama Canal maintains a fleet of tugs, dredges, drill barges, launches, craneboats, and salvage equipment. This expensive, specialized equipment is available to the Republic at nominal cost for special projects, emergency use, etc.

(c) Transportation facilities:

1. Panama Railroad: Completed in 1855, the Panama Railroad has played a key role in Panama's development since the Republic's birth in 1903. It continues to be widely used by Panamanian shippers and undoubtedly acts as a lever on transisthmian passenger and shipping rates and as quality control guide for services rendered by truckers. The Panama Railroad furnishes free carriage of Panama's mail and allows a 50-percent reduction on freight rate for native products. These services have a total subsidy value of $35,000 annually to the Republic.

2. Thatcher Ferry Bridge: This important link in the Inter-American Highway was completed in 1962 at a cost of $19 million. Prior to the construction of the bridge the canal operated a large ferry service, at an annual estimated cost of $400,000, that was of primary benefit to the Republic. Total cost of operating the Thatcher Ferry from 1930 to 1962 is estimated at $12,500,000.

3. Highways: The Canal Zone Government currently maintains a paved highway through the Canal Zone that links Panama City and Arraijan, Republic of Panama. This heavily traveled and well-maintained highway is of increasing importance to the Republic, as it carries all of Panama's expanding commercial and passenger traffic between the capital city and the Pacific interior regions. To handle the increasing traffic, a project to widen and improve the Thatcher (Arraijan) Highway at an estimated cost of $3 million is currently under study. In years past, the U.S. Government has spent a total of $13 million to construct a transisthmian highway and a portion of the Rio Hato Highway in the Republic.

(d) Rental and sale of capital items to Panama:

1. Much specialized equipment, on occasion, is loaned or rented to Panama at nominal charges. This Canal Zone equipment serves as a reservoir or reserve for Panama's emergency or special project use and represents an investment that her economy cannot afford. Special repairs to the Republic's government-owned equipment is also undertaken at times at a token cost.

2. Panama's Government agencies are furnished, at token cost, much needed equipment that becomes excess to the canal's needs. In the past year or so, such capital items as large generators, diesel launches, garbage trucks, etc., having a total value of over $321,000, were released through property disposal channels to Panama for only $20,000. It has been determined that such direct sales by the Panama Canal to Panama's Government agencies are in the national interest of the United States.

(e) Health facilities: The Canal Zone Government maintains extensive medical facilities having a plant value of $5,700,000. The majority of users who benefit from these modern facilities are Panamanian citizens.

1. Hospitals (general): Gorgas Hospital on the Pacific side and Coco Solo Hospital on the Atlantic side presently provide heavily subsidized inpatient and outpatient services,

including dental care, for approximately 60,000 Panamanian citizens. Gorgas Hospital is currently being enlarged and modernized at a projected cost of $6 million.

2. Palo Seco Leprosarium: The Canal Zone Government continues to operate a 120-bed leprosarium although almost 95 percent of the current patient load is Panamanian. Since there is no similar facility in Panama, the Canal Zone maintains the leprosarium and for each patient admitted at Panama's request bills the Republic a daily charge to recover a proportionate share of the cost of operating the facility.

3. Corozal Hospital for Mental and Domiciliary Care: This Pacific-side facility with its 300-bed capacity currently provides for the care and treatment of an average of 200 mental patients, over 70 percent of whom are Panamanians.

(f) Low-rental housing: The Panama Canal Company currently provides low-rental housing for almost 11,000 Panamanians and other non-U.S. citizens who otherwise would be dependent upon the critically short housing market in Panama City and Colon. The canal's current capital investment in housing for Latin Americans totals $4,765,000. Additional capital for new construction and modernization is being obligated annually in support of this program.

(g) Latin American school system: Cooperating closely with Panamanian school authorities, the Canal Zone Government has evolved an excellent Spanish language school system on the Panamanian model. It currently provides a full primary and secondary education for over 3,700 Panamanian students. The Panamanian faculty of the Canal Zone Latin American schools, totaling 120 teachers at present, represents one of the best trained and highest paid faculties in Latin America. The school system's physical plant is valued at $2,149,000. Its annual operating cost to the Canal Zone Government is $901,695.

(h) Police and fire protection facilities: Specialized Canal Zone police facilities for performing ballistic and chemical tests and other crime detection techniques are available to Panamanian authorities on request. The Canal Zone's highly trained and well-equipped firefighting force has played a vital role through the years in helping to contain large fires occurring in the tenement areas of Panama's two largest cities.

Benefits to Panama's trade, commerce, and industry

(a) Tourist industry:

1. Tourism is estimated by the Panamanian Government to represent a $14-million-a-year industry in the economy of Panama. It is conservatively estimated that the average tourist spends more than $20 per day while visiting the isthmus. Tens of thousands of passengers, plus ships' crews, who transit the canal annually, stop and shop on the economy of Panama.

2. The Panama Canal Company recognizes that the canal continues to be the prime center of interest for most visitors, whether they arrive by air or sea. To accommodate these tourists and to aid Panama in exploiting this unique tourist attraction, the Panama Canal annually spends $188,000 for tour guides, informational material, operation of tourist launches, etc. In the past several years the Panama Canal has spent over $200,000 to expand and modernize facilities and services for tourist and recreational use.

3. The Canal Zone Government has performed essential customs and immigration services for Panama continuously since 1904. This service currently is estimated to have an annual value of $170,000 to the Republic. During the past year approximately 100,000 ship passengers, including in-transit passengers entering the Republic to shop, were cleared by Canal Zone customs and immigration for the Republic.

(b) External trade:

1. The Colon Free Zone, served by the ports within the Canal Zone in recent years has developed into one of Panama's most important trade enterprises. The Free Zone, the numerous shipping agencies, and the export-import houses with large payrolls based in Panama all enjoy substantial freight advantages over other Central American countries. Within the past year USAID/Panama completed a study which shows that of 129 possible comparisons between Canal Zone ports and other Central American ports, Panama lacks the advantage in only 10.

2. The efficient port service offered by the Panama Canal accounts in substantial part for freight rates to Panama which are low in relation to other Latin American countries. The short turnaround time in canal ports makes this area very attractive to shippers. In addition, according to the USAID report, because loading and unloading of cargo occurs within the Canal Zone, Panama enjoys the lowest pilferage and breakage losses of any port in the Western Hemisphere.

3. Panama has relatively cheap and readily available water transportation to any port in the world due to the presence of the canal. One thousand ships per month pass through the canal while many others dock and work cargo but do not transit. Recently attracted to the area have been such enterprises as the Refineria Panama at Colon. With three of the largest oil storage tanks in the world and an operating payroll amounting to over $1 million per year, this recent addition to Panama's economy exemplifies the benefits of the canal's presence to industries in Panama. Cemento Panama, one of the most modern business enterprises in the Republic, for several years has enjoyed a special handling rate by the Panama Canal for cement exported across Canal Zone piers. The special rate is offered as an export incentive and savings in pier handling costs of $30,000 were realized in fiscal year 1963.

(c) Agriculture:

1. Canal Zone commissary officials tour the interior to advise Panamanian producers how to upgrade product quality and production so as to meet the Canal Zone's standards and needs. This has resulted in a bigger and more stable market for the Panamanian producer and, in some cases, it has opened agricultural export markets.

2. Inspections and consultations from Canal Zone veterinarians working in the Republic, who inspect all meat and dairy products destined for sale in the Canal Zone, has resulted in a marked upgrading of quality and higher levels of production by the Panamanian producer. As a result, the beef and dairy industries are assuming greater importance in the economy of Panama.

3. Veterinary research and experimentation at Mindi Dairy in the Canal Zone has benefited the Republic's dairy industry greatly. A dairy herd of good yield, hardy enough to withstand the rigors of the Tropics, has been developed at Mindi. Blood stock from Mindi is being used to improve dairy herds in Panama. In the past few months, 15 calves worth $1,500 have been donated to small farmers in the Republic. Canal Zone veterinarians are also aiding Panama in its current drive to eradicate brucellosis from its dairy herds.

(d) Banking facilities, investment climate, and monetary stability:

1. Panama is the only Central American country having extensive U.S. branch banks (Chase Manhattan Bank alone has six branches in the Republic.) In addition, Panama has branches of Swiss and French banks. The existence of the canal and the need for concomitant maritime financing account largely for Panama's excellent banking facilities. The presence of these highly reputable banks insures good commercial services generally, and prospective foreign investors also regard them as trusted and reliable sources for unbiased information concerning investment possibilities.

2. Panama's monetary system, regulated by a monetary agreement with the United States since 1904, is pegged to the U.S. dollar. This represents a boon to Panama's foreign commerce since she has virtually no exchange problems and enjoys perhaps the most stable currency in Latin America.

3. The steadying effect of the Canal Zone on the Panamanian economy, together with the strong American influence that pervades the area, helps Panama in attracting foreign investors and entrepreneurs. Many large business enterprises currently headquarter their Latin American operations in Panama and it is estimated that most of the 3,000 leading U.S. corporations maintain some sort of subsidiary in Panama.

Canal Zone leadership in the development of a skilled and productive labor force

a. Diversity of skills: The Panama Canal Company-Canal Zone Government possesses a greater diversity of manpower than almost any other agency in the Federal Government. Over 15,000 employees, occupying more than 900 distinct job categories, are required to maintain and operate the canal, its supporting services, and its governmental functions. Approximately 11,000 of these employees are Panamanian citizens whose efficiency, productivity, and job skills are continuously being upgraded. During the past 4 years Panamanians employed in higher paid professional, technical, and administrative positions have increased from 141 to about 850 out of the 4,000 such jobs. In addition to being the largest single employment agency for Panamanians, the canal occupies the position of wage leader and pace setter—by training and example—for Panama's growing industrial labor force.

(b) Industrial training program (crafts): The Panama Canal in its drive to upgrade the skills of its Panamanian workers carries on extensive craft training programs. Twenty-five young Panamanians are hired each year to begin extensive 3 to 5 year apprenticeships in a variety of the electrical, machine, and metal and wood-working trades. Approximately 140 apprentices now receive both academic and carefully planned shopwork so that full journeyman status and pay are awarded upon graduation. An increasing number of these highly trained craftsmen will find their way into Panama's growing industrial work force. In addition to apprentice training, the Panama Canal offers periodic refresher and special skills training programs to journeymen and others. Operating cost of the Industrial Training Branch and the apprentice program is approximately $136,000 annually.

