Assemblyman John Terry representing the second assembly district of the county of Onondaga; and

Whereas the Honorable WALTER RIEHLMAN, the U.S. Congressman from this district, has also indicated his approval of such pending legislation; and

Whereas the New York State Senators, JACOB JAVITS and KENNETH B. KEATING, have indicated their approval of this civil rights legislation: Now, therefore, be it

Resolved, That the Onondaga County Board of Supervisors, by resolution address their approval to the U.S. Senators and request the adoption of said pending civil rights bill; and be it further

Resolved, That certified copies of this resolution be forwarded to the Honorable JACOB JAVITS and KENNETH B. KEATING, U.S. Senator from the State of New York, with a request that every effort be made in the support and adoption of this pending legislation.

FRANK W. CONWAY,
Clerk, Board of Supervisors.

REIMBURSEMENT TO STATES FOR TAXES NOT COLLECTED ON PROPERTY OWNED BY FOREIGN GOVERNMENTS—RESOLUTION

Mr. JAVITS. Mr. President, I present a resolution adopted by the Town Board of the Town of Eastchester, N.Y., relating to the reimbursement of States for taxes not collected on property owned by foreign governments. I ask unanimous consent that the resolution be printed in the RECORD, and appropriately referred.

There being no objection, the resolution was referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES TO ADOPT H.R. 9585, A BILL TO PROVIDE THAT THE UNITED STATES REIMBURSE THE STATES AND THEIR POLITICAL SUBDIVISIONS FOR REAL PROPERTY TAXES NOT COLLECTED ON REAL PROPERTY OWNED BY FOREIGN GOVERNMENTS

Whereas there are two resident representatives to the United Nations residing in the town of Eastchester in property owned by their governments, which properties have received legislative exemptions from taxation and the question of exemption of real property owned by foreign government is not a matter of local concern as the foreign government representatives are in this country on business for their government with our Federal Government or with the United Nations of which our Federal Government is a member nation and this is a matter of national concern; and

Whereas the property owned by the foreign governments in the town of Eastchester has an assessed value of approximately $145,000 on which the town and school taxes for the year 1964 amount to approximately $10,500 which is borne by the taxpayers of the town of Eastchester and this is a burden and an obligation that should not be borne by the taxpayers of the town of Eastchester alone but should be assumed by all of the municipalities and the States within the United States with the town of Eastchester paying its fair portion and this can only be accomplished by the Federal Government reimbursing the municipalities involved for the taxes not collected on real property owned by foreign governments: Now, therefore, be it

Resolved, That the Town Board of the Town of Eastchester strongly supports H.R. 9585 introduced by Congresswoman EDNA F. KELLY to provide that the United States shall reimburse the States and their political subdivisions for real property taxes not collected on real property owned by a foreign government and therefore exempt from taxation; and be it further

Resolved, That the Town Board of the Town of Eastchester urge the Committee on Foreign Affairs of the U.S. Congress to report favorably on H.R. 9585; and be it further

Resolved, That the Town Board of the Town of Eastchester requests its legislative Representatives in the U.S. Congress, to wit: Seantor JACOB K. JAVITS, Senator KENNETH B. KEATING, and Congressman ROBERT R. BARRY to support H.R. 9585 and use their good offices for the furtherance and adoption of this bill; and be it further

Resolved, That a copy of this resolution be forwarded to Congresswoman EDNA F. KELLY, Senator JACOB K. JAVITS, Senator KENNETH B. KEATING, Congressman ROBERT R. BARRY, and to the Committee on Foreign Affairs of the U.S. Government.

This resolution shall take effect immediately.

FRANCIS K. O'ROURKE,
Supervisor, Town of Eastchester.

Attest:

Authenticated and certified this 3d day of March 1964.

DAVID W. SMITH,
Town Clerk.

URBAN MASS TRANSPORTATION BILL—RESOLUTION

Mr. JAVITS. Mr. President, I present, for appropriate reference, a resolution adopted by the Council of the City of New Rochelle, N.Y., urging enactment of House bill 3881, the urban mass transportation bill. I ask unanimous consent that the resolution be printed in the RECORD.

There being no objection, the resolution was referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

RESOLUTION 103

Resolution supporting efforts to bring urban mass transportation bill, H.R. 3881, to the floor of the House of Representatives

Whereas the urban mass transportation bill, H.R. 3881, has been pending in the House Rules Committee since April 1963, because a House floor majority was uncertain; and

Whereas President Johnson is now strongly backing the bill and support for the measure is bipartisan; and

Whereas passage of the bill would relieve worsening traffic congestion and known continued deterioration of transit facilities and is designed to achieve balanced local transportation systems in which each mode of traffic, including private automobiles, can play its proper role: Now, therefore, be it

Resolved, That the Council of the City of New Rochelle strongly supports all efforts to bring the urban mass transportation bill, H.R. 3881, out of the House Rules Committee to the House floor for a vote by mid-April, 1964; and be it further

Resolved, That certified copies of this resolution be forwarded to President Lyndon B. Johnson at the White House, Washington, D.C.; Congressmen ALBERT RAINS, Democrat, of Alabama, and WILLIAM WIDNALL, Republican, of New Jersey, House Office Building, Washington, D.C.; Senators JACOB K. JAVITS and KENNETH B. KEATING, Senate Office Building, Washington, D.C.; and Congressmen OGDEN R. REID and ROBERT R. BARRY, House Office Building, Washington, D.C.; and be it further

Resolved, That this resolution shall take effect immediately.

ALVIN R. RUSKIN,
Mayor.

Attest:

CHARLES U. COMBES,
City Clerk.

RESOLUTION

CONGRATULATIONS TO PEOPLE AND STATE OF OKLAHOMA ON 75TH ANNIVERSARY OF OPENING OF LANDS IN THE FORMER OKLAHOMA AND INDIAN TERRITORIES

Mr. MONRONEY (for himself and Mr. EDMONDSON) submitted a resolution (S. Res. 307) extending congratulations to the people and State of Oklahoma on the 75th anniversary of the opening to settlement in 1889 of lands in the former Oklahoma and Indian territories; which was considered and agreed to.

(See the above resolution printed in full when submitted by Mr. MONRONEY, which appears under a separate heading.)

CIVIL RIGHTS ACT OF 1963—AMENDMENTS

Mr. ERVIN submitted 13 amendments (Nos. 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, and 490) intended to be proposed by him to 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 public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes, which were ordered to lie on the table and to be printed.

RECESS UNTIL 10 O'CLOCK A.M MONDAY, APRIL 13

Mr. LONG of Missouri. Mr. President, if there is no further business to come before the Senate, I move, pursuant to the order previously entered, that the Senate stand in recess until 10 o'clock a.m. on Monday next.

The motion was agreed to; and (at 4 o'clock and 16 minutes p.m.) the Senate took a recess, under the order previously entered, until Monday, April 13, 1964, at 10 o'clock a.m.

NOMINATION

Executive nomination received by the Senate April 11 (legislative day of March 30), 1964:

THE JUDICIARY

Dorwin W. Suttle, of Texas, to be U.S. district judge for the western district of Texas vice Ben H. Rice, Jr., deceased.

HOUSE OF REPRESENTATIVES

MONDAY, APRIL 13, 1964

The House met at 12 o'clock noon.

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

Jude 25: *To the only wise God, our Saviour, be glory and majesty, dominion and power, both now and forever.*

Almighty God, with a humble spirit and a contrite heart, we confess to Thee and to one another that this world seems to be inhabited by a discordant and struggling multitude of human beings and that the idea of real unity is only a dream.

There are times when we are tempted to think that civilization and culture, education and commerce, have merely intensified this struggle and this strife between the nations and the members of the human family.

Inspire us with the faith which dares to believe that there is blessedness when humanity yields itself in obedience to Thee whose authority and appeal we cannot doubt or deny.

Hear us in His name who is the Prince of Peace. Amen.

THE JOURNAL

The Journal of the proceedings of Friday, April 10, 1964, was read and approved.

A MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Presiding Officer of the Senate, pursuant to Public Law 115, 78th Congress, entitled "An act to provide for the disposal of certain records of the U.S. Government," had appointed Mr. JOHNSTON and Mr. CARLSON members of the joint select committee on the part of the Senate for the disposition of executive papers referred to in the report of the Archivist of the United States numbered 64–13.

Mr. COHELAN assumed the chair as Speaker pro tempore.

THE LATE U.S. DISTRICT COURT JUDGE WILLIAM T. McCARTHY

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. MCCORMACK] may extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. McCORMACK. Mr. Speaker, on Monday, April 6, 1964, one of our outstanding jurists, a dear and valued friend of mine, U.S. District Court Judge William T. McCarthy died. Highly respected as a judge by the bench, the bar, and the public, Judge McCarthy rendered justice with mercy. While he was fearless in the performance of his judicial duties, he recognized the frailties of human beings, and in the disposition of criminal cases, administered dispositions not only with judicial logic, but with a heart.

A major test of the prestige of a judge is the feelings of the members of the bar whether a judge is fair, recognizes the position of trust he occupies, or if in the courtroom he is a judicial dictator. Judge McCarthy was highly respected by the members of the bar because of his ability and his effectiveness, but above all, because he was kind and fair.

Judge McCarthy, or "Bill" McCarthy as he was endearingly called, was a "judge's judge."

Judge McCarthy had an outstanding career as a public official, as a lawyer, as U.S. attorney, and as a member of the Federal judiciary.

At the age of 20 years, Judge McCarthy graduated from Holy Cross College, later attending and graduating from Boston University Law School.

While a student at Boston University Law School, he was elected as alderman in the city of Somerville, serving for three terms, and afterward being elected as a member of the Somerville school committee.

From 1913 to 1916, he served as assistant district attorney of Middlesex County, Mass., gaining an outstanding reputation as an able and fair prosecutor.

In 1934, he was appointed U.S. attorney for Massachusetts by the late President Franklin D. Roosevelt, serving in this responsible post for 12 years.

In recognition of the excellent manner in which he performed the duties of U.S. attorney, former President Harry S. Truman appointed him in 1947 as a member of the U.S. District Court for Massachusetts, as a member of which court, Judge McCarthy made an outstanding name.

Judge "Bill" McCarthy will always be remembered for his ability, his kindness, and his fairness.

In his death, Mrs. McCormack and I have lost a dear and valued friend.

Mrs. McCormack joins with me in extending to his son and daughters and sisters our deepest sympathy in their great loss and sorrow.

GRISSOM TO PILOT FIRST GEMINI FLIGHT

Mr. ROUSH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. ROUSH. Mr. Speaker, the National Aeronautics and Space Administration has just announced that Virgil "Gus" Grissom will be the chief pilot for the first manned flight of Gemini this fall. Gus' copilot will be John Young and the backup men will be Wally Schirra and Tom Stafford. Hoosier citizens are especially proud of Gus Grissom because he is one of us. His hometown is Mitchell, Ind., where his proud parents, Mr. and Mrs. Dennis Grissom, live. Gus attended primary and high schools in Mitchell and graduated from Purdue University with a degree in mechanical engineering in 1950. He flew 100 combat missions in Korea in F–86's with the 334th Fighter Interceptor Squadron. He continued his career as an Air Force test pilot and was selected in April of 1959 as one of the seven original astronauts. Gus took his first ride on *Liberty Bell 7* on July 21, 1961, and has been active ever since in the manned space program. He has distinguished himself as one of America's foremost heroes and certainly as a distinguished citizen.

Indiana is proud of this man and his contribution to the Nation. We wish him every success as he shoulders this new and awesome responsibility. Our prayers are for his continued good fortune and for a safe journey.

CIVIL RIGHTS

Mr. BECKER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BECKER. Mr. Speaker, I noticed in the Washington Star of yesterday that someone in the other body in discussing the civil rights bill said that the President had been very marvelous so far. But then he was quoted as saying that, knowing the President, he is expecting him to do "miracles."

When asked what these miracles were, the reply was, "He has a mystery kit of legislative remedies."

I am wondering if the "legislative remedies" suggested, are facts, undisclosed to the public, in the Bobby Baker case, which have been "swept under the rug" by dropping the investigation.

ED NEILAN, BANKER-PRESIDENT OF THE U.S. CHAMBER OF COMMERCE AND AUTHOR OF ARTICLE, "LET'S SAY 'NO' TO THE VETERANS," EXPOSED AS RECIPIENT OF SOLDIER'S BONUS; AND LATEST NEILAN FOIBLES

The SPEAKER pro tempore (Mr. COHELAN). Under previous order of the House, the gentleman from Texas [Mr. PATMAN] is recognized for 1 hour.

Mr. PATMAN. Mr. Speaker, there are more than 20 million veterans of the U.S. Armed Forces. In the beginning of my remarks today, I wish to show how one man—placed in a position of responsibility by the reactionary hierarchy of a large American business organization—the U.S. Chamber of Commerce—can do infinite damage—not only to the veterans of the country, but to many of the communities where these veterans live. I shall show that this one man—whom I exposed a few weeks ago as receiving farm subsidies while going from one end of the country to the other shouting against all subsidies—all self-aid programs—now may be exposed for an act of deception again worthy of "The Great Imposter." It was this man who wrote an article for a slick magazine entitled, "Let's Say 'No' to the Veterans."

In January of this year, I took the floor of the House of Representatives to point out to American veterans how phony the author of that article is. The response to that speech from the veterans in the 50 States was as gratifying to me as anything I can recollect. I did not know then what I know now—that the man who said "no" to the veterans in the article—had himself said "yes" to the State

he was living in when it came to accepting—for his own fat pocketbook—a veteran's bonus.

Oh, he would close down the veterans' hospitals today—he said so in the article. And he wrote about "the blatant and outrageous maneuver called veterans' benefits." But a few years back he protested nothing—he merely accepted a soldier's bonus from his State.

He would attack a bill aimed at helping the rapidly thinning ranks of World War I veterans by writing:

It aims a crippling blow at the sensible principle that benefits should be paid only for service-connected disabilities, for unemployability and for need.

He was neither unemployed nor needy, nor disabled in any way when he accepted a soldier's bonus from his State.

The carelessness with which the national business organization chose such a phony to head it must be in a large part responsible for that organization's prestige dropping to an alltime low. The slick magazine that played up the article—and asked on its cover, "Are Veterans Too Greedy?" is—according to the press—in financial difficulty.

The man I have been talking about, as you may have guessed, heads a large bank in the State of Delaware. His name—according to the application for the soldier's bonus—copy of which I hold in my hand—is Edwin Peter Neilan. His address—says the application—is Holly Farm, town of Bear, county of New Castle, in the State of Delaware. He filled out the application on November 4, 1949. It was processed almost immediately and by midmonth our "hero" had received $225 for a perfect war record. He was assigned to the Philadelphia Navy Yard, within commuting distance of his home.

This is the man who would deprive the remaining World War I veterans of just compensation due them for services rendered to their country two generations ago—who wants the Congress to shortchange the veterans of all wars—and thus reverse a fair-deal policy for veterans which has been traditionally ours.

While most Americans are aware that Ed Neilan has run around America screaming against subsidies and know that his Bank of Delaware has loaned out some $9 or $10 million worth of Uncle Sam's money at the "going interest rate"—for which Neilan and his big bank buddies pay nothing—all of this is practically unknown to the citizens in the State of Delaware. Few of them know that he has accepted farm subsidies. But his attacks against the U.S. Government, the Congress, and all self-aid programs, are well reported.

It is almost impossible for the citizens of that State to know what is happening on earth, because in the Duchy of Du Pont there is a "Greenback Curtain." The Du Ponts own or control—or have their friends owning or running—the leading—or should I say misleading—newspapers and radio and television stations in Delaware.

The Delaware State News, of Dover, appears to be, perhaps, the one exception. Anything that shows up the questionable foibles of the Du Pont dynasty or top business or financial leaders of the State—such as Edwin Peter Neilan—is either badly slanted or just not news at all behind the Du Pont "Greenback Curtain." Therefore, it is safe to say that most of the citizens of Delaware are unaware of the duplicity of the "Scrooge of Wilmington."

In the town of Millsboro, Del., there is a man of great courage. His name is William A. Carter, and he is past president of the commissioners of the town. Although he lives behind the Greenback Curtain, he is not afraid to employ a great birthright of Americans—the freedom to express contempt for phonies in high positions like Ed Neilan. He has held the "Scrooge of Wilmington" in the lowest of esteem ever since Neilan began protesting a request for Federal aid for the town's sewer and water construction early in 1963. The town had hoped to attract new business. In the period between 1959 and 1962, it had lost over 500 jobs. Neilan's clamoring ended Millsboro's efforts to move ahead.

When Mr. Carter learned that the arch enemy of subsidies for other people had been accepting farm subsidy payments himself, he wrote a letter to the editor of the Delaware State News of Dover which was published on March 24, 1964.

I am going to read Mr. Carter's letter because it shows that Ed Neilan is not only cynical and venal—and destructive of the best interest of people even within his own State, as the Millsboro incident shows—but that he is most careless in presenting facts. I would not exactly call him a liar—I will just say he is beyond any question of a doubt one of Delaware's most prominent untruthsayers.

The facts as stated in Mr. Carter's letter, which I will now read, will bear me out.

PROTRACTED AFFAIR

THE EDITOR,
Delaware State News,
Dover, Del.

DEAR SIR: In an article in last week's Morning News, Edwin P. Neilan claims that he was "seduced into accepting subsidy payments for his farm at Bear." He further claims that he "has not received any subsidy payments since September (1963), when he began his attacks on Federal aid program."

Congressman WRIGHT PATMAN, of Texas, this week revealed that Mr. Neilan was similarly seduced in 1959, 1961, and 1962. So this would appear to be no single seduction, but a rather protracted affair.

During recent months Mr. Neilan has made speeches from coast to coast in the capacity of president of the U.S. Chamber of Commerce. He has posed as the erudite moralist in opposition to all forms of Federal aid programs. Now he would have us believe that it took him 4 years to realize that he was being seduced. My own opinion is that he was enjoying his affair thoroughly until Congressman PATMAN caught up with him.

One final observation refers to timing. Mr. Neilan says that he has received no subsidy since September, when he began his attacks. If memory serves me correctly, one of his most vicious attacks was in a speech to the National Press Club in early August at which time it would seem that his own affair was still in progress. In fact, it was during the first week in September that he lambasted the town of Millsboro for accepting Federal aid for a municipal sewer project.

WILLIAM A. CARTER,
Past President, Commissioners of Millsboro, Millsboro, Del.

Neilan's first attack against subsidies was August 7, 1963. His last subsidies came to him in September and October of the same year. I have been most reliably informed that he did not send the checks back to Uncle Sam. Nor did he send his veteran's bonus back to the State of Delaware.

The same newspaper that published this letter previously ran an editorial on March 19 with a heading, "Seduction by Subsidy."

That editorial stated in part:

If a man of means and morals like Neilan, who heads a bank and the U.S. Chamber of Commerce can be seduced, what chance is there for the rest of us poor, unprincipled working stiffs?

So let's shed a tear for humanity, along with one for Neilan.

Neilan, in effect, was caught down behind the barn smoking corn silk. While he was out on the hustings talking against subsidies, he was accepting them at home.

But he's trying to kick the subsidy habit, Neilan said, so he should be treated like any other reformed smoker.

Let's not dangle any dollars before him or smoke any subsidies when he's around.

Earlier I stated that the prestige of the U.S. Chamber of Commerce—due to the shenanigans of its president—had sunk to an alltime low. My mail has registered a strong protest against the national organization from great numbers of independent businessmen who belong to local chambers of commerce. The big business, big finance hierarchy, simply does not represent the membership of the local chambers of commerce. Their thinking is far away from the thinking of the members of the chambers of commerce in the First District of Texas where I come from. Neilan's rantings have not caught on—in the grassroots or even in the big cities—in Bay City, Tex., or Indianapolis, or Tulsa, to name just a few which have openly disavowed Neilan's nonsense.

Just a week or so ago, Neilan spoke in Chicago—attacking as usual public housing and urban renewal. An extraordinary thing then happened. Immediately the board of directors of the Chicago Association of Commerce and Industry—which describes itself as the largest metropolitan chamber of commerce in the United States—got out a release in exact opposition to the position taken by Neilan and the U.S. Chamber. I can think of no better way of showing up the medieval-minded leadership of the U.S. Chamber—the extreme rightism of Ed Neilan—than to place in the CONGRESSIONAL RECORD the press release of the Chicago branch of the chamber of commerce. Their release will be my closing remarks. Their statement gives the lie to the man who would say "No" to the veterans—"No" to anything that would do good for most of the citizens of our country.

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

Mr. PATMAN. I am glad to yield to the gentleman from Illinois.

Mr. LIBONATI. I think it is natural, the Chicago Chamber of Commerce being a moderate yet understanding group that has vitalized the programs, that they criticize it because of the fact that in the metropolitan area they understand the problems of housing. It comes with no ill grace that he loses the confidence of individuals who are important in industry and realize they have a responsibility toward the community. Certainly in the city of Chicago those leaders of the modern chamber of commerce are persons who are men of substance and very important with respect to their activity both in the fields of industry and community affairs. So naturally I am very proud of the fact that they have taken such a position, especially in the light of the criticism of Congress and especially of the Veterans' Affairs Committee relative to legislation and also with respect to questions involving housing where legislation has been passed by the Congress and where legislation is in the offing. Therefore, I congratulate the gentleman for calling this to our attention. I am very proud, as one coming from that area. They hold their meetings in my district.

Mr. PATMAN. Thank you very kindly.

The release of the Chicago branch of the chamber of commerce will be my closing remarks. Their statement gives the lie to the man who would say "No" to the veterans knowing that they would do good for most of the citizens of our country. In view of what the gentleman from Illinois [Mr. LIBONATI] said, I want to read this resolution. Remember that this was passed immediately after Mr. Neilan made his speech against the very things that the resolution covers. It reads as follows:

The board of directors of the Chicago Association of Commerce and Industry today opposed the chamber of commerce of the United States' stand against Federal participation in urban renewal and public housing programs.

While agreeing to the long-range ideal of restoring the responsibility for urban renewal to States and local communities, the association said that such action must wait until local governments are given the financial means to carry out current redevelopment programs without disruption.

The association pointed out that extended Federal taxes have so invaded local taxing sources that Federal grants must continue until taxing powers are realined.

The association, the largest metropolitan chamber of commerce in the United States, said it has a dual responsibility—to promote the Chicago area's commercial and industrial growth, and to help create a better community for all who live and work in the area. Urban renewal affects both objectives.

Neighborhood deterioration is the greatest challenge to American cities today, the association said. Both business and the community in general suffer from unchecked urban blight because it:

Stifles commercial and industrial vitality.

Depresses confidence required for continued capital investment, thus impeding the flow of private funds and expansion of free enterprise.

Demoralizes civic pride and creates breeding grounds for crime and juvenile delinquency.

Increases the cost of municipal services.

Reduces assessed property valuations and the local tax base, thus diminishing local government's financial resources.

On the other hand, the association said, urban renewal expenditures stimulate private enterprise and investment, which in turn help fight poverty and increase employment.

Urban renewal has justified itself economically, the association said. In Chicago, for example, tax yields from recent projects have more than doubled. Chicago's redevelopment program already has increased assessed valuation by over $100 million, broadening the tax base while improving living conditions and spurring economic growth.

The association cited the Hyde Park-Kenwood conservation program as an example of how such projects stimulate private investment. The program, which cost $36,700,000 in Federal and local public funds, will result in an investment of nearly $200 million by private property owners and institutions.

If Federal funds had not been available for the project and there were no alternative methods of generating the "seed money" necessary to attract private investment, a striking Chicago success story never could have been told, the association said.

The association's five-point position on urban renewal favors:

Continuation of present Federal sharing of local urban renewal costs at this time.

Federal grants only where they will be part of a comprehensive urban renewal plan and of an overall city plan.

Plans which encourage private enterprise to invest in redevelopment of cleared lands.

Plans which stimulate the entire community to upgrade living standards through private development and private financing.

Continued Federal provisions for low-rent housing for families displaced by public works projects, code enforcements, and other public actions.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks, to include other statements, excerpts, and speeches I have made on this subject in the past.

The SPEAKER pro tempore (Mr. COHELAN). Without objection it is so ordered.

There was no objection.

STAB IN THE BACK OF AMERICAN VETERANS BY ED NEILAN, WILMINGTON BANKER AND PRESIDENT OF THE U.S. CHAMBER OF COMMERCE

The SPEAKER. Under previous order of the House, the gentleman from Texas [Mr. PATMAN] is recognized for 60 minutes.

(Mr. PATMAN asked and was given permission to revise and extend his remarks and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, I have nothing to do with selecting Pulitzer prize-winning editorial writers. If I did, my vote would go to the Scripps-Howard writer of the Indianapolis Times, who wrote on January 7 an editorial entitled "Watching the Mud Go By." I shall not read the entire piece. But there are sections of it that you will enjoy sharing with me. It begins:

"If Edwin P. Neilan, Delaware banker and president of the Chamber of Commerce of the United States, is ever out of work, he needn't worry. He can hire on as consulting mudslinger. * * * When he was through his speech for the local chamber last night, you couldn't see the targets for the mud. * * * He talked about 'political pigs who have pushed their snouts into the public trough and are gorging themselves on human misery.' He did not say who they are except that they 'mask themselves as humanitarians and civic improvers.' "

The editorial writer asked:

"Whether this means that all people who work for humanitarian and civic improvement are political pigs? Or just some of them? The Congressmen who passed urban renewal and public housing legislation, the officials who carry it out, local officials who cooperate with it, private people who call for it? Neilan didn't say. * * * He purported to prove that urban renewal and public housing have gone to wealthier rather than poorer areas. He didn't say what he meant by an area, but later on he made clear he meant a State. He can't tell the difference between densely packed New Jersey and underpopulated Wyoming."

"He called programs in New York City and Newark vote buying. He didn't say how this works. * * * Neilan's technique"—

Continues the editorial—

"is like hunting a crook in a crowd with a machinegun, like killing weeds by plowing the garden under, like discarding the baby instead of the diapers."

The editorial wound up by saying:

"Indianapolis has wretched slums and nasty floods and 5,000 families getting evicted by highways and sky-high property taxes."

I want you gentlemen here in Congress to heed the last line of this magnificent editorial. It sums up the cynicism of the Scrooge of Wilmington.

"Neilan doesn't seem to give a damn," the editorial concluded.

No, the gentleman does not give a hoot about anything except the big bankers' bonus. That is, millions of Federal money on deposit that can be rented out to the public at the "going commercial rates." Mr. Neilan's Bank of Wilmington had $8,100,000 of Government funds on deposit on October 15, 1963, and according to his own admission considerably more than this on an average during the year, and this money comes to the bank free for nothing.

Oh, I know when I called this to the attention of the Congress not long ago, the banker from the duchy of Du Pont almost immediately got out a statement which said that in 1963 the Federal Reserve Bank in Philadelphia paid the Treasury $48,852,000 which it earned on the required reserve deposits made by member banks. Now Neilan had the temerity to state what every banker who is a banker knows to be a deliberate falsehood. He said that this $48-plus million belongs to the member banks and this includes his Bank of Wilmington. He said that the fact that this $48-plus million is turned over to the Treasury means that his bank and other commercial banks in the Philadelphia Reserve district, are "subsidizing the U.S. Treasury."

Despite the statement of the Wilmington gentleman, the truth is, and every banker in the country knows this—that the $48-plus million was not earned on the required reserves of member banks but on Government securities which the Federal Reserve Bank in

Philadelphia acquires by a flick of the pen thereby using its power to create money.

It is impossible to believe that a man who is a bank president and who is also president of the U.S. Chamber of Commerce cannot understand such basic fundamentals of banking and the Federal Reserve System. It must be concluded that Neilan is deliberately attempting to deceive his fellow members of the chamber of commerce, Congress, and the people. He certainly is not going to fool bankers. If there is any question about my own statement, let me quote from the December 1962 Monthly Review of the Richmond Federal Reserve Bank:

"The heart of the matter is that according to the principles under which central banks operate their earning power is not increased by the deposits which commercial banks carry with them, regardless of the way in which those deposits are created. Rather, the great profitability of central banks is due to the fact that they exercise the sovereign power of governments to create money."

Now we are coming to the hard core of our business for today; namely, the shoddy, despicable treatment afforded the American veteran by Ed Neilan, banker head of the U.S. Chamber of Commerce. We all know that the Scrooge of Wilmington is against almost everything. He is against the Congress, against public servants anywhere, against the American Government, against laws designed to see that the Government serves all the people. He is against chamber of commerce businessmen who seek useful projects in their communities if any Federal moneys are called for to help pay the way. He is really against people. He does not like people. The largest segment of the American people yet insulted by Ed Neilan is composed of American veterans. These are the men who came to the support of our Government at times of its greatest trial—World War I, World War II, and the Korean war.

When Neilan attacked these men in a sneering, contemptible piece in the Saturday Evening Post last November, he stabbed in the back the finest manhood of America.

I received a great deal of mail from prominent veterans concerning Neilan's stab-in-the-back article. From Earl A. Graske, Ohio American Legion:

"No citizen of our Nation has the right to spread lies and untruths as Edwin Neilan has done. * * * Neilan's slur against all veterans in his story in the Saturday Evening Post is an insult to any man who has served his country."

From John E. Erickson, national legislative director, Veterans of World War I of the U.S.A., Inc.:

"Neilan's tirade was so completely devoid of facts that it has not been difficult for veteran leaders to point out the distortions and untruths in his article which has aroused a terrific tide of resentment among veterans, their friends and supporters. * * * In nearly every appearance that he has made, his ill-founded statements have returned to haunt him. In Indianapolis, Ind., Minneapolis, Minn., Cleveland, Ohio, and Bay City, Tex., and even in his own State of Delaware his audiences have been astonished and amazed at the inaccuracies and misstatements that have been sprinkled most liberally throughout his addresses. * * * He puts his foot in the mouth at every conceivable opportunity."

Waldron E. Leonard, Director of the Department of Veterans' Affairs of the Government of the District of Columbia, sent me a copy of a letter he wrote Neilan after Neilan's attack against the veterans in the national magazine. Let me read you the letter:

"Mr. NEILAN: I have been a member of an affiliated organization of the chamber of commerce for approximately 20 years, which annual dues are about five times that of any veterans' organization. I have been acquainted personally with two past national presidents of the chamber of commerce, who were very fine and distinguished gentlemen.

"I was somewhat shocked to read the article attributed to you in the Saturday Evening Post. In my estimation you have done a great disservice to many thousands of veterans, who like myself pay large fees to belong to the chamber of commerce. You insulted these veterans, in my opinion, through your desperation for public attention or publicity. You insulted veterans' organizations that have cooperated and worked with the chamber of commerce throughout the United States in civic and welfare programs.

"There was an article that kept going through my mind when reading your insults entitled 'Let's Say "No" to the Veterans.' It is as follows, which you might find a little more interesting and I presume the research is factual:

"'DID YOU KNOW

"'In 1923 a very important meeting was held at the Edgewater Beach Hotel in Chicago. Attending this meeting were eight of the world's most successful financiers. Those present were the president of the largest independent steel company; the president of the largest gas company; the greatest wheat speculator; the president of the New York Stock Exchange; a member of the President's Cabinet; the greatest "bear" in Wall Street; head of the world's greatest monopoly; president of the Bank of International Settlements.

"'Certainly we must admit that here was gathered a group of the world's most successful men. At least, men who had found the secret of making money.

"'A check was made 25 years later; let's see where these men are:

"'The president of the largest independent steel company, Charles Schwab, died a bankrupt and lived on borrowed money for 5 years before his death.

"'The president of the largest gas company, Howard Hopson, is now insane.

"'The greatest wheat speculator, Arthur Cutten, died abroad, insolvent.

"'The president of the New York Stock Exchange, Richard Whitney, was recently released from Sing Sing Penitentiary.

"'The member of the President's Cabinet, Albert Fall, was pardoned from prison so he could die at home.

"'The greatest "bear" in Wall Street, Jesse Livermore, died a suicide.

"'The head of the greatest monopoly, Ivar Krueger, died a suicide.

"'The president of the Bank of International Settlement, Leon Fraser, died a suicide.'

"All these men learned well the art of making money, but not one of them learned how to live. So let's live and let live.

"Happy new year.

"Sincerely yours,

"WALDRON E. LEONARD."

Mr. Speaker, I am sure that Ed Neilan got the message. While he may today be enjoying life in a great master bedroom, I wish to remind him that in the architecture of the American system it is only a few short steps from the master bedroom to the doghouse.

For the benefit of the Scrooge of Wilmington and those like him who are opposed to veterans receiving their just due, I would like to review quickly a little history as it concerns veterans and bankers and veterans' benefits and interest rates. Those who have opposed veterans receiving their just due always take the position that those like myself who want justice rendered the American veteran are wild-eyed radicals, demogogs. We want to throw away the Government's money in unearned bonuses, et cetera, et cetera, et cetera. To these critics I would like to borrow a quote from the mayor of Cleveland, which he used concerning some hocum from the mouth of Ed Neilan. Quote, horsefeathers, unquote.

World War I was up to that time the greatest war in all history. Young men gladly served for the small compensation that they received. The private got "$30 a day 1 day a month." But after his allotment, insurance, laundry bills, incidentals were deducted and he had made a payment on a war bond—if he were able to pay on one—the amount he had left was usually raked off in his hat on payday in the form of small change.

However, the men did not complain; they were told that those who were furnishing the money would only receive a low interest rate in comparison to their low wages.

Most of the financing of the war was done through the sale of bonds since the amount of taxes raised was wholly insufficient.

The men were also told about the great and generous Government of the United States of America never forgetting those who came to its aid in times of trouble. The traditional policy of the Government was often quoted by civilian leaders, military leaders, and others to the effect that when the country is at war and needs the young men to defend and save it, the Government has an obligation later on when these young men become aged and they need the Government that they helped to save—the Government would then come to their aid and comfort and support as a traditional policy.

World War II was the greatest in every respect up to and since the time it occurred. A military man, citizen, soldier, and sailor received more pay than those who served in World War I. Even so it was recognized that they were inadequately compensated for their services. They were not paid the going rate for work or services of those who stayed home. During World War II, military officers reminded the men that though their pay was low, the people who furnished the money were buying bonds at a very low rate of interest. They were told that World War II would certainly not bring a rash of Daddy Warbucks, new multimillionaires. Everybody was supposed to make a sacrifice. The men by not receiving full and adequate pay, the people, corporations and institutions with money were also making a sacrifice by investing in bonds that provided a low rate of interest.

Immediately after World War II, the United States had a large national debt, aggregating between $250 and $300 billion—principally from the two major wars. Promises that had been made to those entering the military during these wars were not entirely forgotten, but as time went on they became only a dim memory. The result has been over the years that terrific fights were made against veterans benefits and every effort made to hold down the cost even though much of the cost required was entirely justified. On the other hand, the bondholders put on a tremendous campaign to get their interest rate raised on this debt. The result was that in 1946, a year after World War II ended, there were veterans benefits on the budget for $4.4 billion and interest payments on the national debt of $4.7 billion. In 1963, veterans benefits were $5.3 billion, the interest payments on the national debt $10.7 billion. For fiscal year 1965 it is estimated veterans benefits will be $5.1 billion, and for interest on the national debt $11.1 billion.

In compliance with my request, the Legislative Reference Service of the Library of Congress prepared a table for me, giving sig-

nificant information along this line. It is as follows:

Administrative budget expenditures for veterans benefits and interest on the national debt for fiscal years 1944–64, also national debt at end of fiscal year

[Amounts in millions of dollars]

Fiscal year	Veterans benefits	Interest payments	National debt
1944	745	2,609	201,003
1945	2,095	3,617	258,682
1946	4,415	4,722	269,422
1947	7,381	4,958	258,286
1948	6,653	5,211	252,292
1949	6,725	5,339	252,770
1950	6,646	5,750	257,357
1951	5,342	5,613	255,222
1952	4,863	5,859	259,105
1953	4,368	6,504	266,071
1954	4,341	6,382	271,260
1955	4,522	6,370	274,374
1956	4,810	6,787	272,751
1957	4,870	7,244	270,527
1958	5,184	7,607	276,343
1959	5,287	7,593	284,706
1960	5,266	9,180	286,331
1961	5,414	8,957	288,971
1962	5,403	9,120	298,201
1963	5,186	9,980	305,860
1964 [1]	5,362	10,701	311,800

[1] 1964 data are estimates from the Budget of the United States for fiscal year 1965.

Source: Bureau of the Budget of the United States and Department of the Treasury of the United States.
Submitted Jan. 23, 1964.

The average interest on the national debt is now much lower than it will be when the long-term 2- and 2½-percent bonds are refinanced at the now going rate which is much more than 4 percent. Then our annual interest burden will be much more than $12 billion.

It should be stated that most of our national debt was incurred during the Second World War. At that time the Bank of Wilmington, which Ed Neilan now heads, and other commercial banks bought a large part of the bonds that were offered by the Government to pay on the cost of the war. These banks were privileged to buy these bonds on the Government's credit without even a reserve and receive the interest on them as though they had actually paid their own money for the bonds. Even after the war was over and at the present time, Ed Neilan's bank and other commercial banks invest in Government bonds by creating the money on the books of the bank to buy them. Today they own about $70 billion worth of bonds acquired in this manner.

The Federal Reserve banks could have bought these bonds without interest cost to the taxpayers by the issuance of noninterest-bearing bonds for that purpose—or by permitting the interest to be paid and returned to the Treasury like it is done today, through the Federal Reserve banks. In other words, the Government is not dependent upon the commercial banks to purchase U.S. Government bonds. The Government, through Congress, could easily provide for any bonds that the Government needs to sell to be purchased by the Federal Reserve banks. In that way the people and the taxpayers would get the credit by not having to pay interest, or getting the interest returned and not giving it entirely to the commercial banks that created the money. The bonds should be sold to the "Fed" after all the money possible is raised in taxes and after all the bonds can be sold to individuals and corporations having actual money to invest.

The Federal Reserve banks now own $33 billion in Government bonds which they bought with created money on the Government's credit upon which over a billion a year is paid in taxes by the taxpayers, millions of whom are veterans. The Federal Reserve System spends all this money that it wants to spend—usually about $200 million a year—and returns the remainder to the Treasury.

It is difficult to understand how a banker like Ed Neilan would be so hard set against the veterans and insist that the people say "no" to the veterans, but with a straight face, at the same time ask the Congress and the people to pay a fabulous bonus each year to the bankers.

Although the figures used are not exactly comparable, they nevertheless tell the story that after the wars were over the men who fought the wars received low pay and those who bought the bonds received low interest; yet, the campaigns commenced to pay the veterans, their widows, dependents, and other necessary expenses, just as little as possible. It looks like the same campaigners against the veterans were campaigning at the same time for higher and higher interest rates for those who furnished the money, even though much of it was the Government's money that they themselves were receiving interest on.

So now we realize in this year 1964 the annual interest on the Government obligations—most of which was used to fight the two wars—is twice as much as the Government appropriates for all veterans of all wars for all purposes, including compensation, pensions, hospitalization, and for every other purpose.

All of this is information that Ed Neilan left out of his Saturday Evening Post article. His omission is part of his technique of distortion. The information I have presented is what the Ed Neilans of America do not want the public to know about or talk about or think about.

"[News release, the American Legion, Washington, D.C., Dec. 5, 1963]

"NATIONAL COMMANDER OF THE AMERICAN LEGION, DANIEL F. FOLEY, STRIKES BACK AT ANTIVETERAN ARTICLE IN THE SATURDAY EVENING POST, OF NOVEMBER 30, BY PRESIDENT OF THE U.S. CHAMBER OF COMMERCE, EDWIN P. NEILAN

"American Legion National Commander Daniel F. Foley today termed an article, appearing in the November 30 issue of the Saturday Evening Post and authored by the president of the U.S. Chamber of Commerce, a 'blatant and outrageous' attack on veterans and veterans' organizations and 'shocking and unwarranted' indictment of the Congress and of the Veterans' Administration. 'This will do nothing to improve the public image of either the Post or the chamber of commerce,' Commander Foley stated. The leader of the world's largest veterans' organization said the American people have a right to expect of the Nation's major magazines fair and responsible reporting. 'This article,' he declared, 'is a gross contribution to confusion. It is loaded with inaccuracies and inconsistencies.'

"The article, entitled 'Let's Say "No" to the Veterans,' contends that veterans are the 'worst offenders' among groups receiving from the Congress what its author calls handouts and Federal giveaways. It refers to the veterans' benefits program as a 'scandal' and implies that any veterans' legislation passed by Congress is 'loosely written.' Congressmen, says the article, 'are demonstrably unable to resist' the lobbyists.

"To thwart 'pressure groups' the chamber's president recommends abolishment of the House Veterans' Committee. 'If we were to pursue this kind of logic,' Commander Foley noted, 'one also would have to recommend the abolishment of the constitutionally guaranteed right of petition, and perhaps the American system of representative government. We doubt if the leading spokesman for the business lobby would seriously propose that the Banking and Currency Committees of the Congress be dissolved.'

"The chamber's president also charges the Veterans' Administration with 'loose' administration of veterans' legislation and with inefficient management of its hospitals. He would discontinue the VA hospital system and he questions the Agency's justification for remaining in control of other benefit programs.

"The American Legion took particular exception to the Post article's claim that the VA routinely permits veterans to perjure themselves so as to secure free medical care. The Legion's leader stated that 'this reckless accusation establishes without doubt the chamber president's complete ignorance of the extreme lengths to which the VA goes to insure that its hospital beds will be used only by those having entitlement on the basis of either service connection or need.' The commander said repeated surveys have demonstrated that abuse of the veterans' hospital treatment privilege is negligible. The findings, he pointed out, consistently have shown that 'less than one-half of 1 percent of the cases might be subject to question,' and he emphasized that this record is remarkably low in comparison with other public programs of like nature. The Legion spokesman added that his organization has given the VA every cooperation in continuing efforts to eliminate abuse of the non-service-connected medical program.

"The Post article, in the Legion's opinion, adds up to an unfair—and unsubstantiated—condemnation of all veterans' programs, even though its writer gives lipservice to the 'sensible principle that benefits should be paid only for service-connected disabilities, for unemployability and for need.' Commander Foley observed that the Legion has consistently supported this principle and, in fact, participated in establishing it as part of today's law. The chamber's president, however, selected out for particular abuse a general pension bill that is backed by an organization representing less than 10 percent of those in veterans' organizations, but he neglected to make clear the pension policy of the American Legion.

"The Legion commander said 'anyone even casually acquainted with our organization's longstanding position knows that we stand for a showing of need in non-service-connected benefit programs. The American Legion is, continued Mr. Foley, 'the foremost spokesman among veterans' groups for retention of a reasonable test of need in the veterans' disability and death pension programs. Within the framework of existing law, we seek moderate liberalizations in keeping with rising living costs, and such other modifications as will serve to perpetuate the dignified and gracious manner in which the Nation traditionally has cared for its war veterans and their survivors.'

"The Wabasha, Minn., lawyer identified four major fallacies in the Post article which he said served to discredit any claim its author might make to expertise in the field of veterans' affairs. These, together with the Legion's comment, are:

"1. The Post article asks, 'If low-income veterans of World War I should be helped, why shouldn't low-income, elderly nonveterans?' The Washington office of the U.S. Chamber of Commerce is well-staffed with experts in all forms of Government programs. It is inconceivable that its president would be unaware of the public assistance program under which well over 2 million older citizens, regardless of veteran status, receive a monthly payment consisting largely of Federal funds. The amount paid in such cases is, on the average, approximately the same as the average pension paid by the VA to a war veteran.

"2. The Post article says '* * * 85 percent of the VA patients have nonservice disabilities.' The quoted figure must have been grabbed out of the air for it bears no ascertainable relationship to official Government statistics. It is possible, of course, that all VA patients have some non-service-connected disability. The fact is, however, that somewhat over 40 percent of all veterans occupying a VA hospital bed have service-connected disabilities of a compensable degree. Of the remaining non-service-connected group, over 57 percent are under treatment for chronic, long-term disabilities such as tuberculosis and neuropsychiatric conditions. These patients would be a charge on the public whether in a VA or a non-VA hospital.

"3. The Post article claims '* * * there are generally more empty beds than patients in VA hospitals, if only because most of the patients are ambulatory.' The reference to 'ambulatory' patients renders this statement senseless. Under this definition, all beds in any hospital would be 'empty' on any given day that all of its patients could stand up and walk. The fact is the VA's record on utilization of beds is much better than non-VA hospitals. The bed occupancy rate for VA hospitals is 90 percent, compared to 75 percent for non-Federal hospitals.

"4. The Post article states: 'Our veteran population is aging, but not decreasing.' This would be a good trick, if possible. The fact is the Nation's war veteran population has been on the decline since March 1958.

"The chamber's president, a Delaware banker, favors dismemberment of the VA and letting the general social security system provide for the needs of veterans. Commander Foley called attention to the fact that the writer of the Post article failed to provide the details as to how this would be accomplished. 'Furthermore,' said Legion head, 'the business-lobby's representative did not tell us how much money, if any, would be saved. The needy—veteran or not—are cared for in our society for the most part through public programs. It is fundamental to the Legion's philosophy, however, that war veterans in need are a Federal responsibility and the VA is the agency for discharging that responsibility; and our philosophy in this regard is founded on the Nation's historic policy of providing special benefits for its war veterans and their survivors.'

"Representing the 2,600,000 veterans of World Wars I and II and the Korean war who are members of the American Legion, Commander Foley said: 'Thousands of Legionnaires also are members of some local chamber of commerce. They will have more than a passing interest in their national president's views as expressed in the Post article. We have found over the year that whenever a local installation of a Federal agency is threatened with transfer, dissolution or curtailment, the local chamber of commerce takes an active part in efforts to retain the status quo. Legion posts and chamber units often have joined forces to justify continued full operation of a given VA medical facility.'

"Commander Foley stated in conclusion that the Post article presents nothing new. 'It is the same old charges from the same old source. No amount of fallacious reasoning will dissuade the American public from its policy of caring for the Nation's war veterans and their survivors through special programs designed to provide for their just and reasonable needs. Neither will foundless attacks against the VA's fine record; nor will such a base purpose be served by impugning the integrity and judgment of Congressmen.

"'As national commander, I pledge to all needy war veterans, and to the widows and orphans of those who served, that the American Legion will continue its efforts in their behalf, that the VA's hospital system shall be maintained intact, and that we will fight with our full strength and resources any and all attempts to dismember the VA or otherwise weaken its ability to carry out its important mission.

"'We make no apology for our position on veterans' benefits, just as we need not apologize for the American Legion's great and continuing programs of community service; its child welfare work; its sponsorship of youth projects emphasizing American ideals of fair play, tolerance, civic responsibility, and constitutional government; its unselfish service to veterans and their dependents; its support for a national defense establishment second to none; its insistence upon the maintenance of American principles of justice, freedom, and democracy.

"'Finally,' said Commander Foley, 'in view of the attitude expressed by the writer of the Post article, perhaps it is also his view that veterans' groups, including the American Legion, should cease their keen interest and participation in countless community projects and endeavors all across America—many of which would not be realized without the support of such patriotic organizations.'

"NATIONAL LEGISLATIVE SERVICES,
VETERANS OF WORLD WAR I OF THE U.S.A., INC.,
"Washington, D.C., January 24, 1964.

"Hon. WRIGHT PATMAN,
"Member of Congress,
"House Office Building,
"Washington, D.C.

"DEAR CONGRESSMAN PATMAN: With each succeeding week it becomes more and more apparent that Edwin P. Neilan, president of the U.S. Chamber of Commerce, is fast becoming the victim of his own utterances.

"Starting last summer, Neilan, who is also president of a chain of banks in the State of Delaware, opened a vicious attack upon Members of Congress, terming them 'confidence men,' 'bagmen,' 'patronage peddlers,' 'gravy ladlers.' He, in plain words, accused Members of Congress of squandering the public money in order to perpetuate themselves in office and virtually stated that all of them were open to various means of bribery in order to hold their elected positions.

"This blast, of course, did nothing to ingratitate the chamber head with Members of Congress and since that time he has authored an article in the Saturday Evening Post. 'Let's Say No to Veterans.' This tirade was so completely devoid of facts that it has not been difficult for veteran leaders to point out the distortions and untruths in his article which has aroused a terrific tide of resentment amongst veterans, their friends, and supporters.

"As the president of the chamber of commerce, Neilan has been invited to address civic organizations in various cities. In nearly every appearance that he has made, his ill-founded statements have returned to haunt him. In Indianapolis, Ind.; Minneapolis, Minn.; Cleveland, Ohio; and Bay City, Tex., and even in his own State of Delaware his audiences have been astonished and amazed at the inaccuracies and misstatements that have been sprinkled most liberally throughout his addresses.

"His charges against veterans and veteran benefits have been most ably answered by top veteran spokesmen. It would appear that Neilan's image as a spokesman for the Chamber of Commerce of the United States has been considerably tarnished as he continues to play the contortionist and put his foot in the mouth at every conceivable opportunity.

* * * * *

"While it seems popular to downgrade World War I service, we wonder how many, if any, of these critics have studied the history of the hastily built citizen army who were thrown against the most efficiently trained and experienced troops in the world. History shows that these farmers, mechanics, and just plain kids met and defeated the Feldgrau Legions who had 4 years of combat to their credit in every major encounter of World War I.

"The record is filled with astonishments by our European Allies at the free-swinging and singing doughboys as they recklessly stormed the fortified positions of the enemy who had defied attack for so long a time. If Mr. Neilan had acquired a little mud on the seat of his 'britches' perhaps he would not be so glib and careless in his evaluation of men who did the impossible. The adjectives he uses in reference to these doughboys should make even the most shameless blush.

"While the chamber of commerce head is unalterably opposed to benefits for veterans, he has no such scruples when it comes to benefits for bankers, estimated insofar as Neilan's bank is concerned, as being approximately $400,000 yearly. This subject has been amply covered by the Honorable WRIGHT PATMAN, of Texas, a recognized authority on finance. It would appear that it is only a matter of a very brief time before Edwin P. Neilan will be thoroughly discredited by the people of this Nation.

"The Veterans of World War I wish to commend the Honorable WRIGHT PATMAN, of Texas, for his courageous stand before the House of Representatives in defense of the veterans of this country from the unwarranted and unjust attack upon those men and women who answered the call of their country in time of its greatest need. We wish to assure all of those Members of Congress who have courageously stood up to be counted in supporting the Veterans of World War I, whose average age is now 70 or better, and particularly in defense of the traditional treatment which has been a part of our Nation since its founding. These traditions have been established upon many a field of battle, from the earliest Colonial days through the French and Indian Wars, the Revolution, Mexican War, the Civil War, Spanish-American War, World Wars I and II, and Korea. This tradition is epitomized in the statement made by President Hoover that military service in time of war is extraordinary service over and above the normal requirements of citizenship and, therefore, entitled to special consideration. The American fighting man has garnered strength and encouragement from these traditions together with a spirit of determination to defend and carry forward into perpetuity our American way of life and the true concept of our realization with those who have given so much and who will, in the future, give that which has to be given in its defense.

"Again we want to say we are grateful, particularly to the Honorable WRIGHT PATMAN, of Texas, for his consistent support and in defense of the fighting men of this Nation from the time he became a Member of Congress to the present. We consider all those who are supporting this concept and our World War I program as men of courage and men with a deep, sincere sense of loyalty to those who have fought and to the American tradition.

"Sincerely yours,
"JOHN E. ERICSON,
"National Legislative Director.
"MICHAEL J. DWYER,
"National Research Consultant.
"LEROY P. CHITTENDEN,
"National Public Relations Director."

A SALUTE TO ELGIN NATIONAL WATCH CO. ON ITS CENTENNIAL

The SPEAKER pro tempore. Under previous order of the House, the gentle-

man from South Carolina [Mr. HEMPHILL] is recognized for 30 minutes.

Mr. HEMPHILL. Mr. Speaker, on March 18, 1964, a concurrent resolution relating to and saluting the centennial anniversary of Elgin National Watch Co. was passed by the house of representatives and the senate in my home State of South Carolina. This resolution was introduced by one of South Carolina's most distinguished citizens, Senator John Carl West of Camden, Kershaw County, of my district. Elgin National Watch Co. has a new, beautiful, and productive plant in my district, giving employment to hundreds of people, and producing great American products, and at the same time preserving and promoting skills so necessary in our overall defense concept. We are proud to have Elgin in South Carolina.

I would like to include as a part of my remarks the resolution, after which I should like to add some of my own remarks pertaining to this milestone in American industry:

S. 738

Concurrent resolution congratulating the Elgin National Watch Co. on the occasion of its centennial anniversary

Whereas Elgin National Watch Co. is the Nation's first major watch manufacturer to achieve its centennial; and

Whereas in a century of service to the Nation's economy, to its consuming public, and to its defense in peace and war, Elgin National Watch Co. has continually maintained only the highest standards of manufacture, quality of product and integrity of operation; and

Whereas, in its numerous contributions to the art and skills of watchmaking and to the Nation's space effort, Elgin National Watch Co. has become synonymous with timekeeping and horological products of the highest standards; and

Whereas, as an outstanding example of the validity of the American free enterprise society, Elgin National Watch Co. continues to grow, creating new products, new markets and thus new employment opportunities; and

Whereas, in establishing a major facility in this State, Elgin National Watch Co. is making a significant contribution to the economic growth of South Carolina: Now, therefore, be it

Resolved by the senate (the house of representatives concurring), That the general assembly does acknowledge with appreciation these contributions and extend to Elgin National Watch Co. and to its chairman of the board and president, Henry M. Margolis, its greetings and felicitations on the occasion of the company's centennial anniversary.

I am proud to join my colleagues and constituents in South Carolina in commending Elgin National Watch Co. upon achieving its centennial—an event which, in itself, is worthy of the approbation of all Americans.

More than a mere birthday is involved here. For if the roster of American companies that have reached the age of 100 is small, rarer still are those firms whose very names, products, and services have been woven into the fabric of our national economy.

Elgin is one of these. Born and nurtured in the great State of Illinois, the company today maintains manufacturing facilities in five States, including a new plant in South Carolina, and markets its well-known products throughout the Nation. I am proud that the new plant at Elgin, S.C., is located in my district.

In a century of contributions to the art of timekeeping, as well as to the national defense, Elgin has continually maintained high standards of quality and integrity. In World War II, its production of timing devices of all types for the military won 10 Army-Navy E's for production excellence.

More recently, Elgin, which is designing and building the central timing equipment for the Apollo project moonshot, won the commendation of the Air Force Ballistic Systems Division for engineering recommendations that were instrumental in saving approximately $100 million and 12 months of vitally needed time.

Next month (May) Elgin's chairman and president, Henry M. Margolis, will represent his company before the U.S. Tariff Commission in opposition to proposed tariff cuts on watch imports that would, in effect, destroy the U.S. jewelled watch industry, of which Elgin is an outstanding representative.

Mr. Speaker, it is with great pleasure that I salute Elgin National Watch Co. for its 100 years of corporate citizenship of the highest caliber.

THE LATE HONORABLE CHARLES CARPENTIER

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Illinois [Mr. LIBONATI], is recognized for 15 minutes.

Mr. LIBONATI. Mr. Speaker, the recent death of Charles Carpentier, secretary of State of Illinois, removes from the political scene one of the most versatile statesmen developed at the State level in Illinois politics. His loyalties and friendships traversed party lines. His long service in the State senate was marked with incidents in debate that brought to the fore his fighting qualities and superior abilities needed in tough debate. Whatever faults may be attributable to Mr. Carpentier—weakness of will or determination were not among them. He was plain and forthright in everything he advocated. He hit hard and learned well the rules of the game. He never lowered his dignity by indulging in trickery or vilification. He would be the first to defend one against unfair tactics. He was frank, sincere, and courageous. If he thought he was right, he stood his ground with reckless abandon regardless of the consequences, even against Governors of his own party.

He could meet and talk to individuals of all types at their level regardless of their social stratification—and he understood. There was no question where he stood on issues. He minced no words and talked straight out in plain terms. His ability as a debater was well known and his grasp of the question at hand was perfect. His strong mental qualities were best portrayed in fiery debate. His familiarity with life's problems correlating with legislative values gave him a terrific advantage in matters of government. He was one of the best informed senators in his committee work in the State senate.

His extended service at the legislative level was mainly responsible for Senator Carpentier's rise in State politics. As secretary of state, he solidified the workings of his office to best serve the public needs. His sagacious training as a business man prepared him for the many diversified public functions of his office. This was a real challenge to him, and he met each problem head on. He never discharged an employee because of that individual's identification in politics—a skilled or talented employee, expert in his work received adequate recognition for his efforts. Secretary Carpentier recognized the fact that regardless of changing political fortunes, the work of the office must go on, and that certain public services of the secretary of state's office, such as in the corporation, veteran rehabilitation, circulating library, licensing, inspection, and so forth, divisions required at certain levels highly qualified personnel—those that he needed, he retained. His astuteness in this regard increased public confidence in his administration, and earned the respect of his staff and personnel. He initiated many reforms to improve that service. He was especially alert to the responsibilities of his office to the care and rehabilitation of veterans and was active in Legion affairs.

Early in his senatorial career he joined his political fortunes with those of three of his colleagues—Senators Arthur Bidwill, Arnold T. Benson, and Bill Knox—now deceased—later Senator Merritt Little. Their political operations were centered at their home on Grand Street in Springfield. An organized strength of 20 senators dictated legislative policy in the senate—the press in less than endearing terms called the four power leaders "the Grand Street Boys." All Governors learned to respect their decisions. Charles Carpentier was the happy and carefree one of the quads—yet served well as the axman of the group, his aim was straight and his ax deadly once poised for a strike. It was his assignment, and he was an expert in his manipulations on the floor of the senate. Senator Knox was a genius in creating confusion; Senator Benson, sagacious in planning; Senator Little, a front runner in debate and Senator Bidwill the moderator and compromiser. This powerful team made itself felt in the annals of legislative politics in the State of Illinois.

No one need apologize for praising the fine qualities of a great leader, for without them Mr. Carpentier would not have received the great majorities in facing the electorate—even when his party suffered defeat statewide.

People who were not acquainted with Charlie are apt to judge him as just another politician feeding at the public trough—but those who did know him appreciated the great achievements accomplished under his leadership for the public good.

Secretary Carpentier was a natural in the field of politics. He had weathered the great depression, as well as the financial inroads of modern television and radio programs, crippling his two movie theaters in Moline. His was a struggle that every businessman of that era understood.

He developed into a peerless political manager and directed the fortunes of the regulars of his party. It was through his worthy efforts that the party retained its identity within the basic principles of Republicanism.

As a candidate for Governor of his State until his recent illness, he marshaled together a formidable organization for his own political future and his party's welfare.

But, alas, the fatal stroke forced his withdrawal in January, and on Friday, April 3, passed on through the gates of destiny to immortality. No one with his fiery temperament could expect a prolonged longevity. His vigorous approach to all things had taken its toll. Thus, this fine leader of rosy cheek, brightly eyed, of tigerlike ferocity and clear mind, lost his chance to storm the political heights—he failed to realize his ambitious suppressed desire to occupy the Governor's chair.

His two most intimate friends—Senators Everett Peters and Arthur Bidwill—reflected, in their silence, the great sadness in his demise. They were steadfast in their loyalty.

Among his many friends and admirers at the funeral were Senator George E. Drach, Andy Faseas, Senators T. MacDowning, A. L. Cronin, Daniel Dougherty, John P. Meyer, Edward Moore, Attorney General William Clark, Richard Hodgman, State Auditor Michael Howlett, Charles H. Perce, State Treasurer William J. Scott, Governor Otto Kerner, former Governor William Stratton, John William Chapman, U.S. Senator Everett M. Dirksen, Chief Justice Ray Klingbiel, Lt. Gov. Samuel H. Shapiro, House Minority Leader Paul Powell, his successor, Secretary of State William Chamberlain, Congressman Roland V. Libonati, Frank J. Dick, Congressman Robert B. Chiperfield, Judge Latham Castle of the United States Court of Appeals, John L. Davidson, Jr., vice president and general counsel, Wabash Railroad Co., and many others, marched—a cortege of 200—in solemn respect behind the hearse, from his home to St. Anne's Catholic Church.

He had many supporters in the Illinois General Assembly, whose mutual interests in legislation resulted in mutual respect. Among those were Senators Joseph De La Cour, Donald J. O'Brien, Anthony DeTolve, Frank J. Kocarek, Fred J. Hart, Edmund G. Sweeney, Robert W. McCarthy, William Lyons, Edward C. Eberspacher, William L. Grindle, Arthur W. Sprague, W. Russell Arrington, Frank M. Ozinga, Hudson R. Sours, David Davis, Lillian E. Schlagenhauf, Dwight P. Friedrich, Paul W. Broyles, Mrs. Madge Green, Everett E. Laughlin, Paul Simon, Paul A. Ziegler and Ex-Senator Benedict Garmisa, as well as Congressmen Elmer Hoffman—former Illinois State treasurer—John B. Anderson, Leslie Arends, Harold Collier, William Dawson, Edward Derwinski, Paul Findley, Edward Finnegan, Ken Gray, John C. Kluczynski, Robert McClory, Robert McLoskey, Robert Michel, William T. Murphy, Thomas J. O'Brien, Barratt O'Hara, Melvin Price, Roman Pucinsky, Charlotte T. Reid, Dan Rostenkowski, Donald Rumsfeld, George Shipley, and William L. Springer, and those as ex-legislators, Aldermen John D'Arco and Vito Marzullo, Mayor Richard J. Daley, County Clerk Edward J. Barrett not only held a great respect for the abilities of Charles Carpentier, both as State senator and secretary of state, but, whenever possible, cooperated with him in the realization of good government.

Col. Jack Arvey, Hon. Joseph Gill, and corporation counsel of Chicago John C. Melaniphy were frequent visitors to Springfield because of their public duties, and, when possible, enlisted Secretary Carpentier's advice and support.

Others who cooperated with Secretary Carpentier were State Representatives Louis F. Capuzi, Corneal A. Davis, Lawrence DiPrima, Andrew A. Euzzino, Peter C. Granata, Noble W. Lee, John Merlo, Richard A. Napolitano, Cecil A. Partee, Sam Romano, Matt Ropa, Elroy C. Sandquist, Frank J. Smith, John P. Touhy, John M. Vitek, Warren L. Wood, Curley Harris, Clyde L. Choate, William E. Pollack, Paul J. Randolph, Peter J. Miller, Peter M. Callan, Robert F. McPartlin, Peter J. Whalen, Michael A. McDermott, Michael E. Hannigan, John G. Fary, Michael A. Ruddy, John F. Wall, George S. Brydia, John K. Morris, Francis J. Loughran, Joseph P. Stremlau, Carl W. Soderstrom, Charles K. Willett, Edward McBroom, Charles W. Clabaugh, Dr. Edwin E. Dale, G. William Horsley, John W. Lewis, Jr., Charles Ed Schaefer, and Committeemen James East and Russell Root.

Rt. Rev. Msgr. William J. Cleary, pastor of St. Anne's Church, gave the eulogy at the funeral Mass. He praised Secretary Carpentier as "an example of steadfast Christian living in a world prone to forget its divine heritage. He spent his life serving his Maker and giving glory to his Creator. He worshiped here every Sunday and from his life among us he grasped the humble truths." He was buried in St. Mary's Cemetery in East Moline.

In the humdrum of political and business life it is impossible to expect the personal attendance of individuals at funerals but, one thing is certain, that on the burial day, hundreds of important political figures and thousands of our citizens who admired and loved this great leader, in silent prayer, called upon the Almighty to escort him to the house of the Lord. As was stated on the prayer card, dedicated to his memory, we have loved him during life, let us not abandon him until we have conducted him by our prayers into the house of the Lord.

O gentlest heart of Jesus, ever present in the blessed sacrament, ever consumed with burning love for the poor captive souls in purgatory, have mercy on the soul of Thy departed servant, Charles.

Be not severe in Thy judgment, but let some drops of Thy precious blood fall upon the devouring flames and do Thou, O merciful Saviour, send Thy angels to conduct Thy departed servant to a place of refreshment, light, and peace. Amen.

The proud heritage that he left his beloved family will give them strength in their bereavement. We, the members of the Illinois delegation, extend our heartfelt condolences to his lovely wife, Alta, his son, State Senator Donald, and his darling daughter, Mrs. Edward J. Piper.

The State of Illinois has lost a favorite son and distinguished public servant, and the Nation a patriotic American, who dedicated his life in public service. The American Legion has lost a comrade who never forget the widow and orphan and those who could not help themselves. God's will be done.

I dedicate to his memory these few stanzas:

He came with naught and left with naught
But fought his way for what he sought
And spent his strength through all this strife
Yet, was it worth the loss of life.

But, if there's peace o'er yonder hill
For one who served a people's will
Then God alone will surely know
An earned reward of heavenly glow.

[From the Chicago Tribune]

ONE THOUSAND ATTEND SERVICE FOR CARPENTIER; DIRKSEN, KERNER HEAD GROUP OF OFFICIALS

(By Robert Howard)

EAST MOLINE, April 6.—A requiem mass for Secretary of State Charles F. Carpentier was attended today by 1,000 persons, including top officials in both political parties.

Senator DIRKSEN, Republican, of Illinois, and Governor Kerner were in the front rank as 200 persons walked four blocks from the Carpentier home to St. Anne's Church, where all pews were filled and scores stood during the service. Heading the procession was a detail of 28 blue uniformed investigators from the secretary's office.

The Reverend William J. Cleary eulogized Carpentier, who died Friday of a heart ailment, as a humbly pious man who was steadfast in Christian living. In the circular church, the widow, Mrs. Alta Carpentier, and her son, Donald, a State senator, sat with other members of the family in a front pew on the left side. It was the State official's regular place when he attended masses here.

CHIEF JUSTICE ATTENDS

Among the mourners was Chief Justice Ray I. Klingbiel of the Illinois Supreme Court, a neighbor who was corporation counsel when Carpentier was mayor of East Moline.

The funeral brought a truce in the campaign for April 14 primary votes. Shaking hands in front of the Carpentier home in this industrial city were State Treasurer William J. Scott and Charles H. Percy, rivals for the Republican nomination for Governor. Supreme Court Justice Byron O. House commended their campaigning and admonished the rivals to "keep it clean" during the final week.

Carpentier announced in East Moline 8 months ago that he was a candidate for the Republican nomination for Governor. He withdrew from the race in January after entering a Springfield hospital.

PAGE ACCOMPANIED SCOTT

Scott flew here with Ray Page, State superintendent of public instruction. Their wives attended a memorial mass in Springfield, held for the convenience of the employees of the secretary of state's office.

All elected State officials came to East Moline for the funeral. Accompanying Kerner was William H. Chamberlain, who was appointed by Governor Kerner, to fill the 9 months of Carpentier's unexpired term. Legislators from both parties also attended.

Burial was at St. Mary's Cemetery here.

[From the Chicago (Ill.) American, Apr. 4, 1964]

HUNDREDS ATTEND CARPENTIER RITES IN EAST MOLINE

EAST MOLINE, ILL.—Scores of State officials headed by Governor Kerner joined fellow townsmen of Charles F. Carpentier Monday in paying their final respect to the late secretary of state.

The 800-seat St. Anne's Catholic Church was filled to capacity during the funeral

mass for Carpentier, one-time mayor of East Moline, who died Friday at 67 of a heart attack.

The theme of the funeral sermon, prepared by Carpentier's friend and pastor, the Right Reverend Monsignor William J. Cleary, was that Carpentier's long career was marked by dedicated service to his fellow men and his Maker.

BURIAL AT ST. MARY'S

After the 11:30 a.m. services, Carpentier was buried in St. Mary's Cemetery here near his parents.

Senator DIRKSEN attended the services. State Treasurer William J. Scott and Charles H. Percy, opponents for the Republican gubernatorial nomination, were also there.

William H. Chamberlain, who was appointed Carpentier's successor by Kerner, said the secretary of state's office was ordered closed Monday. He, too, attended.

Sunday night Monsignor Cleary led mourners in the recitation of the rosary for Carpentier.

WAKE IN HOME

Carpentier was waked in his home Sunday at 256 16th Avenue, East Moline.

Pallbearers were officials of the late secretary's investigation division.

Carpentier started his colorful political career as a Republican when he was elected an alderman in East Moline. He became secretary of state in 1952. Carpentier never lost an election.

A 4-day period of mourning through Monday was proclaimed by Kerner. Flags on all public buildings in the State will be flown at half staff.

Carpentier is survived by his widow, the former Alta Sarginson; a son, State Senator Donald D. Carpentier (Republican of East Moline); a daughter, Mrs. Edward J. Piper, and nine grandchildren.

AN ABLE OFFICIAL

We are especially sorry Charles F. Carpentier is dead because he had set, throughout his long life in politics, a fine standard of performance as a public official. He was a good secretary of state. He had been a good mayor of East Moline, and before that a good member of the city council. He was a good State senator.

Carpentier sponsored enactment of Illinois' drivers license law, which many other States have used as their model. As secretary of state, he worked constantly to improve the enforcement of laws withdrawing licenses from unfit drivers—and he must be given credit for helping materially in keeping the automobile death and injury rate in the State as low as it is—which is not, naturally, yet as low as it should be. He caused the phrase "Land of Lincoln" to be used on all Illinois license plates.

As Senator EVERETT DIRKSEN said in Washington Friday, Carpentier "raised the secretary of state's office to the magnitude of high public service."

Carpentier's interest was in the State of Illinois. He wanted to be Governor. He would have liked to have run in 1960, but Gov. William Stratton wanted to run again, and Carpentier gave up his own plans.

Last January he was easily leading in the contest for the Republican nomination when he suffered a heart attack. He was recovering from this in St. John's Hospital at Springfield when another heart attack ended his life early Friday morning.

He served the people of Illinois well for a long time, and they will remember him.

CARPENTIER WAKE IN EAST MOLINE

Friends and political associates of Charles F. Carpentier are headed for East Moline Saturday for the wake of the popular secretary of state.