(c) Other training: Continuous training is being carried out by the Panama Canal in such fields as heavy equipment operation, cargo handling, warehousing, merchandising and selling, clerical and administrative skills, firefighting, food handling, safety methods, etc. The canal's 1,500-man stevedoring force, for example, through training and rotational job assignments, is probably the most productive and best paid cargo handling force in Latin America.

(d) Panama's labor force: The effects of the canal's leadership in wage rates, job efficiency, and productivity can be clearly traced into Panama's work force as a whole. Panamanians, employed in Panama, are generally regarded to be the highest paid wage earners in Central America and, partly due to the training and example from the Canal Zone, Panamanian production per worker is one of the highest in Latin America. Panama's per capita gross national product in 1962 is estimated at $445, the highest in Central America and one of the highest in Latin America. Panama (population 1.1 million), with an estimated $500 million gross national product for 1962, is exceeded in

gross national product only by Guatemala (population 4 million) and El Salvador (population 2.8 million). Additionally, due to the U.S. influence in the Canal Zone, the labor force of Panama City and Colon is largely bilingual. This is a great attraction to a potential investor in Panama, whether he is concerned with blueprints, instruction manuals, or needs a bilingual secretary.

(e) Technical personnel available to Panama: During emergencies or for special projects and studies, technical and professional employees in the Canal Zone provide Panama with expert counsel and guidance that would not otherwise be locally available. To cite an example, Panama maintains no meteorological service. Recently, the Panama Canal's chief hydrographer and a senior geologist investigated and reported on earth tremors in the Chiriqui Province at the Republic's request.

(4) Health benefits: Since the advent of its canal construction effort in 1904, the United States has provided the vigorous leadership and the enormous monetary investments required to conquer and control the numerous environmental health menaces on the isthmus. Today, Panama enjoys one of the highest life expectancy rates in Latin America. Life expectancy in Panama is estimated at 62 years, compared to Costa Rica's 60 years, Colombia's 46 years, and Guatemala's 37 years.

(a) Public health and sanitation programs: The epic struggle to transform an area of tropical pestilence into a healthful environment still stands as a world-renowned triumph for the U.S. early sanitation efforts on the isthmus. In addition to operating the water and sewer systems of Panama City and Colon for 50 years, the canal also performed street cleaning and garbage disposal services for these cities. Between 1926 and 1955, the United States spent a total of $2,600,000 on these services to Panama. From 1904 to 1955, U.S. health offices and services were maintained in Colon and Panama City at a total cost of $9,200,000.

1. The canal currently operates an extensive environmental sanitation program in the Canal Zone costing approximately $400,000 annually. Programs of insect and rodent control are carried on continuously and malaria has been all but eradicated from the populated areas in the Canal Zone. The canal's sanitation experts offer cooperation and consultation and training services to the Republic's sanitation authorities.

2. Preventive medicine programs conducted in the Canal Zone in the fields of adult, school, and industrial health and immunization programs provide experience and support to Panama's health authorities, who are invited to observe these activities. The Canal Zone's support and leadership to Panama in her recent extensive polio immunization program and antituberculosis campaign typify this cooperation. Many thousands of dollars of medical care is provided to tubercular patients from Panama each year.

3. The canal's quarantine service prevents the introduction, by ships, of human or animal diseases into the Canal Zone and the Republic. Panama's growing cattle industry has been protected to date from the dread hoof and mouth disease that has attacked most other areas in Latin America.

(b) Medical research and training programs: The Canal Zone Government maintains facilities and personnel for considerable research and training in the medical and veterinary sciences.

1. Tropical and communicable disease research is carried on continuously to provide information on the early detection of health hazards and the development of preventive methods. The results achieved through the efforts are shared fully with Panama.

2. In addition to its contributions to the beef and dairy industry, the Canal Zone's veterinary research program has yielded a great deal of knowledge recently concerning the menace of batborne rabies on the isthmus.

3. Some of the finest physicians in the Republic received training or early experience in world-famed Gorgas Hospital. Each year Gorgas Hospital graduates a small number of young Panamanians as fully qualified laboratory technologists. Canal Zone doctors and interns spend a considerable amount of their own time in Panama's outpatient clinics and in the interior regions combating epidemics and giving general medical aid. Laboratory and other medical equipment worth several thousands of dollars was donated to medical institutions in Panama last year.

PART III. BENEFITS TO THE REPUBLIC OF PANAMA THROUGH THE ARMED FORCES PRESENCE IN THE CANAL ZONE

1. General: The U.S. military presence in the Canal Zone reduces the necessity for the Republic of Panama to organize, maintain, and equip its own armed forces for its national defense. Personnel and funds which would be required for an armed forces establishment can be utilized to improve and develop other facets of the nation's economic, social, and cultural progress. The only force in being of a quasi-military nature in the Republic is the Guardia Nacional, which serves primarily as a national police force.

2. Economic impact:

(a) Purchases made and contracts let by the Armed Forces in the Canal Zone are included in totals compiled and to be submitted by the U.S. Embassy in Panama. In brief, appropriated and nonappropriated fund procurements by U.S. Southern Command components made total purchases of $10,369,554 in 1962.

(b) There are 4,882 non-U.S. citizens employed by the Armed Forces in the Canal Zone. These personnel, citizens of or resident in the Republic of Panama, have an annual payroll of $13,163,920.

(c) In addition to purchases by appropriated and nonappropriated fund activities, U.S. military and civilian personnel of the Armed Forces and their families spend an estimated $8 million annually for personal purchases of merchandise, recreation, and services.

(d) Disposal of U.S. military surplus property:

1. During fiscal year 1963, the U.S. Southern Command provided the Guardia Nacional equipment costed at $35,000 at a nominal price of $3,500 (10 percent of costed value). This equipment, if sold at usual prices, would have realized approximately $9,000 to the U.S. Government.

2. Property Disposal Office sales to Republic of Panama business enterprises through its standard disposal procedures netted the Republic approximately $15,000 in duties paid to the national treasury by the purchaser upon import of the merchandise into the Republic.

3. Trade, commerce, communication:

(a) On April 1, 1963, a commercial communication cable from the Canal Zone to the United States via Jamaica by I.T. & T. (American Cable & Radio) was completed. This facility, containing 128 channels for voice and teletype communication, was constructed primarily because of military requirements. If U.S. forces were not stationed in the zone, it would not have been feasible to construct the facility as a commercial enterprise at this time. Services from the cable are available to the Republic of Panama, providing effective communication to the United States.

(b) U.S. Navy forces in the Canal Zone provide record (teletype) communications facilities for Republic of Panama official government traffic to the United States. One hundred and ten messages to and from Washington are handled monthly. This service eliminates the requirement for the Republic of Panama to provide facilities for such communication, or to contract for them commercially.

(c) The U.S. Navy provides maritime communications for commercial vessels in the waters off the Republic of Panama. This service processes messages to commercial stations, where they can be refiled worldwide to the final destination. Charges from the refile point to destination are paid by the sender. By this service, the Republic of Panama is absolved of the expense of maintaining maritime communications facilities. Approximately 4,700 messages from ships are handled monthly by the Navy.

(d) Approximately $200,000 is expended annually by U.S. forces to maintain the Boyd-Roosevelt Highway, major transisthmian route. This highway, built by the U.S. Government, has been deeded to the Republic of Panama. In return for maintaining the highway, U.S. military forces are entitled to use of all Republic of Panama roads without payment of any fee or toll.

(e) Inspection and guidance provided by U.S. military veterinarians to Panamanian suppliers of meats, dairy products, sea foods, fruits, and vegetables, and other foodstuffs have raised standards of the Panamanian industry whereby their products are acceptable for purchase by military forces in the Canal Zone. Without this assistance, in many instances products would have been of inferior quality, and major sales to the Canal Zone could not have been effected.

4. Air-sea rescue and mercy flights:

(a) Military forces in the Canal Zone have flown 91 air-sea rescue or mercy evacuation missions thus far in 1963 in the Republic of Panama. In 1962, 73 missions were completed. The average cost per mission is approximately $400. Its greatest contribution, however, is in the relief of suffering and saving of life of the citizens of Panama.

(b) Many of the missions flown are to remote, inaccessible regions of the Republic of Panama to evacuate seriously ill to medical facilities in major Panamanian communities. The Republic of Panama does not have the air or sea capability to provide this humanitarian service for its population.

5. Disaster relief: Military forces in the Canal Zone stand ready to provide relief in event of disaster in the Republic of Panama. An example of such a relief function was the supply by air of 10 large tents to house homeless as a result of a disastrous fire at Garachine, Panama, on June 18–19, 1963. The tents were air-dropped to the stricken village.

6. Public health:

(a) Medical personnel of U.S. Armed Forces have provided voluntary medical services, both medical and dental, to various isolated communities in the Republic of Panama. In many instances, these services have been virtually the sole source of medical care available to the recipients. Examples are dispensaries operated on a continuing basis at Rio Hato and on Taboga Island.

(b) Personnel have on a continuing basis made voluntary contributions of blood to hospitals in the Republic of Panama. These donations have been made both by members of the Canal Zone military and civilian community and by crews of U.S. naval vessels temporarily docking in the Canal Zone.

7. Geodetic and mapping operations:

(a) The Inter-American Geodetic Survey, headquartered in the Canal Zone, since 1946 has mapped approximately 25 percent of the Republic of Panama and has provided 1:50,000-scale topographic maps to the Republic without cost. The mapping and survey of the Republic of Panama is con-

ducted under a joint agreement signed by the United States and the Republic.

(b) Exclusive of military salaries for 30 military personnel on full-time duty establishing supplemental map control and conducting field classification surveys in the Republic of Panama, IAGS expended approximately $130,000 in fiscal year 1963 in the mapping program for the Republic.

(c) The IAGS Cartographic School in the Canal Zone has trained more than 100 Panamanian citizens in phases of mapping procedures since 1952. These provide a repository of personnel of the Republic skilled in mapping procedures.

(d) Not included in IAGS expenditures are grants for mapping provided the Republic of Panama by the Agency for International Development (AID). Portions of an AID grant of $1 million have been expended by the Republic of Panama for large-scale (1:10,000) mapping programs in the Republic which are supported by the IAGS.