Carpentier, 67, who suffered a fatal heart attack Friday, is being waked in the Van Hoe Chapel at 1500 6th Street, East Moline. Visitation at the chapel is from 2 to 9 p.m. Saturday.

GOES HOME SUNDAY

The body will be taken Sunday to the Carpentier home at 256 16th Avenue, East Moline, where visitation will begin at 1 p.m.

A rosary will be said for Carpentier at 7:30 p.m. Sunday in St. Anne's Catholic Church in East Moline.

Mass will be held at 11:30 a.m. Monday in St. Anne's Church by the Right Reverend Monsignor William J. Cleary, pastor.

Burial will be in St. Mary's Cemetery in East Moline. Pallbearers will be officials of the late secretary's investigation division.

FOUR-DAY MOURNING

Governor Kerner has proclaimed a 4-day period of mourning through Monday. Flags on all public buildings will be flown at half staff.

Carpentier is survived by his widow, the former Alta Sarginson; a son, State Senator Donald D. Carpentier, Republican, of East Moline; a daughter, Mrs. Edward J. Piper, and nine grandchildren.

[From the Chicago (Ill.) Sun-Times, Apr. 4, 1964]

CARPENTIER WAS IMMERSED IN CAMPAIGN UNTIL VERY END

(By Tom Littlewood)

SPRINGFIELD, ILL.—They could put Charlie Carpentier in a hospital bed, but they could not anesthetize him from the stresses and emotions of a rugged political campaign.

The Illinois secretary of state, Charles F. Carpentier, died early Friday of a heart attack shortly after he had issued a strong statement attacking State Treasurer William J. Scott, a Republican candidate for Governor in the April 14 primary election.

SERVICES MONDAY

Requiem mass for Mr. Carpentier will be offered at 11 a.m. Monday in St. Anne Roman Catholic Church, East Moline. Burial will be in St. Mary's Cemetery, also in Mr. Carpentier's home city of East Moline.

Msgr. William J. Cleary, priest for many years in the Carpentier family parish, will officiate at Monday's mass. Visitation at Van Hoe's Funeral Chapel, East Moline, is scheduled from 2 p.m. Saturday until Sunday noon, and visitation at the Carpentier residence from noon until 7 p.m. Sunday.

A rosary service is planned for 7:30 p.m. Sunday at the church. The family requested that donations be made to the St. Anne's building fund in lieu of flowers.

The 11 investigation lieutenants on his staff who will serve as pallbearers are: Victor De Corto and Joseph C. Green, of Chicago; Alfred Schiller, of Palatine; Samuel A. Maxwell, of Woodstock; Arthur M. Tofte, of Dixon; Edward V. Munge, of Pekin; Edwin Finney, of Champaign; Archie Smith, of Hull; Paul W. Bryan, of Flora; C. Luther Rudder, of Granite City, and Charles Bingaman, of Ullin.

Survivors include the widow, Alta; a son, Donald, who now occupies his father's old seat in the State senate, and a daughter, Mrs. Edward J. Piper.

The 67-year-old veteran Republican had expected to repeat his allegations against Scott from his hospital bed before television film cameras Friday afternoon.

ASSAILED SCOTT

Letters were mailed Thursday over his signature to Republican precinct committeemen and other officials. His statement referred to the treasurer as a "late-blooming candidate * * * a voluble young man (who) has been hurling a variety of irresponsible charges in all directions with the reckless abandon of a fifth-grader throwing snowballs."

The son of a Belgian immigrant tavernkeeper, Mr. Carpentier was stricken January 14—11 weeks and 2 days before his death—with an initial coronary thrombosis.

THREW SUPPORT TO PERCY

After his withdrawal and hospitalization here on January 21, Mr. Carpentier's support for the nomination was thrown to Charles H. Percy. Scott subsequently entered the race against Percy.

He lived for politics and loved the slambang of campaign combat. Often an irascible individual in good health, the white-haired secretary of state refused to shut the rousing campaign out of his mind.

Despite repeated warnings by his physicians that rehabilitation required "an environment free of the pressures and emotional involvement of a political campaign," he continued to read newspaper political stories and discuss political tactics with some of his staff.

His condition had improved, however, and he had been expected to be released shortly from St. John's Hospital for extended convalescence in Arizona.

SURVIVED DEMOCRATIC SWEEP

Mr. Carpentier was elected to three terms as secretary of state, being the only Republican State officer to survive the Democratic statehouse sweep in 1960.

His political career began with election to the city council of East Moline in 1924. He advanced to mayor in 1929, to State senator in 1938, and to secretary of state in 1952. In private life Mr. Carpentier owned a chain of movie theaters in Rock Island County.

The flag over the statehouse dome was flown at half-staff Friday and Governor Kerner declared a period of mourning through Monday. He asked that all flags on public buildings be at half-staff Monday.

Kerner said he would attend the funeral Monday, as will the State's leading political leaders in both parties. The Governor's Friday statement praising Mr. Carpentier as "a credit to the profession of politics" typified the high esteem in which the secretary was held.

Mayor Daley recalled his service in the Illinois Senate with Mr. Carpentier and termed him "a good secretary of state." "I extend my condolences to his family on their great loss," the mayor said.

Scott said, "It's very tragic. We were very good friends and served several years as State officials together. My prayers are with the family."

STATEMENT FROM PERCY

From Percy came this statement:

"The news of Secretary Carpentier's death saddens his thousands of friends throughout Illinois. I knew and liked Mr. Carpentier for many, many years. But during the last 2 months of his life when we became so closely associated I learned to appreciate at firsthand the qualities of mind and spirit that made him such a valuable public servant. The State of Illinois and the Republican Party have lost a true leader of men."

Lt. Gov. Samuel H. Shapiro said Mr. Carpentier "was a faithful public officer who served his State ably and well."

Hayes Robertson, Cook County GOP leader, termed Mr. Carpentier a strong force in the Republican politics and "a great credit to the party."

Former Gov. William G. Stratton said, "He was one of the most unusual men we have ever had in public office in this State. He was a great secretary of state and completely dedicated toward improving the office."

DIRKSEN TELLS GRIEF

Said Senator EVERETT M. DIRKSEN, Republican of Illinois: "When a man you have known through four decades passes on, he takes a little bit of you with him. * * *

Blunt and outspoken, yet kindly and courageous, always dependable, he was a true friend. I shall miss him, but Illinois will miss him more, for he gave his State his best throughout a lifetime."

Democratic Attorney General William G. Clark said the people of Illinois had lost a public official of whom they should be proud.

Alderman Jack I. Sperling (50th), a candidate for the GOP nomination as attorney general, said Mr. Carpentier's death was "a loss to all people who admire honesty and ability in public officials."

[From the Chicago (Ill.) Sun-Times, Apr. 4, 1964]

CHARLES F. CARPENTIER

Charles F. Carpentier will be remembered, the way Illinois secretaries of state usually are, as a man of great personal popularity and skill in the arena of State politics.

Louis L. Emmerson after three terms in the office went on to the governor's mansion and Carpentier, serving his third term, had hoped to do so, too, until stricken with a heart attack January 20. He had a large and loyal following in the State, built up over the years as he went up the political ladder. In 40 years he had won 15 straight elections, starting as an alderman in East Moline.

After five terms as mayor of East Moline he served four terms as State senator, becoming one of the most influential men in the upper house. A good-natured son of a Belgian immigrant innkeeper, Mr. Carpentier was a tough political fighter when the occasion demanded. He was so to the very end.

Although confined to a Springfield hospital bed Mr. Carpentier kept in touch with the current primary campaign by telephone. (He had a telephone installed that bypassed the hospital switchboard.) At age 67 he was expected to recover his health and his death was unexpected.

Only a few hours before he died during the early hours Friday morning Mr. Carpentier mailed a typically hardhitting letter to all Republican precinct committeemen, State central committeemen, ward and township committeemen and members of the general assembly commenting on the contest for the Republican nomination for governor April 14.

In it he reiterated his endorsement of Charles H. Percy and criticized the "irresponsible charges" being made with "reckless abandon" by Percy's opponent, William J. Scott. The letter was received as news of Mr. Carpentier's death was being published.

Thus "Charlie," as he was known affectionately by his host of friends, continued in his role as a force in Illinois politics to his last hours. His death removes a man of great personal popularity and takes away from the Republican Party the political strength not only of the man but the office that he held. Some 2,600 patronage jobs may now be taken over by the Democrats since Governor Kerner has appointed a Democrat to serve out the remainder of Mr. Carpentier's term.

Mr. Carpentier's successor should find the office has been run efficiently and with a high degree of responsibility. For Mr. Carpentier, as politicians must be if they are to be successful, was also a good public servant. In their bereavement, his family can be proud of that.

[From the Chicago (Ill.) Daily News]

THE LAST TRIP BACK HOME TO EAST MOLINE

Political friends and foes of the late Charles F. Carpentier will gather in East Moline Monday to pay their respects to the man who rose from smalltown movie-house operator to Illinois secretary of state.

A requiem mass for Mr. Carpentier will be offered at 11 a.m. Monday in St. Anne's Catholic Church, East Moline. Burial will be in St. Mary's Cemetery there.

Mr. Carpentier died early Friday of a heart attack in St. John's Hospital, Springfield, Ill., where he had been confined since suffering an earlier heart attack January 20.

Gov. Otto Kerner is expected to head the political delegation at the funeral.

The Governor ordered the flag over the statehouse dome to be flown at half staff and declared an official 4-day period of mourning.

Kerner called Mr. Carpentier, who was often a sharp political foe, a "credit to the profession of politics."

Mayor Richard J. Daley, of Chicago, further typified the wide respect held for the late secretary of state when he said:

"He always tried to do a good job for the people of Illinois. He was a good secretary of state."

Mr. Carpenter's political career dates back to 1924 when, at the age of 28, he was elected city councilman in East Moline.

This was the first of 15 consecutive election victories that carried Mr. Carpentier through several terms as mayor of East Moline from 1929 to 1939 and State senator from 1939 to 1952, when he was elected to the first of three terms as secretary of state.

Mr. Carpentier built a 10,000-vote majority in the 1952 election to a 384,000 majority in 1960.

Considered the frontrunner for the Republican gubernatorial nomination, Mr. Carpentier withdrew after he was stricken.

He offered the support of his powerful State organization to candidate Charles H. Percy against State Treasurer William J. Scott.

A master politician who particularly relished election campaigns, Mr. Carpentier was fond of saying, "I've never backed away from a fight yet."

It was in this spirit that he continued, against advice of doctors and friends, to work actively for Percy from his hospital bed.

He had scheduled for Friday a television appearance at the hospital in which he would have amplified a statement critical of Scott.

The statement was mailed Thursday to Republican officials throughout the State.

Mr. Carpentier reported chest pains Thursday night. He died shortly after midnight before his physician, Dr. G. K. Greening, arrived.

Senator EVERETT M. DIRKSEN, Republican, of Illinois, a close friend of Mr. Carpentier, said from his home in Washington:

"He was always on your side, blunt and outspoken, yet kindly and courageous, always dependable, a true friend.

"I will miss him, but Illinois will miss him more for he gave his State his best throughout a lifetime."

"It's very tragic," said candidate Scott. "We were very good friends and served several years as State officials together. My prayers are with the family."

"The State of Illinois and the Republican Party have lost a true leader of men," said Percy.

Hayes Robertson, Cook County Republican chairman, said: "He was a strong force in in the Republican Party. He was a credit to the party."

The Belgian consul general in Chicago, Albert Boelaerts, sent a message to Mrs. Carpentier, expressing "warmest sympathy in the great loss of your husband who was a great American and a great friend of my country."

Mr. Carpentier, of Belgian descent, earned the nickname "The Fighting Belgian" during his term as mayor of East Moline.

Besides the widow, Alta, Mr. Carpentier is survived by a son, Donald, Republican State senator from East Moline, and a daughter, Mrs. Edward J. Piper.

Friends may call at the Van Hoe Chapel in East Moline from 2 to 9 p.m. Saturday and to 1 p.m. Sunday. There will be a public rosary in St. Annes Church at 7:30 p.m. Sunday.

The 11 district lieutenants from the secretary of state's investigative unit will serve as pallbearers for the burial in St. Marys Cemetery, East Moline.

The family requested that in lieu of flowers, donations be made to the St. Annes building fund.

[From the Chicago (Ill.) Daily News]

CARPENTIER—ILLINOIS' ANGRY POLITICIAN

(By Charles B. Cleveland)

Charles Francis Carpentier was the angry man of Illinois politics.

Until he was felled by a heart attack earlier this year, he was clearly on his way to the GOP nomination for Governor, a lifetime ambition.

He might have made it all the way, with his legendary temper, extreme self-confidence—and the magic of a name imprinted on millions of forms as the Illinois secretary of state.

He was, to the end, the closest Illinois had to a Republican boss because of his control over one of the State's most important patronage offices, 2,500 jobs. His support thrust Charles H. Percy into a commanding position to a battle of his survivors for the governorship.

Short, white-haired and with a somewhat nasal voice (he was only a fair public speaker), Carpentier spent his lifetime in politics.

He was born in 1896, the son of a Belgian immigrant. After service in World War I, he went into the movie theater business.

He was elected alderman of East Moline's third ward in 1924, served five terms as mayor, then went to the Illinois Senate in 1938 and became the secretary of state in 1952.

In the senate he was known as one of "the boys on Grand Street"—a quarter of Republican senators who shared a rented home on Springfield's Grand Street during the legislative session and frequently voted as a bloc on key legislation.

One of the other "boys" was Arthur J. Bidwill of River Forest, now president pro tempore of the senate. That connection made Carpentier a frequent visitor to GOP legislative huddles in recent years, and a power in the upper house of the general assembly.

Another close friend was Ray Klingbiel, a boyhood friend Carpentier helped elevate to the Illinois Supreme Court.

In 1952, Carpentier took on what most observers thought was the impossible—beating popular Edward J. Barrett for secretary of state—but that was the year of Eisenhower.

In a vote of 4,400,000, Carpentier elbowed by with a 9,303-vote edge. Next time out, his margin was 600,000, and he joined the ranks of the political unbeatables.

Part of this voter magic was the office. Every voter writes out the name of the incumbent at least once a year for his auto plates, driver's license, or request for this or that form.

At first, his name was frequently misspelled Carpenter, which was among the things that made him angriest. But over the years the public learned to spell the name correctly.

Carpentier ran a good office, despite his hair-trigger temper. He had a knack of attracting and keeping capable assistants.

Although a thorough Republican, he retained many of Barrett's top aids at the start. And when he had to replace them, he picked their successsors carefully.

As a result, he and his assistants pushed through a model driver safety program, improved facilities for processing licenses and driver tests, and above all put in a tight disciplinary system to detect corruption—such as take-a-buck driver examiners.

[From the Chicago (Ill.) Daily News, Apr. 6, 1964]

CARPENTIER RITES HELD; PRAISE STEADFAST CHRISTIAN LIVING

(By Henry Hanson)

EAST MOLINE, ILL.—Charles F. Carpentier was eulogized at his funeral mass here Monday as an example of steadfast Christian living in a world prone to forget its divine heritage.

"He spent his life serving his maker and giving glory to his Creator," the Right Reverend Monsignor William J. Cleary said of the late Illinois secretary of state.

Monsignor Cleary, pastor of St. Anne's Roman Catholic Church, which Carpentier attended, recalled how the State official worshipped there humbly, Sunday after Sunday.

"From his life among us, he grasped the humble truths," added the priest.

More than 300 seats were reserved for State officials and other dignitaries in the 700-seat church, which was filled to overflowing.

After the mass, Mr. Carpentier was buried in the family plot at St. Mary's Cemetery.

The many State officials at the funeral were led by Gov. Otto Kerner.

Besides the Governor, State officials paying respects were Lt. Gov. Samuel H. Shapiro, State Auditor Michael J. Howlett, House Minority Leader Paul Powell, Attorney General William G. Clark, and Mr. Carpentier's successor, William H Chamberlain.

Also much in evidence were the two men now fighting for the Republican nomination for Governor, a position for which Mr. Carpentier was the front runner until he was stricken with a heart attack—State Treasurer William J. Scott and businessman Charles H. Percy.

The two shook hands outside Carpentier's home in the presence of Chief Justice Ray I. Klingbiel, of the Illinois Supreme Court.

"It takes the supreme court to bring two men together," said Judge Klingbiel with a smile as Scott and Percy chatted a few minutes.

Percy said, "I think that the people in the State are better aware of the issues now as a result of the campaign.

"This is going to be a very busy week for the both of us, isn't it, Bill?"

Scott answered, "You can be assured of that."

Percy later talked with Governor Kerner and told him some of his campaign experiences.

A block-long procession of public officials walked four abreast the four blocks from Mr. Carpentier's home to the funeral mass.

Governor Kerner was on the right in the front rank of marchers, and Senator EVERETT DIRKSEN, Republican, of Illinois, was on the left.

The hearse containing Mr. Carpentier's coffin followed them, along with a long line of black limousines containing more mourners.

Pallbearers were 10 blue-uniformed lieutenants of the State secretary's investigating staff.

Kerner declared Monday an official day of mourning throughout Illinois for Mr. Carpentier. Flags on State buildings flew at half staff, and the secretary's offices were closed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HANNA (at the request of Mr. BOGGS), for today, and the balance of the week on account of official business.

Mr. MCLOSKEY (at the request of Mr. HALLECK), beginning today, for indefinite period, on account of official business.

Mr. SMITH of Iowa (at the request of Mr. BOGGS), for the balance of the week, on account of death in the family.

Mr. FLYNT (at the request of Mr. BURKE), for Monday, April 13, 1964, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. HEMPHILL (at the request of Mr. BOGGS), for 30 minutes, today; to revise and extend his remarks and include extraneous matter.

Mr. ROOSEVELT (at the request of Mr. MOSS), for 60 minutes, on Friday, April 17, and to revise and extend his remarks and include extraneous matter.

Mr. LIBONATI, for 15 minutes, today; to revise and extend his remarks and to include extraneous matter.

Mr. PELLY (at the request of Mr. BELL), for 30 minutes, on April 14; to revise and extend his remarks and to include extraneous matter.

Mr. DORN (at the request of Mr. MOSS), for 60 minutes, on April 14; to revise and extend his remarks, and to include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. ALGER.

(The following Member (at the request of Mr. GROSS) and to include extraneous matter:)

Mr. GUBSER.

(The following Member (at the request of Mr. MOSS) and to include extraneous matter:)

Mr. FINNEGAN.

Mr. BURKHALTER (at the request of Mr. MOSS) in two instances, and to include extraneous matter.

BILL PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on April 10, 1964, present to the President, for his approval, a bill of the House of the following title:

H.R. 6196. An act to encourage increased consumption of cotton, to maintain the income of cotton and wheat producers, to provide a voluntary marketing certificate program for the 1964 and 1965 crop of wheat, and for other purposes.

ADJOURNMENT

Mr. MOSS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 29 minutes p.m.) the House adjourned until tomorrow, Tuesday, April 14, 1964, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1934. A letter from the Assistant Secretary of the Interior, transmitting a report of the Secretary of the Interior on the Kennewick Division Extension, Yakima project, Washington, pursuant to section 9(a) of the Reclamation Project Act of 1939 (53 Stat. 1187) (H. Doc. 296); to the Committee on Interior and Insular Affairs and ordered to be printed with illustrations.

1935. A letter from the Secretary of the Treasury, transmitting a draft of a proposed bill entitled "A bill to provide for the administration of the Coast Guard Band"; to the Committee on Merchant Marine and Fisheries.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DOWDY:

H.R. 10817. A bill to impose import limitations on certain meat and meat products; to the Committee on Ways and Means.

By Mr. RIVERS of Alaska:

H.R. 10818. A bill to amend the Alaska Statehood Act (act of July 7, 1958; 72 Stat. 339), and for other purposes; to the Committee on Interior and Insular Affairs.

By Mrs. SULLIVAN:

H.R. 10819. A bill to extend and improve the laws regulating companies which own savings and loan institutions insured by the Federal Savings and Loan Insurance Corporation; to the Committee on Banking and Currency.

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 Alaska, memorializing the President and the Congress of the United States relative to urging rejection of legislation eliminating the cost-of-living allowances to Federal employees; to the Committee on Post Office and Civil Service.

Also, memorial of the Legislature of the State of Massachusetts, memorializing the President and the Congress of the United States to enact legislation providing for more defense work for this area; to the Committee on Armed Services.

Also, memorial of the Legislature of the State of Massachusetts, memorializing the President and the Congress of the United States to enact legislation generally referred to as the urban mass transportation bill; to the Committee on Banking and Currency.

Also, memorial of the Legislature of the State of Massachusetts, memorializing the President and the Congress of the United States to enact legislation making Columbus Day a legal holiday; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CELLER:

H.R. 10820. A bill for the relief of Mrs. Michiko Miyazaki Williams; to the Committee on the Judiciary.

H.R. 10821. A bill for the relief of Dr. Edna Valera Franco and Mr. Benjamin P. Franco; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

850. The SPEAKER presented a petition of Maurice R. Franks, Searcy, Ark., requesting Congress to direct the Post Office Department to issue, in honor and memory of the late General Douglas MacArthur, a commemorative 5-cent postage stamp of similar design and in similar quantities to the stamp recently issued in honor of the late Eleanor Roosevelt; to the Committee on Post Office and Civil Service.

SENATE

MONDAY, APRIL 13, 1964

(Legislative day of Monday, March 30, 1964)

The Senate met at 10 o'clock a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore [Mr. METCALF].

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

O Thou companion of our pilgrim years: Another week begins, and brings its urgent round of concerns and duties.

Help those who by the trust of the people stand here in posts of high public office, in all things to be masters of themselves, that they may be the servants of others.

In times of tension and strain, be Thou to each of us a present help, waiting to live in us and to speak through us, a constant fountain of strength and power that will use our faltering weakness as a healing and illuminating channel.

Thus, in every test may we keep calm in temper, clear in mind, and pure in heart, in spite of ingratitude, misrepresentation, or even treachery.

And so, whether what is said or done in this uncoerced forum brings blame or praise, above all may there rest upon the shoulders of these spokesmen of the Republic the white mantle of unsullied honor.

In the Redeemer's name we bring our prayer. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Saturday, April 11, 1964, was dispensed with.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed a bill (H.R. 10723) making appropriations for the legislative branch for the fiscal year ending June 30, 1965, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 10723) making appropriations for the legislative branch for the fiscal year ending June 30, 1965, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

CIVIL RIGHTS ACT OF 1963

Mr. MANSFIELD. Mr. President, I ask that the unfinished business be laid before the Senate.

The ACTING PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business.

The Senate resumed the 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 public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

CALL OF THE ROLL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

[No. 131 Leg.]

Aiken	Holland	Morton
Allott	Hruska	Moss
Anderson	Humphrey	Mundt
Bartlett	Inouye	Muskie
Bayh	Jackson	Neuberger
Beall	Johnston	Pearson
Bennett	Jordan, Idaho	Pell
Bible	Keating	Prouty
Cannon	Kuchel	Ribicoff
Carlson	Lausche	Saltonstall
Cotton	Long, Mo.	Scott
Curtis	Magnuson	Simpson
Dirksen	Mansfield	Smathers
Dodd	McCarthy	Smith
Dominick	McClellan	Talmadge
Douglas	McGee	Tower
Fong	McGovern	Walters
Gruening	McIntyre	Williams, N.J.
Hart	McNamara	Young, N. Dak.
Hartke	Metcalf	Young, Ohio
Hickenlooper	Miller	
Hill	Monroney	

Mr. HUMPHREY. I announce that the Senator from North Dakota [Mr. BURDICK], the Senator from Virginia [Mr. BYRD], the Senator from Idaho [Mr. CHURCH], the Senator from Louisiana [Mr. ELLENDER], the Senator from Arizona [Mr. HAYDEN], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Oregon [Mr. MORSE], the Senator from Wisconsin [Mr. PROXMIRE], the Senator from Virginia [Mr. ROBERTSON], the Senator from Georgia [Mr. RUSSELL], and the Senator from Mississippi [Mr. STENNIS] are absent on official business.

I also announce that the Senator from Maryland [Mr. BREWSTER], the Senator from West Virginia [Mr. BYRD], the Senator from Pennsylvania [Mr. CLARK], the Senator from Oklahoma [Mr. EDMONDSON], the Senator from California [Mr. ENGLE], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Tennessee [Mr. GORE], the Senator from North Carolina [Mr. ERVIN], the Senator from North Carolina [Mr. JORDAN], the Senator from Louisiana [Mr. LONG], the Senator from Wisconsin [Mr. NELSON], the Senator from Rhode Island [Mr. PASTORE], the Senator from Alabama [Mr. SPARKMAN], the Senator from Missouri [Mr. SYMINGTON], the Senator from South Carolina [Mr. THURMOND], and the Senator from Texas [Mr. YARBOROUGH] are necessarily absent.

I further announce that the Senator from West Virginia [Mr. RANDOLPH] is absent during convalescence from an illness.

I further announce that the Senator from Mississippi [Mr. EASTLAND] is absent because of illness.

Mr. KUCHEL. I announce that the Senators from Delaware [Mr. BOGGS and Mr. WILLIAMS] are necessarily absent to attend the funeral of Hon. John G. Townsend, Jr.

The Senator from Kentucky [Mr. COOPER], the Senator from New Mexico [Mr. MECHEM], and the Senator from New York [Mr. JAVITS] are necessarily absent.

The Senator from New Jersey [Mr. CASE] and the Senator from Arizona [Mr. GOLDWATER] are detained on official business.

The PRESIDING OFFICER (Mr. RIBICOFF in the chair). A quorum is present.

Mr. HOLLAND. Mr. President——

The PRESIDING OFFICER. The Senator from Florida.

Mr. HOLLAND. Before I start on my prepared remarks, I ask unanimous leave that the rule of germaneness be waived, so that I may yield to several Senators who, I understand, have brief statements. I ask unanimous consent that I may yield to those Senators for those brief statements without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLAND. I ask that I may yield first to the distinguished Senator from Ohio [Mr. LAUSCHE], without losing my rights of any kind.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEMONSTRATIONS IN CLEVELAND, OHIO

Mr. LAUSCHE. Mr. President, I desire to say a few words about the threatened new demonstrations in Cleveland, Ohio.

Cleveland has been a community striving in the utmost to provide for every citizen a full enjoyment of his every right under the Constitution of the United States.

It has been a sanctuary for the oppressed. The downtrodden from practically all sections of the country have come to it knowing that it is a haven of help.

However, some foreign elements having no roots in the community have come into it and, by their disrespect for what is right and in ignorance of the

goodness of the Cleveland people, have brought false and unjustified shame upon a fair community.

I know the Negro leaders of Cleveland. They have been fair, making their fight for the acquisition of equality of treatment within the law.

The disregard for law has not been in the interest either of the Negro people or the security of our country. The evidence is convincing that in our city we have persons learned in the technique of creating chaos and disorder, and indifferent to the future life of the United States. These persons are not either by deed or word depicting the true and overwhelmingly prevailing attitude of Clevelanders that equality of opportunity must be given to every citizen.

All citizens are duty bound to conduct themselves within the laws of the city and State.

Liberty can only be preserved through obedience to law and order. Liberty does not mean license; nor that one can exercise his liberty to the infringement of the liberty of another.

Of course, recognition must be given to the difference between the fight to gain full enjoyment of constitutional rights, and the means through which such rights shall be attained. The achievement must come within the processes of law and not by trespass, riot, and flagrant defiance of the rights of others.

Candidly, I state that the cause of the Negroes in Cleveland and in the Nation has been markedly harmed by the recently practiced violence and threats of violence.

The organization of rifle clubs throughout the country and within Cleveland, with the avowed purpose of using the rifles and the trained riflemen to settle racial differences is shockingly and indefensibly wrong. In fact, Mr. President, it is criminal in spirit and in purpose.

Over and above all else, the law must rule. If it does not, the rights of minorities can forever be disregarded, because the majority by violence can always prevail over the minority.

The principal responsibility for keeping the conduct of the citizenry within the law is upon the citizenry itself.

It next lies with the public officials whose sworn duty it is to uphold the law. For the good of all the people of our democracy, those of us who occupy public office should and must be firm in the performance of our obligations that there shall be no surrender of government to trespassers, rioters, and insurrectionists.

Beyond that, we should make it our goal to provide equality of opportunity under the Constitution for every human being within our land.

Mr. President, I pondered deeply upon the advisability of making this statement. Friends of mine from Cleveland advised that I should not do it. One especially, who formerly sat in the Senate, stated to me, "Why should you do it when others will not?"

My answer was that it had to be done, and that we cannot afford to surrender government to trespassers, rioters, and insurrectionists. Though it means demise from public life, I shall feel the better for it that I have not been an abject coward fearing to speak what I believed to be the truth.

Mr. President, I yield the floor.

Mr. HOLLAND. Mr. President, I congratulate the distinguished Senator from Ohio on his fearless speech.

WILL RIGHTS BILL GRANT OR DENY LIBERTIES?

Mr. HOLLAND. Mr. President, I yield now to various Senators, first to the distinguished Senator from Georgia [Mr. TALMADGE], and then to the Senator from California [Mr. KUCHEL], the Senator from Kansas [Mr. PEARSON], and the Senator from Minnesota [Mr. HUMPHREY], provided that I may have unanimous consent to do so without losing my right to the floor, or any other right.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALMADGE. Mr. President, there is increasing evidence in some of the Nation's press of the growing concern of the American people over the so-called civil rights bill now pending before the Senate.

I am encouraged by this sign of increased public awareness of the far-reaching provisions of the bill. Inasmuch as it was railroaded through the House committee without legislative hearings of any kind whatsoever, the newspapers which are endeavoring to make up for this information gap are to be commended.

A splendid editorial examination of H.R. 7152 was published April 1 in the Brunswick, Ga., News, written by the editor, C. Howard Leavy, Jr. This editorial correctly assesses the dangers inherent in this proposed legislation.

I ask unanimous consent that this editorial may be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WILL RIGHTS BILL GRANT OR DENY LIBERTIES?

The so-called civil rights bill, now being debated in the U.S. Senate, is perhaps the most drastic, far-reaching measure ever to be considered by the Congress.

As claimed by its proponents the bill, if it becomes law, may grant certain liberties to minority groups, but it also would deny other liberties or rights to all the American people.

The most objectionable provisions of the measure are those described as the public accommodations and fair employment sections. In the former, according to opponents of the bill, even private clubs could lose their identity, and a portion of their facilities be forced open to the general public. Moreover, this section would deny property owners the right to operate their businesses as they desire. The fair employment section would deny businessmen the right to hire and fire as they choose, and furthermore would subject them to the caprice of a commission whose members could arbitrarily examine a company's records to determine whether there has been discrimination in hiring or firing practices. If the commission decides there has been discrimination the owner would be tried before a three-judge Federal court—with no right of trial by jury.

People in all sections of the country have been disturbed over these and other provisions of the bill, and many have asked their Senators to oppose the measure as presently drafted.

This brings us to the matter of amendments—and many will be offered not only by opposition southern Senators but by those from other sections who favor a civil rights bill but feel the measure in its present form is too drastic, too harsh. For example, Senator DIRKSEN, Republican, of Illinois, and Senator MORSE, Democrat, of Oregon, who want a rights bill passed, say the measure currently before the Senate must be amended or softened—especially the accommodations and employment sections—or they will not support it.

We believe the American people will not accept the measure in the absence of clarifying or softening amendments, and in simple justice and fairness we hope the Senate will consider carefully the serious effects of the bill, not on the people of the South or North or West, but on all the American people.

Meanwhile, Georgia Senators RUSSELL and TALMADGE and others who oppose the bill in its entirety, are waging a valiant fight. Their purpose, primarily, is to explain the proposed legislation in detail, and thus inform the country how dangerous and far-reaching are its provisions.

THE SS "HOPE," AMERICA'S VOLUNTEER HOSPITAL SHIP, DOING SIGNIFICANT JOB IN ECUADOR

Mr. KUCHEL. Mr. President, during the past few days, the attention of all Americans, as well as people throughout the world, has been directed toward the tragic events of nature which have been taking place in Alaska and along the Pacific coast.

In another part of the world, in Peru and Ecuador, a group of dedicated Americans is bringing teaching and training, care and comfort, to thousands less fortunate than we. I speak of the medical staff of the hospital ship SS *Hope* now anchored at Guayaquil, Ecuador.

I am proud to include, among my constituents, Dr. Eldon Ellis, of Redwood City, who has recently returned from spending a 2-month tour of duty in Guayaquil as well as Trujillo, Peru, where a Project Hope medical team carries on the work begun there when the ship visited the area in 1962. Dr. Ellis also served aboard the *Hope* during its Peruvian medical mission.

Mr. David Perlman, a correspondent for the San Francisco Chronicle, talked with Dr. Ellis recently upon his return to the United States and reported on the work carried on by Project Hope in South America. I ask unanimous consent to have printed in the RECORD Mr. Perlman's report. I salute Dr. Ellis and the more than 600 members of the medical profession who have served aboard the SS *Hope* during voyages to Indonesia, South Vietnam, Peru, and Ecuador.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE SS "HOPE'S" ENDLESS MISSION

(By David Perlman)

GUAYAQUIL, ECUADOR.—The SS *Hope*, America's volunteer hospital ship, is on duty here in Ecuador now, doing a job whose significance most people back home barely realize.

The *Hope* and its staff of doctors and nurses from throughout the United States take care of sick people—thousands of them. They operate aboard the ship, they hold clinics deep in the most woeful slums, they distribute free milk.

Their generosity is boundless, their enthusiasm is immense.

As a result, the United States has incurred the gratitude of thousands of poverty-ridden people in Ecuador, just as it has in Peru, in Vietnam, and in Indonesia, where the *Hope* has also operated.

GOAL

It may have also won some sort of leg-up in the cold war, if anyone chooses to think of a hospital as a cold war weapon.

But earning gratitude and winning skirmishes are not the goals of the *Hope*'s staff, although they may well be for many of the Americans who contribute the $4 million a year it takes to run the international project.

The *Hope*'s goal is simple but tremendously bold: To help advance, by teaching and example, the standards of medical care in those remote corners of the world where the job seems toughest.

IMPRESSIVE

I have just spent some time aboard the white ship here in Guayaquil. After visiting with doctors, nurses, technicians, and patients; and after watching *Hope*'s work in clinics ashore, I'm deeply impressed.

Some of *Hope*'s volunteer physicians may come from the States for their 2-month tours of duty thinking of themselves as a cross between Albert Schweitzer and Dr. Kildare. But once here reality takes over. They discover that the SS *Hope* can, in essence, do one truly major job, and do it superbly well.

It can patiently teach and train and set examples for the medical personnel of impoverished countries, so that a legacy is left of modern technique, of insistence on sterilization and immunization, and above all of profound concern for patients as individual human beings.

CHANGES

I visited one public hospital here in crowded, steamy, filthy Guayaquil, for example, where patients lie on the ward floors, two to a mattress, waiting for a vacant bed. There are almost no nurses; the bandages of untended surgery patients ooze blood; a lucky few have mosquito nets to keep the flies off their sores.

The *Hope*'s physicians run a clinic here, and already changes are on the way. Operating rooms are being modernized; Ecuadoran doctors are beginning to press hard for reform; some of the hopeless stagnation is lifting.

Dr. Eldon Ellis, a Redwood City chest surgeon, is working with the *Hope* here on his second round of duty as a volunteer. He did his first tour a year ago, when the *Hope* was anchored at Trujillo, an abysmally poor waterfront city in northern Peru.

SURPRISE

When he flew down to join the *Hope* here he made a side trip to Peru just to see if any of the *Hope*'s influence had remained.

"It was extraordinary," he told me, "I learned that if you really get through to people you can actually change institutions. I was amazed.

"Here we had worked in slums where they had no water, no electricity, no schools, no sewage. We even faced opposition by some strongly conservative medical leaders. But we had tried to stimulate the younger doctors, and to make the people themselves take an interest and realize that their misery wasn't inevitable.

CLEANLINESS

"When I went back I found that right in the slum where we had worked, volunteers had built a well and a pump for water; they had pressured the mayor into taking measures for sanitation.

"The clinic was continuing, and the hospital was enforcing rigid rules of cleanliness in its operating rooms. They were sterilizing all their instruments now, instead of pumping patients full of antibiotics as a preventive against infection.

"The doctors were really proud of the work they were continuing; and it made me proud too, that the *Hope* had started it.

INDIVIDUALS

"But most significant of all we seem to have established the concept that patients are individuals; and that the best medical practice recognizes this fact above all others, whatever the patient's level in life."

The *Hope* has left a medical team in Peru to continue teaching and to help with a new medical school there. Similar teams are operating in Vietnam and Indonesia.

This Hope project is an interesting one. Begun in 1960 as part of the people-to-people program, the hospital ship has a staff of about 85 doctors, dentists, nurses, and medical technicians. The doctors are all volunteers, except for the chief of staff, Dr. Howard R. Porter, a thoracic surgeon from Highland Hospital in Oakland.

EQUIPMENT

The ship is completely equipped with beds for 120 patients, diagnostic X-ray facilities, special laboratories, three operating rooms, and closed-circuit TV from the operating rooms to a small auditorium.

It is a hospital, but a teaching hospital. During every working moment every doctor, nurse, and technician has at least one Ecuadoran counterpart who works, observes and learns alongside him.

There are classes all the time; there are hospital rounds ashore. The American doctors work intimately with Ecuador's three medical schools, and with local sponsoring committees. The Ecuadoran Government requested the *Hope* mission.

At clinics in Guayaquil's largest, mud-choked, miserable slums, the *Hope*'s staff saw nearly 1,500 patients last month, and distributed 6,000 pints of milk. At local hospitals *Hope* clinics saw 1,452 patients, and aboard ship another 469 patients were treated. Surgeons performed 186 operations.

But to the *Hope*'s staff a great tragedy is that so few people who need help can receive it. It would obviously take a thousand *Hopes* to clean up the festering burden of unmet medical needs in a country like Ecuador.

"It hurts," said Dr. Porter, "but we simply have to be realistic. We have to remember that we're here to teach, and we must select our patients for their value in teaching. We don't try to do dramatic heart surgery, or treat cancer, because these aren't the areas where the big public health problems lie.

TREATMENT

"Instead, our surgeons correct hundreds of orthopedic deformities, left over from birth defects and polio. We do pediatrics; we cope with parasite infestations.

"We treat syphilis; we teach tuberculosis control; we try to persuade doctors that delivering babies should be their business and not left only to midwives."

The *Hope*'s chief nurse, Dorothy Aeschliman, of San Francisco, has been aboard since the project began. She's a realist too, and a dedicated one.

"Coming directly into a country," she said, "gives us a chance to get really close to our counterparts here. They live with us and work with us aboard ship. We work with them in their hospitals."

ENCOURAGEMENT

"There are people here, and in every country, who are trying hard to do a good job against terrible difficulties. They need a fair piece of encouragement, and perhaps this bucking up for the future is what we can give them best of all."

The gleaming white *Hope* has been in Guayaquil since last December, and will remain until September. From here she will go to Guinea, in Africa, at the request of Guinea's Government.

She has already helped train more than 2,000 doctors and technical personnel since she first left San Francisco in 1960; her surgeons have performed more than 4,000 major operations, and 500,000 have been examined and immunized at *Hope* clinics.

The *Hope*'s record is impressive; but her missions is endless—at least until the world changes.

POLITICS IN 1964—AN ADDRESS BY HON. ALF LANDON

Mr. PEARSON. Mr. President, I ask unanimous consent to have printed in the RECORD an address by Alf M. Landon before the Kansas Council for the Social Studies at Russell, Kans.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

POLITICS IN 1964

(Address by Hon. Alf M. Landon at the Kansas Council for the Social Studies, Russell, Kans., April 4, 1964)

By politics, I mean questions covering government, domestic, and international policies.

I cannot, of course, cover the whole field of issues involved in the coming election that are now being shaped by our President, by the Congress, and by economic and political conditions in America and the world.

I will attempt to discuss briefly three basic bipartisan problems: Control of news by the executive side of our Government, international policies that are being shaped now by our President and the Congress, and domestic problems particularly relating to agriculture.

1. As to news—

We are living not only in an era of great and rapid change. We are also in an era of great volumes of news. Our American news media are to be complimented for a good job done in keeping up with that change and with its multiplicity of news.

While there has never been—by and large—better news coverage than we have today, there are still highly important unanswered political questions lost today in that heavy day-to-day volume and multiplicity of news that are not followed up as they should be by good reporting.

Frequently two different and contradictory sources of information exist in the national executive branch: One handed out for the public, the other for administration officials. That is not good. That involves more than the customary management of news by every administration. It means downright deception.

Today's increase in the channels of communication has given Government propaganda a big edge over objective thinking because Americans are not able to digest all the mass of information that floods them. Taking advantage of that situation, our Government is holding back certain vital information and parts of the news for political as well as military reasons and, in the torrent of world news, these critical omissions are not noticed.

Even more important is for the Congress once more to vigorously assert its rights of punishing officials of the executive branch that deliberately withhold pertinent information, misrepresent, and even lie to congressional committees to cover up the mistakes of the executive branch. A song, "It Is

Classified," ought to be written to the tune of "Old Man River."

I call attention to—and urge support of—the U.S. Senate Judiciary Subcommittee's proposal:

"There is, of course, a certain right to privacy and a need for confidentiality in some aspects of Government operations. But outside these limited areas, all citizens have a right to know."

Government is more rigid in its structure in management of its affairs than private business. Yet this era of great change—particularly in science affecting military weapons—has forced a policy of cost-plus, instead of contracts to the lowest bidders in the field of military equipment.

Models of guided missiles, and manned aircraft are started and then must be changed constantly as experiments reveal defects or bring improvements in the original design.

Undoubtedly, with the vast spending that is taking place in our Defense Establishment, that method of cost-plus has encouraged fraud by those seeking special advantages by manipulation of the regulations and specifications by corrupt public officials or in return for political favors.

All that demands the most rigid ethical standards and attention by public officials.

The TFX General Dynamics contract is a case in point. Senator JOHN F. MCCLELLAN, of Arkansas, chairman of the Senate Investigation Committee of this contract, point-blank accused Under Secretary of Defense Gilpatric of a conflict of interests in this case in favoring the Texas firm, which was neither the lowest bidder, nor had the approval of its design by top military experts in the Pentagon. That being true and known Mr. Gilpatric's connection with the Pentagon should have been terminated either before that contract came up for discussion or immediately after it was discovered.

It is not Bobby Baker that is on trial in the Senate investigation. It is the Senators themselves. Senator HUGH SCOTT, of Pennsylvania, in the AP report of March 13, said he "reluctantly had concluded the U.S. Senators would not investigate themselves."

During the past year, I have read and listened to statements that a public official's private life is separate and distinct from his public life. That's pure baloney. As William Allen White once put it, he wears a plug hat to bed and lives in a goldfish bowl. A public official's private life and affairs are and ought to be a part and parcel of his public record.

A public official who nourishes in his ethical and moral obligations easy and loose attitudes in efforts to influence favorable or special action involving critical decisions of Government funds lays the foundation for a growing menace to government in America.

Interpretations of what constitutes conflicts of interests widely differ and cannot and must not be ignored by the press and by American people. The burden of proof rests on all public officials in a vulnerable position. Even where there is no bribery involved—either directly or indirectly—the public should demand the simple question of those officials: Is their conduct and attitude proper and ethical?

There is a bill by Senator CASE and Senator NEUBERGER pending in the U.S. Senate that will solve that for the voters and all public officials. That bill requires that all Members of the Congress and high appointed public officials and staff disclose their sources of income anually.

I do not believe the bill goes far enough. I would make their income tax returns a public record. Let the light of day fall on all their transactions. Then the fog of conflict of interests will be dispersed, clearing the voters' vision. It can be safely left to them to conclude the matter properly.

That, in turn, will encourage States to set the same standards. Why wait for the Congress? I hope Kansas gubernatorial candidates will support a declaration in both party platforms for such legislation.

In this extremely dangerous period, neither Republicans nor Democrats should ignore factors threatening to undermine our strength of character at home and our position in the world at large.

Control of news is not confined to these few illustrations I have mentioned. This evil is present in the following subjects that I will discuss.

2. In the field of international relations—

The official label of "training and support," applying to our military force in South Vietnam, is a deliberate misrepresentation of a material fact with intent to deceive. The cold facts are that our American soldiers are involved in daily combat. According to a recent Associated Press story, in our fighting planes, "the Vietnamese who sometimes rides along is normally an ordinary soldier—his rifle between his legs—sitting between two gunners. He seldom can speak English."

There is the host of unanswered questions in our foreign policy, particularly relating to South Vietnam. We've had inconsistent and contradictory statements from the Secretary of State, the Secretary of Defense, the Democrat majority leader in the U.S. Senate, Senator MIKE MANSFIELD, of Montana, and our President himself.

It was obvious for many months that our situation there was going from bad to worse. Secretary McNamara said, on his return from South Vietnam in December 1963, that we would have our troops out of there by 1965. That meant only one thing to the South Vietnamese and the whole world—that we were licked. To the American people that meant we had won the war. Everyone else but the American people knew that we were losing a war in which American soldiers were directly involved and fighting.

Secretary McNamara completely reversed his position of taking our troops out of South Vietnam in 1965 on March 18, saying we would send all military and economic supplies necessary to South Vietnam's victory. Two Democrat Senators immediately jumped on him for that demanding we bring our military force home.

As for Secretary of Defense McNamara. I think it can be said that he had the simple direction of a man of action in his first statement and his second statement.

If the South Vietnamese were not willing to do more to save themselves from Communist imperialism, then he would bring our combat army home. When, as, and if they did, he would finish the job.

In his last statement, he evidently reflected his confidence in the ability and the determination of the present Government of South Vietnam to unify an all-out effort by the South Vietnamese in defense of their liberty and freedom from Communist imperialism.

It has been 2 weeks since Secretary McNamara's return with General Taylor and we still do not have his report and recommendations, except in piecemeal that is simply a rehash of what he already had previously said. Even of greater importance, the administration has not formulated its policy on South Vietnam except the general White House statement on March 17 of continued military and economic aid. Why this delay in all the aspects of Secretary of Defense McNamara's report?

Still unsettled is what are we going to do that we have not been doing to establish the security of the South Vietnamese and then get our American combat forces out of there for home.

The most accurate answer at this time has to be that neither the State Department nor the President knows exactly what our new policy ought to be and is to be in Vietnam. I say that in full appreciation that there are many imponderable factors that surprise us—including the position of other great friendly powers who are involved in any actions we take.

South Vietnam is a key country to the free world and America. If we withdraw our combat troops—and that country follows the course of action of its neighbors and lines up with China—Formosa, South Korea, Japan, and the budding Malaysian nation are all outflanked. The pressure then is on the Philippines and Australia, and America is backed up against Pearl Harbor.

It can be, by and large, a correct foreign policy for our Government to be flexible in this kind of a world. That should not mean conflicting and vacillating day-to-day decisions. For example, the President's statement relating to Panama. That was, according to a spokesman for the Organization of American States, such a shock and surprise that that Organization withdrew from any further negotiations. Later the President felt it necessary to attempt to rectify that previous statement.

When our late President established his Cuban quarantine, our embassies received the customary long cablegrams of explanations to make to the other embassies. One of our foreign ambassadors told me that, when he started explaining his cablegram to another ambassador, he was stopped with just one question: "Do you intend to go through with it?"

Cuba today is not only a base of great military value to Russia—with a submarine base 90 miles from our shores—Cuba also has great value as a training camp for Communists in the Western Hemisphere, instructed in the techniques of murder, sabotage, guerrilla warfare, and propaganda.

Our policy is a voluntary economic blockade. I have always favored trading with all countries. As I said some 15 years ago, if it was true that trade followed the flag, by the same token it was true that the flag followed trade. Honest and fair dealing with even native tribes has always been the way to make friends. Yet we never learned that lesson out of the early days in our country's racial relations.

What I am saying is that we were juvenile in breaking our own policy of voluntary economic blockade of the Communist countries with the Russian wheat deal, and not expecting our friends to do likewise. When we suspended our foreign aid in retaliation, they did not get mad—they laughed at us. The rush is on among them to get into the Communist market.

The point I'm making is that the American people are entitled to know what our policies are in that Communist beachhead on our shores—as well as in South Vietnam or anywhere else in the world—if we really have one. We are entitled to know the story—not from some Government handout, but from free unshackled news media.

In 1936, I said the Neutrality Act was not a way to peace. It would lead a foreign aggressor to believe the American people would not fight a war under any circumstances—and that was not true.

Our foreign policy has been purely defensive under both Democratic and Republican administrations. That is unhappily reminiscent of the 1935 Neutrality Act—a purely defensive policy.

If the United Nations is not to go the way of the League of Nations, the indifference and lipservice of many of its membership must change to positive support. Come fall, some 17 nations in default of their dues must put their money where their mouth is—as the old saying goes—or lose their vote.

A week ago, Senator FULBRIGHT, chairman of the Senate Foreign Relations Committee, directed the attention of our country to our unrealistic foreign policies and called for basic changes that I have long advocated. I agree with the Senator's general proposals, his reasoning, and his flat statement that our Cuban policy is a failure. I do not agree

with him when he says Castro is a "distasteful nuisance but not an intolerable danger to the United States."

I do agree with Secretary of State Rusk, who promptly contradicted Senator FULBRIGHT, saying, "Castro is more than a nuisance. He is a menace to this hemisphere."

I emphatically believe that Senator FULBRIGHT's position—that it is high time that we reappraise our international economic policies in the light of drastically altered international political relations—is sound and calls for thorough consideration by all Americans.

Quoting "Research Institute Recommendations" of February 21:

"Khrushchev took another battering from the party in Moscow, last week. He's still on his feet, but looking shakier than ever. In fact there's real question now how much authority he has left.

"The setting for this latest round was unusual in itself; another plenum (full meeting) of the Party Central Committee—just 2 months after the last, instead of the customary 6 months. Its topic: agriculture—worst item in the whole Soviet mess. Its real subject: a free swinging battle over everything from ideology to the weather, so violent much of it is still secret."

Khrushchev's situation at home is a key factor in all foreign offices and state department decisions throughout the entire world. He is manifesting once again his clever skill of personally surviving awesome political hazards.

We are in some respects an isolated nation and getting more so every day. Whatever difficulties we Americans face and whatever breakdown we see in NATO, our problems are comparatively small when contrasted with the situation of the Soviet Union.

Its agriculture is an abysmal mess, and it will not be much different next year. Communism the world over is turning more gradually to the profit incentive of capitalism in both agriculture and industry in order to get its essential production. The Soviet Union's capability of enforcing discipline and unanimity in its central European colonies is now much less than has ever been the case. The Sino-Soviet conflict is proving both dangerous and costly to the Soviet Union.

Not only are countries like Indonesia, Cambodia, and North Vietnam getting off the fence on the side of China; the Communist Party in every country in the world is splitting between Russia and China.

Khrushchev has said that he would bury us. Mao now is saying he will bury both of us. If Mao is right, that will make two in the same grave.

Khrushchev evidently was building his support against Mao and the Chinese militancy in Budapest this week. After all, China is camped right on Russia's long border—not ours—and, to some extent, we may be fighting the Soviet Union's battles in Asia. That might make a lot of difference in international relations this year.

3. On our domestic policies—

Our national administration has the definite Keynesian theory of planned deficits—big government expenditures, big capital investments—being tried for the first time in any country, with its own addition of lower Federal taxes.

By and large, the conception of farm policies by Democrat administrations since the days of Secretary of Agriculture Henry Wallace, has been to balance output with consumption by eliminating hundreds of thousands of farmers. As it is now, farm producers are being sucked into the political quicksand of Government control and Government help.

Among other reasons I advocated the late President Kennedy's trade legislation was that it was the only way the American Government could handle trade negotiations with growing common market countries. As I said at the time, how efficiently it would be administered was another question.

When you get a perishable commodity that is walking around on four legs, what are you going to do with it? You can't hold it off the market indefinitely or put it in surplus storage like wheat.

I believe that farm organizations should be considering how they are going to meet their problems with their own marketing devices and plans. Therefore, what I am suggesting in the way of marketing controls is by the farmers themselves through their cooperative associations—not the National Government.

Basically, the problem is one of control by farmers as they move in unison on long-range planning through better marketing organizations.

The livestock people in Kansas are going through the same difficulties and problems our wheat producers have been going through these past years. Both have improved their production—more calves are saved now than was true 20 or 30 years ago, and the whole business of feeding has improved the production of livestock.

While consumption of beef, pork, and mutton has gone up, the production of livestock has gone up faster because of improved technical processes.

Just as in wheat production, techniques have steadily improved—in the livestock industry "black blizzards" do not affect high plains wheat areas today like they did years ago, because of soil conservation practices and the machinery we have to deal with them.

We are on the verge of hybrid wheat which they predict will increase the production of wheat another 20 or 30 percent. The wheat people have not been able to solve their problem with all the legislation we've had and the cattle people are now facing the same basic situation.

The trouble has been that all farm legislation has been written and administered with an eye on the next election instead of the basic problems confronting the wheat producer, corn producer, and cattle producer.

Take the fruitgrowers in Florida and California. Fruitgrowers have never asked for market controls of production. They have been able to impose marketing contracts through their growers' associations. That effort in California began in 1916.

I don't know whether it can be made to work, as I've said, for the wheat and the corn and the livestock producers, but at least there is a successful program that's been worked by the fruitgrowers that might have some basis for consideration through a national cooperative marketing setup of some kind.

A prime illustration of that is the Sunkist orange. I remember a conversation I had with an American ambassador about 30 years ago. Oranges were being marketed in the country in which he represented America in Africa under a label that was so close to "Sunkist" that the consumers did not notice the difference. Yet our Agriculture Department and our Commerce Department were entirely indifferent to his reports of what was going on in encroaching on this Sunkist orange brand. Yet this is just where the National Government could and should function.

In livestock markets, by the same token, we find the U.S. Department of Commerce ignores the plain wording of a Federal statute on labeling imports by not stamping the country of origin on imported meat for the ultimate consumer. The Commerce Department calls the ultimate consumer a packinghouse. A sensible reference to any dictionary will settle that question. "Ultimate" means "last—final."

Along with the basic factor of improved production, there is still continued the haphazard marketing of the farmers' products without a facility of some kind that can meet this fundamental problem. The farmer and the cattleman are dealing with mass purchasing power of the wholesalers and retailers who use it, as would be expected, to take advantage of the farm surplus.

I believe there should be an immediate inventory by the Agriculture Department of wheat storage in America to determine how much is actually in good market condition for human consumption. I also believe a congressional probe into basic changes of magnitude and actual marketing conditions will be helpful.

All that could tie in with my previous proposal that the whole farm problem needs to be studied and pulled together in a committee set up by the Congress and made by the land-grant colleges on the many basic factors relating to land use.

I have raised three questions of domestic and world problems briefly today that are obviously nonpartisan. Because of rapid and fundamental changes that are taking place that can turn the world up-side-down, we must seek balance in our thinking, based on fuller information and thoughtful discussion and debate.

In Brazil, not only the issue of a Communist Party takeover occupies the attention of every nation in the world. Of paramount importance are the divergencies in the Brazilian Communist Party itself. Which has the greatest strength—the Chinese faction or the Russian faction—is also a dominating question.

THE KOREAN PARALYSIS: TIME TO REEVALUATE OUR POLICY THERE

Mr. HOLLAND. Mr. President, I now yield to the Senator from Alaska with the same stipulation.

Mr. GRUENING. Mr. President, I thank the Senator from Florida for his generosity in yielding to me at this time.

The administration is to be commended for withdrawing 7,500 men of its military force from the European theater. It should by now be apparent that the conditions which created NATO, in the wake of World War II, no longer exist. France has not contributed its share and feels it no longer needs American military support. However unchanged the purposes of the Kremlin may be in seeking to communize the world, it is in trouble at home and it is clear that U.S.S.R. troops will not march westward across Europe and conquer the countries between it and the Atlantic. Moreover, the success of the U.S. troop lift a few months ago has also demonstrated that keeping our present forces in Europe to the strength formerly specified is no longer necessary. Withdrawing this small contingent of 7,500 men is evidence that our administration has wisely begun to appreciate the need of revaluating our policies established over a decade ago, and that our balance-of-payments problem will be aided thereby. This withdrawal should be only a beginning.

An even more desirable move, by which the United States will withdraw troops no longer needed abroad, is presented in an admirable article written by our able and distinguished colleague, the Senator from Idaho [Mr. CHURCH], a member of the Foreign Relations Committee.

In the recent issue of the Nation magazine in an article headed "Mired Troops and Frozen Policy: The Korean Paralysis," he points out that it is no longer necessary to keep two full combat divisions, some 52,000 troops, in Korea. He points out that the present-day Korean Army, numbering 600,000 men, the fourth largest army in the entire world, is ample to hold the line. If the administration wishes to pursue its policy of economy with safety, with no menace to the Nation's security, it will follow the wise recommendation of our knowledgeable colleague, FRANK CHURCH.

Mr. President, I ask unanimous consent to have printed in the RECORD this article entitled "The Korean Paralysis," by the Senator from Idaho [Mr. CHURCH].

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MIRED TROOPS AND FROZEN POLICY—THE KOREAN PARALYSIS

(By Senator FRANK CHURCH [1])

American foreign policy tends to maintain fixed positions long after these have ceased to serve our best interests. An example of this rigidity is the continued stationing of two full combat divisions—some 52,000 American troops, including various supporting units—in South Korea.

I neither challenge nor disclaim our basic commitment to defend, by whatever means may be necessary, the integrity of the Republic of Korea. The fixed position to which I refer is not our commitment to defend the country, but the means by which we have chosen to do so. The perpetuation of these means is, I believe, demonstrably unsound, excessively costly and long since unnecessary.

Why does the United States need two full combat divisions in Korea? Since the end of the Korean fighting in 1953, we have given nearly $5 billion in aid to South Korea; more than $2 billion of this aid has been used to equip their army. Today, the ROK Army, numbering nearly 600,000 men, is the fourth largest in the entire world. It far outnumbers the entire North Korean Armed Forces of approximately 350,000 men, and is surpassed only by the United States, the Soviet Union, and Communist China. We have made the South Korean Army combat-ready, and equipped it with the most modern weapons; it should, by now, be more than a match for the smaller North Korean force. If it is not, the American people are entitled to know how and where their money has been squandered.

The argument that we must leave 50,000 American sentinels on the frontline in Korea to guard against, not a North Korean attack, but the possibility of another invasion by Communist China, is transparently weak. Against an all-out Chinese attack, two divisions of American troops would never suffice. Should Korea be so invaded again, the United States would have to intervene with the whole of her military might. To pretend otherwise is merely to tempt fate.

If another armed challenge of this dimension were to occur in South Korea, we would have to respond with forces now stationed outside that country. And we are prepared to do so. Our Armed Forces are far stronger and more mobile than in 1950, when the last invasion occurred. Our formidable base and staging area at Okinawa is within easy reach. Moreover, the success of the recent "Operation Big Lift," which flew a whole division from Texas to West Germany, indicates how swiftly we can move our troops from one part of the globe to another. Should a big new invasion ever require it, we could quickly airlift formidable numbers of American soldiers into the Korean Peninsula.

The customary retort to these acknowledged facts is that two American divisions must nonetheless remain in Korea as a psychological deterrent to any future Communist adventures, and to keep the South Koreans reassured of our determination to defend their country. As to the latter, one wonders why further reassurance should be needed after so vast an outpouring of American life and fortune in the Korean war; as to the former, if we accept the argument that our continued presence in Korea is required to make our commitment credible to the potential enemy, then it follows that American forces will have to patrol the 38th parallel indefinitely—at least until such time as Korea's Communist neighbors either disarm or disappear.

I find neither of these propositions convincing. But, to play it absolutely safe, let us concede that the continued presence of American troops in Korea does offer further proof, to friend and foe alike, of our determination to uphold that country. Does it follow that we must keep two full divisions there? Surely, one regimental combat team would serve the purpose. With our capacity for rapid reinforcement from bases nearby, we can give South Korea the same guarantee of security, with far fewer American troops actually garrisoned there. It doesn't take a whole American Army to provide a "trip-wire" to warn of intruders.

Withdrawing the remainder of these two divisions to locations from which they could be speedily airborne would also add to our general mobility. Our troops now on the line in Korea can be used only to defend that country. They are dug deeply into the hillsides. Ironically, we have limited their utility by miring them down in a region of the world where their instant availability for use in a crisis, somewhere else around the rim of China, could mean the difference between success and failure.

Moreover, the case against the frozen deployment of two whole divisions in Korea is not limited to the benefits to be derived from a more fluid strategic position. There are pressing financial, as well as sound military, reasons for reducing the level of American troops in that country.

The cost of maintaining our military forces abroad is a far greater burden to our balance-of-payments problem than our total outlay each year in foreign aid. For instance, in 1962, our balance-of-payments deficit was $2.18 billion. The drain on the balance from foreign-based military expenditures was more than $3 billion. In 1961, our balance-of-payments deficit was $2.37 billion, while our foreign-based military costs contributing to this deficit exceed $2.93 billion. In both years, we would have had a balance-of-payments surplus, had it not been for the cost of our garrisons in other countries. Retaining two whole divisions in Korea adds more than $100 million each year to our balance-of-payments deficit.

The United States has sustained a deficit in its balance of payments consistently since 1950. As a result, we have accumulated more than $25 billion in short-term obligations abroad, while our gold reserves have dwindled to less than $16 billion. If we subtract the $12 billion in gold bullion earmarked by law to back the currency in our own country, we now have less than $4 billion in gold reserves with which to redeem our outstanding obligations to foreign creditors. During the past 5 years, our gold reserves have been diminishing at an alarming rate. We have suffered a gold outflow of more than $7 billion since 1958.

All this is not to say that, wherever our vital interests require it, we should not continue to station American troops in other countries. But it is to say that the size of these garrisons should be reduced, wherever possible, to a prudent minimum.

I submit that a sound assessment of our position in Korea calls for the withdrawal of the bulk of our troops, for the following reasons:

The South Korean Army can repel a North Korean invasion.

An invasion by Communist China would require us to make an effort of an entirely different magnitude than is implied by the two divisions currently quartered in Korea.

A regiment of American combat troops on the front line in Korea would serve just as effectively as a "trip-wire" deterrent to the Communists.

Removing the remaining units from their trenches in Korea would add to the mobility of our military posture in Asia.

A reduction in the number of American troops stationed in Korea would mitigate our serious balance-of-payments problem.

Our paralysis of policy in Korea results not so much from pressures generated in Seoul as from those arising in Washington. They are partly bureaucratic and partly political.

To begin with, the Army has a vested interest in maintaining the status quo in Korea, while there is no vested interest in changing it. It is the Army, principally, which regularly resurrects the specter of Communist aggression as the probable consequence of any force reduction there. I think it reasonable to suppose that the Army's judgment on this matter is somewhat colored by its own perspective. I have yet to meet an Army officer who felt we were maintaining too many divisions anywhere, or one who believed that our Regular Army ought not to be further enlarged. There is a natural tendency for the Army to seek, not alone in Korea but elsewhere, to perpetuate those deployments of troops in the field which will have the effect of rendering our present Army strength immune to question, and thus invulnerable to competing demands for the slice of the defense budget it represents. If we must wait for the Army to endorse a troop withdrawal from Korea, we shall wait a long time indeed.

However, whether or not we shall continue to garrison troops in Korea is a decision of foreign policy. It is to the State Department, not the Pentagon, that the President should properly look for any recommended changes of course. Unfortunately, the voice of McCarthy still intimidates at the State Department, even as the dread campaign charge, "soft on communism," still intimidates at the White House. Fear of congressional reaction in the Capitol, and voter reaction in the precincts, stultifies our policy in Korea, as it does wherever we find ourselves "eyeball to eyeball" with the Communists. The overriding consideration against any reduction of our forces in Korea is the political calculation that such a move would pay off for the Republicans. If a Democratic President were to withdraw troops from Korea, the Republicans might denounce the move as some kind of retreat in the face of the enemy; on the other hand, a Democratic President can easily make the decision to stand still in Korea look like a determination to stand firm.

So it is likely that there will be no change in Korea in the near future. Perhaps we shall have to wait for a second-term President. But the paralysis of our policy in places like Korea, though it may sustain political interests at home, can also weaken our national interests abroad. Dean Rusk is reported recently to have said that we live

[1] FRANK CHURCH, Democratic Senator from Idaho and a member of the Senate Committee on Foreign Relations since 1959, made a recent tour of the Far East, including Korea. During World War II, Senator CHURCH was a military intelligence officer in China.

in an area of diplomacy by boredom. For this, I suggest, we have ourselves partly to blame.

PANAMA—A SUCCESSFUL TEST OF THE DIPLOMACY OF PRESIDENT JOHNSON

Mr. HUMPHREY. Mr. President, I believe the outcome of the administration's handling of the problems in our relations with Panama is a source of pride and satisfaction to all Americans. In the face of a most provocative situation, coming early in his tenure, President Johnson and his administration reacted with a sure and steady hand, and held fast to a patient and understanding course which has faithfully served the cause of peace in our hemisphere.

In the Washington Evening Star of April 8, 1964, the distinguished columnist, Max Freedman, gives a perceptive review and analysis of these developments which should be widely read.

Mr. President, I ask unanimous consent that the article entitled, "Settlement of Panama Squabble," may be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SETTLEMENT OF PANAMA SQUABBLE—WHITE HOUSE ELATED AT CHIARI AGREEING TO REVIEW OF PROBLEM BEFORE ELECTIONS

(By Max Freedman)

The White House thinks it is a happy sign that President Chiari has agreed to review the entire problem of Panama before elections are held in that country. This seems to suggest that Panama will enter the discussion seeking a solution instead of trying to inflame an election issue. The United States is pledged to a reasonable and constructive policy. Thus, the path is clear at last to a settlement of this wretched squabble.

President Chiari could have obtained precisely the same terms within 1 hour of the outbreak of the dispute. He was assured so by President Johnson who repeated that offer several times at later stages of the controversy. It took harsh experience to persuade President Chiari that the United States wanted nothing but a fair settlement based on reason and equity.

From the standpoint of the White House, the key to a settlement has always been the restoration of diplomatic relations with the United States. How could this Government begin negotiations when Panama refused even to recognize its existence? Yet President Chiari had always insisted that there could be no resumption of relations until the United States pledged itself in advance to renegotiate the 1903 treaty. In the end he withdrew this impossible condition.

Yet he wavered and delayed to the last moment. He waited to see if Senator FULBRIGHT's speech would lead to a new American policy. The delay lasted for 1 week. Then President Chiari saw that Senator FULBRIGHT spoke for himself and not for the Johnson administration. American policy would neither crack nor retreat. So President Chiari gave the signal which has cleared the way for a settlement.

Great credit should go to Robert Anderson, the former Secretary of the Treasury in the Eisenhower administration, for consenting to be the special ambassador to conduct the negotiations for the United States. He was recommended to President Johnson by Tom Mann of the State Department and McGeorge Bundy of the White House. He accepted at once even though the task can hardly be very pleasant.

There is nothing said or implied in the announced terms for the discussions that commits the United States to a new treaty. That issue, like all other issues in this dispute, will be settled in the discussions themselves. The words of the announcement were carefully chosen to give this precise definition of American purpose and they are so understood without objection by Panama.

The discussion may result in a decision to clarify arrangements under the 1903 treaty in a way that can be met by an exchange of letters between the two Presidents. Or new methods of cooperation between the two countries may be embodied in an executive agreement. Or there may be changes in the treaty requiring the approval of two-thirds of the Senate. If the final decision goes to a revision of the 1903 treaty, Mr. Anderson will be a witness whose experience and integrity will hold the respect of the Members of the Senate.

That has always been President Johnson's purpose and policy in the Panama dispute though his aims have not been so understood. In retrospect the White House is ready to admit that the American case might have been better presented. But it has the facts on its side in insisting that the critics always were wrong, insofar as the substance of American policy was concerned. There never was any trial of strength between Panama and America, as Senator FULBRIGHT mistakenly alleged. Nor was there any American campaign to impose a harsh bargain on Panama, as President Chiari mistakenly insisted. Nor was there any temptation by the United States to forget that the strong have an obligation to be magnanimous, as some American editors have mistakenly suggested.

The sticking point for the United States has always been the question of conceding—in advance and under pressure—the essential points which should be settled only at the negotiating table. Acceptance of this mischievous precedent would bring a tangle of perplexities to the United States in its negotiations with other countries. It wisely refused to yield on this basic point and its wisdom finally prevailed. The mood at the White House now is less one of exultant satisfaction than it is of rather sad wonder at why so many Americans should always be so quick to assume that American policy is wrong.

A NEW AMBASSADOR TO PANAMA

Mr. HUMPHREY. Mr. President, all who are interested in—and informed about—U.S. relations with Latin America have been both impressed and gratified by President Johnson's selections of diplomatic personnel to represent us with our neighbors. The President is giving us a new breed of interested, concerned and compassionate diplomats in the hemisphere.

In the Washington Daily News April 8, 1964, Miss Virginia Prewett discussed this very welcome effort on the part of the administration, citing particularly the President's excellent choice of Jack H. Vaughn as our new Ambassador to Panama.

Jack H. Vaughn is a gentleman whom I have had the pleasure of knowing, and with whom I have discussed our relationship with Panama in considerable detail.

I believe the insights and comments of Virginia Prewett's column will be heartening to all who read them.

Mr. President, I ask unanimous consent to have the article entitled "Vaughn Will Give United States Lift in Panama," printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[The Washington Daily News, Apr. 8, 1964]

VAUGHN WILL GIVE UNITED STATES LIFT IN PANAMA

(By Virginia Prewett)

Jack H. Vaughn, President Johnson's choice as new U.S. Ambassador to Panama, comes out of a new breed in Latin American affairs. A seasoned Latin American hand at 43, he not only has done shirt-sleeves work in Latin America, but also considers that region tremendously important.