8. Science and technology:

(a) U.S. military forces in the Canal Zone have numerous survey, scientific and technical facilities in operation. These facilities provide information and guidance to the Republic of Panama, which in many instances does not have the trained personnel or equipment for such endeavors. Among such facilities is the U.S. Navy Corrosion Laboratory and Tropical Exposure Station where periodic testing of the effects of the Tropics on materials, metals and petroleum is conducted. Another is the Navy Branch Oceanographic Office, which studies tides, currents and prepares chartwork of regional waters. Results of their studies are made available to the Republic of Panama.

(b) Sea transportation assistance has been provided to archeologists on official research trips to otherwise inaccessible areas of the Republic of Panama.

9. Military training:

(a) During fiscal year 1962, training under the military assistance program was provided to 418 members of the Guardia Nacional. This training was provided primarily at the U.S. Army Forces, Southern Command, School of the Americas, and included courses in pure military skills and techniques, as well as in such technical fields as maintenance of weapons, vehicles, and communications equipment, communications procedures, and radio operation. The U.S. Navy Forces, Southern Command, trained 12 personnel in maintenance and operation of small craft in fiscal year 1962. In fiscal year 1963, 221 Guardia Nacional personnel received MAP-costed training. Thus far, some 900 personnel of Panama have been trained at the School of the Americas since 1949.

(b) In addition to training provided under MAP, the U.S. Air Forces, Southern Command, School for Latin America, has trained Guardia Nacional personnel on a nonreimbursable, space available basis in such subjects as electrical radio repair and operation, fundamental communications, administration and supply, and aircraft mechanics and maintenance. Since 1953, 324 Panamanians have received such training, with 52 of these graduating during the current calendar year.

(c) Training received at Canal Zone military service schools has added to the efficiency of operation of the Guardia Nacional. The technical training received has also added to the Republic's repository of personnel skilled in numerous technical fields.

10. Civilian training: Non-U.S. citizen civilian employees of the U.S. military component commands in the Canal Zone have received substantial training through the years in a variety of technical, supervisory and management skills required by the diversified functions of the command. English language instruction has also been given. A total of 1,953 persons received training under this program in fiscal year 1963, materially improving their earning capability and job competency.

Military people-to-people programs

Tangible monetary benefits to the Republic of Panama, resulting from the presence of U.S. citizens in the Canal Zone, have been uniquely supplemented by highly successful people-to-people programs conducted by the U.S. military community. These programs cannot, and should not, be measured in dollars and cents. Their ultimate purpose is to achieve a mutual understanding of material, social, and cultural environments of both countries.

The people-to-people programs fall under the broad title of "Military Community Relations." Army, Navy, and Air Force community relations efforts in Panama can be summed up through a prime example known as Operation Friendship. This active program was conceived by the U.S. Army Forces, Southern Command, in 1960 to meet an urgent need for improved relationship between the people of Panama and those of the United States.

Operation Friendship activities have touched virtually every facet of life and activity in Panama. School children have benefited through hot lunch programs and school supplies; military units have "adopted" entire orphanages; local athletic programs and facilities have been developed through assistance by the military; interchange athletic contests have been held; local festival participation has been encouraged. These Operation Friendship projects often involve monetary contributions, but more important are the contributions of compassion, interest, knowledge, labor, and enthusiasm by participants.

Dependents of military personnel have joined wholeheartedly in the community relations programs. Women's and youth groups have given assistance to hospitals and orphanages, including many hours of volunteer service, and have participated in joint social and athletic activities with Panamanian groups.

Many of the community relations projects have been successfully consummated through the combined efforts of civic, religious and social leaders of Panama working in concert with members of the U.S. military community. Each contributes according to his means and abilities, and in the achievement of a common goal, increased understanding and harmony between the United States and Panama and the people of the two republics has been realized.

PART IV. PRINCIPAL SOURCES OF EXTERNAL ASSISTANCE TO PANAMA [1]

Introduction

The attached summary of principal sources of external assistance to Panama from fiscal years 1961–63 includes the major contributors only. It should also be noted that the amount of U.S. grant assistance for development projects accounts for only the U.S. contribution and does not reflect the amounts contributed by the Government of Panama.

The Alliance for Progress program in Panama began in fiscal year 1961. This is a joint effort between the United States and Panama in both financial support and practical implementation. Although the Alliance program was initiated in fiscal year 1961, U.S. technical assistance to Panama dates back to World War II and programs administered by the Institute of Inter-American Affairs. Since World War II, there has been a continuous program of technical and economic assistance involving both grants and loans.

U.S. economic assistance listed in this report represents assistance to Panama since fiscal year 1961.

Fiscal years 1961–63

[In millions of dollars]

SUMMARY

U.S. loans	21.1
U.S. grants	18.1
Total	39.2
Loans, international lending institutions	24.5
Total all assistance	63.7

1. U.S. LOANS (AID, EXIMBANK)

Fiscal year 1961:	
AID—feeder roads, Nov. 10, 1960	5.3
AID—budget support, Nov. 30, 1960	5.0
Eximbank—Tocumen airport, 1961	.3
Total	10.6
Fiscal year 1962:	
AID—low cost housing, Feb. 9, 1962	2.5
Eximbank—garbage collection equipment, Apr. 18, 1962	.4
Eximbank—highway construction equipment, June 1962	1.6
Total	4.5
Fiscal year 1963: AID—Panama City water and sewer	6.0
Total	21.1

2. LOANS, INTERNATIONAL LENDING INSTITUTIONS (IDB, IBRD)

Fiscal year 1961: IBRD—feeder roads	7.2
Fiscal year 1962:	
IDB—low cost housing, Aug. 22, 1961	7.6
IDB—agricultural credit, Jan. 10, 1962	2.9
IDB—water and sewer (Interior), June 14, 1962	2.8
Total	13.3
Fiscal year 1963: IBRD—electrification—Central Provinces, Sept. 14, 1962	4.0
Total	24.5

3. SUMMARY OF LOANS BY FUNCTION (SINCE FISCAL YEAR 1961)

U.S. loans:	
Road construction	6.9
Housing	2.5
Health—water and sewer improvement, garbage equipment	6.4
Airport improvement	0.3
Budget support	5.0
Total	21.1
Loans, international lending institutions:	
Road construction	7.2
Housing	7.6
Agricultural credit	2.9
Health	2.8
Electrification	4.0
Total	24.5

[1] This report includes only the major sources of economic assistance to Panama since fiscal year 1961. It does not include assistance granted under programs sponsored by the U.N., OAS, military assistance program, and food for peace, and therefore, should not be construed as representing the total external assistance efforts during the past 3 years.

Fiscal years 1961–63—Continued

[In millions of dollars]

U.S. GRANT ASSISTANCE

Fiscal year 1961:	
Rural development	1.2
Description: Projects covered agriculture development, agrarian reform, rural cadastre and resources survey, and water resources and power development.	
Financial institution and private enterprise development	.2
Description: Projects covered industrial development institutions, housing credit institution, self-help housing, and national economic planning studies.	
Human resources development	.8
Description: Projects covered higher education, nursing education, and advisory services for education, including University of Panama.	
Nongoal activities	.2
Description: Projects covered public safety and program support.	
Terminating activities	.5
Total fiscal year 1961 grants	2.9
Fiscal year 1962:	
Rural development	9.2
Description: Projects cover agricultural development, agrarian reform, farm-to-market road construction, aerial photo and mapping, self-help schools, contract school construction, rural health facilities construction, water resources and power development.	
Financial institutions and private enterprise development	1.0
Description: Projects: Private enterprise development, industrial development institutions, self-help housing, mineral resources survey, national economic planning.	
Human resources development	.8
Description: Projects cover higher education, nursing education, government management and administration, manpower training, and advisory services for education including University of Panama.	
Nongoal activities	.5
Description: Projects cover public safety, sewer design, program support, hospital design, technical studies for electric power development.	
Terminating activities	.5
Total fiscal year 1962 grants	12.4
Fiscal year 1963:	
Rural development	1.1
Description: Projects cover agrarian reform, farm-to-market road construction, self-help schools, rural health facilities, and water resources and power development.	
Financial institutions and private enterprise development	0.3
Description: Projects cover private enterprise development, housing credit institution, self-help housing, and national economic planning studies.	
Human resources development	.5
Description: Same as fiscal year 1962.	

Fiscal years 1961–63—Continued

[In millions of dollars]

Fiscal year 1963—Continued	
Nongoal activities	.9
Description: Projects cover public safety, sewer design, and program support.	
Terminating activities	0
Total fiscal year 1963 grants	2.8
Summary of grant assistance fiscal years 1961–63:	
Rural development	11.5
Financial institutions and private enterprise	1.5
Human resources development	2.1
Nongoal activities	2.0
Terminating activities	1.0
Total grants	18.1

(NOTE.—All grant figures represent obligations only. All loan figures represent the total authorized amount of the loan, not the drawdown or amount expended.)

Sources: U–203 reports fiscal years 1961–63. Implementation Approval Documents fiscal years 1961–63. AID Report W–224, "Status of Loan Agreements." CPB fiscal years 1961–63. USAID/P Status of External Loans Report, September 30, 1963. AID S. & R. Division, report, "U.S. Foreign Assistance," July 1, 1945–June 30, 1962.

REMARKS ON SELDON RESOLUTION IN 1960 AND EXCERPTS FROM SUBCOMMITTEE REPORT ON THE PANAMA CANAL IN 1957

Mrs. SULLIVAN. Mr. Speaker, the documents which I have placed in the RECORD as part of my remarks today demonstrate that the United States has not been guilty either of aggression or of cruelty in our dealings with Panama. We could do much more for the Panamanian people than we have done, or than their own leaders have made it possible for us to do. I am convinced that once this serious crisis in our relationship is over, both countries must work more diligently to help the average Panamanian enjoy a better standard of living and a more promising hope of a future for his children, but not as blackmail over the canal.