A Latin American curse for many decades has been that many U.S. diplomats, whether career officers or political appointees, have considered the area the diplomatic boondocks.

At a time when one of our Central American neighbors was playing a crucial role in the New World, a new U.S. Ambassador there told me: "I'm just down here because the climate's good." He felt he was "in exile" till he could get a European or Asiatic post again.

Mr. Vaughn, first of all, has metaphorically calloused his hands working with Latin American problems—slum-improvement, education, housing—long before concern with them became, as it is today, mildly fashionable. During the mid-1950's he was in Panama for 2 years with point 4 projects.

As Latin American director of the Peace Corps, he has guided our young secular missionaries to Latin America's backward areas in the one U.S. program that has been most universally welcome. He described for me the secret of Peace Corps men's success: "They get one foot in each culture. They learn not only how to guide the Latin Americans, but also how to listen to them."

Mr. Vaughn's approach to the hemisphere's tremendous problems is like a breath of fresh air from the great American Northwest from which he originally hails because he has faith in Latin America's human material.

And he himself firmly straddles the cultures both above and below the Rio Grande.

As our new Ambassador to Panama, Mr. Vaughn will not be deceived by the great outcry over Panama's demands for immediate control of the canal. Every expert close to the problem understands that Panama's panic hinges on the canal's obsolescence.

The great fear prompting the frantic reaction of Panamanians in the recent crisis is that the United States in the next decade or so will decide to build the badly needed new canal somewhere else than along the present route.

MEAT IMPORTS AND LOW LIVESTOCK PRICES

Mr. HUMPHREY. Mr. President, a meeting is being held today in Willmar, Minn., on meat imports and low livestock prices. I was invited to address this meeting, but because of the civil rights bill, I will be unable to attend.

I did, however, prepare a statement to be read at the meeting wherein I discussed the problems being faced by our cattlemen and how we are trying to solve them. The people of Minnesota and of the Nation are concerned and rightly so about the cattle situation. I know every member of this body shares this concern and is making every effort to bring about a speedy solution.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD my statement before a meeting of farmers on imports and low livestock prices at the senior high school in Willmar, Minn., April 13, 1964. I also ask unanimous consent to have printed at this point in the RECORD an editorial from a recent edition of Wallace's Farmer entitled "We Didn't Say We Like Imports."

There being no objection, the statement and editorial were ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR HUBERT H. HUMPHREY BEFORE MEETING OF FARMERS ON MEAT IMPORTS AND LOW LIVESTOCK PRICES, WILLMAR, MINN., APRIL 13, 1964

First of all, let me tell you how much I wanted to be with you this evening at your meeting. I share your deep concern over the low prices our cattlemen are receiving for their livestock. I want all of you to know I am doing everything I can to be of practical help to you. The economy of Minnesota and the Nation cannot stand these low livestock prices, and you as cattlemen cannot survive economically as long as they prevail.

We in the Congress, both as legislators and as consumers, have an obligation to help you in your time of need. I cannot be with you tonight because I must be on the Senate floor at all times to guide the civil rights bill through to passage. But I do want you to know that I am very much aware of your problem, that I am concerned about it, and that I am doing something about it. Yours, too, is a civil right—the right of hard-working people with a heavy investment to earn a decent living—to share in the wealth of this great Nation.

In the past few months I have met with representatives of livestock associations in order to better understand this problem. I have discussed it many times with the President of the United States, the Secretary of State, the Secretary of Agriculture and other Government officials. I have made numerous recommendations, and I want to let you know what I have proposed and what now is being done to remedy the situation.

First of all, it must be understood that President Johnson, both as President and as a Texas cattleman, fully understands the situation. He has expressed grave concern about the financial losses cattlemen are experiencing, and has urged that everything feasible be done to help. In my own case, I have recognized the economic implications of several factors as they affected the cattlemen, both in the long run, and in the short run.

First, I have suggested to the executive branch that it stop the heavy sales of feed grains by the Commodity Credit Corporation because, as you know, accelerated sales of feed grains adversely affect livestock prices. This suggestion was adopted. I felt that this CCC activity was not in the best interest of the grain or livestock producer. Hog producers have reacted to this situation by showing a 5-percent reduction in the 1964 spring pig crop. This will help prices this fall.

Second, I have urged initiation of a beef purchase program to the maximum amount feasible for distribution to schools and institutions and for donation to the needy, both at home and abroad. This is being done. Incidentally, these beef purchases will prove of great value in the the war against poverty. The Department of Agriculture in the last month has purchased more than 18 million pounds of canned beef at a cost of nearly $10 million for feeding needy families. It also has purchased 13 million pounds of choice grade frozen beef for schools and institutions in the last month at a cost of over $7.5 million. These programs are in addition to the normal beef purchase programs of the Department.

Furthermore, the Defense Department has increased its frozen beef purchases in a 3-month period by 18 million pounds in order to build up supplies. The Defense Department also will be buying up to 3 million pounds of beef a month for its oversea commissary needs. It is switching from oversea purchases to buying U.S. produced beef.

I also am greatly encouraged by House passage of the bill which would extend and expand the food stamp program. This would result in improved diets through a greater consumption of beef, since many more people would be eligible for stamps. I am confident we in the Senate also will pass the bill this year.

Third, as one of the cosponsors of a bill designed to reduce imports of meat, I feel it is essential in view of impending trade negotiations, that the responsible committees of the Congress fully assess all the implications of quota or tariff action on the part of the United States. As leaders of the free world, we must be prudent and responsible. The Senate Finance Committee is holding hearings on this bill. It is a responsible committee and a committee responsive to the national needs.

We must not forget that our exports of agricultural commodities, including substantial quantities of hides and tallow, will reach about $6 billion this year. Many of these commodities, including feed grains, soybeans, dairy products, poultry and wheat—all of which are produced in Minnesota—are sold for dollars to Western Europe, Asia, and Latin America. Action by the United States in restricting beef imports from Australia and New Zealand, which are members of the British Commonwealth, could invite retaliation on the part of some Western European countries and the British Commonwealth areas. In other words, we must be very careful that any action we take on behalf of our cattlemen is not harmful on balance—that it does not adversely affect other agricultural income. If, however, beef imports should increase and voluntary quotas are inadequate, then we must provide protection to our beef producers by imposing quotas or increasing tariffs.

Along with a needed reduction in imports of meat, we must maintain, or possibly increase, but certainly not jeopardize—our healthy export business. A much greater effort needs to be made directed toward beef exports from the United States.

Fourth, it is essential that the consumer demand for beef respond to reduced cattle prices. This can occur only if the retail prices reflect the reduced prices at wholesale. I have urged the retail store management to join with cattlemen to promote increased beef consumption through advertising and through price. The U.S. Department of Agriculture also is cooperating to the fullest in this. The cattlemen are selling livestock at bargain levels. Certainly, the retailer should do the same for beef. Price and promotion are the keys here.

President Johnson has recommended and a resolution has been introduced in the Senate for the establishment of a bipartisan commission to look into retail marketing practices and submit recommendations as to improvements that could be made. Hearings already have been held on this resolution and I am hopeful it will receive consideration by the Congress this year.

Fifth, strong consumer demand for meat in Europe, as well as the Near East and Japan, combined with the short fall in production in Eastern Europe and Argentina, have brought about—at least for the months immediately ahead—a number of changes in the world's meat trade. Chief among these are the temporary easement of import restrictions by a number of countries—particularly the Common Market countries and Japan—and their search for new sources of imports. In view of this situation we have urged Australia and New Zealand to ship some of their potential imports to countries where additional supplies are needed, especially the Western European countries, which temporarily have reduced some of their import restrictions.

My recommendations regarding this were accepted and on April 6, just last week, Secretary of Agriculture Freeman announced that the Government of Australia had informed our Government that Australian shipments to the United States of beef, veal, mutton and lamb for 1964 are expected to be 29 percent, or about 170 million pounds, below shipments in 1963. New Zealand's shipments of beef and veal to the United States in 1964 are likely to be 22 percent, or about 50 million pounds, below exports in 1963. Taking these two countries together, it now appears that their exports in 1964 of beef, veal, lamb, and mutton to the United States will decline from the 1963 total by 27 percent, or 220 million pounds. This is good news for our cattlemen, and it could get better.

Sixth, I am deeply concerned about the credit problems arising for our cattlemen. The losses being sustained have made it difficult for some of our finest cattle feeders to meet their obligations on time. They need our sympathetic assistance. I have asked the Department of Agriculture and the Farmers Home Administration to utilize every authority available to refinance loans and to extend the maturity dates of loans where needed, so cattlemen can avoid the problems of default. The Nation stands indebted to you for our high level of nutrition—the highest in the world. A sympathetic refinancing of loans will help us pay our debt to you only in part.

Again, I regret I was unable to be with you here today in Willmar. I am ready and anxious to be of help to you and will continue my efforts to ease the situation presently being faced by our Nation's cattlemen. I welcome your recommendations.

[From Wallace's Farmer]

WE DIDN'T SAY WE LIKE IMPORTS

We've received some nasty letters on the beef import editorial carried in the last issue. Since we were accused of subversion and worse, apparently we didn't get our point across. We repeat:

We fully recognize the damaging effect of imported beef on cattle prices last year. We've been calling your attention to the problem since last October. We strongly favor limiting imports to the 1959–63 average.

However, the climate in Washington doesn't appear to offer much hope of legislative action to further limit imports this year. The administration is committed to the principle of sharing U.S. markets in an effort to preserve our bargaining power abroad.

Our point was—other factors contributed heavily to the beef disaster of 1963. Since it looks like we're not going to get much more done in the import area soon, we think it's wise for cattlemen to direct their attention to areas that offer more hope of results. Included are adjustments in cow herds and in feeding and marketing practices.

And why don't cattlemen's organizations take a real hard look at zooming retail margins on beef? The farmer-to-consumer spread rose 6 cents per retail pound last year, according to USDA. This would amount to about $30 on a 620-pound steer carcass, figuring an 18-percent cutting loss from bones, suet, etc.

Choice steer prices at Chicago during 1963 averaged $3.74 below 1962. Thus the 1,000-pound steer that yielded the 620-pound

carcass brought the farmer about $37 less. Note that $30 of this went for higher margins. And most of it was absorbed at the retail level.

WHAT CAN WE DO?

Must cattlemen sit idly by while middlemen grow fat on their losses? No, we think there are some very helpful things we can do.

When Campbell Soup Co. reduces its price on tomato soup 1 cent a can, are retailers allowed to gobble it up in higher profits? When Procter & Gamble lowers its price on soap flakes 1 cent a box, do retailers absorb the penny? Of course not.

Why do retailers pass on wholesale price cuts to consumers on items like these, and not on fresh beef? Because they know they'll get clobbered if they don't. If price cuts weren't passed on, the manufacturers would immediately run ads advising consumers of the drop in wholesale prices. And consumers would do the rest.

But who speaks for beef producers? A national organization of ranchers and feeders is needed to finance a capable public relations and advertising operation. It could keep consumers informed of drops in steer prices, and thus keep pressure on retailers to keep their margins in line.

THE BIG PICTURE

Most beef producers are not in a mood to consider our overall farm export-import situation right now. Yet it's important that we avoid serious mistakes in our international relations. Here's why.

We have a favorable balance of trade in farm products. Last year our agricultural imports amounted to $4 billion. About 45 percent of these imports were commodities not produced here—coffee, tea, silk, spices, etc.

In the same period, our agricultural exports amounted to $5.6 billion. And USDA expects exports to reach $6 billion this year. So U.S. farmers would suffer a sharp drop in income if all world trade was abolished.

Farm exports are particularly important to Iowa, according to ISU economist J. William Uhrig. Exports provide a market for 1 out of every 2 acres of soybeans. Also, 1 out of every 8 acres of Iowa corn was sold in the export market.

In terms of dollars, exports of these two items alone amounted to more than $170 million last year. Farm exports add an average of more than $1,200 income for each commercial farmer in the State.

ORDER FOR RECESS UNTIL 10 A.M. TOMORROW

Mr. HUMPHREY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the 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 public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

NOTICE OF LENGTHENED SESSIONS OF THE SENATE

Mr. HUMPHREY. Mr. President, I wish to serve notice now, in a most kindly and friendly way, that it is expected that the Senate will be in session rather late tonight. The session may run until as late as midnight. Senators should be on notice that they must expect to be available for live quorum calls.

Mr. CASE. Mr. President, I wonder if the Senator from Florida can give us some idea as to the length of his remarks in chief, for our guidance. It is now about 10:41.

Mr. HOLLAND. I appreciate the inquiry from the Senator from New Jersey. My speech is expected to last for about 2 hours, without allowing time for colloquies. I hope there will be colloquies. The length of the colloquies would add to the length of my speech .

Mr. CASE. I thank the Senator.

Mr. HUMPHREY. Mr. President, I thank the Senator for his consideration this morning of our colleagues, for his willingness to yield for the purpose of permitting Senators to introduce bills and submit resolutions and place items in the RECORD. The Senator has been most considerate.

Mr. HOLLAND. I thank the distinguished acting majority leader. It is the custom in the Senate that we show understanding of the problems of Senators and give appropriate courtesy to them.

Mr. HUMPHREY. I thank the Senator.

THE WRONG APPROACH

Mr. HOLLAND. Mr. President, I feel so strongly that the coercive and compulsive methods embraced in the pending bill are completely inappropriate for the solution of the racial problem which it is supposed to solve, that I must discuss in some detail that important aspect of the situation; namely, the coercive and compulsive methods embraced in the bill, and the complete inappropriateness of the suggested solution of the problems. For coercion, whether by legislation, litigation, economic pressure, or raw force can never solve a problem like this—coercion only makes the problem more difficult.

We all know how well intended was the action of our Nation in the adoption of the 18th amendment decreeing that prohibition should exist throughout the Nation, regardless of the attitudes of the millions of people whose habits, tastes, and individual convictions were involved. In spite of the good intentions of the Nation, however, and the strong majority of national support which the prohibition movement had behind it, and in spite of the fact that prohibition was accomplished by constitutional amendment, which was the proper method, the effort was a dismal failure and ended in its own collapse—and also in the enlarged consumption of alcoholic beverages both as to the total volume consumed and as to the much larger number of people who became consumers.

I think that all of us know of our own knowledge of harmful effects prohibition had on many young people and many men and women, and I am sure that we all know that much of that reaction flowed from deep personal resentment and from the feeling that the 18th amendment went too far in attempting to control the individual action of citizens in the exercise of their own preferences and their own convictions.

In the case of the Senator from Florida, he was at the time a law enforcement officer in his own State, the State of Florida. Florida had previously proceeded, first, by county unit action, and later by State constitutional amendment, to enact a prohibition law.

It was amazing how the morale of the citizens behind that movement declined and how soon it became clearly evident that many of the great States of this Union had little intention of observing the national prohibition amendment.

The Senator from Florida saw the decreasing morale in his own State in support of the prohibition effort, which quickly became evident and which so soon contributed to the complete collapse throughout the Nation of the national prohibition movement.

This happened despite the fact that the Senator from Florida did his utmost to uphold the national amendment and the State amendment, and who even voted, later, as a member of the State senate, against the repeal of the two amendments.

To any careful observer it ought to be completely clear that there are abundant signs already in evidence that a growing adverse reaction and an increasing resentment has appeared in many areas in both the North and South because of the coercive, compulsory, and vindictive features of the pending civil rights bill.

Mr. HILL. Mr. President, will the Senator yield?

Mr. HOLLAND. I am glad to yield for a question.

Mr. HILL. May I say a word, without the Senator losing his right to the floor?

Mr. HOLLAND. Mr. President, I ask unanimous consent that I may be allowed to yield to the distinguished Senator from Alabama for a brief comment without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HILL. Mr. President, I was very much interested in what the Senator from Florida had to say about the two prohibition amendments, the national amendment to the Federal Constitution and the amendment to the State constitution of the State of Florida.

When I was in college, at the University of Alabama, I was a very ardent and sincere prohibitionist. Representing our congressional district at that time was Richard Pearson Hobson, who had been a great hero in the Spanish American War. Later he was called to represent the district in Congress. He, too, was an ardent advocate of the national prohibition amendment.

Many of us favored that amendment and favored national prohibition. It never occurred to us at that time that truly great rank and file sentiment of this country did not favor that amend-

ment. The consequences came very fast. There were all kinds of violations of the Volstead Act. The sentiment of the people of this country was not in favor of national prohibition. Therefore, after the amendment was adopted, and it was implemented by the Volstead Act, there were all kinds of violations of the Volstead Act throughout the country. The result was not only violation of that law, but a breakdown of law and order in general.

Mr. HOLLAND. The Senator is completely correct. The situation could not be more clearly stated than he has stated it.

That is exactly what occurred in the State of Florida, which is represented in part by me at this time.

Mr. HILL. I thank the Senator.

Mr. HOLLAND. I thank the Senator for his observation. It was rather tragic to note what happened in States which had proceeded by the cautious approach, first, by county units, by county votes, and later, after the overwhelming majority of the counties had taken action, as was true of Florida, by way of a State amendment to the State constitution. What followed with respect to the observance by all the people of our State was that when the national movement was attempted first under the 18th amendment to the Federal Constitution, and then under an implementing act, the Volstead Act, and when it became clearly apparent that great numbers of people, and indeed numbers of States, had not the slightest disposition to enforce the Federal law, the law became more honored in its violation than in its observance.

We saw the morale involved in that whole exceedingly moral question decline throughout the country until the national effort literally collapsed under its own weight and carried with it, unfortunately, the effort which had been solved practically in so many of the States.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield to the distinguished Senator from Arkansas with the same understanding as heretofore.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLELLAN. I had to leave the Chamber for a moment after I heard the Senator refer to the 18th amendment and what it had achieved. Constitutional amendment was the proper way—in fact the only way—that the Volstead Act could have been sustained, and the only procedure upon which such an act could be based. Prior to that, there was nothing in the Constitution which would authorize the Federal Government to prohibit the freedom and personal liberty of individuals with respect to the kind of tonic they might drink or possess. The same is true as of the present. Those who sponsored and advocated the great national moral reform at the time recognized that the only way to approach it was by a constitutional amendment. Although the noble experiment failed, they did respect and recognize the Constitution and proceeded in obedience to it, and not in violation of it.

Does the Senator not agree with me that the bill contains provisions and attempts to regulate this moral issue by a direct legislative act without any constitutional delegation of power upon which to premise it?

Mr. HOLLAND. The Senator from Florida believes that there are at least four such titles in the present bill which derogate the Federal Constitution and attempt by shortcuts to do what is evidently the objective of various Senators and others in the country, without taking the trouble to do it in the right way. That would be through the submission and adoption of constitutional amendments. The Senator from Florida will be glad to discuss those four particulars at a later date. I have already named them in earlier remarks on the bill. But the Senator from Arkansas has made a real contribution by bringing out so clearly that it is sought here to shortcut, and thereby circumvent, the Constitution by the hurry-up zealots who want to do something so badly that they are not willing to adopt the constitutional amendment method of accomplishing it, which is the proper way to do it, but instead attempt to force a statute through the Congress, the constitutionality of which is suspect, to say the least, which is the improper way to do it.

Mr. McCLELLAN. Mr. President, will the Senator yield further?

Mr. HOLLAND. I yield with the same understanding.

Mr. McCLELLAN. The approach to the problem by legislative measure is an attempt to implement something that the Constitution does not authorize. In other words, power to legislate in the field is not delegated to the Federal Government in the four areas the Senator mentions.

Mr. HOLLAND. The Senator from Florida profoundly believes that. He thanks the distinguished Senator from Arkansas for calling attention to that point.

I remind the Senate, first, of the fact that many wise people and many wise writers and commentators have made it clear through the years that persuasion based on logic, cooperation, and good will and not upon compulsion must be relied upon to solve a problem that exists in broad areas of our Nation, and that involves the customs, traditions, and dearly held beliefs of many of our citizens. Without laboring this question, I shall quote briefly from the often mentioned column of Mr. Walter Lippmann, a distinguished scholar of government, which was published in 1949, but which is just as true now as it was then, in which he clearly stated this principle, as follows:

> The American idea of a democratic decision has always been that important minorities must not be coerced.
>
> When there is strong opposition, it is neither wise nor practical to force a decision. It is necessary, and it is better to postpone the decision * * * to respect the opposition and then to accept the burden of trying to persuade it.
>
> For a decision which has to be enforced against the determined opposition of large communities and regions of the country will, as Americans have long realized, almost never produce the results it is supposed to produce.
>
> The opposition and the resistance, having been overridden, will not disappear. They will merely find some other way of avoiding, evading, obstructing, or nullifying the decision.
>
> For that reason, it is a cardinal principle of the American democracy that great decisions on issues that men regard as vital shall not be taken by vote of the majority until the consent of the minority has been obtained. Where the consent of the minority has been lacking, as for example, in the case of the prohibition amendment, the democratic decision has produced hypocrisy and lawlessness.
>
> The issue has been raised in connection with the civil rights legislation. The question is whether the vindication of these civil rights requires the sacrifice of the American limitation on a majority rule. The question is a painful one. But I believe the answer has to be that the rights of Negroes will, in the end, be made more secure, even if they are vindicated more slowly, if the cardinal principle—that minorites shall not be coerced by majorities—is conserved.

Mr. President, these words come from Mr. Walter Lippmann, whom no one could accuse of being conservative, against the so-called civil rights program and its principal objectives.

I continue the quotation:

> For if that principle is abandoned, then the great limitations on the absolutism and the tyranny of transient majorities will be gone, and the path will be much more open than it now is to the demagogic dictator who, having aroused a mob, destroys the liberties of the people.

Mr. President, could any words more forcefully bring out the fact that the American people, when they have dealt with a great issue which was supported by deep convictions in large areas of our country, have always followed the cardinal principle that those who have such convictions must be persuaded and not coerced? The reason is apparent, for the effort to coerce can only end in failure, can only end in breakdown of law enforcement, can only end in disappointment and anything but the accomplishment which is expected to be attained.

Mr. HILL. Mr. President, will the Senator yield for a question?

Mr. HOLLAND. I yield.

Mr. HILL. The ardent advocates of prohibition were honest people, good people, but mistaken. Does the Senator remember that after the 18th amendment was adopted, there was a popular song, "It Is in the Constitution Now"? The fact that this amendment was a part of the Constitution meant to them that there would be no question about its being enforced, no question about its being carried out fully and effectively. They were to that extent misguided, and mistaken. Is that correct?

Mr. HOLLAND. The Senator is so correct that the Senator from Florida would have to admit that he was one of those who repeatedly testified to the fact that the Nation had committed itself by taking constitutional action, that no one could contest the validity of the law. The sole purpose was to see that the national intention was carried out. The Senator from Florida not only strongly supported that intention, but as a law

enforcing officer attempted to enforce that intention, just as he had earlier, and with much greater results than those later achieved in the enforcement of State efforts in that direction.

Mr. HILL. And is it not true that in the case of prohibition—as the distinguished Senator from Florida has suggested—those who advocated it went through the orderly processes provided by the Constitution itself for its amendment: The amendment was proposed by means of the affirmative votes of two-thirds of the membership of both the House and the Senate, and thereafter the amendment was ratified by three-fourths of the State legislatures; whereas in the pending bill it is not at all proposed to follow constitutional processes or procedures, but to do by means of a statute passed by Congress everything that is proposed in the bill.

Mr. HOLLAND. That is correct; and the Senator from Alabama might have said, as I know he recalls, that at the time of adoption of the 18th amendment—which was overwhelmingly adopted in very quick time—the vote showed that a very large majority of the people of the States were behind that effort; yet, notwithstanding that fact, since compulsion, directed against people who felt otherwise, was attempted to be enforced by legal means, the effort collapsed; and there is no question about the resounding nature of that collapse.

I thank the distinguished Senator from Alabama.

Mr. HILL. Mr. President, will the Senator from Florida yield for another question?

Mr. HOLLAND. I am glad to yield.

Mr. HILL. It collapsed so completely that there was but one course the American people could take; namely, to go through the constitutional process of repealing the amendment. Is not that true?

Mr. HOLLAND. That is correct; and the repeal of the amendment was agreed to with even greater speed than the almost unprecedented speed with which the amendment had been adopted in the beginning—although, of course, after a lapse of several years. But it became clear that the approach even by constitutional means could not accomplish the very fine objective, because it was sought to ram down the throats of good people by the millions who did not believe in that approach—although they were in the distinct minority in the Nation—a policy which affected their own convictions, their own customs, and their own traditions in such a way that they would not obey it.

Mr. HILL. Is it not also true that not only was the repeal amendment passed with great expedition and in almost unprecedented time, but, in addition, the sentiment against prohibition by that time was so strong that Congress even passed what was known as the beer bill, which provided that notwithstanding the 18th amendment, beer of a certain alcoholic content—less than the stronger types—could be manufactured and sold?

Mr. HOLLAND. That is correct. As I recall, it was 3.2 percent beer, which was not highly intoxicating. Nevertheless, that was an effort to appease in part the strong feelings of people who objected to the far-reaching nature of the 18th amendment. However, that effort at appeasement failed, I remind the distinguished Senator from Alabama.

Mr. HILL. Oh, yes, it failed. The truth is that appeasement was attempted in order to try to keep the people more or less halfway satisfied until the constitutional process of repealing the 18th amendment could go through.

Mr. HOLLAND. I thank the Senator from Alabama for his completely accurate comments on that situation.

Much has been said in support of this same principle by many others but I shall not attempt to burden the RECORD by other quotations at this time.

However, I invite attention to the fact—and I am sorry the acting majority leader is not now in the Chamber—that even our distinguished majority whip, the senior Senator from Minnesota [Mr. HUMPHREY], has made it clear that mere passage of a law to correct the problem of school segregation will by no means offer a satisfactory solution, but that a much larger problem than the mere mixing of children biracially within the four walls of a school is involved. I quote two paragraphs from the introduction written by your able majority whip to his newly published book "Integration vs. Segregation" which appear on page 3. Senator HUMPHREY writes:

> The problems of desegregation and integration in the large metropolitan areas of the North and West have been of especially direct concern to me. It is perhaps appropriate, therefore, that I address my remarks now primarily to the situation as it exists in those areas.
>
> It has become increasingly clear that in the North and West desegregation is not enough. The mere fact of attendance in a racially mixed school does modestly little to rectify a situation generations in the making. From desegregation to integration—from mere presence to full acceptance and equal participation in the total life of the school—is a long and vital step.

The most meaningful sentence in those two paragraphs is the last one, which I repeat, and which contains the following pithy and completely true remarks, by Senator HUMPHREY:

> From desegregation to integration—from mere presence to full acceptance and equal participation in the total life of the school—is a long and vital step.

This statement is tantamount to saying that the mere bringing of children together biracially by the forced mandate of a law, whether in the North or West—that is what he was talking about—in the South or anywhere else—is by no means a solution of the problem, but that the "full acceptance and equal participation in the total life of the school" is a necessary ingredient to accomplish what is intended, and that much more meaningful results must be attained than those which the law compels.

This means that the major part of the job is to have the children like each other, trust each other, work cordially with each other, participate socially in the many activities which are an accepted part of the full program of a well-rounded public school—in short, enter fully into the social aspects of school life by admixture of the races.

I have quoted Mr. Lippmann and Senator HUMPHREY to make it very clear that not only will legal compulsion accomplish little, but that such a revolutionary program must be based on persuasion, cooperation, good will, and the mutual acceptance by the two races of any such program, which in the case mentioned by Senator HUMPHREY is that of integration, and not mere legal desegregation of the public schools.

I think the Senator makes it rather clear that social integration is the true end which he thinks should be approached, rather than desegregation.

I am sure that all Senators know that that very fact is what makes compulsory school desegregation so abhorrent to millions of white people in the South and to millions of white people in other parts of the Nation.

It is hard to explain the march of more than 20,000 parents, mostly white, in New York City the other day upon the public school board, to present their demand that their children be not transported away from their home area, whether white or Negro, to some other community miles away, in order to effect a more complete integration—other than that many of those parents felt like the parents of the South have shown that they feel in this matter.

I think that it is impossible to construe the results of the election in Seattle on the open housing question, where open housing was turned down by more than 2 to 1, except upon the basis that a majority of the people, and certainly the great majority of the white people, desire to live in communities with people of their same race and desire to have their children attend community schools with people of their same race.

The earlier election in Tacoma, Wash., where by a vote of 3 to 1 the same result was determined, cannot possibly be construed as other than a determined opposition to the residential mingling of the races. The result at Kansas City a few days ago, when a referendum based upon a program of expansion of desegregation of so-called public accommodations showed the program was adopted by a bare majority of the participating voters, notwithstanding the fact that some 30,000 Negro voters were eligible to participate—and many of them did—could hardly be construed in any other way than that the majority of the white people of Kansas City did not approve the proposed program.

Only yesterday the New York Times in its Sunday ediiton of April 12, published an article on the Kansas City situation. Since it makes so clear that the majority of the white people did not approve of the issue by referring to the various parts of the city and the votes taken in those parts of the city, I shall read that article. It comes from a source which is noted for factual reporting, whether that reporting is in accordance with its editorial philosophy or not. I shall read the article into the RECORD, because I do not believe it has been

clearly shown heretofore by any other source what was the real outcome of the Kansas City election. The article appears on page 40 of yesterday's New York Times. The title of the article is:

KANSAS CITY SIFTS RIGHTS-LAW VOTE—HEAVY NEGRO TURNOUT OFFSET WHITE OPPONENTS' MARGIN

(By Donald Janson)

The article states:

KANSAS CITY, MO., April 10.—A large Negro turnout was the key to passage this week of the border city's new public accommodations ordinance.

Mr. President, that article is from the authoritative reporting staff of the New York Times. It states—

Two-third of the whites voting opposed the measure.

The law adds taverns, retail shops and most other places serving the general public to the city's list of desegregated public accommodations. Beauty and barber shops are not included. Racial restrictions were removed from Kansas City hotels, motels, and restaurants 2 years ago.

To digress a moment from the quotation, 2 years ago the people of Kansas City, by municipal action, imposed a moderate desegregation provision which applied only to places of public entertainment and accommodations, including hotels, motels, and restaurants. The article states:

After absentee ballots in last Tuesday's referendum were counted today, the final vote in favor of the new ordinance became 45,850 to 44,030.

Negroes cast some 25,000 of the votes for approval, following a registration campaign by Negroes that added 4,500 voters to the rolls.

The balloting provided an unusual gage of mid-American sentiment on the civil rights issue. In no other city of this size has there been a communitywide vote in recent years on the nationally sensitive questions of desegregating public accommodations.

I pause to comment that the New York Times article differentiates between what happened at an earlier date in Tacoma, Seattle, and Berkeley, which are all in the Pacific coastal area, with what is happening in Kansas City, which is in what is called the midcontinent area. Continuing to read from the article:

ISSUE FORCED TO A VOTE

Most public accommodations laws are acted upon only by legislative bodies. This one was passed by the city council but petitioning by opponents forced it to a vote of the electorate.

The strongest opposition was registered in low-income, factory work areas close to the section of town where most of the Negroes live and where the Negro is feared by some as a competitor for employment.

These neighborhoods include one settled by Italian-Americans, the only sizable nationality group in Kansas City.

Another largely white section that voted strongly against the extension of civil rights was a residential neighborhood where Negroes have begun to buy homes.

The ordinance was also rejected in a "little Dixie" area north of the Missouri River, where political influence since the Civil War has been wielded by families that supported the Confederacy.

Only in the wealthier of the white wards did the ordinance carry. Here a strong moral appeal by the clergy, city government officials, and others was more effective than elsewhere.

Most whites refused to endorse the measure despite its moderate nature. Although it applies to various types of public accommodations, only taverns, a few retail shops and an amusement park actually will be serving Negroes for the first time. The other places already did.

TAVERN OWNERS' STAND

Statements by spokesmen for the Kansas City Tavern Owners Association and by a group led by members of the ultraconservative John Birch Society may have heightened fears of quick social change and added to the large vote against the ordinance.

The tavern owners told voters it would result, for example, in interracial dating and violence in bars.

The Negro community, 10 percent of the city's half-million population, was divided in its reaction to the voting.

Leaders expressed great satisfaction at the exceptional Negro turnout and said it marked an end to Negro apathy on public issues here.

But the Reverend Cecil A. Williams of the Congress of Racial Equality said the white vote "indicates that we still have a lot of work to do in the area of race relations in Kansas City."

The Call, Negro weekly, said today that "the hate campaign conducted by the opponents of the ordinance influenced many more white voters than we thought it would."

"There will be no disturbances," it said. "Few Negroes will have the desire to frequent places operated by the opponents of the public accommodations ordinance. Our vote on Tuesday was not for the right to enter a tavern but to put on record Kansas City's recognition of the human dignity and full citizenship rights of all citizens regardless of their race, creed, or color."

Mayor Ilus W. Davis, a strong supporter of the measure, was disappointed at the thin margin of approval. But it represented progress, he said, "because a few years ago even this moderate ordinance probably couldn't have passed."

I am speaking now about something that happened only last week in Kansas City, in the northwest portion of Missouri, which is generally regarded as a border State, but is also generally regarded as very strongly in the liberal or so-called civil rights camp.

I have read an authoritative statement from the New York Times which states that two-thirds of the white people participating in that referendum vote in Kansas City voted against the so-called public accommodations measure that was to be passed on by public referendum.

Mr. HILL. Mr. President, will the Senator yield?

Mr. HOLLAND. I am glad to yield.

Mr. HILL. Does not the story in the New York Times and the facts that it relates show very clearly that the issue is not merely a regional or sectional issue, but is a question that concerns all the people of the United States—those in the North, in the East, in the West, and in every section of the United States? Is that not correct?

Mr. HOLLAND. The Senator is correct. The statement made earlier in the day by our distinguished friend the senior Senator from Ohio [Mr. LAUSCHE], pointed out the resentment that has brought about some violence which has already manifested itself in his good city, Cleveland, and notwithstanding the fact that the Senator had been advised by his strong supporters—and I happen to know that one of them is a former Senator, because I had the pleasure of meeting them together only a day or two ago—not to make his voice heard on the question, but he wanted to make it clearly apparent that he could not approve the violence that existed there, that no good could come from it, and that the harm which would be done both there and elsewhere in the Nation to the cause of the Negroes was just as certain to fall upon them as could be. I believe he showed courage and wisdom in his statement.

I thank my friend for his question.

Mr. President, yesterday an article published in the New York Times entitled "What Is Happening to Cleveland?" adds materially to the statement made by the distinguished Senator from Ohio [Mr. LAUSCHE]. The article is found on page 44 of yesterday's issue of the New York Times. It is headed, "Cleveland Faces More Race Strife. Rights Group and School Board Are Still at Odds."

I shall not read the entire article, but I think that some portions of it may be read.

I ask unanimous consent that the entire article be printed in the RECORD as a part of my statement.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 12, 1964]

CLEVELAND FACES MORE RACE STRIFE—RIGHTS GROUPS AND SCHOOL BOARD ARE STILL AT ODDS

(By David R. Jones)

CLEVELAND, April 11.—Racial strife has taken a firm hold on Cleveland, and most observers hold responsible a failure by community leaders to recognize and come to grips with a festering Negro problem.