Surrender of American rights in the Canal Zone will not solve these problems. The decision of President Eisenhower in 1960 to permit the flying of only a single Panamanian flag in the Canal Zone has turned out to have been a cause of greater, rather than less friction, for it led to demands for more flags, and eventually for full parity in flag flying. That, in turn, led to the Balboa High School episode which set off the tragic riots. Whoever thought back in 1959 and 1960 that the Panamanians would be satisfied with the recognition of their "titular" sovereignty through the flying of a single Panamanian flag in the Canal Zone was obviously looking for an oversimplified solution to a bitterly complex problem.

In that connection, Mr. Speaker, and to complete this report I submit the remarks I made in the House on February 2, 1960, when we debated the proposed flying of a Panamanian flag in the Canal Zone.

As part of that speech 4 years ago, I included some excerpts from a report made by my Subcommittee in 1957, following an extensive survey in the Canal Zone and in the Republic of Panama of all major problems then confronting us in that part of the hemisphere:

Mr. Speaker, I hope, after reading the background I have placed in the RECORD of our relations with Panama, any commentators who have been informing us how ignobly we have treated Panama and the Panamanians might be less avid to convict their own country of Panama's bitter charges against us.

SPEECH BY REPRESENTATIVE LEONOR K. SULLIVAN IN THE HOUSE OF REPRESENTATIVES, FEBRUARY 2, 1960, ON HOUSE CONCURRENT RESOLUTION 459, 86TH CONGRESS.

(H. Con. Res. 459 stated that "it is the sense of Congress that any variation in the traditional interpretation of the treaties of 1903, 1936, and 1955 between the United States and the Republic of Panama, with special reference to matters involving the provisions of such treaties concerning territorial sovereignty, shall only be made pursuant to treaty.")

BUNGLING OF OUR RELATIONS WITH THE REPUBLIC OF PANAMA

Mrs. SULLIVAN. Mr. Speaker, as chairman of the Subcommittee on the Panama Canal of the House Committee on Merchant Marine and Fisheries, I have mixed feelings about this resolution. I think it is a sad commentary on the status of national policy formation in this country that the Congress has to say to the executive department, "Don't be so quick to try to give away fundamental American rights." Yet, in effect, that is what we now find we must say on this matter of our relationships with the Republic of Panama over the status of the Canal Zone.

I said I have mixed feelings about the resolution. One reason for those feelings is that the resolution seems to invite the Republic of Panama to come up with proposals for a new treaty, to augment or supplement or replace existing treaties. I am just wondering how much good it would do under present circumstances to have our State Department and the diplomatic officials of the Republic of Panama sit down to talk about another treaty. The last time that happened we practically gave away the Panama Canal Company—at least $24 million worth of its property, plus heavy costs it will have to sustain for years to come, plus an additional $1,500,000 a year which all of the taxpayers of the United States must pay in perpetuity for what amounts to increased rental on the Canal Zone.

RELATIONS WORSENED AFTER 1955 TREATY

Did we get anything for the United States out of the 1955 treaty with the Republic of Panama which has carried such a high price tag? I think the Eisenhower administration felt and hoped it was buying a cessation or at least a reduction of friction between the United States and the Republic of Panama over the existence of the canal in U.S. ownership and possession. If that was the hope, of course it has not materialized. I would say our relations with the Republic of Panama have steadily worsened since that treaty was negotiated and signed. And now, like the constituent who demanded to know of the politician who had done him so many favors in the past, "What have you done for me lately?" the Republic of Panama is pushing and demanding and insisting on further concessions from our Government on the implied threat of violence and other blackmail.

I am going to vote for this resolution now before us but, as I said, my feelings about

it are mixed because of its language stating that nothing should be done to change traditional interpretations of our treaties with the Republic of Panama, especially as regards the issue of sovereignty, unless it be done pursuant to treaty. The purpose of this resolution as reported from the Committee on Foreign Affairs is, of course, to make clear congressional opposition to any decision President Eisenhower may make to permit the flying of the Panamanian flag in the Canal Zone as a mark of so-called titular sovereignty of the Republic of Panama over the land which the United States holds in perpetuity for the purpose of operating the Panama Canal. But, as I stated, this is almost an open invitation to the Republic of Panama to demand new treaty negotiations.

MERCHANT MARINE SUBCOMMITTEE REFERS

We on the subcommittee on the Panama Canal of the Committee on Merchant Marine and Fisheries have had before us for some years other resolutions dealing with the general subject of Panamanian claims of "sovereignty"—titular or otherwise—over the Canal Zone, and while we have from time to time conducted executive session discussions on this matter we have held no public hearings or reported any legislation on it. Our reason was this: The issues involved in this matter are primarily those of a foreign affairs nature as between our country and the Republic of Panama; we did not want to muddy the waters and unnecessarily aggravate discords into open hostility. But, of course, as we all know, events in the area around the Panama Canal last November put the issue blazingly on the front page of every newspaper and after that nothing anyone in the United States might have done or said would have made our relations with the Republic of Panama much worse than they already were.

Nevertheless, we have continued to exercise official restraint as a subcommittee vitally interested in this matter, and we deferred to the Foreign Affairs Committee and joined them in hearings on this question. We still have before our subcommittee proposed resolutions which would denounce as violative of law, treaty, international usage and historic American policy any administrative decision by President Eisenhower to permit the formal display of the flag of the Republic of Panama in the Canal Zone. I would hate to have to support such condemnation of our President as such a resolution would imply. On the other hand, I think it is clear to all of us here that Congress is unitedly opposed to the giveaway of American rights that the flying of the Panamanian flag in the Canal Zone would represent.

APPEASEMENT INVITES BLACKMAIL

We are concerned primarily not over the flying of a pennant, but what that would mean to the people of Panama—and what it would mean in terms of future demands and blackmail upon the United States. Let us make no mistake: the leaders of the Republic of Panama and the people of the Republic of Panama long for the day which would bring them possession and control of the canal. And the less responsible the politician in that country, the more success he can achieve for his cause by flaying Uncle Sam and demanding the seizure of the canal. Those of us who have been there have seen this in operation time and time again. And no matter how responsible the Government of the Republic of Panama is and tries to be, it cannot deny the potency of the groups within the Republic which build political power on the idea of acquiring the canal for the Republic of Panama.

This is what we are up against—and we all know it. But we wonder if our State Department recognizes it. We wonder if the President realizes it. The offhand remark made by the President that the Republic has titular sovereignty, and the announcement that we may very well agree to let the Republic's flag fly in the Canal Zone are part of a pattern of bungling, I feel, of our relations with the Republic of Panama.

Does this mean I am anti-Panama or feel we should do nothing to help Panama? Far from it. I do not believe in waving a big stick at a nation with which we have such long and close ties. Nor on the other hand do I think we should shrink in timid fear from the issues involved in that relationship.

U.S. HAS MISSED OPPORTUNITY FOR MEANINGFUL HELP TO PANAMA

But we have—particularly in recent years, under the present administration—bungled our relationship with Panama by failing utterly to take advantage of a great opportunity available to us there. We have a multibillion-dollar foreign aid program underway all over the world. We are helping underdeveloped nations—or should be trying to do so—in every part of the world. What have we done for and in the Republic of Panama to help the people of that impoverished nation to build up their resources and raise living standards? Very little.

A year ago, my subcommittee from the 85th Congress filed a report with the Committee on Merchant Marine and Fisheries which was later reported to the House on July 14, 1959—and printed as House Report 656 of the 86th Congress. In it, we discussed all aspects of the operation of the canal by the Panama Canal Company and the problems of expansion of capacity and so on. It was a broad review of canal operations.

We were, however, acutely conscious of the problems arising for the Panama Canal Company—and the Government and people of the United States, too, I might add—growing out of the continued poverty of the people of Panama, the lack of job opportunities and industries, and their need for economic help. For out of the economic deprivation which attacks so many Panamanians is generated the political dream of great riches for all if only Panama owned the canal. In the meantime, every Panamanian seems convinced the canal is a logical source for ever-greater annuities, concessions, and benefits—it always appears as the answer to every Panamanian's unfilled economic wants.

Why is that so? Because so many in Panama have so little, and not too much immediate hope of getting more, except through dreams of the seizure of the canal or the milking of the canal's revenues.

AVERAGE PANAMANIAN SEES CANAL AS ANSWER TO ALL NEEDS

As long as there is so much poverty in the Republic of Panama, and as long as American citizens in the Canal Zone live so close by in comfort, along the lines of American living standards, the people of Panama are going to envy and yearn. Those Panamanians who work on the canal are so much better off than their fellow Panamanians that the magic of the canal's economic power grows and grows in the minds of the Panamanian people.

We will never succeed in having really solid relationships with the people of Panama until they, too, are able generally to live on a decent standard. The canal cannot provide it for them. We know that and the responsible leaders of the Republic of Panama know it. But the people tend to think the canal could answer all of their needs and desires.

In our report last year, we discussed this matter at some length and I will include that part of our report at the end of my remarks today. I hope the members will read that inserted material—I do not have the time allotted to me here now to read it aloud. But I want to make this point:

WE SHOULD HELP THROUGH REAL POINT 4 PROGRAM

We said in our report that the subcommittee "noted with approval the attempts being made by the United States toward helping to solve the economic problems of the Republic of Panama through various U.S. Government programs for helping underdeveloped areas." The report then proceeded to list some of these activities.

Actually, as I first drafted this part of the report, it would have gone much further to call for a great expansion of point 4 and related activities in the Republic of Panama to help raise living standards so that the canal no longer seemed to stand as the symbol of the only means by which a Panamanian could hope to live decently. In trying to achieve a unanimous report, however, I had to delete this language because some of the minority members of the subcommittee in the 85th Congress felt they did not want to be committed to the principle of broadening foreign aid. So what we did was merely to list the programs already underway in Panama and "note with approval" that they were in operation.

But they do not begin to meet the real needs of that country for help in building up industrial and economic resources. And this represents a failure on the part of our State Department and diplomatic planners and top executive policy.

If Panama were truly prosperous—if it had resources other than this canal—if it had jobs for all of its people and decent housing for them and an expanding economy, we could look for tranquility in the operation of the canal and in our relationships with Panama. But we are trying to buy a proud people with driblets of handouts and are being blackmailed in turn, and we have no policy or plan for dealing with this dilemma except to wait until the pressures build up and explode around the boundaries of the Canal Zone and then give a little here or there and hope we have bought peace.

This is a ridiculous policy, and a useless one. It has won us nothing but animosities and jealousy and discontent from the Panamanians and the ever-ready weapon of blackmail used whenever it suits the purposes of some of the nationalist leaders in Panama.

THIS RESOLUTION NO SUBSTITUTE FOR EFFECTIVE NATIONAL POLICY

I will support the resolution before us, but with mixed feelings. It is a stopgap emergency measure to try to halt the implementation of a mistaken executive policy. But this resolution is no subtitute for an affirmative policy. That is what we need desperately in Panama—a policy to help the Panamanian people in ways that count. If we had that kind of policy, the piecemeal surrenders which we have been making on this important question of American ownership and control of the Panama Canal would no longer be necessary, for the people of Panama could then look objectively at the canal and its problems and help us solve those problems for the mutual benefit of them and us and all maritime nations.

But as long as nearly 1 million Panamanians live on less-than-minimum standards, they can hardly look objectively at the problems connected with the canal—they would rather gobble it up even though it meant eating the goose that lays the golden eggs. When you are hungry, Mr. Speaker, it is hard to put off eating the meal which appears to be so invitingly spread before you, and that is exactly what the Panama Canal looks like to most citizens of Panama.

Mr. Speaker, I include at this point the relevant portions mentioned above of House Report No. 656 on the Panama Canal. First I include our discussion of the impact of the 1955 treaty. This material indicates what happened the last time our Government negotiated a new treaty with the Republic of Panama.

[Excerpts from H. Rept. No. 656, a report on the Panama Canal]

"IV. IMPACT OF THE 1955 TREATY WITH REPUBLIC OF PANAMA

"The physical limitations of a facility built half a century or so ago are not the only problems facing officials and employees in the operation of the canal. As a matter of fact, the subcommittee was deeply concerned during its extended visit to the Canal Zone over the extent of the problems created for thousands of employees of the canal and for our entire operation in the zone by numerous provisions of the 1955 treaty.

"Morale among American citizen employees of the Canal Company and Zone Government was seriously threatened by some adjustments made necessary as a result of the treaty. The Governor of the Canal Zone (and ex officio President of the Panama Canal Company), Maj. General W. E. Potter, is to be congratulated for the tremendous job he has done personally in trying to meet morale problems head on. He has made it possible for employees to bring new problems to official attention immediately—to his personal attention—and to enable employees to receive clear and unequivocal answers to their questions. Undoubtedly, the Governor's warm personality and sincere interest in employee living and working conditions have been largely responsible for preventing a serious breakdown in morale as a result of recent, necessary readjustments.

"Since management officials of the Canal Company and the Zone Government were also having their own share of problems in conforming with treaty requirements, most of the U.S. citizen rank-and-file employees were willing to make the best of a difficult transitional situation, knowing that as Americans they were all involved in varying degrees in the same problems.

"Open hearing scheduled in Canal Zone

"The subcommittee performed, we believe, a most valuable function in this connection in conducting an open hearing at which various employee groups were represented by spokesmen and individual witnesses were also heard on a wide variety of phases of Canal Zone living, problems, and concerns.

"Testimony ranged over such widely divergent fields as the standards for nurses to the degree of—or lack of—democracy available to the American families living in the Canal Zone. A basic concern, however, was the impact upon living costs and living conditions as a result of the 1955 Treaty of Mutual Understanding and Cooperation agreed to by the United States and the Republic of Panama, and its accompanying memorandum of understandings reached.

"Much of the time of the subcommittee—most of the time of the subcommittee—was devoted to study of the impact of this treaty upon canal operations but the morale aspect involving individual employees was certainly important enought to warrant the serious attention the subcommittee gave it.

"Provisions of 1955 treaty

"The original 1903 treaty between the United States and the Republic of Panama, following the later nation's achievement of independence from Colombia, provided for a lump-sum payment of $10 million in gold coin, and an annual payment of $250,000 in gold coin, for U.S. rights in perpetuity in the 10-mile-wide strip which then became the Canal Zone. The land was to be turned over for the purpose of construction of a ship canal, with powers within that area which the United States would possess and exercise as if it were the sovereign of the territory—to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power or authority.

"In 1936, following the devaluation of the American dollar in terms of gold content, the 1903 treaty was revised by mutual agreement between the United States and the Republic of Panama to raise the annuity payment to $430,000, retroactive to the 1934 payment reflecting the actual change in gold value. The amount of the annual payment remained unchanged thereafter until the treaty of 1955.

"That treaty, and the memorandum of understandings reached increased the annual payment to the Republic of Panama by $1,500,000 to a total of $1,930,000. It made these further concessions or awards to the Republic of Panama:

"It provided for the outright transfer to the Republic of Panama, free of cost, as soon as practical, of all of the properties of the Panama Canal Company or the Canal Zone Government located outside of the Canal Zone itself in the territory of the Republic of Panama. Extensive other properties of the Defense Department and the Department of State of the United States similarly located outside the Canal Zone in Republic of Panama territory were also to be transferred on the same terms.

"(The property involved in this mass transfer—schools, hospitals, extensive residential construction, complete terminal facilities at both the Atlantic and Pacific ends of the Panama Railroad, railroad yards, military reservations, etc., was valued at about $24 million. Many of the facilities involved required replacement, within the Canal Zone, in one manner or another.)

"The United States, furthermore, has undertaken to construct a high-level, $20 million bridge across the canal at Balboa to speed Panamanian vehicular traffic from one part of the Republic of Panama to another.

"(The existing Miraflores Bridge, a drawbridge, has been opened so often in recent years to permit ships to go through, and has been kept open for such long intervals due to delays in transiting larger ships, that it has been a serious bottleneck and a source of resentment to citizens of Panama. A ferry service operated as a free convenience by the Panama Canal Company is far from adequate to meet the needs.)

"There were many additional concessions included in the 1955 agreements with the Republic of Panama: an agreement to eliminate various Panama Canal Company commercial operations regarded by the Republic of Panama as competing with its enterprises; the denial of commissary privileges in the Canal Zone to Panamanian citizen employees not actually living in the Canal Zone; establishment of a single basic wage and salary scale for both U.S. citizens and Latin Americans performing similar work (although U.S. citizens continue to receive a 25-percent differential); extension of U.S. civil service competitive procedures in the Canal Zone to non-U.S. citizens applying for jobs for which they are qualified (except for designated security positions reserved to U.S. citizens); right to impose income tax on Panamanian citizens living in the Canal Zone; transfer to the Republic of Panama of full responsibility for all sanitation work outside the Canal Zone; extension of U.S. civil service retirement benefits to Latin American employees in the Canal Zone; and numerous other concessions to the Republic of Panama, its treasury, its economy, and its sense of national pride.

"Subcommittee, and Congress, carry out treaty obligations

"Negotiations for the treaty of 1955 were initiated by the Presidents of the United States and of the Republic of Panama during a state visit by President Remon of Panama to the United States in September–October 1953, and were completed by diplomatic officials of the two countries. The resulting treaty was then ratified by the Senate of the United States. Up to that moment, of course, there was no requirement under the Constitution of the United States for consultation with the House of Representatives or any of its committees as to the terms of the treaty.

"Nevertheless, the negotiation and ratification of the treaty of 1955 created substantial obligations for the United States which could be fulfilled only by legislation either originated by or concurred in by the House of Representatives. This subcommittee, and the Committee on Merchant Marine and Fisheries, thus were faced with the responsibility for guiding to enactment some of the necessary legislation to implement the 1955 treaty. It was not a particularly happy assignment.

"In addition to the House Committee on Merchant Marine and Fisheries, the House Committee on Post Office and Civil Service, and the House Committee on Appropriations also had legislative responsibilities thrust upon them by the 1955 treaty.

"Of course, with the good faith of the Government of the United States in the balance, it is incumbent upon the House of Representatives to agree to the enactment of necessary implementing legislation to carry out treaty obligations entered into without any consultation with the House, unless there appear to be compelling, overriding reasons of the most far-reaching importance to the Nation for the House to feel it should not go along.

"Thus, even though the 1955 treaty with the Republic of Panama gave to the United States virtually no concession of any significance (other than the temporary use of some Panamanian land for defense maneuvers), and even though the treaty imposed many financial burdens on the United States, the Canal Company, and the Canal Zone Government, and even though it disrupted the living arrangements of many American families, the various committees of the House required to initiate or approve legislation to implement the treaty all carried out this obligation conscientiously, even if reluctantly.

"For instance, on the recommendation of this subcommitte, the Committee on Merchant Marine and Fisheries approved and guided through the House H.R. 6709, by Chairman BONNER, to authorize transfer of the listed treaty property items to the Republic of Panama and to provide for appropriate revisions in the Panama Canal Company's financial structure. This legislation was ultimately approved August 30, 1957, as Public Law 85–223.

"Similarly, on the recommendation of the Committee on Post Office and Civil Service, legislation to establish the single wage scale for both U.S. citizens and Latin American employees in the zone and to extend civil service opportunities and retirement benefits to non-U.S. citizens in the Canal Zone was approved July 25, 1958, as Public Law 85–550.

"And the Committee on Appropriations provided funds in the appropriate appropriations bill to pay an additional $1,500,000 a year to the Republic of Panama and to build the $20 million high-level bridge across the canal at Balboa Heights.

"Allocation of cost of increased annuity

"President Eisenhower and the Bureau of the Budget had recommended in connection with committee and subcommittee consideration of H.R. 6709, that the additional $1,500,000 annual money payment to the Republic of Panama be added to the annual obligations of the Panama Canal Company.

(The Canal Company, out of its resources as a business-enterprise-type Government corporation, has been responsible since 1951 for providing the $430,000 to pay the Republic of Panama each year as called for under the treaty of 1936.) The Committee on Merchant Marine and Fisheries did not include this administration recommendation in H.R. 6709. As a result, the additional $1,500,000 for Panama each year is appropriated by Congress as part of the funds of the Department of State, while the Panama Canal Company continues to provide annually for this purpose only the $430,000 originally assessed against it.

"Canal Company—Zone Government relationship

"The subcommittee has noted a great deal of misunderstanding over the different roles played by the Panama Canal Company and the Canal Zone Government and the completely different accounting systems and budget structures they have. Perhaps this is a good place to try to clear up some of the possible confusion. Both agencies exist primarily, of course, for the purpose of assuring the efficient operation of the canal.