The city was plunged into a racial crisis this week when militant civil rights groups, intent on winning fuller school integration, tried to thwart new school construction in a Negro neighborhood. The incident led to the death of a young white minister and a wave of ensuing violence and tension.

The basic issue is a months-old dispute between the United Freedom Movement, a coalition of civil rights groups, and the board of education over the best type of school system.

The board is firmly committed to a system of neighborhood schools.

The rights groups maintain this keeps schools segregated. They want new district lines established for centralized schools that would draw students from both Negro and white neighborhoods.

The focus of the battle shifted this week to the city's Glenville section, a predominantly Negro area, where the board plans to build three new schools to alleviate overcrowding.

The United Freedom Movement objects that once the schools are built the board will resegregate in them Negro students now being transported to integrated schools.

The dispute grew to crisis proportions last Tuesday when the movement tried to block the construction.

Common Pleas Judge John V. Corrigan yesterday enjoined the civil rights groups from further efforts to block construction, saying he could not condone such unlawful action. But this has not resolved the problem.

The movement today called supporters to another nonviolent demonstration Monday afternoon at the Board of Education Building downtown.

WHITE GROUP TO PARADE

The National Association for the Advancement of White People said it would have a

parade downtown tomorrow in support of the school board policy.

The racial trouble afflicting Cleveland has shocked most people here because the city had been notably free of such incidents.

Most citizens believe the peace of the past is a sign of success for Cleveland, where 28 percent of the city's 900,000 population is Negro.

But some informed sources here maintain that the city never worked hard at race relations. They say the only reason Cleveland missed violence before was that the Negroes were docile.

"It's been a peace without a recognition of the deep problem here," asserts James D. Mobel, director of the Council of Human Relations, a private nonprofit organization.

Cleveland, he says, has failed "to recognize the tensions within the Negro and his community."

Whatever the truth, the Negro is docile no longer. Civil rights leaders say the Negro community is seething with animosity toward white leaders. They warn of further violence unless Negro needs are met soon.

MAYOR IS SCORED

Mayor Ralph S. Locher, who took office in 1962, is criticized for not heading efforts to get the school board to resolve its dispute with the movement peacefully. The city council has shown no inclination to lead in his stead.

Ralph A. McAllister, the board's president, is the single person most heavily blamed for the current problems. He is criticized for refusing repeatedly to talk things out with civil rights leaders, except in crisis situations. He says he will not respond to pressure.

Mr. McAllister's attitude was illustrated here yesterday when the board did not respond to efforts by Judge Corrigan to arrange a 2- to 4-week truce in the school dispute. The movement had agreed to suspend the demonstrations and call in mediators to help resolve the problem, but the board, despite pressure from city leaders, would not go along.

Mr. McAllister said a proviso in the plan, calling for a temporary halt to new school construction, played into the hands of the civil rights groups.

The school board named last November a 16-member citizen's committee to make recommendations on school integration. The committee last week submitted a report that is said to call on the board to take a stand in favor of integration and give students in schools 90 percent or more Negro a right to transfer to schools 90 percent or more white.

This is contrary to Mr. McAllister's position, and the board has yet to make the report public.

Many of the city's white ministers are active in the civil rights struggle—150 Protestant and Jewish clergymen, for example, called for Mr. McAllister's resignation this week.

LEADERSHIP IS LACKING

However, Roman Catholic churchmen have appeared reluctant to get heavily involved, and many influential business leaders now live in such fashionable suburbs as Shaker Heights, Pepper Pike, and Hunting Valley, isolated from city problems.

"The people you look on for leadership aren't leading," laments one Clevelander. "I guess the city has suffered because the people that should be leading it are not living in it."

Many whites tend to blame the current turmoil on outside agitators.

Mr. McAllister has strong support in white neighborhoods that would be most affected by fuller school integration. The residents believe the Negroes are pushing far and too fast.

The board of education, while refusing to suspend school construction, said yesterday it would discuss the matter with any responsible groups. Judge Corrigan believes this represents a softening of the previous attitude. Only time will tell.

Mr. HOLLAND. I shall first read the opening paragraph of the article, which was written by David R. Jones, a special reporter on the staff of the New York Times.

It begins as follows:

Racial strife has taken a firm hold on Cleveland, and most observers hold responsible a failure by community leaders to recognize and come to grips with a festering Negro problem.

The city was plunged into a racial crisis this week when militant civil rights groups, intent on winning fuller school integration, tried to thwart new school construction in a Negro neighborhood. The incident led to the death of a young white minister and a wave of ensuing violence and tension.

The basic issue is a months-old dispute between the United Freedom Movement, a coalition of civil rights groups, and the Board of Education over the best type of school system.

The board is firmly committed to a system of neighborhood schools.

I digress to say that I had thought, until this unnecessary strife began to manifest itself, that the system of community schools was a fixed part of the public school system of our Nation. People want their children to go to schools as near as possible, for obvious reasons—for reasons of safety, closeness, ability many times to go home to lunch, or in the event of illness. They like to have their school problems considered by local PTA's, who know each other. School social activities are carried on on a community basis, where there is a background of knowledge and of liking of families for each other, since they live in the same community. Children have known each other for long periods of time and find it easier to get along with each other.

I had thought, from my considerable experience in the public school field, that the concept of community schools was a fixed, permanent concept of the best that is in our school system. Apparently the agitators think otherwise.

Mr. HILL. Mr. President, will the Senator yield for a question?

Mr. HOLLAND. I yield.

Mr. HILL. Does not the community school system build the best morale and spirit of the children, for the best interests of the children and the school itself?

Mr. HOLLAND. That is correct. That is why it has become an established part of the public school system.

The Senator from Florida was at one time an official—serving without pay, of course—in this particular field, and later, as Governor, was head of the State board of education. It never occurred to anybody that the community approach was not the proper approach. I had never heard a word of suggestion that any other approach should be followed. Yet, that is exactly what the agitators—not in the South but in the North, and I now make particular reference to Cleveland, the city of our distinguished colleague from the State of Ohio, Senator LAUSCHE—have made as their definite objective in the pointless battle they are waging.

I quote another sentence later in the paragraph:

The focus of the battle shifted this week to the city's Glenville section, a predominantly Negro area, where the board plans to build three new schools to alleviate overcrowding.

The United Freedom Movement objects that once the schools are built the board will resegregate in them Negro students now being transported to integrated schools.

Because there are not enough schools nearby to take care of them.

The dispute grew to crisis proportions last Tuesday when the movement tried to block the construction.

The article continues to tell about the sad incident which occurred when a group of civil rights demonstrators moved in and tried to stop the construction work. Certain persons were lying down in front of a bulldozer. A young white minister proceeded to lie down behind the bulldozer, and the driver, not knowing of his presence, backed up the bulldozer and the young white minister lost his life.

Let us come down to the next paragraph—and I am skipping in order to save a little time. The entire article will be in the RECORD, and any Senator can get any comfort or information he wants out of any portion of it by reading it. I am coming to the next paragraph from the article in the New York Times, headed:

WHITE GROUP TO PARADE

The National Association for the Advancement of White People said it would have a parade downtown tomorrow—

That is today—

in support of the school board policy.

The racial trouble afflicting Cleveland has shocked most people here because the city had been notably free of such incidents.

Most citizens believe the peace of the past is a sign of success for Cleveland, where 28 percent of the city's 900,000 population is Negro.

Mr. President, I have already inserted the entire article. Perhaps it might be well, however, to read one or two additional paragraphs. Here is another one.

Whatever the truth, the Negro is docile no longer. Civil rights leaders say the Negro community is seething with animosity toward white leaders. They warn of further violence unless Negro needs are met soon.

Another paragraph scores the mayor, in the opinion of the Negro participants in this demonstration.

Other paragraphs point to the lamentable situation in one of our greatest cities—which again points up the fact that violence and demonstrations cause resentment and violence.

I am particularly impressed, first, by the matter the Senator from Ohio brought so forcefully to our attention to the other day, relating to the fact that rifle clubs were being organized in Cleveland by Negro demonstrators, who were being trained and were wearing uniforms and helmets—which reminds me of the storm troopers of the Hitler age in Germany. I am just as alarmed at the article in today's press, that the white people are demonstrating today in the community and that they have formed an organization known as the

National Organization for the Advancement of White People.

No good can come of this, because, in the first place, these problems must be settled by good will, community cooperation, freedom, and the threshing out of problems to determine what may be tolerated by people of both groups. In the next place, the leaders of these demonstrations must realize that there are 10 white people for every 1 Negro; and if they persist on carrying on these efforts through violence and the wearing of uniforms and helmets and the calling for shotguns and rifles—which remind us of what happened during reconstruction days, which days have gone, when organizations such as the Red Shirts and the Ku Klux Klan, and other organizations were active—they will find that they are in the minority. There can be only one result, and that is their defeat and disaster. I hope the sensible leaders in their own group will persuade them to abandon violence before the white people are aroused to the pitch that they may be aroused to if they continue to be threatened and intimidated and abused as they now are—or are threatened to be.

Here is another article, dated March 13, 1964, wherein Malcolm X sounds off on the same subject. I shall not read it in full, but I ask unanimous consent that the entire article from the St. Petersburg Times of Friday, March 13, be inserted in the RECORD at this point as a part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MALCOLM X PREDICTS 1964 WILL BE YEAR OF BLOODSHED

NEW YORK.—Malcolm X, the militant Negro leader who broke away from the Black Muslims to form his own group, predicted yesterday that 1964 will be the bloodiest year yet in the civil rights fight. He urged America's 22 million Negroes to learn how to use shotguns and rifles.

"It is dangerous and criminal for Negro leaders to stress the nonviolent approach," he said. "Negroes must be taught how to defend themselves under attack. They must be taught how to use rifles and shotguns."

He told a news conference it is legal to establish rifle clubs in this country and in most States it is legal to carry shotguns. He has noted that many white, ultraconservative groups like the Minutemen have rifle clubs and train with weapons.

Last week, Malcolm X, the young New York leader of the Chicago-based Black Muslim movement, announced he was resigning from the sect to form a Black Nationalist Party.

He said yesterday party headquarters will be set up in a Harlem hotel and that from now on he will call himself "Brother Malcolm" instead of "Malcolm X."

The Muslims had ordered him not to speak publicly since last December because he mocked the assassination of President Kennedy.

Yesterday, he said he had been "pressured" out of the Islam nation and decided to resign to "save the national leaders the disgrace of having to explain their real reason for forcing me out."

Malcolm previously had blamed his fall from grace in the Black Muslim movement on the "jealousy" of Elijah Muhammad's son, Akbar, and his son-in-law, Raymond Sharriff, head of the Fruit of Islam—the brawny, highly trained security guard of the sect. He said they feared his national reputation would make him a natural successor to Muhammad as the top leader.

"This year will be different," he said. "There will be more violence on the racial scene in 1964 than ever before."

His new organization, he said, will adopt a social philosophy that will "show the Negro how to elevate himself."

Mr. HOLLAND. Mr. President, I read only for the purpose of accentuation of the fact that violence spreads abroad in the land. The first paragraph reads:

Malcolm X, the militant Negro leader who broke away from the Black Muslims to form his own group, predicted yesterday that 1964 will be the bloodiest year yet in the civil rights fight. He urged America's 22 million Negroes to learn how to use shotguns and rifles.

Mr. President, I dislike to put matters such as this in the RECORD, but I think we would be like the ostrich which puts his head in the sand if we did not recognize these agitators for what they are and what they may lead to. There can be but one result if they are carried far enough, and that is disaster to our Nation, particularly disaster to the minority group which adopts such tactics. They will suffer most.

That is as far as I shall go at this time. I have always counseled law enforcement rather than violence. When the great troubles occurred in our sister State of Mississippi more than a year ago, I stood on the floor of the Senate and stated I thought the law handed down by the Court, whether it proved to be the final decision or not, should be obeyed rather than opposed.

I shall always take that position. I know something about what it is like to be up through the middle of long nights, feeling that they would never end, in an effort to stop mob violence. We have stopped that kind of thing in my State. There has not been a lynching in my State in 12 or 15 years. I say this from memory. I do not have the figures before me. Besides, my State frowns upon that kind of thing. The same thing is true in the sister Commonwealth of Virginia, ever since Harry Byrd, the great senior Senator from Virginia—falsely accused by some to be far from sympathetic to the preservation of law and order—insisted that the Virgina legislature pass a law so severe against mob violence that there have been no lynchings since. I had hoped we had got away from mob action, I am calling attention to the fact that persons counseling violence, the wearing of helmets, the use of firearms, and the like, are literally playing with fire. I hope they will realize that before it is too late.

Mr. ELLENDER. Mr. President, will the Senator from Florida yield for a question?

Mr. HOLLAND. I am glad to yield for a question; and if the distinguished Senator wishes to make a statement, I shall be glad to ask unanimous consent that he may do so.

Mr. ELLENDER. It has been stated by several proponents of the measure that unless Congress acts quickly and passes the pending bill, more and more violence will develop. I wonder whether the Senator would express his view as to whether there would not be more violence if the bill should pass and stringent efforts were made to enforce the law.

Mr. HOLLAND. Certainly there will be more violence; and I am calling attention to that in a later portion of my speech. There is not the slightest doubt that as a part of the first point I have made, as pointed up by the comments of Mr. Walter Lippmann and others which I shall place into the RECORD, nothing can develop other than defiance of law and all the ill-starred problems that go with it, if we try to shove this force bill down the throats of some 50 million people or more in the southern area of our Nation.

That is clearly apparent. Many millions of people in other parts of the Nation do not want some of the features of the bill to become law. If it should become law, in spite of what the Senator from Louisiana will do to counsel observance of the law, and in spite of what I will do in accordance with what I believe is effective policy to insist upon observance of the law, he knows, and I know, that the kind of thing which happened in Cleveland will happen in New York City and other great cities of the North. I shall read a clipping from the New York Times of yesterday referring to the plans of the Brooklyn section of the CORE organization to tie up traffic on the highways and try to obstruct the opening of the great New York World's Fair the middle of next week.

Mr. ELLENDER. I presume the distinguished Senator from Florida will also refer to what is happening in San Francisco. In that city, according to the press reports, the NAACP has been engaged in long, drawn-out demonstrations directed against the new car agencies of the city, particularly those dealing with General Motors products. Violence has developed from these demonstrations on several occasions. The police have been called in to maintain order; hundreds of arrests have been made.

Apparently the demonstrations are being staged because of discrimination in employment by these auto dealers. Yet, the dealers and General Motors maintain that there is no discrimination in their employment practices. And of course, it is hard for me to see how there could be, or why there should be, when the State of California already has on its statute books a strong FEPC law.

But the Negro leaders are choosing to ignore this law, and are dealing in what has come to be known as "direct action." Once it was known as "illegal action," and the perpetrators thereof were arrested, tried, and jailed or fined. That course of action against lawbreakers is not necessarily followed today, I am sorry to say.

As a result, we have the spectacle of demonstrators assembling in the showrooms of car agencies, packing the cars themselves, crawling under the vehicles, and having to be dragged out. And this is all being done in the face of the fact that General Motors and the other dealers have many Negroes working for them already. More important, it is being done in the face of a California FEPC law.

In other words, even if this bill which is before us is forced onto the statute

books, the Negro leaders will not be content to take their grievances through the courts, which is the normal process even today. Instead, they would prefer to take it into the streets and into individual private businesses, just as is being done where such laws are already in effect. This method gains much more publicity and keeps the coffers full.

One more point before I conclude. According to the press reports, the San Francisco civil rights leaders desire the auto dealers to take an active role to hire Negroes, and are incensed because up to now the dealers have been taking a passive role. In other words, it seems clear that the dealers have been doing exactly what every normal businessman does when openings occur in his organization. No doubt advertisements are placed in the papers; they are answered by applicants, and the businessman employes the man most qualified for the position.

This process is apparently not enough for some people. Now we find the dealers being asked to take an active role in behalf of Negro employment. They are being told, in effect, to go out and recruit, to hire more Negroes, under penalty of disruptive demonstrations and a loss of business.

This means that Negroes are to be favored over whites, no matter what the proponents of this bill and the FEPC section it contains contend.

Mr. HOLLAND. The Senator is correct. The Senator could add another point to what he has just stated so ably, that the incidents similar to those happening in San Francisco also are happening in Cleveland and in New York City, and in other great cities—including Chicago and others—where integration has been decreed by law in the schools, places where FEPC laws exist as to employment, and places where most of the revolutionary ideas sought to be accomplished in the bill on a national scale by a coercive statute rather than constitutional amendment have already been put into effect either by State law or by city ordinance.

How blind they must be to realize that the abject failure to accomplish these objectives is clearly shown in the areas of our Nation which now have all the laws existing which they are trying to impose upon another part of our Nation which does not want them, which laws have not yet been able to carry out the objectives apparently so dear to them.

I thank the Senator for raising the question. I am sorry I did not include the San Francisco item. It was a matter of selection. Things are happening in so many places that I could not cover them all. I am glad the Senator mentioned the situation in San Francisco, which has come to a head only in the last 2 or 3 days.

Mr. ELLENDER. In the last 2 or 3 days, but demonstrations have been taking place for a month or more.

Mr. HOLLAND. As I understand, an effort is being launched by demonstrators against certain selling agencies handling new cars of General Motors, which the demonstrators believe have not been sufficiently sympathetic toward employment of Negro personnel. I have no information on that subject. However, when an FEPC law is already on the books in the State of California, the idea of having to resort to the means that they are adopting when integration is supposedly already accomplished by California law is ridiculous. The futile actions described by the Senator from Louisiana, such as sitting in cars, lying down under them, blocking entrances, and blocking offices so that no business can be transacted, can produce nothing but resentment, frustration, and trouble.

If anyone were hired as a result of that kind of process, how long would he remain in friendly relations with other persons in the office where he was supposed to work? How long could he hope to retain any respect or liking from them?

It is idle to talk about forcing friendliness, forcing cordiality, forcing liking by acts as unlawful, as ridiculous, and as brutal as those mentioned by the distinguished Senator.

Mr. ELLENDER. Is the Senator familiar with the table which I placed in the RECORD last week, indicating the number of States which had FEPC statutes?

Mr. HOLLAND. Yes; I am familiar with the table. I believe the facts are that 24 of the States mentioned have compulsory FEPC statutes, and 3 of them have voluntary statutes.

Mr. ELLENDER. The RECORD shows, from the table which covers all of the States, as I recall, that in the Southern States—for example, in the State of Mississippi—the rate of nonwhite unemployment was approximately 7.1 percent, whereas in the State of Michigan, where an FEPC law already exists, it was around 18 percent. How does the Senator account for that?

Mr. HOLLAND. I account for it by reciting what I have tried to recite already, that FEPC statutes have not brought about the solution for which they were designed. They have not in the States—and they will not on a national level.

It is clear from the table placed in the RECORD by the distinguished Senator from Louisiana, which I have read with much interest, that the real places where great employment among Negroes exists are the places where the remedies so heavily relied upon in this force bill already are applied as a matter of law, and where they have been found to be ineffective and completely futile because they do not come to grips with the problem and do not solve it.

It does not make sense to the Senator from Florida, to contend that anyone can examine the table and believe that the extension of that principle to the part of the country where unemployment is not large, would afford any hope of bettering the small percentage of unemployment which exists in certain States, as in my own State, which I represent in part.

Mr. HILL. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. HILL. The table is most interesting. It told us a great deal, as the Senator from Florida has brought out. In addition, I have some figures which show not only that unemployment among Negroes is greater in the FEPC States than in the South, but that also during the past 10 or 12 years the wages of Negroes in such States have increased considerably more than the wages of Negroes in FEPC States.

Mr. HOLLAND. The Senator is correct. In an earlier appearance in the present debate I placed in the RECORD a formal statement from an educator at the University of Michigan, to the effect that young Negroes coming from segregated schools in the South showed a greater degree of ability, competence, and training than those who came from the remainder of the country. The Senator will recall that statement, I am sure.

Mr. President, not only is violence abroad in the land, but many of the agitating groups do not seem to be able to hold themselves to any degree of unity for more than a few hours at a time.

From the same copy of the New York Times of yesterday, Sunday, April 12, to which I have heretofore referred, I present an article entitled "Strategy at Fair Debated by CORE." I ask that the article be placed in the RECORD at this point as a part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

STRATEGY AT FAIR DEBATED BY CORE—SCHISM ON PLAN FOR ROAD JAM STIRS HEATED ARGUMENTS—UNITY HERE AT STAKE

(By Joseph Levyveld)

The national and local leaders of the Congress of Racial Equality met here yesterday afternoon in a desperate effort to thrash out their differences. The heated debate continued into the evening.

At issue was the controversial plan of the Brooklyn chapter to create a huge traffic jam when the World's Fair opens on April 22. The refusal of the Brooklyn group to abandon this plan brought its suspension from the national organization Friday.

But the participants in the closed meeting also had to deal with the larger question of whether CORE could maintain unity in the city.

Technically, it was a meeting of the national organization's steering committee, which had summoned representatives of the Brooklyn chapter of CORE to defend its position. Representatives of the other local chapters sat in as invited guests.

In other words, the committee's decisions were those of the national leadership, and would not necessarily be accepted as binding by the local chapters, which consider themselves autonomous.

STALL-IN ON APPROACHES

The tactic of the Brooklyn chapter is to have a large number of cars run out of gas on the main highways to the fairgrounds. The stalled cars would be "on exhibition" as a protest against racial discrimination.

The chapter's leaders contended yesterday that the stall-in, as it is being called, was beginning to win national support. They said they had received the backing of Gloria Richardson, the militant leader of the Nonviolent Action Committee of Cambridge, Md.

The meeting had two subjects on its agenda. The first was to give final approval to the organization's plans for the opening day of the fair. The second was to determine what to do about the suspended Brooklyn chapter.

Since the disagreement with the Brooklyn group centered on its plan to stall fair-bound traffic the two subjects were related.

But the schism seemed to have begun with the second boycott of the city's schools. The national organization, which had strongly supported the first and more successful boycott, held itself aloof the second time.

In the period between the two boycotts, Norman Hill, CORE national program director, had called for a realinement of civil rights groups and leaders in New York. This was interpreted as an effort to downgrade Rev. Dr. Milton A. Galamison, the leader of the citywide committee for integrated schools.

The National Association for the Advancement of Colored People tacitly supported Mr. Hill. But 9 of the 14 CORE chapters in the city stood with Dr. Galamison and actively supported the boycott.

On April 4 the Brooklyn and Bronx chapters of CORE joined Dr. Galamison in a demonstration at the fair.

Tuesday evening the local CORE chapters met with Mr. Farmer in the national office to plan the demonstrations for the fair's opening day. The Brooklyn group proposed its "stall-in" which was voted down. Mr. Farmer took the position that such a demonstration would cancel the value of other protests that were being planned.

Nevertheless, the Brooklyn chapter announced that it was going ahead with the demonstration. Mr. Farmer's interdiction swiftly followed.

The young and rambunctious Brooklyn chapter announced that the suspension would in no way alter its plans. It won support Friday night from the New York and Bronx chapters, which took the position that they favored any and all demonstrations being planned for April 22.

CORE is not the only group planning such demonstrations. Dr. Galamison's followers are believed to be considering plans of their own, as are the local chapters in the NAACP.

Leaders of the various rights groups have talked about coordinating their plans. But the dissension within CORE indicated that this would be hard to achieve before the fair opens.

Mr. HOLLAND. Mr. President, the article, written by Joseph Levyveld, of the New York Times reporting staff, covers a discussion of the day before yesterday, Saturday, among various CORE organizations.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield for a question.

Mr. CLARK. Can the Senator give me any rough idea, for reasons which I am sure he understands, how much longer he intends to speak?

Mr. HOLLAND. I stated to several Senators earlier, before they left for the ball game—I am sure that is what the Senator has reference to—that I have a speech which will last about 2 hours at the minimum. Anything beyond that would depend on how much colloquy there was. Judging from the interest manifested by my distinguished friends from Alabama and Louisiana, it might extend beyond 3 hours.

Mr. CLARK. Mr. President, will the Senator yield further?

Mr. HOLLAND. I yield.

Mr. CLARK. Does the Senator feel that for the next hour and a half he is likely to hold the floor?

Mr. HOLLAND. I believe so. However, I wish to make it clear that my prepared remarks would not extend that long. While I do not control the strategy or the progress of the debate, it is my intention when I complete my remarks to suggest the absence of a quorum.

Mr. CLARK. Mr. President, will the Senator yield further?

Mr. HOLLAND. I hope the Senator will enjoy the game. I wish I could be with him.

Mr. CLARK. Does the Senator share my fear that it might not be wise to go?

Mr. HOLLAND. No; I do not share that fear. Even if the Senate had to delay for half an hour, while Senators came hurrying back to the floor from the ball game, no harm would be done to the country.

Mr. CLARK. Will the Senator yield further?

Mr. HOLLAND. I yield.

Mr. CLARK. Does the Senator know it is raining?

Mr. HOLLAND. No; I am distressed to hear it. Even nature weeps when such horrible legislation pends on the floor of the Senate.

To go back to the article published in the New York Times of yesterday, I have already asked that the article may be incorporated in the RECORD; therefore, I shall not weary the Senate by quoting from it in extenso. There are certain paragraphs which I believe might be of interest to Senators who are present. I thank them for remaining, notwithstanding the very vivid attractions which prevail elsewhere in the Capital, which will have the attention of some of our friends. I hope they will be able to attend and note the prowess of our President as he tosses out the first ball at the opening game of the American Baseball League game today.

The first paragraph of this fine article reads:

The national and local leaders of the Congress of Racial Equality met here yesterday afternoon in a desperate effort to thrash out their differences. Their heated debate continued into the evening.

I believe Senators have already noted the key words: "desperate effort," and "heated debate." That heated debate prevailed not between whites and Negroes, but between several units of the CORE organization, mostly Negroes.

I continue to quote:

At issue was the controversial plan of the Brooklyn chapter to create a huge traffic jam when the World's Fair opens on April 22. The refusal of the Brooklyn group to abandon this plan brought its suspension from the national organization Friday.

But the participants in the closed meeting also had to deal with the larger question of whether CORE could maintain unity in the city.

The Brooklyn unit had already broken relations with the national organization. Now there was the question as to whether there should be any degree of unity among the CORE units in the city of New York.

Technically, it was a meeting of the national organizations' steering committee, which had summoned representatives of the Brooklyn chapter of CORE to defend its position. Representatives of the other local chapters sat in as invited guests.

I do not believe it would be a contribution to the feeling of the country to read the other sections of this very fine, factual article. However, I wish to make it clear that, in the first place, the Brooklyn and Bronx chapters of CORE joined the demonstration which had already been planned by Dr. Milton A. Galamison, who is the leader of one of the chapters there, and that apparently, according to this article, the meeting broke up in great degree of inability to get together as between even the chapters of CORE located within Greater New York City.

I read this additional paragraph:

Tuesday evening the local CORE chapters met with Mr. Farmer in the national office to plan the demonstrations for the fair's opening day. The Brooklyn group proposed its stall-in—

That is not "Stalin," although it is very much like it, but "stall-in." It is the method chosen by the Brooklyn chapter of CORE, to stall the opening and dim the prospect of the fine services to be rendered to this Nation and the world by the great New York World's Fair.

Nevertheless, the Brooklyn chapter announced that it was going ahead with the demonstration. Mr. Farmer's interdiction swiftly followed.

The next paragraph is so good, particularly the adjectives, that I should like to quote it. This great liberal newspaper, the New York Times, and the liberal reporter, whose name I have already given, indicate to my mind that they have no feeling of happiness in the tactics that are being followed by CORE.

The young and rambunctious Brooklyn chapter announced that the suspension would in no way alter its plans. It won support Friday night from the New York and Bronx chapters, which took the position that they favored any and all demonstrations being planned for April 22.

Mr. President, I shall not read any further from this article. However, I wish to express my deep distress, not only because of the nature of the demonstration, but because of the very fine effort against which the demonstration is directed. I had the honor, on the floor of the Senate, to plead, on behalf of the two Senators from New York [Mr. JAVITS and Mr. KEATING]—Senators now in the Chamber will recall this—for the successful effort to secure $17 million of Federal money for the establishment of a Federal exhibit at the great New York World's Fair. I have in my file at least a dozen letters from great leaders in New York, including Mayor Wagner; Mr. Moses, who has a position of importance in connection with the fair; retired Major General Potter, who, I believe, is acting superintendent of the fair; and others, including letters from both the distinguished Senators from New York, thanking me for my participation.

I would dislike to think that the CORE chapters are trying to close down the fair on its opening day merely because I helped the New York representatives in an effort which I thought was worthwhile from the standpoint of serving the whole country. If CORE is doing what it is doing because a few of us southerners may have had an active part in helping the effort, and because the State which I represent, in part, has spent

quite a large sum of its money to establish an exhibit in the fair, thus trying to heighten the effect of the entire fair by constructing a beautiful building, I hope they will remember that their State has more at stake than any of the others, and that their two Senators were the leaders in the movement which the Senator from Florida was happy to take over for them on the floor of the Senate; and that they stand in their own light and in the light of their fellow citizens of their own great State—which I believe is now the second greatest in population in the Nation—by doing the foolish, ridiculous, and completely irresponsible things they propose to do, such as having jallopies break down on the highway which gives access to the New York World's Fair on the opening day of that great exhibition. To the Senator from Florida, that does not sound like America, or love of country by any standard. It sounds exactly the opposite and I deplore it.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. HOLLAND. I am happy to yield to the Senator from Georgia.

Mr. RUSSELL. We are often told on the floor of the Senate, particularly by those who represent the great Empire State of New York, that New York has achieved almost the millennium in matters of equality. New York has a Fair Employment Practice Commission, and I understand the city of New York has one also. I know that the State has a Fair Employment Practice Commission to assure equality in employment. New York has other commissions and governmental bodies to assure open occupancy in housing. The city of New York, through the gigantic sums it has received for urban renewal and for Federal housing projects, has taken every step possible to assure complete equality among all races of people and all creeds in the matter of housing opportunities in the city of New York. All the major concerns in New York have undertaken to employ members of the Negro race in their higher executive positions.

We from the South have been lectured on conditions in our own States, despite the fact that the statement has just been made, supported by Government figures, that there is a lower rate of unemployment among our own colored people than exists in some of the States that have Fair Employment Practice Commissions.

Mr. HOLLAND. Unemployment in most of our States is only a fraction as compared with the amount in the larger States which have FEPC agencies.

Mr. RUSSELL. But in the city of New York, when the Negro people decide that they wish to visit the mayor, they pay him a visit of some 10 days or 2 weeks at his office, to show their political influence. The same is true at the Governor's office. I recall recent occasions when the Governor and mayor were going in and out of side doors in an effort to reach their offices without having to step over the prostrate forms of their constituents here, there, and everywhere. I wondered what all the protesting was about.

The letters "CORE" stand for Congress of Racial Equality. Considering all the legislating that has been done in New York, and all the fawning and supplicating that has been done by the leaders in the State of New York, what on earth are those people seeking? They virtually have taken over the city hall and the State house whenever they felt like doing so. I was wondering what the objective of the campaign was that would cause such a great division in the ranks of the Congress of Racial Equality in the great city of racial equality. What objective is it trying to achieve?

Mr. HOLLAND. I am sorry I cannot answer the Senator's question. I observe in the Chamber the distinguished junior Senator from New York [Mr. KEATING]. He may possibly be able to enlighten us.

Mr. RUSSELL. If he is not an authority on the subject, I do not know where we could go for an authority.

Mr. HOLLAND. In answer, I can only say that it is quite apparent that CORE does not like the kind of equality that is being meted out to it in the great State of New York. That is all I could venture to say.

Mr. RUSSELL. The State of New York has attempted for many years to attain the objectives I have outlined. If New York has been unable to achieve them by State law, how do the advocates think they can be achieved by Federal law, in areas where they do not meet with the approval of a majority of the people?

Mr. HOLLAND. There are those who believe that all that is necessary is to pass a law in Washington, and that when Uncle Sam, who represents that great centralized Government here, assumes responsibility, the problem will cease to exist—just vanish into the air.

We found that that was not true of prohibition. We found that it was not true in other fields. The Senator from Georgia and I both know, as former Governors of our States, that when we try to use coercion or compulsion, we generally get from typical American people anything but full cooperation.

Mr. RUSSELL. I thought the Negroes of New York already had all of the laws they were seeking.

Mr. HOLLAND. They do have it in the State of New York, as I understand; but if that not be true, the distinguished Senator from New York [Mr. KEATING], whom I highly respect, may give us the reason. If he wishes me to yield for a question or to enable him to make a statement, I will ask unanimous consent to yield to him for that purpose.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. KEATING. Responding, first, to the question asked by the Senator from Florida, I wish to tell him how much both my colleague from New York [Mr. JAVITS] and I appreciate his assistance as a member of the Committee on Appropriations in providing funds for the Federal Pavilion at the fair. Anything I may say hereafter will in no manner be in derogation of the gratitude which we feel or the sense of obligation which we feel toward the Senator from Florida and the Senate as a whole for the great help which they gave us.

Mr. HOLLAND. Speaking only for myself, I was happy to do that because I thought it was a fine, worthwhile project. I am still happy that I did it, regardless of the other incidents, which have nothing to do with that appropriation.

Mr. KEATING. I thank the Senator from Florida. The Congress of Racial Equality has been mentioned. It should be noted that the group to which the Senator has referred is not the national organization but a few chapters of CORE which have made threats with regard to stopping traffic or interfering with access to the fair. National leadership of CORE has said that they do not support any such effort to interfere with the operation of the fair.

We have previously encountered such splinter groups in New York.

I believe that the leaders of those who are seeking greater racial equality should exercise restraint, and should be very careful not to injure, by rash or intemperate action, the cause of civil rights and the cause of equality for all our citizens.

Mr. HOLLAND. Perhaps the Senator from New York can advise us just what it is that these three chapters—in Brooklyn, in New York, and in the Bronx—which, apparently, are going to engage in stalling tactics, are trying to accomplish.

Mr. KEATING. I shall come to that, and it will not particularly please either the Senator from Florida or the Senator from Georgia; but in my own time, if the Senator from Florida will permit me to do so—inasmuch as he has yielded to me—I shall explain what I believe they are aiming at, although I cannot speak for them.

Mr. HOLLAND. Mr. President, I ask unanimous consent that, without losing my right to the floor, I may yield to the Senator from New York, to permit him to make whatever statement he may wish to make at this time.

The PRESIDING OFFICER (Mr. BAYH in the chair). Without objection it is so ordered.

Mr. KEATING. It is understandable that the demonstrators are frustrated and often are discouraged. Certainly in our great country everyone has the right to petition for the redress of grievances, and the right to engage in peaceful demonstrations. All of these are entirely in order, and have become embedded in our traditions. I refer, for example, to the demonstration in connection with the march on Washington, which was well handled and was without incident, and was a credit to those who were seeking to advance the cause of civil rights.

However, it is injurious to that cause when such demonstrations are disorderly; developments of that sort hurt the community and hurt those who are seeking to obtain equality for all of our citizens.

The announced purpose of those who are promoting these demonstrations is,

according to their plan, to demonstrate that some States with exhibits at the fair do not have equality for all their citizens. The members of these groups desire to stress that fact.