"Prior to 1951 the Panama Canal was maintained and operated by a governmental agency known as the Panama Canal which was also responsible for governmental activities in the Canal Zone and operated part of the supporting activities essential to the operation of the canal. The Panama Railroad Company, which before 1948 was a New York corporation, had been owned by the United States since the stock was acquired in 1904 with the other assets of the New French Canal Co. The corporation was originally formed as a private company to build and operate the Panama Railroad, but after the U.S. Government acquired the stock the Company was used extensively in support of first the construction and then the operation of the canal. It not only furnished transportation services through the railroad and the steamship line, but it also operated the commissaries, the dairy, the hotels, and other supporting activities of a business type.

"Public Law 808 of the 80th Congress, approved June 29, 1948, provided a Federal charter for the Panama Railroad Company and several of the activities of a business type that had been carried on by the Panama Canal were transferred to the corporation.

"Public Law 841 of the 81st Congress, approved September 26, 1950, and effective July 1, 1951, provided for the transfer to the corporation of the remaining business-type activities of the Panama Canal, including the waterway. The name of the corporation was changed from Panama Railroad Company to Panama Canal Company, since the operation of the waterway would thereafter be the primary activity of the Company.

"Activities of a governmental nature, such as the operation of schools and hospitals and the provision of police and fire protection, which had been carried on by the Panama Canal, were not transferred to the corporation but the name of that agency was changed to Canal Zone Government.

"Funds for operation of the Canal Zone Government are appropriated annually by Congress, but the entire appropriation is reimbursed by the Treasury from receipts of the Canal Zone Government or direct reimbursement by the Panama Canal Company. In fiscal year 1958 the net cost of Canal Zone Government reimbursed to the Treasury by the Company was $10.7 million.

"The Panama Canal Company is required by law to recover all costs of operation and maintenance of its facilities, including depreciation. The Company is also required to pay interest to the U.S. Treasury on the net direct investment of the U.S. Government in the Company, and to reimburse the Treasury for the annuity payments to the Republic of Panama of $430,000 required under the 1936 treaty. The Panama Canal Company, while not expected to make any significant profits, is expected to pay its own way in every respect. If it does not do so, tolls are to be revised to make the operation self-sustaining. Revising the tolls structure, however, is a very long drawn out and complicated procedure. The tolls structure has remained virtually unchanged since the canal was first opened.

"While the Canal Company's operating revenues since 1955 would probably have covered the additional $1,500,000 annuity payment if such charge were assessed against the Company, it is possible that within a few years this added obligation would require a change in toll rates. Unresolved, in the meantime, is the question whether the additional amount of the annuity is properly assignable as an operating expense of the Panama Canal or is more appropriately a charge against the Nation's foreign policy, where it now lies."

Now, Mr. Speaker, I submit for inclusion as part of my remarks on this resolution another segment of our subcommittee report in the last Congress on the Panama Canal, as reprinted in this Congress in House Report No. 656 from the Committee on Merchant Marine and Fisheries. The following material, including a detailed description provided us by the International Cooperation Administration of all point 4 programs operating at that time in the Republic of Panama, attempts to show the basic cause of our difficulties in Panama—the poverty of the people there and the need for improved living standards.

This section of House Report No. 656 is as follows:

"VI. RELATIONS WITH REPUBLIC OF PANAMA

"In its tours of the many and valuable properties and parcels of land being turned over to the Republic of Panama under terms of the 1955 treaty, the subcommittee was distressed to learn that the Republic of Panama had incomplete or completely vague plans as to the use of much of this property.

"For instance, attractive residences in the Colon area which had already been transferred were boarded up and unused, rapidly deteriorating in the tropical humidity. The old Colon Hospital was also unused and seemingly abandoned—marked by vandalism.

"At the same time, we were aware that some anti-U.S. elements in the Republic of Panama were actively seeking to stir up discord over the so-called delays of the United States in carrying out the 1955 treaty.

"American citizens forced under the treaty transfer to move out of their previous residences were understandably resentful in seeing their old homes boarded up and unused. Such were some of the elements of friction in the relations between national groups.

"Resentment over delay on new bridge

"On the other hand, the subcommittee was impressed by the sincere desire of Governor Potter and his aids to comply not only with the letter of the 1955 treaty but with the spirit of that treaty, as well. Governor Potter quickly was able to make clear to us the importance to the average citizen of the Republic of Panama of a prompt start on the Balboa Heights Bridge, for instance. After noting the long delays suffered by the motorist in trying to get across the canal, we could understand how the failure of the Congress to appropriate construction funds for the new bridge in 1957 could have led to strong anti-American feeling. A motorist held up interminably long by an open drawbridge or waiting in the tropic sun to find space on the auto ferry can quickly become a most impatient person—and if Uncle Sam seems to be the cause of the discomfort, the motorist can be forgiven, perhaps, for feeling put upon. Now that this Congress has appropriated the necessary funds to construct the new bridge, it should restore to the United States the goodwill that may have been lost last year.

"Governor Potter took additional pains to outline to the subcommittee facts on the needs as well as aspirations of the people of the Republic of Panama in trying to overcome a serious deficit in their balance of trade, in providing better employment opportunities for their people, desperately needed housing, and other improvements in a small country with little or no industry and many serious problems.

"These problems, also described to the subcommittee informally by officials of the U.S. Embassy and the Technical Cooperation Administration mission in Panama, were readily apparent to the subcommittee.

"Endless arguments over sovereignty

"Nevertheless, the subcommittee was frankly disturbed to note efforts of some elements in the Republic of Panama to see an easy solution to every problem affecting the country by the simple device of demanding an ever-higher annuity from the United States, demanding some fixed percentage of tolls collected, or even suggesting the claim of Panamanian sovereignty over the canal.

"Arguments among student groups, particularly, over the question of sovereignty in the Canal Zone are seemingly endless. And agitation for further revisions in the treaty appears to be receiving constant attention in the Panamanian press. The success of the Republic of Panama in negotiating for so many highly desirable concessions from the United States in 1955 has seemingly whetted the appetite of some groups within the country to seek another round.

"It is the firm conviction of the subcommittee that the United States should not permit the Panama Canal to be a pawn in our normal diplomatic relations with Panama.

"Under the circumstances, the subcommittee was particularly gratified to concur in a request to the Department of State by Chairman BONNER of the Committee on Merchant Marine and Fisheries to keep our committee informed of any future negotiations leading to any change in treaty relationships. Chairman BONNER recalled the extremely vague State Department explanation of the background of the negotiations leading to the 1955 treaty and also cited the difficulty encountered by our committee in winning House concurrence on legislation to implement the 1955 treaty.

"Despite the tremendous concessions made to the Republic of Panama under that treaty, some ultranationalist elements within that country continue to see in the canal an ever-handy instrument for attacks upon U.S. policies.

"Point 4 programs in Panama

"In view of our country's traditional friendship for the people of Panama, the subcommittee noted with approval the attempts being made by the United States toward helping to solve the economic problems of the Republic of Panama through various U.S. Government programs for helping underdeveloped areas.

"We are currently engaged in a point 4 program in Panama which represents an annual expenditure on our part about equivalent to the annuity we now pay under the treaty of 1955. In addition, we donate surplus foodstuffs to the needy of Panama—through CARE and the U.N. Children's Fund—to a value of $1,378,000, mostly cheese and nonfat dry milk.

"A recent compilation of point 4 projects undertaken in the Republic of Panama under the direction of the International Cooperation Administration included the following:

"'ICA PROGRAM IN PANAMA

"'*Food and agriculture*

"'Crop and livestock development.

"'Agricultural economics and planning.

" 'Research, agricultural education, and extension.

" 'Land use studies.

" 'Cooperatives promotion.

" 'The current program of assistance in agriculture endeavors to support a basic agricultural improvement program through the creation of modern technical service agencies. Experimental and demonstration projects in crop and livestock improvement have contributed to increased local production of corn, milk products, meat, poultry, rice, and coffee. Economic planning activities and a technical information service have been well established. Many young Panamanians have now returned from undergraduate and graduate study in the United States and have assumed professional responsibilities for many phases of the program.

" 'The poultry project in Panama has been particularly successful. In November 1953, the cooperative agricultural program in Panama initiated a project aimed at creating a national source of baby chicks and fertile eggs, and also demonstrating modern methods of poultry care. After some success with ICA demonstrations, a number of private individuals began to raise poultry on a volume basis. These new projects have increased the number of chickens in Panama by 15 percent since 1953. This represents an increase in value in private industry within the country in birds alone of approximately $250,000. The ICA-sponsored demonstration project was ended in December 1957.

" 'Industry and mining

" 'Industrial development center.

" 'Water resources development.

" 'Investigation of Panama's water resource potential initiated in 1956 was greatly accelerated last year. The production of basic hydrologic data and aerial mapping were stepped up. Preliminary feasibility studies were undertaken by contract arrangement for the three most probable power damsites in the central provinces and required transmission systems. This contract included a power market survey, preliminary designs, and cost estimates; the contract was recently completed, and will be used as a basis for the preparation of a definite project report during 1959. Meanwhile the collecting of basic hydrologic data will be continued at the present rate.

" 'The Industrial Development Center, established by joint United States and Panamanian funds late in fiscal year 1956 under the directorship of a Panamanian has expanded to include economic analysis, industrial engineering, and public information. A start has been made in bringing a series of special consultants to advise on the improvement of specific industries. An industrial engineer has been added to the U.S. technical staff. The present organization of the center now provides an effective base which permits a rate of training and technical guidance not considered possible a year ago. Technical assistance is being offered in (1) evaluation and promotion of development possibilities in productive enterprises with emphasis on small-to-medium-sized new industry, (2) improvement of productivity of existing industry including food, clothing, shoes, and essential household items, and (3) evaluation of possible resource development projects. A major project during 1958 was a top management conference.

" 'Transportation and power

" 'Civil aviation.

" 'Public roads.

" 'Technical assistance in this field during the past year, provided by one consultant who draws upon the regional aviation assistance group as required, has been centered on (1) the preparation of a national airport development plan on which considerable progress has been made, (2) the establishment of sound aviation standards, (3) the development of a modern civil aviation law, and (4) the development of technical skills through training.

" 'A project in support of Panama's public road program financed by the World Bank, consisting of training only, is under consideration. Training will include maintenance, engineering, and administration.