I would not wish for even a moment to imply that there are not shortcomings, in that regard, in New York State and in other States of the Union; but, so far as I know from reading the newspapers, the demonstrations are directed against the national problem, and, specifically, against some of the States which will have exhibits at the fair—States which do not give equality to all their citizens, either equality in voting or equality in education and employment or equality in the use of public facilities. That is the direction in which this effort is aimed, as I understand it, and these are the conditions we hope to remedy by the passage of this bill.

I emphatically point out to the Senator from Florida that these proposed "stall-ins" are not a plan of the Congress of Racial Equality as such; instead, it is a plan of certain of its chapters—chapters which, as I understand, have quite recently been disciplined by the parent body for their actions which the parent body has deemed to be injurious to the cause for which it stands. I think that point should be made very clear in the RECORD.

Mr. HOLLAND. I appreciate the statement the Senator from New York has made; but I am still left without a clear understanding of the proposed demonstrations. I do not see how the prevention of the success of the fair, on its opening day—a fair which involves investments of millions of dollars by the State of New York, by the city of New York, by the Government of the United States, by many other States, by many foreign countries, and also by many manufacturing enterprises—and the consequent frustration and disappointment of the perhaps hundreds of thousands of persons who will be trying to reach the fair on its opening day, which will be the latter part of this week, would in any sense contribute any sound result. Instead, it would simply result in more resentment; it would be like coercive legislation, only worse, because it would create resentment by good citizens of New York of all races who will be trying to get there, and also by many citizens of other States who will be trying to get there, to enjoy the exhibits at the fair, which is of great national importance. So it seems to me that such a situation would frustrate and antagonize many thousands of good people; and I cannot understand the psychology of that movement, any more than I can understand the psychology of those who are trying to force this coercive bill down the throats of people who do not want it, and who probably will not accept it.

Mr. KEATING. Mr. President, will the Senator from Florida yield?

Mr. HOLLAND. I yield.

Mr. KEATING. I shall probably not find myself in agreement with many of the statements the Senator from Florida will make in the course of this debate; but in general I agree with what he has said when he has stated that demonstrations which get out of hand in such a way do not help the cause.

But I was seeking to point out that an attack has been made on the Congress of Racial Equality. Although it is not my province to defend any particular organization, I think in all fairness it should be pointed out that this proposal is by a splinter group—a group similar to the eight or nine persons, as I recall, who were so unwise as to lie down on the Triborough Bridge, and thus prevent many people from returning home from work, one evening. That was done as a civil rights demonstration; but I do not believe things of that sort help the cause at all.

Over the past weekend, I have been conferring with some of the Negro groups in New York, in an effort to convince them of the undesirability of such demonstrations. I believe that most of those in positions of responsibility in various organizations share that view, and feel that it is undesirable, unwise, and injurious to the cause to have demonstrations of that sort, in which people lie in the streets and stop traffic, or purposely drive on the highways cars which soon will run out of gasoline. Such activities will necessarily alienate many persons of good will, who now are sympathetic to the objective of equality for all our citizens.

So I believe it would be a great mistake; and I have been frank to say so, not only publicly, but also to some of the leaders of the groups which are backing civil rights legislation.

In my judgment, such activities have nothing to do with the position taken by Senators or other legislators in regard to the provision of equal opportunity for all Americans. We can believe sincerely and firmly in that cause, and can still be greatly opposed to demonstrations which get out of hand and cause great inconvenience, and sometimes suffering and injury, to others who are perfectly innocent bystanders. On no occasion have I said that the rights of any race or any person of a particular national origin or the members of any group should be superior to the rights of the members of any other group. Our country is composed of people of many races, colors, creeds, and backgrounds. All my efforts have been directed, insofar as possible, toward providing equality, insofar as constitutional rights are concerned, for all the people of the United States, without regard to their race, color, or creed.

When any one group seeks to do things that would injure other groups, it is our duty to speak out.

Mr. HOLLAND. I thank the Senator for his statement on the subject. Without seeking to give any offense, the attitude of the demonstrating groups in States that have FEPC's, that have legal school integration, and that have every type of coercive approach to the problem, is the best illustration that could possibly exist of the point which I am seeking to make, namely, that any legalistic approach, based upon the passage of laws, on the handing down of decrees, or on the use of economic pressures or force, would not only fail, but would also operate in reverse, because it would merely bring frustration and resentment, so clearly manifested in all the demonstrations going on in the States that have gone so very far in enacting every possible civil rights law that imagination could conceive of.

Mr. President, I could continue with a recital of the dismal and distressing things that are happening in many of the cities in the South. I do not want it to be understood that in making mention of those distressing occasions in the North, I am by any means indicating that we of the South have reached a perfect solution of this vexing complicated problem. I am merely trying to make clear, first, that in those areas which have adopted every conceivable legal approach to the problem that can be dreamed up or imagined in men's minds, there is apparently more frustration; resentment, and violence than there is even in our part of the country—and now apparently on a much larger scale.

It has been illustrated so clearly that approaches through the use of pressure, coercion, and compulsion in this kind of a field cannot bring about the desired objectives, no matter how earnest and kindly may be the interest of those who desire to follow those approaches.

Many of the other recent school and residential troubles in New York City, in Philadelphia, in Cleveland, in Chicago, in Detroit, and elsewhere make it completely clear that millions of people in our Northern States prefer de facto segregation, or something very much like that, or at least do not want to adopt any program of compulsory mingling of the races.

I have made this point at some length because I want to call attention to the fact that the psychology behind the approach that is written into this bill is just as wrong as it can be. American people—whether white or black—are as a rule individualistic and independent. They have their own ideas about how they want to live, with whom they want to live, and with whom they want their children to mingle.

They have strong feelings about avoiding everything that leads to undue social admixture of the races and the consequent intermarriage which would be sure to follow on a vastly increasing scale.

They are perfectly willing to study these problems carefully in the effort to try to discover what can be tolerated by way of increased adjustment between the two races, and much progress is being made in the adaptation of the two races to more complete integration—except on a social basis.

It is my view that instead of furthering such a reasonable approach to this problem under which much is being accomplished, the whole course of such adjustment will be set back by the passage of a law so arbitrary, compulsory, and coercive as is this bill. In fact, Mr. President, passage of this bill, or certain sections of it, may well destroy many of the great gains achieved in the last 100 years.

One of the finest columns which I have seen that points out clearly the poor psychology which is used by the present proponents of the civil rights bill is that of Mr. David Lawrence of April 10, 1964, which appears under the heading "Civil Rights' Cause Appears Headed for a Debacle Because Proponents Have Chosen the Wrong Methods." Mr. Lawrence's column is so full of commonsense that I shall quote it in full as a part of my address as follows:

The article to which I refer is taken from the Florida Times Union of April 10 of this year. I read:

CIVIL RIGHTS' CAUSE APPEARS HEADED FOR A DEBACLE BECAUSE PROPONENTS HAVE CHOSEN THE WRONG METHODS

(By David Lawrence)

WASHINGTON.—Maybe what has just happened in the Wisconsin primary will give Congress pause. It may teach a lesson often forgotten—that a substantial segment of the American people resent intrusion into their private lives and their freedom to choose their associates, black or white or brown or yellow, on the basis of their own judgment and their own likes or dislikes.

For if resentment already evidenced across the Northern States—not merely in the South—is beginning to be expressed in the form of votes at the polls, then a crisis of major proportions may come again to America.

The last crisis of this kind—governmental coercion in an attempt to achieve prohibition of the sale of intoxicating liquors—ended in a debacle. It was largely the fault of the prohibitionists, who could not see that their methods were wrong.

Today, the cause of civil rights which in many respects is a just cause, is headed for another debacle, largely because its proponents have chosen the wrong methods to win public support.

It is easy enough to say that in Wisconsin mostly Republicans gave a symbolic vote for the arguments of Governor Wallace of Alabama. But there were unquestionably Democrats who felt the same way.

The significant development is that, in a State as far from the South as Wisconsin—known for its progressive thinking—an election was actually conducted in which civil rights was an issue, and 25 percent of the voters registered their protest against it.

On the same day, moreover, that the Wisconsin primary was being held, a tragedy occurred in Cleveland, Ohio, where an impassioned minister was killed as he dramatically threw himself behind a bulldozer. In that city, the mayor has been trying to halt the violent demonstrations in a school-segregation crisis. The trespassers on public-school property were trying to get the city to abandon the construction of certain schools.

The responsibility for these tragic happenings rests on some of the leaders in the civil rights movement, particularly on those leaders who misconstrued demonstrations like the famous march on Washington as seeming to give the stamp of approval to demonstrations of all kinds.

Today, many of the northern cities, including New York and Chicago, are conscientiously striving to handle the difficult problem of racial integration. But they find themselves not occupied merely with what the Constitution and the law require—namely, that there shall be no racial discrimination in citizenship rights. They are instead being stampeded to correct racial imbalance by methods which introduce a counterdiscrimination—as, for instance, against those white citizens whose children are being prevented from going to their own neighborhood schools. This is one of the demands of civil rights leaders in their boycotts and other demonstrations.

How can public sentiment express itself against encroachments on private rights? The citizens of Wisconsin found a way, and so did the voters in Kansas City, Mo., this week when they voted on a city ordinance which dealt with public accommodations. The ordinance was designed to enlarge the number of places in which discrimination would be prohibited, and went beyond the provisions of the pending bill in Congress. The measure was under vigorous attack by tavern owners, and the vote was about 50–50, as the ordinance won by a narrow margin.

Why, in a place as far distant from Alabama as Kansas City, would the citizens be divided evenly on this question if the issues were as clear as some of the supporters of the so-called civil rights legislation have described them? The problem in Kansas City, just as in other cities, is one that turns on the extent to which an effort to prevent discrimination results in a drive whereby governmental authorities control freedom of association and freedom of choice of customers in private business.

All this adds up to civic resentment, the first signs of which are beginning to appear in different sections of the country. The pending civil rights bill is only a first step to the crusade. The real crisis will come when the Federal Government tries to enforce the provisions of the proposed law not only in public accommodations but in the handling of employment in various kinds of businesses. Demands that racial quotas become paramount guidelines of employment can only provoke deep-seated antagonisms if the Government agencies set up their own methods of determining efficiency and qualifications for a job in private business in America.

I have been quoting from an article, not written by a southerner, but by Mr. David Lawrence. He makes it very clear that the real crisis in this country is not to be found on the floor of the Senate or the floor of the House, but will come when and if a bill of this monstrosity is passed and there is a serious effort to enforce it in great sections of the country where more than 50 million people live, where the philosophy behind the bill is wrong, and where the psychology in the delicate matter of human relations does not permit the problem to be handled on the basis of persuasion but, instead, attempts to approach it on the basis of coercion.

Mr. Lawrence states the meat in the coconut in his statement:

The problem in Kansas City, just as in other cities, is one that turns on the extent to which an effort to prevent discrimination results in a drive whereby governmental authorities control freedom of association and freedom of choice of customers in private business.

I call clear attention to the fact that the civic resentment which is already apparent will come to a real crisis when the Federal Government tries to enforce the provisions of the public accommodations and FEPC provisions in the civil rights bill. I hope that the Members of the Senate will realize in time that the passage of this bill in its present form would indeed provoke a serious crisis in our country whenever any real effort should be made to enforce it. The methods proposed by this bill are helplessly wrong and will make bad matters very much worse.

One clear evidence of the fact that unrest among white Americans created by the coercive and unacceptable methods that are the heart of the pending bill and of the unwisely led movement of which it is a part, is making itself clearly seen in parts of the Nation outside the South is the outcome of the recent presidential preferential primary in Wisconsin. In that race, Gov. George Wallace of Alabama, who is certainly an extreme segregationist rather than a moderate one, received 261,000 votes as against 508,000 for Wisconsin's Gov. John W. Reynolds and 294,000 votes for the favorite son Republican candidate, Congressman BYRNES. There have been so many pithy comments on that wholly unexpected heavy vote for Governor Wallace that I think it might be well to place in the RECORD some of these comments coming from different points of view. For instance, in the New York Herald Tribune appears the following editorial under the heading "It Happened in Wisconsin, Suh":

The State that Joe McCarthy made famous has done it again.

Despite the jeers and laughter, Alabama's segregationist, stand-in-the-schoolhouse-door Governor has seemingly won the hearts of more than a quarter of a million Wisconsin voters. His total in the Democratic presidential primary was more than half that of Wisconsin's own Gov. John Reynolds. It was nearly as great as that run up by Representative JOHN BYRNES, unopposed in the Republican primary.

Trying to divine the true meaning of election results is a little like chasing a pig through a forest at night. People don't register the reasons for their votes. Wisconsin allows crossover primary voting, and there's no knowing how many Democratic votes were cast by Republicans.

The Democratic Party is split between supporters of Governor Reynolds and of Senator GAYLORD NELSON. With the State's own Governor in contention (even though as a proxy for President Johnson), local issues could not be kept entirely out. A vote for Governor Wallace could have been simply a vote against Governor Reynolds. And Wisconsin has its share of political kooks. The chief organizer of the Wallace campaign, in fact, also heads a committee dedicated to abolishing the income tax by constitutional amendment.

Still, a quarter of a million frosty Wisconsin votes for Wallace cannot be ignored. Wallace wasn't really running for the Presidency; he was conducting a diversionary, second-front campaign against the civil rights bill. And however many reasons these quarter-million Wisconsinites had for supporting him, they at least weren't offended by his segregationist stance.

This is already causing added trouble for civil rights supporters in Congress. But the important thing to remember is that it doesn't affect the merits of the rights issue. What it does, in fact, is to underline the basic truth that civil rights are indeed a national problem.

And not a sectional problem. It seems to me that the most important conclusion stated by the Herald Tribune editorial is in the last two sentences which I repeat as follows:

But the important thing to remember is that it doesn't affect the merits of the rights issue. What it does, in fact, is to underline

the basic truth that civil rights are indeed a national problem.

In many papers I have seen the comment made by the columnists Rowland Evans and Robert Novak under the title "Inside Report: Wisconsin's Warning." I quote this column in large part as follows:

The quickest way to dispel the myth that Alabama Gov. George Wallace's shockingly large vote in Wisconsin was caused by "Republican crossovers" is to examine Milwaukee's Democratic 14th ward.

The 14th lies in Representative CLEM ZABLOCKI's 4th Congressional District, in South Side Milwaukee's industrial heart. It is a Polish ward, with a sprinkling of German, Italian, Croatian, and other ethnic groups. It has scarcely a single Negro family, and only a handful of Republicans.

In 1960, John F. Kennedy got 84 percent of the primary vote in the 14th ward against Senator HUBERT HUMPHREY. Representative ZABLOCKI regularly carries the 14th ward by margins up to 14 to 1.

Last Tuesday, in this test tube ward, segregationist Wallace captured 29 percent of the vote—about the highest proportion for him anywhere in the State.

That is one of the three key statistics in the ominous returns from Wisconsin's presidential primary. No matter what they may be saying for the record, Democratic politicians are painfully aware of it.

They privately admit that a great many of the voters now reacting with the greatest hostility—or fear—toward the Negro revolution are hereditary sons of the Democratic party who still swear by F.D.R. Those in the 14th ward are highly skilled middle-income workers, many of whom own their own homes.

These neophyte Wallace voters fear the threat of a Negro invasion of their all-white neighborhood from heavily Negro areas in the adjacent Fifth Congressional District, along Milwaukee's north shore.

The second key statistic is found in the Republican suburb of Shorewood, in the Fifth District. Its two most Republican precincts (heavily Nixon-Lodge in 1960) split evenly between Wisconsin's Democratic Gov. John Reynolds, Wallace, and Representative John Byrnes, the Republican favorite-son candidate.

True, there were crossovers in all-white Shorewood but one Wisconsin expert—a Democrat—estimates that at least half of these crossovers from BYRNES to Wallace had not the slightest intention of embarrassing Governor Reynolds. They reacted from fear of Negro househunters from nearby Negro enclaves and a sharp drop in real estate values.

Finally, the third key statistic, a bulwark to the other two, is found up in Republican Representative MELVIN LAIRD's Seventh District, far away from any Negroes at all. Wallace ran a very poor third in this conservative and Republican district, far behind BYRNES and Reynolds.

As an immediate result of Wisconsin, some politicians in both parties are starting one of those agonizing searches for a safe position on the civil rights question, but for most the die is already cast.

Example: Representative ROGERS MORTON, a freshman Republican from Maryland's arch-conservative Eastern Shore, now fears that Wallace may carry his district in the Maryland primary. There is not much he can do about it.

Example: Representative WILLIAM MCCULLOCH, the esteemed Republican leader of the House Judiciary Committee, is encountering political trouble back home in Ohio because of his leading role in winning House passage of the civil rights bill.

But these Republicans have one important political asset: To capitalize on the white backlash against civil rights there, Democratic opponents will be required to repudiate President Johnson and the President's flat commitment to a strong civil rights law. For northern Democrats, this simply isn't a possible position. Not today anyway.

As the opposition party, Republicans have more flexibility—a fact plainly evident in the efforts of the Senate Republican leader, Senator EVERETT DIRKSEN, of Illinois, to water down the civil rights bill.

For some Democrats then, Wisconsin is a warning signal, Indiana (May 5) and Maryland (May 19), the two other targets of Wallace's northern invasion, are just around the corner.

The most interesting part of this column is, it seems to me, the clear showing of heavy support for Governor Wallace in Milwaukee's strongly Democratic 14th ward, which is predominantly a Polish ward, and in Shorewood, a strongly Republican suburb of Milwaukee in the 5th District. These statistics make it completely clear that Governor Wallace's completely unexpected support came at least in very substantial figures from both traditionally Democratic and traditionally Republican voters. The unrest on the racial problems which is growing during the debate on the pending civil rights bill is both national and bipartisan. The deep resentment which is already articulate in Wisconsin comes from the unsound and psychologically wrong approach contained in the civil rights bill and in the poorly led movement of which it is a part.

Still another interpretation of the national unrest, as shown by the Wisconsin election and elsewhere, appears in an editorial of the Tampa Tribune, dated April 9, 1964, entitled "It Knows No Climate" which I quote in full as follows:

IT KNOWS NO CLIMATE

A segregation-forever Alabama Governor invades Wisconsin and picks up nearly 25 percent of the votes in a presidential primary. What does it mean?

To strutting little George Wallace it means a moral victory for his States rights crusade. To Senator HUBERT HUMPHREY it is "a fizzle, a flop." To Wisconsin Gov. John W. Reynolds who got 508,000 votes to Wallace's 261,000, "It just goes to show what we have known all along: There are prejudiced people in the North as well as the South."

Reynolds' comment, we think, summed up the significance of the result.

How many votes Wallace actually got because of his racial views and how many he got because Republicans wanted to embarrass the Democrats nobody knows. Wisconsin's silly primary system permits citizens of either party to vote for the other party's candidates. Since there was no contest on the Republican ballot, it was tempting for Republicans to vote for Wallace as a means of discrediting the Democratic Party in Wisconsin.

Yet it is certainly true that a large part of the Wallace vote came from citizens either basically prejudiced on race or disturbed at the reckless pace of civil rights campaigns.

Integration crusaders, in and out of Congress, habitually point to the South as the Nation's swampland of bigotry, which must be drained by a combination of Federal laws and northern missionaries.

The South has enough, heaven knows, and no fairminded southerner defends the things which have happened in Alabama and Mississippi.

But the rest of the Nation has its share of bigots and extremists, too. It also has, no less than the South, citizens of tolerance and good will who are alarmed at the attempt to eliminate discrimination in private associations by the heavy hand of law.

It is noteworthy that a Kansas City referendum on an ordinance forbidding discrimination in most private businesses—similar to provisions of the pending civil rights bill—carried by a margin of less than 1 percent in an election Tuesday.

Proposals for open-housing laws in Seattle and Tacoma, Wash., and Berkeley, Calif., previously had been rejected by voters.

None of these cities, we may point out, is in the South.

We carry no banner for George Wallace. In our judgment, he has served his own State badly with his racial demagoguery. But it is just possible that he may serve the South well in his northern invasion by showing, at the polls, that prejudice knows no climate.

The last sentence of that editorial is the most meaningful, which reads as follows:

But it is just possible that he (Governor Wallace) may serve the South well in his northern invasion by showing, at the polls, that prejudice knows no climate.

On this point, I note in the Lakeland (Fla.) Ledger of Saturday, April 4, an editorial sounding a note of caution which I think should also be considered at this time, particularly in view of the fact that that highly reputable newspaper favors much of the pending civil rights bill. I read into the record that portion of the editorial titled "Yes, But Is a Law Needed?" which should operate as a stop, look, and listen warning to the eager supporters of the pending measure who seem to want to solve everything which they regard as wrong in the field of racial relations by the enactment of this single omnibus measure instead of giving due consideration to the use of an acceptable and attractive psychology in choosing the contents of their bill. The portion of the editorial which I quote reads as follows:

What we do question is whether the public accommodations section actually is a desirable or needed feature of the bill. There is demonstrable evidence that Negroes are getting restaurant service and overnight accommodations in an ever-widening circle, even in the Deep South. The Howard Johnson chain, as but one example, serves any person who is clean, sober, and has the money to pay his check. Nonsegregated public facilities on turnpikes are nearly always available. Several months ago, Orlando restaurants and motor courts were almost unanimous in deciding to open their doors to all travelers. About half the eating and sleeping places in Gainesville are desegregated now, thanks to the hard work of a student committee at the University of Florida.

The Ledger's position does not imply any lack of sympathy for the traveling Negro family, but rather an awareness that the problem of providing Negroes with in-transit food and sleeping accommodations is being resolved by moral, social, and economic pressure. In other words, why enact a law to force something that seems to be happening anyway?

I quote likewise a cautionary editorial from the well-known agricultural paper, the Progressive Farmer, in one of its

recent issues. The editorial is entitled "Negroes Traveling the Wrong Road," and it reads as follows:

NEGROES TRAVELING THE WRONG ROAD

Radical Negro leaders need to learn the facts of economic life. Not all the Negro's troubles come from discrimination. Some are of his own making. They are due to his own shortcomings in training and dependability. Negroes hold few top jobs. They would hold many more, if they were qualified.

This isn't to say that U.S. Negroes aren't making progress. They have a far better standard of living than Negroes in other parts of the world. And, as U.S. News & World Report showed recently, the per-capita income of U.S. Negroes is higher than that of modern, up-to-date Western Germany.

With as many Negroes as we have in the South and with as many of them well to do, it is a mystery why they don't do more for themselves. The other day, Attorney General Robert Kennedy told a Senate committee that in Montgomery, Ala., and Danville, Va., a Negro can find overnight accommodations in only one listed place, but a white man's dog is welcomed in nine.

No doubt, Mr. Kennedy intended his testimony to be an indictment of the South. But to us his statement is even more an indictment of Negroes—for failure to help themselves.

Now this is a situation that civil rights has nothing to do with. New Jersey has more civil rights legislation than any other State in the Union. Yet, according to a Negro editor in New Jersey, there are more businesses owned and operated by Negroes in Atlanta, Ga., than the entire State of New Jersey. Indeed, there is abundant evidence to show that Negroes are getting ahead in business much faster in the South than in other parts of the Nation. Dallas, Tex., is said to have 3 or 4 Negro millionaires. And many Dallas Negroes are in the half-million bracket.

Negro progress toward first-class citizenship will be exasperatingly slow if it depends solely on force applied through civil rights legislation. In the excitement of the hour, Negroes are forgetting they have great problems to solve for themselves. Negro leaders as a group are doing little to improve the deplorable crime record of the race and too little in telling Negroes that getting a good job is one thing, being qualified to hold it is another. Self-improvement and cooperation with well-meaning white people of the South in working out race relations is the real solution. Sitdown strikes and demonstrations are not only silly, but futile.

In an editorial by Mr. Clarence Poe, senior editor and board chairman of the Progressive Farmer, appears another thoughtful article under the heading "What Both Races Need Today," which reads as follows:

For 100 years to come white people and colored will live together in the South. And for either race to have the peace, happiness, and prosperity we covet for it, four things seem supremely important: Greater good will by both races; greater generosity by our white people; greater restraint by our advancing colored people; and much, very much more and better training in schools and skills for all our people.

One of the serious psychological mistakes of proponents of the civil rights bill in my opinion is that they overlook what has become so clear in the history of our Nation with reference to the residential patterns preferred by both the white and Negro citizens. It has become perfectly clear throughout the last 100 years that the white citizens prefer to live with and among people of their own color and that the Negro citizens likewise prefer to live with and among other Negroes. The outcome of recent open housing elections, as mentioned heretofore, makes a strong showing of this fact but I think that an article appearing in the Wall Street Journal in August 1962 made an even stronger showing because that able publication presented the facts showing that even where deliberate efforts have been made to set up and maintain racially mixed housing under conditions which seemed ideal, those conditions have been defeated within a few years by the demonstrated preference of people of each color to live among others of their own kind. The article in the Wall Street Journal was entitled "Race and Residence—Negro Efforts To Find Racially Mixed Housing Lead to New Ghettos." The article is an objective and factual report by an able reporter, Lawrence G. O'Donnell, of conditions developing in named places in the three States of Connecticut, New York, and Pennsylvania, where deliberate efforts on the part of developers to create integrated housing have succeeded only in creating segregated housing, after a little time, due to the fact that white people that were there have moved elsewhere and other people who are Negroes have come in until finally we find that the original Negro residents, for example in the Village Creek development, feel that "one more Negro family will turn the section into a segregated ghetto."

This is a most interesting article showing that deliberate efforts to bring about racial integration in housing have failed because of the strong feeling among people of both colors against mixing of the races on a quota basis which had been carefully planned by the developers—this in spite of the existence of laws prohibiting segregated housing in all three of the States mentioned. I ask unanimous consent that this very interesting article may be printed in the RECORD at this time as a part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RACE AND RESIDENCE—NEGRO EFFORTS TO END RACIALLY MIXED HOUSING LEAD TO NEW GHETTOS—IRONIC TWIST OFTEN OCCURS BECAUSE FEW RESALES ARE CONSUMMATED WITH WHITES—CONTROVERSY IN CONNECTICUT

(By Laurence G. O'Donnell)

NORWALK, CONN.—Formidable obstacles lie in the way of the growing number of Negroes seeking to escape segregated housing in the North. And it would be hard to find a more striking example of these difficulties than the one provided by recent events in a racially mixed residential development here.

The development is called Village Creek, located on the shore of Long Island Sound. Village Creek contains 53 homes, ranging in market value from $20,000 to $45,000. It was laid out a dozen years ago by developers who made a point of selling houses to both whites and Negroes, with the aim of achieving a "favorable racial balance."

All seemed harmonious until last summer. Then a Negro electronics technician and his wife sought to purchase a house, and there were complaints from homeowners in the section of Village Creek where the would-be buyer wanted to settle. The strongest objectors, strange to relate, were Negroes. The proportion of Negroes in the neighborhood had been growing for several years, and the Negro residents felt one more Negro family would turn the section into a segregated "ghetto." The dispute is still unresolved.

AN ELUSIVE GOAL

Village Creek's plight shows the difficulty of maintaining racial "balance" in a neighborhood, even when residents support such a policy. As houses or apartments in an integrated area are put up for sale or rent from time to time, the percentage of Negroes almost inevitably grows, raising the prospect that the area may eventually become a segregated Negro community. The explanation, say students of racial matters, is that Negroes seeking good-quality housing are often limited to interracial developments, and thus demand from Negroes is heavy. Whites, even if not deterred by prejudice, are less likely to settle in integrated communities simply because they have so many more places to choose from.

The problems faced by Negroes fleeing segregated neighborhoods naturally become even more acute when they move into previously all-white neighborhoods. Whereas opposition to a new Negro family is a startling exception to the rule at Village Creek, in most white communities Negroes can count on a chilly reception from many homeowners, landlords, and real estate agents. Even in the 17 Northern States from Alaska to New York which have some sort of law against discrimination in housing, Negroes usually find it impossible to obtain housing in a white neighborhood, civil rights groups report.

Only last week the Congress of Racial Equality, a civil rights organization, complained to the New York State Commission for Human Rights that barriers against Negroes in many housing developments in Nassau County, a populous suburban area on Long Island just outside New York City, were impenetrable. In a test, Negro families visited 42 developments in the county and expressed interest in purchasing a home. In every case, the Negroes were rebuffed, said CORE. The organization added that when whites cooperating with the Negroes subsequently visited the same developments to make inquiries about buying a home, they were welcomed by the builders and their sales agents.

DISCOURAGING NEGRO BUYERS

The patterns seems to be that the development representatives are polite and conscious of a New York law forbidding discriminatory sales practices in developments, comments Mrs. Mark Dodson, chairman of the housing committee of CORE's Long Island chapter. But, says Mrs. Dodson, the builders and agents nevertheless discourage Negro buyers by such devices as specifying excessive downpayments, pleading that houses cannot be shown at the particular time the Negro calls or stating that all houses have been sold.

If a Negro family does manage to overcome such obstacles and establish residence in a white neighborhood, its battle against segregation may still be far from won. The whites often depart, partly out of bias and partly out of fears property values may drop. These fears are sometimes encouraged by real estate men who see the opportunity for a quick profit if a number of houses pass from whites to Negroes, maintain groups favoring integration. Whatever the reasons behind the whites' departure, the upshot is that the new Negro residents soon find they're living in a segregated area again.

The question of how housing integration can be achieved in the face of such problems is likely to receive increasing attention in the months ahead. "Pressure for nonsegregated housing is mounting in every metropolitan area outside the South," declares Margaret Fisher, an official of the National

Committee Against Discrimination in Housing, an organization which keeps close watch on new racial housing trends.

MORE MIDDLE-CLASS NEGROES

Behind the pressure is the scarcity of decent housing available to Negroes, coupled with the steady increase in the number of middle-class Negroes able to afford good housing if only it were open to them, say housing experts. They report that in most urban areas Negroes, even those who are well off, are now forced to seek residence in deteriorating and crowded neighborhoods abandoned by whites.

Civil rights authorities say the Negroes' drive for housing integration could help break down segregation barriers in many other fields. They say, for instance, that much of the de facto segregation that exists in northern schools and recreational facilities is traceable to housing patterns. Housing segregation is the "core problem, the heart of other civil rights problems," says Berl I. Bernhard, staff director of the U.S. Civil Rights Commission.

Currently, Negro rights groups, including the National Association for the Advancement of Colored People and the Urban League, are looking to the White House for help in achieving housing integration. Through Federal mortgage insurance and a variety of other programs, the Government plays a big role in home financing. President Kennedy is almost certain to sign, before the November elections, a long-promised Executive order that would outlaw racial discrimination in all federally aided public or private housing.

The proposed order is drawing the fire of many homebuilders, who claim its restrictions would hurt their business. The National Association of Home Builders claims a broad antidiscrimination order on federally assisted housing could slash home construction activity by $6 billion annually.

INTERRACIAL PROJECTS MULTIPLY

While the construction industry as a whole is opposing an immediate Government crackdown on residential segregation, a small but growing number of builders and developers have moved ahead on their own to create interracial apartment and single-home developments. These businessmen, who say they are motivated mainly by personal convictions in favor of integration, have built at least 200 private, interracial projects across the country, according to Eunice Grier, Washington, D.C., social researcher who has made a study of intentionally integrated developments. In 1955, says Mrs. Grier, there were only 50 such developments. Two recently announced integrated developments are a $7.5 million garden apartment project in Providence, R.I., and a group of 46 two-family houses in Downingtown, Pa.

But the experience of many developers of integrated projects has been similar to that of Village Creek. Some integrated developments try to set racial quotas to prevent an overwhelming preponderance of one race—say, 60 percent whites to 40 percent Negroes. But Negroes often view these quotas as a form of discrimination, and in some cities they have also run into legal snags. The latter situation exists in Pittsburgh, where the city's Human Relations Commission recently complained that racial quotas in an integrated apartment project violated a local antibias law. Before any legal action was launched, the project abandoned its quota.

PROBLEMS AT CONCORD PARK

Morris Milgrim, developer of Concord Park, an 8-year-old 139-home interracial community at Trevose, a Philadelphia suburb, says he established a ratio of 55 percent white residents to 45 percent Negro after his sales office initially was deluged with Negroes. To maintain the ratio, he had buyers agree to let him handle resales for the first 3 years.

After the period covered by the resale agreements ended, however, it became difficult to maintain the original quotas. "White sellers had trouble getting white buyers," says Mrs. Charlotte Meacham, a resident. As a result, a number of whites have been forced to sell to Negroes, and the percentage of Negroes in the development has risen.

Mrs. Meacham and other Concord Park residents say real estate agents contributed to the breakdown of the quota system. "Traditionally brokers bring only Negroes to an interracial area," she says. "We are not able to persuade them that we are interested in white prospects."

Here in Village Creek, where angular modern homes line tree-shaded streets, whites have been in the majority ever since the development was opened. But the proportion of Negroes has risen, especially in one section where properties are generally lower in price. It was in this section last summer that one of the few remaining white families contracted to sell to the Negro electronics technician and thereby touched off the controversy still underway. If the sale were to be carried through, the ratio of Negroes to whites in the section would be 10 to 2.

WORRIED NEGROES

"Negroes were more perturbed than the whites," recalls one Negro housewife. "Some had had this happen to them before. They had lived in an area once all white, then mixed and finally segregated because whites sold to Negroes."

To prevent the creation of a neighborhood in their community that would, in effect, be segregated, the Village Creek Home Owners Association bought the house from the white family. The Negro technician and his wife were told they could buy elsewhere in the development. But they insist their original choice fits their price requirements best, and they have brought suit against both the association and the white family which reneged on the sale to them.

In established white neighborhoods where Negroes are just beginning to settle, there is evidence that white residents increasingly are making efforts to achieve a smooth transition to a mixed racial composition and head off the creation of a segregated Negro community. But they face a hard job.

"Prejudice of some whites won't permit them to remain in an area where Negroes are," says David Kadane, a lawyer who is working to slow the pace of racial change in the section of Freeport, Long Island, N.Y., in which he lives. "Other whites fear diminished social standing in the eyes of friends if they live in a community with Negroes."

Also, continues Mr. Kadane, "a great many whites hold the mistaken belief that property values will fall substantially despite statistical evidence to the contrary." He refers to research by such groups as the New York City Commission on Human Rights, which suggests that values drop sharply only when a number of properties are offered for sale at the same time.

HOW "BLOCKBUSTING" WORKS

The attempts by some real estate agents to capitalize on fears of declining property values are known as "blockbusting." A New York City civil rights official describes this technique as follows: Spreading alarm about the likelihood of such a drop in values, the agents frighten white residents into selling their homes. Sometimes the agent may simply act as a broker and pick up a flock of commissions in a hurry by selling to Negroes eager to move into good homes. Other times an agent may buy whites' houses himself at low prices and sell them to Negroes for premium prices.

To bring about gradual integration, white residents of some communities have sought to line up homeowners and apartment landlords scattered throughout their towns who will sell or rent to Negroes. In Great Neck, a prosperous Long Island suburb of New York, a fair housing movement has succeeded in placing 10 Negro families in private houses and apartments previously occupied by whites. In towns such as Great Neck, however, generally high house prices and rents rule out a mass influx of Negroes.