" 'Health and sanitation

" 'General engineering services.

" 'Health education and nutrition.

" 'Nursing education.

" 'Hospital administration.

" 'In fiscal year 1959, consultation in tuberculosis control will continue, although the Government of Panama is expected to take over the entire mass X-ray program. The nursing program at the school of nursing will phase out in fiscal year 1959, but consultation will continue. Efforts in health education will be primarily toward training to further strengthen the health education service now established in the Ministry. Support to the nutrition service of the Ministry, emphasizing nutrition education will reach full proportions. The hospital administration project, having achieved major reforms will be brought to a close. Major emphasis will be given to the water and sewer system project under the Smathers amendment of the Mutual Security Act of 1957.

" 'In 1957 an ICA loan was made to Panama for the improvement and extension of the water and sewer system in Panama City. Funds for the loan, $2 million, were made available by the Smathers amendment, which provide development funds specifically for Latin American countries. The loan was received with great appreciation by the Government of Panama. A contribution nearly matching ICA's contribution was made by the Panamanian Government. Construction on the project has progressed rapidly. The first phase of construction has been completed and contracts for the second and third phases have already been let. Aprpoximately one-fourth of the dollar amount of the project has already been let in contracts.

" 'Education

" 'Vocational and industrial arts.

" 'Elementary (rural) education.

" 'The elementary teacher-training program now includes all three national normal schools with their affiliated primary practice schools. During the past year elementary school supervision was advanced by stateside training for 17 supervisors and by a seminar in supervision for primary school directors. A rural school nuclei comprising 10 schools around the town of Capira was organized for demonstration in grouping schools for improved administration and supervision.

" 'Assistance in vocational agriculture at David and Divisa was extended to include prevocation agriculture at six junior high schools elsewhere. Further leadership and technical training has been provided to national vocational supervisors in business education, homemaking, school administration, vocational agriculture, vocational arts, and vocational industrial education. In both vocational and rural elementary education, intensive work was carried out during the summer vacation in the form of seminars, workshops, and institutes for inservice training credit, attended by 180 teachers in 5 subject fields. The program for fiscal year 1959 included a continuation of the work in vocational and junior high schools and in the rural elementary and normal schools, elementary school supervision, the development and production of teaching materials, industrial arts, and elementary school agriculture.

" 'Public administration

" 'The major project in this field involves a university-to-university contract between the University of Tennessee and the University of Panama. Under the contract, the University of Tennessee is aiding the University of Panama to strengthen its school of public administration.

" 'Community development

" 'An interministerial committee was first organized in August 1956 as an instrument to bring all governmental resources into focus on community problems of rural improvement. Under Panamanian leadership, it embraces agricultural extension, education, health, welfare, housing, credit, and university interests. Under the sponsorship of this group, a training course in community development was offered and a new community project was begun in the town of Capira.

" 'Point 4 Week in Panama

" 'Panama celebrated Point 4 Week in March 1958. The ICA mission worked closely with the U.S. Information Service in carrying out this project. In his proclamation President de la Guardia said, "It gives me great pleasure to acknowledge publicly the magnificent assistance extended by the point 4 program in support of the economic and technical development of my country. This program illustrates the spirit of cooperation and mutual understanding between the United States and Panama, a spirit so necessary to stimulate a prosperous and peaceful way of life among nations." Throughout the week point 4 was publicized by news articles, newsreels, and publicly displayed models of point 4 projects.'

"Panama overdependent on canal

"It is interesting to note, in this connection, that an official ICA factsheet on Panama, issued as part of the International Cooperation Administration's country series, states that the Republic of Panama is overdependent on the Canal Zone for income.

"It is natural, in the absence of industry or other important avenues of earning for the people of Panama, that canal revenues expressed in terms of $50 million of receipts a year might appear to look extremely inviting as a solution for all of Panama's economic ills.

"The truth is, of course, that the seemingly high receipts of the Panama Canal Company represent not profits, but the recovery of maintenance costs, interest, amortization, and other costs of an enterprise which by law is supposed to pay its own way. As a matter of fact, the Republic of Panama already collects each year, in the present $1,930,000 annuity, much more than half of the approximately $3 million in so-called profits of the canal's operations. The $3 million estimate of 'profits,' furthermore, would be cut in half if the full cost of the present annuity to Panama were assessed against the Company.

"We repeat for emphasis: The canal should not be permitted to become a pawn in our normal diplomatic relations with the Republic of Panama.

"Subcommittee on Panama Canal: Leonor K. Sullivan, Chairman; Edward A. Garmatz; T. A. Thompson; Herbert Zelenko; Vincent J. Dellay; Timothy P. Sheehan; William S. Mailliard; Francis E. Dorn; Robert J. McIntosh."

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. THOMPSON of New Jersey, on Monday, for 1 hour.

Mr. HOLIFIELD, on Monday, for 1 hour.

Mr. SMITH of Iowa, on Monday, for 30 minutes.

Mr. GALLAGHER, on Monday, for 1 hour.

Mr. ASHBROOK, on Monday, for 1 hour.

Mr. MOORHEAD, for 1 hour, on Monday next.

Mr. MULTER, for 1 hour, on Monday next.

Mr. HALPERN (at the request of Mr. THOMSON of Wisconsin), for 15 minutes, on Monday, February 10.

Mr. CONTE (at the request of Mr. THOMSON of Wisconsin), for 1 hour, on Monday, February 10.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. GATHINGS in two instances.

Mr. FLYNT and to include a statement by the gentleman from Florida [Mr. SIKES].

Mr. PATMAN.

Mr. ABERNETHY to extend his remarks made in the Committee of the Whole and to include extraneous matter.

ADJOURNMENT

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

The SPEAKER. The question is on the motion.

Mr. McCULLOCH. On that, Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 220, nays 175, not voting 36, as follows:

[Roll No. 30]

YEAS—220

Abbitt	Farbstein	Kastenmeier
Abernethy	Fascell	Kee
Addabbo	Finnegan	Kelly
Albert	Fisher	Keogh
Andrews, Ala.	Flood	King, Calif.
Ashley	Flynt	Kirwan
Ashmore	Forrester	Kornegay
Aspinall	Fountain	Landrum
Baring	Fraser	Lennon
Beckworth	Friedel	Lesinski
Bennett, Fla.	Fulton, Tenn.	Libonati
Blatnik	Fuqua	Long, La.
Boggs	Gallagher	McDowell
Boland	Garmatz	McFall
Bolling	Gary	McMillan
Bonner	Gathings	Macdonald
Brademas	Giaimo	Madden
Brooks	Gibbons	Mahon
Brown, Calif.	Gilbert	Marsh
Buckley	Gill	Matsunaga
Burke	Gonzalez	Matthews
Burkhalter	Grant	Miller, Calif
Burleson	Gray	Mills
Byrne, Pa.	Green, Oreg.	Minish
Cameron	Griffiths	Monagan
Carey	Hagan, Ga.	Montoya
Casey	Hagen, Calif.	Moorhead
Celler	Haley	Morgan
Chelf	Hanna	Morris
Cohelan	Hansen	Morrison
Colmer	Harding	Moss
Corman	Hardy	Multer
Daddario	Harris	Murphy, Ill.
Daniels	Hawkins	Murphy, N.Y.
Davis, Ga.	Hays	Murray
Dawson	Healey	Natcher
Delaney	Hébert	Nedzi
Dent	Hechler	Nix
Denton	Henderson	O'Brien, N.Y.
Diggs	Herlong	O'Hara, Ill.
Dingell	Holifield	O'Hara, Mich.
Donohue	Huddleston	Olsen, Mont.
Dorn	Hull	Olson, Minn.
Dowdy	Jarman	O'Neill
Downing	Jennings	Patman
Edmondson	Joelson	Patten
Edwards	Johnson, Calif.	Pepper
Elliott	Johnson, Wis.	Perkins
Everett	Jones, Ala.	Philbin
Evins	Jones, Mo.	Pickle
Fallon	Karth	Pilcher
Poage	St Germain	Toll
Pool	St. Onge	Tuck
Price	Scott	Tuten
Pucinski	Selden	Udall
Purcell	Senner	Ullman
Rains	Shipley	Van Deerlin
Randall	Sickles	Vinson
Reuss	Sikes	Waggonner
Rhodes, Pa.	Sisk	Watson
Rivers, S.C.	Slack	Weltner
Roberts, Ala.	Smith, Iowa	White
Roberts, Tex.	Smith, Va.	Whitener
Rodino	Staebler	Whitten
Rogers, Fla.	Staggers	Wickersham
Rooney, N.Y.	Stephens	Williams
Rooney, Pa.	Stratton	Willis
Roosevelt	Stubblefield	Wilson, Charles H.
Rosenthal	Sullivan	Winstead
Rostenkowski	Taylor	Wright
Roush	Teague, Tex.	Young
Roybal	Thomas	Zablocki
Ryan, Mich.	Thompson, La.	
Ryan, N.Y.	Thompson, N.J.	

NAYS—175

Abele	Ellsworth	Morse
Adair	Findley	Morton
Alger	Fino	Mosher
Anderson	Ford	Nelsen
Andrews, N. Dak.	Foreman	Norblad
	Frelinghuysen	Osmers
Arends	Fulton, Pa.	Ostertag
Ashbrook	Glenn	Pike
Avery	Goodell	Pillion
Ayres	Goodling	Pirnie
Baldwin	Grabowski	Poff
Barry	Griffin	Powell
Bates	Gross	Quie
Battin	Grover	Quillen
Becker	Gubser	Reid, Ill.
Beermann	Gurney	Reid, N.Y.
Belcher	Hall	Reifel
Bell	Halleck	Rhodes, Ariz.
Berry	Halpern	Rich
Betts	Harrison	Riehlman
Bolton, Frances P.	Harsha	Robison
	Harvey, Ind.	Rogers, Colo.
Bolton, Oliver P.	Harvey, Mich.	Roudebush
	Hoeven	Rumsfeld
Bow	Horton	St. George
Bray	Hosmer	Saylor
Brock	Hutchinson	Schadeberg
Bromwell	Jensen	Schenck
Broomfield	Johansen	Schneebeli
Brotzman	Jonas	Schweiker
Brown, Ohio	Karsten	Schwengel
Broyhill, N.C.	Keith	Secrest
Broyhill, Va.	Kilburn	Short
Bruce	King, N.Y.	Shriver
Burton	Knox	Sibal
Byrnes, Wis.	Kunkel	Skubitz
Cederberg	Kyl	Smith, Calif.
Chamberlain	Laird	Snyder
Chenoweth	Langen	Springer
Clancy	Latta	Stafford
Clark	Lindsay	Stinson
Clausen, Don H.	Lipscomb	Taft
	Lloyd	Talcott
Clawson, Del	Long, Md.	Teague, Calif.
Cleveland	McClory	Thomson, Wis.
Collier	McCulloch	Tollefson
Conte	McDade	Tupper
Corbett	McIntire	Utt
Cramer	McLoskey	Vanik
Cunningham	MacGregor	Van Pelt
Curtin	Mailliard	Wallhauser
Curtis	Martin, Nebr.	Weaver
Dague	Mathias	Westland
Derounian	May	Whalley
Derwinski	Meader	Wharton
Devine	Michel	Widnall
Dole	Miller, N.Y.	Wilson, Ind.
Duiski	Milliken	Wyman
Duncan	Minshall	Younger
Dwyer	Moore	

NOT VOTING—36

Auchincloss	Holland	Passman
Barrett	Horan	Pelly
Bass	Ichord	Rivers, Alaska
Bennett, Mich.	Johnson, Pa.	Rogers, Tex.
Cahill	Kilgore	Sheppard
Cannon	Kluczynski	Siler
Cooley	Lankford	Steed
Davis, Tenn.	Leggett	Thompson, Tex.
Feighan	Martin, Calif.	Trimble
Fogarty	Martin, Mass.	Watts
Hemphill	O'Brien, Ill.	Wilson, Bob
Hoffman	O'Konski	Wydler

So the motion to adjourn was agreed to.

Mr. MONTOYA, Mr. HAYS, Mr. PRICE, and Mr. ROOSEVELT changed their vote from "nay" to "yea."

The result of the vote was announced as above recorded.

Accordingly (at 10 o'clock and 7 minutes p.m.), under its special order, the House adjourned until Monday, February 10, 1964, at 10 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

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

1672. A letter from the Secretary of Defense, transmitting a draft of a proposed bill entitled "A bill to amend title 37, United States Code, to increase the rates of basic pay for members of the uniformed services"; to the Committee on Armed Services.

1673. A letter from the Secretary of Commerce, transmitting a report relative to providing aviation war risk insurance for the period as of December 31, 1963, pursuant to title XIII of the Federal Aviation Act of 1958; to the Committee on Interstate and Foreign Commerce.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GLENN:

H.R. 9954. A bill to provide health care for persons 65 years of age and over through contributory social insurance, and a complementary basic national private insurance plan; to the Committee on Ways and Means.

By Mr. KYL:

H.R. 9955. A bill to provide more adequate compensation for small businessmen and other persons whose property is taken under certain federally assisted programs, to provide improvements in the urban renewal program with emphasis on rehabilitation, to authorize a new form of low-rent housing utilizing private accommodations, and for other purposes; to the Committee on Banking and Currency.

By Mr. NIX:

H.R. 9956. A bill to establish a National Economic Conversion Commission, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ROGERS of Florida:

H.R. 9957. A bill to prohibit fishing in the territorial waters of the United States and in certain other areas by persons other than nationals or inhabitants of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. CAHILL:

H.R. 9958. A bill to amend title 18 of the United States Code to make certain acts against the person of the President and Vice President of the United States and certain other Federal officers a Federal crime; to the Committee on the Judiciary.

By Mr. GUBSER:

H.J. Res. 920. Joint resolution providing for the establishment of a National Ideals Monument Commission; to the Committee on House Administration.

By Mr. NIX:

H.J. Res. 921. Joint resolution to authorize the President to designate Philadelphia, Pa., as the site of a world's fair commemorating the 200th anniversary of the signing of the Declaration of Independence; to the Committee on Foreign Affairs.

By Mr. CAHILL:

H.J. Res. 922. Joint resolution proposing an amendment to the Constitution relating to vacancies in the office of Vice President; to the Committee on the Judiciary.

By Mr. BATES:

H.J. Res. 923. Joint resolution proposing an amendment to the Constitution of the United States to preserve and protect references to reliance upon God in governmental matters; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Massachusetts, memorializing the President and the Congress of the United States to enact legislation extending financial aid to the Commonwealth of Massachusetts for purification of the waters of the Merrimack River; to the Committee on Public Works.

Also, memorial of the Legislature of the State of Mississippi, memorializing the President and the Congress of the United States to defeat the civil rights bill now before that body for consideration; to the committee on the Judiciary.

Also, memorial of the Legislature of the State of Pennsylvania, memorializing the President and the Congress of the United States to give sole and sustained consideration to the location of the NASA Electronics Research Center in the Delaware Valley area of Pennsylvania, New Jersey, and Delaware without being distracted by region rivalries; to the Committee on Science and Astronautics.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HOSMER (by request):

H.R. 9959. A bill for the relief of Harold A. Saly; to the Committee on the Judiciary.

By Mr. BURKHALTER:

H.R. 9960. A bill for the relief of Lt. Donald Henry Gehring, U.S. Navy; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

Statement on Conference Report, S. 298, Adopted Today, February 8, 1964

EXTENSION OF REMARKS
OF
HON. WRIGHT PATMAN
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Saturday, February 8, 1964

Mr. PATMAN. Mr. Speaker, this bill is good legislation. It was reported unanimously by the Banking and Currency Committee.

The small business investment companies program is one of the best ever adopted by the Congress in the economic field. Money that would not have been available to small businesses came within their reach. It is a wonderful program—a gesture of faith in the ability of small business to serve this Nation.

Basically, the bill facilitates investment in small business investment companies and in investment by small business investment companies.

First of all, it raises the limit on the amount of debentures of small business investment companies that may be purchased by the Small Business Administration from $400,000 to $700,000, and permits such purchase for a period of 5 years after the date of enactment.

Secondly, it eliminates the dollar limit of small business investment companies investment in a single concern, but it retains a limitation that not more than 20 percent of assets would be reflected in a loan to any single company.

Thirdly, it permits small business to invest idle funds in insured savings and loan associations up to the amount of insurance.

Finally, it gives SBA specific authority to participate with banks and other lending institutions to make loans to small business investment companies.

HAS ALREADY PASSED SENATE

This bill will make it possible to continue this program of assistance to small business. Present funds are all tied up in prior investments. As a result, if the program is to continue, we must have this additional authorization. It is a bill that has been gone over carefully. It has passed the House without opposition. It has passed the Senate. And the two houses have come to an agreement in conference.

I urge immediate enactment of this bill, S. 298.

A. Philip Randolph

EXTENSION OF REMARKS
OF
HON. E. C. GATHINGS
OF ARKANSAS
IN THE HOUSE OF REPRESENTATIVES

Saturday, February 8, 1964

Mr. GATHINGS. Mr. Speaker, several times I have placed in the CONGRESSIONAL RECORD a report taken from the files of the House Committee on Un-American Activities which showed that the director of the march on Washington, A. Philip Randolph, in years past had been cited by that committee many times as being affiliated with subversive or Communist organizations. I am not alleging that he is a member of the Communist Party, as I do not know; but his background ought to be closely scrutinized and examined. He was cited on 20 occasions for associating with, or sponsoring groups that had been determined to be subversive by the House Committee on Un-American Activities or by the U.S. Attorney General.

The designs of the Communist conspiracy to bore from within and undermine America may be found in the ranks of both the marchers for freedom and the outspoken element which has called for a simultaneous demonstration to counter the August 28 assembly. The overzealous extremists on both sides of the civil rights movement could fall easy prey to Communist infiltration. That is the thing that needs to be guarded against as the underlying aim of the Reds is to foment discord, bitterness, and division among our people. The Washington marchers have a right to peaceably assemble and ask redress of their complaints. It seems to me that it would be most desirable that the group meet in a stadium and air their charges instead of taking over so many of the Capital's busy arteries of traffic and interfering with vital and necessary governmental and business functions.

A. Philip Randolph was coeditor of the Messenger, which was published from 1919 to about 1925. The masthead of the Messenger referred to it as the only radical Negro magazine in America.

In order to portray the principles and philosophy of that magazine, I am quoting some excerpts from the Messenger:

"Soviet Government proceeds apace. It bids fair to sweep over the whole world. The sooner the better, on with the dance" (the Messenger, May–June 1919).

"We want more Bolshevik patriotism. We want a patriotism represented by a flag so red that it symbolizes truly its oneness of blood running through each one's veins. We want more patriotism that surges with turbulent unrest. That is Bolshevik patriotism, and we want more of that brand in the United States" (from the Messenger, May–June 1919).

"You next take to task the editors of the Messenger, A. Philip Randolph and Chandler Owen, for being Bolshevists. While you are generally adept at distortion of facts and misrepresentation of circumstances, you have not greatly misrepresented us.

"The sword of Damocles dangles over your so-called white man's domination. Rumblings of revolution are heard in the distance. Nemesis is at hand" (the Messenger, October 1919).

Since the Messenger discontinued operations, Randolph has been furthering integration objectives. Here is a 1948 news item from the Washington, D.C., Times Herald, June 27, 1948:

JIM CROWISM FIGHT OPENED AGAINST DRAFT—DISOBEDIENCE DRIVE URGED BY AFL LEADER

NEW YORK, June 26.—A rebellion against the Draft Act was launched today by A. Philip Randolph, Negro AFL leader. Determined to fight Jim Crowism in the armed services, he announced a nationwide drive to urge Negroes and whites to refuse to register or be inducted and, if need be, to resort to such trickery as feigning illness and faking dependents. It was a daring step, but Randolph was prepared to face the consequences. "The drive," he said, "will get underway throughout the country unless President Truman issues an Executive order against segregation before August 16. "It will be conducted," he said, "by the League for Non-Violent Civil Disobedience Against Military Segregation," whose formation he announced. The civil disobedience was threatened by Randolph at a hearing of the Senate Armed Services Committee in Washington March 3. Senators MORSE of Oregon, and Baldwin, of Connecticut, warned that Randolph and his followers would face treason charges if they carried out their threat. "Field campaigners of the league will start visiting ma-