Communities less expensive to live in are likely to have more trouble achieving orderly integration. In some of these, white homeowners have tried to thwart blockbusting by putting up signs saying they won't sell out. But such campaigns often don't work. In Springfield Gardens, a neighborhood of single-family homes in the New York City Borough of Queens, "we have not succeeded," reports Mrs. Evelan Glavans, a white housewife active in the not-for-sale campaign. In the last few years, says Mrs. Klavans, the racial composition of Springfield Gardens has changed from a "heavy Negro minority" to "predominantly Negro."

Mr. HOLLAND. Mr. President, this article demonstrates what is rapidly becoming apparent in various parts of our Nation outside the South; namely, that even in expensive housing communities the two races are as difficult as oil and water to mix on a permanent basis. You can stir them up by outside artificial means so that they briefly appear to be integrated but when left to their own devices, the white people will show a preference to live among other white people and the Negroes equally prefer to live among people of their own color and soon the pattern of segregated living begins to appear to thwart the well laid plans.

The question of school integration which parallels that of residential integration is just as difficult and just as unnatural. The pending bill is psychologically wrong in its approach when it tries to force integrated public schools which cannot and should not exist while the residential patterns of living as separate races remain as such a fixed part of the preferences and practices of Americans of both races in all parts of the Nation.

Mr. President, to briefly review the article from the Wall Street Journal, I wish to make it very clear that it deals with the planned, deliberate integration of racial patterns in expensive suburban communities in the three States of New York, Connecticut, and Pennsylvania. Of the three communities which are mentioned in the article, the first is the development of Village Creek on the shore of Long Island Sound. The second is Concord Park, at Trevose, a Philadelphia suburb. The third is at Freeport, on Long Island, near Great Neck, N.Y.

In all three of these instances, the developers, who are people of means, had sympathized with the desire of Negroes to have their housing integrated. In the setting up of quite expensive homes, they decided on certain quotas for each race, and sold homes to their first purchasers on the basis of those quotas. In each of those three situations, as reported by the Wall Street Journal, in a factual article, within a period of 2 or 3 years, the tendency of birds of a feather to flock together had appeared so clearly that even in one of them one of the Negro families, which was an original family there, complained to the commission of the

State which was involved that the community was becoming a ghetto because white people had sold out to Negroes.

This pattern is a large part of the problem of school desegregation, because community schools are serviceable to children who come from homes in the community where the schools are located. When schools are put together on a racial pattern which is completely segregated, the children in those schools will follow the same pattern.

Those who are so ardently pushing for the complete desegregation of schools, to be followed, as our distinguished friend from Minnesota [Mr. HUMPHREY] has stated, by complete integration at all levels of school activities, including the social level, are overlooking the point that it flies in the face of residential preferences which have been shown so long and so clearly and which reassert themselves even when communities are set up with the deliberate intent to create racially integrated communities at the expenditure of large sums of money, and effort.

Mr. HILL. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. HILL. Do not the cases which the Senator has cited further emphasize that the problem is not a sectional problem, that it is not a problem which affects only the southern part of the country, but is one which affects the North, the South, the East, the West—all sections of the country?

Mr. HOLLAND. The Senator is correct. All these things are happening in States outside the South, particularly in the large cities. They illustrate beyond cavil that the problem is a national one, and that the reaction of white people in the North, in the main, is exactly like that of white people of the South. This is true even though their reaction is based on a much shorter acquaintance with members of the colored race on a broad basis, although I think it operates without the distinct understanding and sympathy for the colored race that had been built up in the minds of most southern citizens, including, as one of the foremost, the distinguished Senator from Alabama and, I hope, the present speaker, the Senator from Florida.

Mr. HILL. Certainly we would include the distinguished Senator from Florida. We have seen action after action taken by the Senator from Florida looking to a better understanding toward the minority, and in an effort to help them advance and to solve their problems.

Mr. HOLLAND. I have made great efforts along that line, as the Senator knows. I have gone as far as I thought the practicalities permitted at the time. I have been conversant with the fact that no law will settle the question and that no force will settle the question. The solution depends upon good will and understanding between representatives of the two races, a solution that will be found to be tolerable to the two races. That does not include all the solutions in the bill, but a good many. I know by having been approached by numerous Negro teachers and numerous Negro businessmen, for example, that they feel their own existence is definitely threatened by the coercive methods toward school integration and toward the FEPC requirements in the bill.

I thank the Senator for his interruption.

I shall now discuss briefly some of the implications of title II of the pending bill—the so-called public accommodations proposal. The statement made by the Honorable Farris Bryant, Governor of Florida, when he testified before the Senate Commerce Committee in opposition to S. 1732, which has the same objectives as does title II of this bill, on June 29, 1963, was an able and most thoughtful presentation and I shall read it in full, for the RECORD, because I think it should be preserved as an approach by a distinguished southerner who is a graduate of the Harvard Law School and is not an extremist by anyone's standard. He wants to see the Constitution followed, and realizes that this is a field in which all the steps should be taken slowly and constitutionally, depending upon acceptance by the two races and tolerance of the various steps as they are taken.

I read Governor Bryant's statement:

Mr. Chairman, Senators, I do appreciate this opportunity to present to you my views concerning Senate bill 1732, in the hope at most that I can add some grain to that storehouse of wisdom which I know that this distinguished body, individually and collectively, already possesses.

If that did not leave the members of that committee in good humor as they started, they are of different timber than I think most of us are in the Senate.

I continue to read:

I am fully conscious that if the things I have to say are worth saying, and hearing, it will be because of the experience I have gained as Governor of one of the States of this Union at a time in which it has rested in large part upon the executive branch of the State governments to chart a course for the people to follow in otherwise uncharted waters.

I digress at this point to say that, contrary to what might be thought by some, Florida has a large Negro population—about 900,000. Many of them are fine people. Most of them are law-abiding people. Governor Bryant, in keeping with the program of our State to operate on a straight line rather than to yield to extremists on either side, has performed a valuable service.

I continue reading:

Florida is a State with an experience in population dynamics, including the mingling of races, which should be of some value. It is the fastest growing State in the Nation, and the appeal it has for new residents is not limited to any particular group or class, or race, or religion, of people. It is a State with a growing Negro population which constitutes a percentage of its total population well above the national average. Unlike some other States its Negro population is not decreasing; indeed, the rate of increase of its Negro population, roughly 46 percent in the past decade—that was 1950 to 1960—is almost twice the national average.

Mr. President, those facts alone show volumes. They show that the progress of Florida has, in the main, so appealed to Negro citizens that many of them have come to us from other States of the Nation, and our Negro population is increasing at a rapid rate.

I continue further:

Florida's experience is also unique among the States of the Union in that it has been and is the host to a tide of refugees from foreign tyranny, numbering one-quarter of a million people. These people, with a different language, and a different culture, have been absorbed and assimiliated into our cities, our schools, our hospitals, and our homes. The conduct of the people of Florida has been such as to bring credit to our Nation. We have been assisted by the Federal Government in making them welcome. We have not been coerced and I speculate that if we had been, the results would not have been so good.

I submit to you that out of this record which the people of Florida have made there is some wisdom to be gained. Florida with its roots in the South, but with its spirit fixed on Cape Canaveral, has been and is in the mainstream of all the currents flowing across this Nation. Yet with all this, the names of her cities have not been spread across the headlines of the world as a herald of violence and of the incapacity of a people to resolve their conflicts within civilized institutions. Indeed, if you should inquire of the Department of State, I am confident they would tell you that the government and the people of Florida have been of active assistance to our National Government in providing hospitality to visitors from governments all over the world.

I am not here today to argue the case for segregation—nor against it.

I am not here to question the power of the Federal Government to do what it is proposed by this bill to do.

I am here to argue the case for freedom.

The real issue you must resolve is between conflicting demands for freedom.

On the one hand the traveler demands the freedom to buy what he wishes to buy, in a hotel, a theater, or anywhere that there are things for sale.

I believe that he should have that freedom, provided, of course, he does not violate the freedom of others.

There is the crux of the matter.

I do not believe that we are talking about the commerce clause. Candor, it seems to me, would force the acknowledgment that the commerce clause is just a convenient peg on which to hang this particular hat.

What is here attempted is to give primacy to the freedom of some to go where they wish and to buy what they wish over the freedom of others to own private property.

I have seen some suggestions that the real contest is between human rights and property rights. That is not so.

Property has no rights. Humans have the right to own property, just as they have the right to speak, and to worship, and to travel from State to State.

One man owns a piece of property. He has earned it. He may have acquired it by saving money he otherwise would save spent, perhaps for the pleasure of travel.

He may have acquired it by borrowing and thereby risked the security of his age and his family.

He may have acquired it by working long hours while others rested or played.

In any event, it is his—by the law, and by every principle of justice.

What this bill proposes to do is to take part of that right away from him, and give it to someone else who has never earned it.

We are dealing with property rights. The only question is: Who shall have those property rights? Shall it be the man who has earned or the man who covets that which he has not earned?

The only human rights involved are the rights of some humans against the claims of other humans.

The debate in which we are now engaged is over the assertion of a new right: the right of nonowners of property to appropriate it from the owners. The new right is asserted in the name of equality. Differently stated: this is a debate between those who seek to preserve freedom in the use of property by its owners and those who would appropriate a part of the bundle of rights which make up that ownership, without compensation, to the public, in the name of equality.

May I suggest that the proper goal for the Congress to seek is not a transfer of property rights, but freedom. We would all agree that the traveler is and should be free not to buy.

He can pass a motel because he doesn't like the town, he doesn't like the color, or he doesn't like the name. He can stop and go in and when he sees the owner he can decide he doesn't like him because he doesn't like his mustache, or his accent, or his prices, or his race, or his other customers. He can turn around and walk out for any reason, or for no reason at all. Why not? He's a free man. So is the owner of the property. And if the traveler is free not to buy because he doesn't like the owner's mustache, accent, prices, race, other customers, or for any or no reason, the owner of the property ought to have the same freedom.

That's simple justice. The wonder is that it can be questioned.

The argument is made that this invasion of property rights is nothing new—that our courts have for years upheld laws on zoning, minimum wages, collective bargaining, etc. I submit that the comparison is superficial, and the argument misleading. The difference in degree is so great that it amounts to a difference in kind. The same argument would sustain price control and rationing. The same argument would sustain the equal ownership of property, which can only be achieved through ownership of all property by the state in the name of the people.

We have heard a great deal in this last decade about the 5th amendment, the 10th amendment, and the 14th amendment, and surely all of these deserve our respect and our attention. I call your attention now to another amendment to our Constitution which has never been modified, or superseded. It is the ninth amendment and reads thusly:

"The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people."

Mr. HILL. Mr. President, will the Senator from Florida yield for a question?

Mr. HOLLAND. I am glad to yield to the Senator from Alabama.

Mr. HILL. Is it not true that a study of the proceedings at the Constitutional Convention in Philadelphia, which resulted in giving us the Constitution, and also a study of the conventions which were held in the several States, to consider the question of ratification of the Constitution, show clearly, beyond dispute, that in the absence of the clear agreement that what we know as the Bill of Rights—including the 9th amendment and the 10th amendment—would become part of the Constitution, there never would have been a Constitution?

Mr. HOLLAND. That is very clear. Some time ago I read a report of the debate in the Virginia convention, where the 10 amendments of the Bill of Rights were first adopted—those which constitute the first 10 amendments of the U.S. Constitution. In that debate it was made completely clear that the submission of the original Constitution to the States and its approval by the required number of States were based upon the clear understanding and statement by the framers that at once, without any delay, there would be accomplished, as there was accomplished, the inclusion of what we now know as the Bill of Rights. So to all intents and purposes it was a part of the original determination by the Founding Fathers as to what our original charter should and would include.

Mr. HILL. Is it not also true that when the question arose in the House of Representatives about submitting to the States and to the people the first 10 amendments to the Constitution, Mr. Pinckney stated, as a Member of the House of Representatives, that he had been a member of the Constitutional Convention in Philadelphia, and stated that at that Convention there was a solemn agreement among the delegates there that the first thing to be done after ratification of the Constitution would be to ratify and make a part of the Constitution the first 10 amendments, including particularly the 9th amendment, to which the distinguished Senator from Florida has referred, and also the 10th amendment?

Mr. HOLLAND. The Senator from Alabama is, of course, completely correct. That distinguished South Carolinian voiced that understanding, and it was also voiced by others. It has never been challenged. The fact that the States proceeded with great speed to adopt, in one package, the first 10 amendments, bears that out; and I think it can be stated with complete soundness and without objection, that the first 10 amendments were the result of the thinking and of the cooperative effort of the framers of the Constitution, and that the first 10 amendments became a part of our fundamental charter as a result of the understanding reached by the framers of the Constitution and recognized by the Congress and by the States in their separate passage of the required ratification.

Mr. HILL. Mr. President, will the Senator from Florida yield to me for a further question?

Mr. HOLLAND. I am glad to yield to the Senator from Alabama.

Mr. HILL. Is it not true that the first 10 amendments—the Bill of Rights—were taken from the Virginia bill of rights, which had been written by the great George Mason, of Virginia?

Mr. HOLLAND. That is correct. Too few persons have recognized the very great contribution made by George Mason, of Gunston Hall, Va., near the city of Alexandria, by means of that extremely important contribution to the charter and the foundation and the establishment of our Government.

Mr. HILL. Is it not also true that the great Woodrow Wilson, an outstanding student of government, said he would rather have been the author of the Bill of Rights than to have been the author of any other document ever penned by the hand of man?

Mr. HOLLAND. It is correct that Woodrow Wilson did make that statement; and many others have felt the same way. I believe there can be no question that the provisions of the first 10 amendments to the Constitution became completely essential parts of our entire system of government. No one has tried to get away from them, because they are the very heart of individual freedom and of what is left of States rights. As we know, encroachments have been made from time to time, but the text remains in the Constitution—unimpaired and clear.

That is one of the reasons why I feel that sometime—and soon, I hope—our people will awaken to the fact that, by means of little steps taken from time to time, we have been forfeiting some of the States rights which are guaranteed in the 10th amendment, to which the Senator from Alabama has referred.

Mr. HILL. Is it not also true that our Bill of Rights constitutes the basis of our great American private free enterprise system which has enabled our country not only to be the freest ever known in the history of the world—with the individual citizens enjoying more freedom and more liberty—but also to build here the mightiest and most powerful Nation the world has ever seen?

Mr. HOLLAND. The Senator from Alabama is correct; and he accentuates the point made by Governor Bryant; namely, that we are talking about freedom and its preservation. By his last statement, the Senator from Alabama has made clear that he agrees completely with Governor Bryant's fine statement.

I read further from Governor Bryant's statement:

My petition now is that you not deny or disparage the right of the people to own property—that you not further restrict their freedom.

In our eagerness to make all things right with the world, let us not forget that inherent in and inseparable from freedom is the capacity to make errors. If this Government were all wise, and all powerful, it could prohibit all error. In such event this might be a better Nation. But it would not be a free one. And the state would have taken the place of God.

I think I can understand the aspiration of minority groups to improve their status. Nothing is more American than to aspire. But surely we should remember that when the majority loses its freedom, the minority loses its hope for freedom.

It would be a tragic mistake if we tried to purchase equality for minorities, and as part of the price gave up freedom for all.

Following that statement, made last year by Governor Bryant before the Senate Commerce Committee, there was published in the Orlando Evening Star, of Orlando, Fla., an editorial bearing upon Governor Bryant's statement. I believe the editorial will make a worthwhile addition to this RECORD; therefore, I wish to incorporate it into the RECORD at this point, by reading it. It appeared in the Orlando Evening Star on August 1, 1963:

BRYANT'S WARNING IS SOUND

Gov. Farris Bryant gave the more ambitious of our Negro friends something to think about when he testified Monday before the Senate Commerce Committee on the civil rights bills.

Governor Bryant said that the 9th amend ment, which retains for the people all rights

not specifically delegated to the Federal Government, is just as important as the 5th, 10th or 14th amendments.

"My petition now is that you not deny nor disparage the right of the people to own property," Governor Bryant told the Senators, "as the effort to prescribe for businessmen who their customers shall be surely does."

Many Negroes, throughout the Nation as well as in Orlando, have made great strides in recent years. They have started insurance companies, savings and loan associations, motels, restaurants, and stores, some of which have become highly successful. Many of them have become professional men and their number is rapidly increasing.

Others have the same opportunity now to achieve business or professional success which these Negroes have. As time goes on and they continue to take advantage of their educational opportunities, more and more of them will become property owners and the financial strength of the Negro community will become greatly enhanced.

The number of automobiles owned by Negroes has tremendously increased in the last few years. There is not a reason in the world why Negroes should not have their own automobile agencies, their own garages and filling stations, and as travel among Negroes becomes more commonplace, they will go into the business of operating chains of motels and restaurants.

This has nothing whatever to do with integration or segregation. Business opportunities will present themselves and as they do Negroes will want to take advantage of them in greater numbers just as some have already done in the past and as white men have done from the beginning of this Nation.

Such motels and restaurants may want to cater exclusively to the Negro trade and if they so desire they should have the right. Others may want to serve the public generally, and if they serve better food or run a cleaner motel we have no doubt there will be many from all segments of society who will trade with them.

But if the Government gets the right to tell white businessmen how to run their businesses, it can tell Negroes how to run theirs. History has shown that when a government gets its foot in the door it soon comes in and takes over.

Governor Bryant has sounded a timely warning which all would do well to heed.

Mr. President, I thoroughly agree with that editorial and with the importance of the point made by Governor Bryant. In a scholarly way he has pointed out that freedom is at stake, and that coercion of the kind embraced in the public accommodations title of the bill is much the same as that in the bill upon which he testified; and, though he did not mention them specifically, in other titles of the bill, particularly the one dealing with the proposed FEPC, there is a shortening or lessening of individual freedom No one can escape that conclusion if a cautious survey of the bill is taken.

Mr. HILL. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. HILL. Does the Senator believe that the tragedy of the situation is that the American people have not had an opportunity really to find out what is in the bill?

The Senator will recall how the bill was handled in the House. It was raced through the House committee without hearings on certain provisions of the bill, and with only 2 minutes of debate. One minute of debate was consumed by the chairman, who was the author of the bill, and the other minute was consumed by the ranking Republican Representative from Ohio, Mr. McCULLOCH, coauthor of the bill.

Only 2 minutes of time were consumed during the consideration of the bill before it was jammed through the committee. The American people have not had an opportunity to know what is in the bill. If they could know the facts and the provisions of the bill title by title, they would realize how contrary the bill is to the Constitution of the United States and to the spirit of our American form of government, and how destructive it would be to our American free enterprise system. The Senator well sounded the warning today when he declared that people being trained in the use of firearms are literally playing with fire. The Senator, by citing cases in his ringing remarks, has sounded a warning to all the people of the United States as to how dangerous the bill may be to the American people and to our system of government.

Mr. HOLLAND. I thank the distinguished Senator for his comment. I appreciate what he has said about my modest efforts today. I feel very deeply that the bill would be destructive of freedom. I feel that the bill would produce trouble in the land. I feel that the bill, based upon coercive and compulsive ideas which cannot be carried out in any field, and particularly in a field as intimate as that of racial relations, is bound to fail. The passage of the bill would bring on a crisis very much worse than any of the many crises which are making themselves felt in many parts of the country, and particularly in those parts of the country where they have done everything from the standpoint of a legalistic approach which is possible—where they have State FEPC laws, State desegregation of schools, State open-housing provisions, and other things of the same kind. The trouble now is showing up in those areas of the country, indicating that such laws enacted by legislatures, which are much closer to the people and to the thinking of the people in the area, are failing to bring about the results which are expected. In fact, they are bringing about results contrary to that expected—and desired.

Mr. President, another editorial from a distinguished Florida editorialist bears upon the question. It comes from Mr. Jack W. Gore, editorial writer of the Fort Lauderdale News. Fort Lauderdale is not a part of the Old South; neither is the Gore family a part of the Old South. Fort Lauderdale is as cosmopolitan a town as there is in the United States. I daresay that something like nine-tenths of the people in Fort Lauderdale do not have their roots in the native soil of Florida. The percentage may be even greater than that.

An editorial from such a writer, published in a great newspaper of that area should be read. I shall not read it in detail because it is a long editorial, but I wish to read a part of the editorial because I believe it hits the nail on the head in connection with some of the points that I have been making.

The editorial states:

Heretofore, it has been a generally accepted constitutional doctrine that while there could be no segregation of facilities supported by public funds, any individual had free rein under the Constitution to pursue his own policies in regard to whom he wanted to do business with or provide service for.

Thus, if a man wanted to run a restaurant and restrict his customers to any he saw fit to serve, he has had that right in the same fashion that anyone else is perfectly free to choose where he wants to eat and in what company.

Now, however, we are on the verge of seeing that right taken away from individuals and private groups. We are now being told that it is wrong and it is evil for anybody doing business with the public to practice any form of discrimination and that legislation must be passed by Congress to outlaw such practices.

This is the same as saying that one constitutional right must be sacrificed to guarantee another when it has long been an established principle of law that one person's rights stop where another person's begin.

But never before in this Nation has it been argued that everybody is entitled to use of privately owned facilities. A man's private business has been regarded as his castle wherein he has traditionally been the sole judge of his own business policies, and for Congress to step in and rewrite this principle now would go a long way toward destroying what little choice individuals still have in the conduct of their own business.

Coercion, by force of new and hastily contrived law, is no permanent solution to the racial problem we are confronting in this Nation today.

Mr. President, I did not confer with Mr. Gore, and he did not confer with me; but, so far as I am concerned, his statement, which I read, is very much like statements I have made on the floor of the Senate today and heretofore. I repeat that statement:

Coercion, by force of new and hastily contrived law, is no permanent solution to the racial problem we are confronting in this Nation today.

Mr. HILL. Mr. President, will the Senator yield?

Mr. HOLLAND. I am glad to yield to the Senator from Alabama.

Mr. HILL. The Senator has effectively brought out and emphasized that the problem cannot be solved by a force act. That is certainly what the bill is. The Senator from Florida has beautifully emphasized what Mr. Gore had to say.

Mr. HOLLAND. I thank the Senator. It seems to me so clear, from reading the proposed bill, from reading the history of the country, and then looking, even casually, at what is going on all over the country now, particularly parts of the country outside of the South, that this force bill, this coercive bill, does not present a solution, particularly in the racial problems that are confronting the country.

Reading further from the Gore editorial:

As Attorney General Robert Kennedy said in a Voice of America interview Tuesday,

amicable and cooperative efforts through discussion and moral persuasion can accomplish a great deal more than turning the problem over to extremists on both sides of the fence.

I am glad the Attorney General has finally come around to that point of view, as he did in the fall of last year. I had hoped he would accentuate it more fully since.

We now come back to the source of the bill pending before the Senate. I had understood, as did the distinguished Senator from Alabama, that the discussion in the full committee was as short, arbitrary, and peremptory as it had been in the subcommittee, but I have not understood that anybody has claimed the parentage for this particular bill.

One of the great secrets has been the source of the bill. We know what happened in the Congress of the United States. We know what happened in the discussions in the subcommittee. We know that the bill as it finally came from the committee varied materially from what had been sent to the committee, and that it included the FEPC provision, which had been left out of the President's request to deal with this subject.

As to the parentage of the bill, I am yet unadvised; and I hope, if the Senator from Alabama, or any other Senator, is able to throw any light on this issue, he will do so. Many people would like to know from what brain sprang such a proposal which represents so much coercion and violation of the fundamental law of the Nation as this means of dealing with one of the most serious and delicate domestic problems.

Mr. HILL. So far as the Senator from Alabama knows, it is a foundling. He does not know the parentage of the bill. The Senator from Alabama was very much impressed when the distinguished Senator from Florida referred to a speech by the Senator from Ohio [Mr. LAUSCHE], made earlier today, in which the Senator from Ohio had spoken of the rifle clubs being formed in his home city of Cleveland. The Senator from Florida spoke of the fact that the rifle clubs were reminiscent of Hitler's storm troopers, with their army fatigue uniforms and steel helmets. As the Senator knows, when we reach the point where people are wearing army fatigue uniforms and steel helmets, as the storm troopers did, there is not too much concern with who the parent of the proposed law is or what is in it—they will try to drive it through by force. A force bill is exactly what is before the Senate. It is an effort to meet by force a problem that the Senator from Florida and the Senator from Alabama know cannot be met by force.

Mr. HOLLAND. That is true. Not only would the dove of peace fly out the window, but so would the American eagle of freedom.

I am distressed by the extreme method being followed in the presentation of the bill, in the demonstrations, in the demands, and the threats, and in the efforts to put the bill through, because the proponents are risking prospects of legislation which might appropriately deal with the subject matter.

I continue to read from the editorial by Mr. Gore:

We gain nothing in this Nation by destroying one right in order to emphasize another and so long as this racial problem continues to be inflamed by self-seeking politicians, by professional agitators and by bleeding hearts who don't even recognize the right of any individual to freely choose his own associates, we are going to continue to have trouble.

Fortunately for the South, the latest series of racial outbreaks has emphasized that the North is just as guilty as the South in practicing all kinds of discrimination. Attorney General Kennedy admitted this Tuesday when he declared that segregation in the North "is more settled but more sinister than exists in the South, and I think certainly it frequently is more hypocritical than exists in the South."

"What we have to do in the North," said the Attorney General, "is to provide legislation that increases the possibilities of education and vocational training, making sure we have full employment."

Very few people, we feel, will argue with that kind of a legislative program as certainly education and vocational training are essential to help the Negro race obtain better employment facilities. But this kind of a legislative program is vastly different than taking away from businessmen their traditional right to own and manage their property as they see fit, and this is something Congress should well consider in studying President Kennedy's new civil rights proposals.

Before I leave this point, in accentuating the importance of the remarks made by the able editorialist which I quoted some time ago from the Orlando Evening Star, I refer again to what I placed in the RECORD the other day, taken from the columns of the U.S. News & World Report by way of an interview with a successful Negro businessman in Chicago, Mr. S. B. Fuller. If one goes back and reads his comments, one comes to the conclusion that he, with a sixth-grade education, in the great city of Chicago, found an opportunity by which, through honest means, he built up a business to the point where, as I recall, his income tax exceeded $100,000. From $25 he has built a million dollar business which employs some 600 persons.

The opportunity exists. The Government exists, which encourages opportunity. Now certain people, in the name of claiming a little different opportunity of one kind or another, go so far as to suggest the obstruction of those principles in our Government which lie behind the private enterprise system and which have given opportunity and freedom of choice of associates, of business, of opportunities to get ahead, to every citizen of this great Nation.

Mr. President, I have a group of other editorials and newspaper commenting upon various phases of the bill, which I should like to read into the RECORD, but I do not wish to impose upon Senators. I hope those who are not present are enjoying themselves at the baseball game. I hope the showers which the Senator from Pennsylvania said were falling outside have subsided. I hope the President, with his good right arm—or is he left-handed—has thrown the ball in the appropriate gesture which sets the fans wild. I hope everything is going well.

I shall not consume a great amount of time by reading statements from serious thinking people.

Mr. President, we are sometimes inclined to discount columnists. So far as I am concerned, I consider Walter Lippman a scholar, and a distinguished one. I consider David Lawrence a scholar, and a distinguished one. I consider Messrs. Novak and Evans as scholars, and distinguished ones. I quoted from Arthur Krock, a writer for the New York Times, who is also a distinguished scholar. I could continue to quote various sources, such as Max Freedman, whom I quoted in one of my earlier statements some time ago. But I have three columns that are so excellent that I should like to include them at the appropriate time. In the meantime I should like to read certain portions of them. This is a column by Mr. David Lawrence, which was written before the death of our late and lamented great President Kennedy:

ACCOMMODATION AND THE COURT—1883 RULING AGAINST CONGRESSIONAL ACT CITED IN CASE OF 1963 KENNEDY PROPOSAL

(By David Lawrence)

President Kennedy has proposed to Congress that it enact certain civil rights laws, and he assumes they will be held constitutional by the Supreme Court. But the truth is these same proposals are of doubtful constitutionality, and Members of Congress who have taken an oath to uphold the Constitution will have a hard time deciding whether, by voting for such legislation, they will be violating or sustaining the Constitution itself.

A little more than 88 years ago, Congress passed a law providing for equal accommodations in public facilities—hotels, restaurants, and eating places. It sought to ban racial discrimination. But the Supreme Court of the United States, in an action known as the Civil Rights cases, decided in 1883, held that Congress had no power under the 14th amendment to write any such laws and that its only power was to nullify State action of a discriminatory character. The Supreme Court decision was by an 8-to-1 vote, and the majority opinion said:

"It is clear that the law in question cannot be sustained by any grant of legislative power made to Congress by the 14th amendment. The law in question, without any reference to adverse State legislation on the subjects, declares that all persons shall be entitled to equal accommodations and privileges of inns, public conveyances, and places of public amusement, and imposes a penalty upon any individual who shall deny to any citizen such equal accommodations and privileges.

"This is not corrective legislation; it is primary and direct; it takes immediate and absolute possession of the subject of the right of admission to inns, public conveyances, and places of amusement. It supersedes and displaces State legislation on the same subject, or only allows it permissive force. It ignores such legislation, and assumes that the matter is one that belongs to the domain of national regulation.

"Whether it would not have been a more effective protection of the rights of citizens to have clothed Congress with plenary power over the whole subject is not now the question. What we have to decide is whether such plenary power has been conferred upon Congress by the 14th amendment, and, in our judgment, it has not."

It was declared by the court that Congress could pass a law nullifying what a State had done by way of racial discrimination, but that it could not deal with a situation in

which a State has passed no law or taken no action whatsoever. The citizen's remedy, it was pointed out, lay in procedures through the States and not through the Federal Government.

Mr. Kennedy in his message pointed out that there are 30 States which have enacted laws against discrimination in public places, and he seems to feel that, when the States fail to pass such laws, the Government can step in and do so. It is precisely this extension of Federal power which the Supreme Court in the 1883 case declared unconstitutional.

On the matter of employment, the President is stepping on delicate ground when he insists that the Federal Government can compel an employer to hire somebody whom he does not wish in his employ because of friction among his other employees due to racial feeling. Incidentally, the President had one sentence in his message which probably will be received with much enthusiasm by national organizations that have insisted that there is an inalienable right to work and that State laws are needed to forbid labor unions to make a contract with an employer which would compel the latter to fire an employee who refuses to join a union. The President said:

"Denial of the right to work is unfair, regardless of its victim."

I do not know whether the late President was, by this statement, giving his complete approval to the right-to-work laws of the State of Florida and the other 20 States in the Nation which have adopted such laws. I assume that is not so. At any rate the language, as called attention to by Mr. Lawrence, might easily be construed that way.

I continue reading:

There are other implications in the President's message which will complicate the legal controversies that are bound to arise if the civil rights proposals he made are enacted into law.

Thus, for instance, the President hints that some day private schools may be proceeded against. He says:

"While this [proposed] act does not include private colleges and schools, I strongly urge them to live up to their responsibilities and to recognize no arbitrary bar of race or color—for such bars have no place in any institution, least of all one devoted to the truth and to the improvement of all mankind."

What will provoke the most embarrassment for Members of Congress is that part of the President's proposals which deal with uses of public funds. He asks Congress to "pass a single comprehensive provision making it clear that the Federal Government is not required, under any statute, to furnish any kind of financial assistance—by way of grant, loan, contract, guarantee, insurance, or otherwise—to any program or activity in which racial discrimination occurs."

The President would leave the determination of whether a grant, a loan, a contract, guarantee, or insurance can be given to a local project if the local administrator who represents the Federal Government thinks there is any racial discrimination involved. While the objective may be considered a worthy one from the standpoint of equal opportunuity, the means to be used would be of doubtful constitutionality. There is no precedent for action of this kind.

I have read the column in full. It is dated June 21, 1963. It was published in the Washington Evening Star.

The next one, which I ask unanimous consent to have printed in the RECORD in full, comes from the Washington Evening Star of July 8, 1963.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RETAIL BUSINESS FACES CHAOS—KENNEDY RACIAL PLAN CONSIDERED PRETEXT FOR FEDERAL DICTATORSHIP

(By David Lawrence)

An era of confusion, if not chaos, in the retail business in America seems to be on the way due to an unprecedented stretching of the lawmaking power such as is being proposed by Congress—without the support of a single Supreme Court decision.

For Congress is being urged by the administration to yield, in effect, to a stampede of street demonstrations and pass a law which creates virtually a Federal dictatorship over the relations of private business and its customers.

The legislation recommended by President Kennedy and his brother, the Attorney General, is ostensibly directed at racial discrimination. They deem it constitutional, even though the Supreme Court has never ruled that the Federal Government could expand the interstate commerce clause to cover control over who may or may not be served in business.

It might mean that, by using the Executive order device and relating it to the racial problem, the Federal Government will also feel authorized to regulate who shall or shall not be given a job and whether promotions are being made to suit the wishes of the administration in power. It could mean also that the Federal Government, as well as the States, would assume the right to use the granting or withholding of licenses as a method of opposing alleged racial discrimination. It could mean, too, that Federal authority would be exercised to interfere with what are called equitable wage or salary scales for particular classifications of jobs.

While labor unions at present fix hours and wages, they do so by a joint contract with the employer, who has the right—without penalty of law—to refrain from entering into any contract he does not like. He may choose union or nonunion employes, but it is his decision. With the racial problem as its leverage, Federal control of employment practices becomes a powerful instrument of national politics.

If the proposed law on public accommodations moreover, is held valid by the Supreme Court, there is no end to the powers that could be exercised on the mere pretext that it affects interstate commerce. The Constitution, of course, speaks only of the power of Congress to regulate interstate commerce—not the behavior of persons or their rights to select their own customers.

If it be conceded that all men are created equal and are presumably to be given equal opportunity to earn equal compensation when they do the same work, then a standardized system analogous to that which prevails under communism can be as logically applied by the Government here by merely invoking the doctrine of "equal pay for equal work." The private enterprise system would thereupon be materially changed. A political administration then becomes the judge of efficiency.

Meantime, what is beginning to bother many small business people, especially restaurant owners, is that the moment they open their doors to all kinds of customers, they begin to lose patronage. They know that, if they allowed white persons, for instance, in dirty clothing and of disheveled appearance to frequent their restaurants, other customers would stay away. Yet, if a Negro dressed in the same way should be refused a seat in the restaurant among white customers, the owner could be threatened with Federal punishment. Even if the owner argued that he was not discriminating on the basis of race but because of the personal appearance of some of his customers, he cannot be sure the Supreme Court will not say this is merely an excuse and that he was motivated by local customs.

From the standpoint of those who want to see individual rights preserved—which means the right of every private business to use its own judgment, even if it be discriminatory—the choice ahead may be between an acceptance of Federal authority or the expense and worry of politically generated lawsuits.

But it is being argued by some Members of Congress that interstate commerce in its total dollar amount will be expanded if there is no racial discrimination. Will the total number of customers, however, suddenly increase? Will Negroes eat more than before? Rather, it is as easy to speculate that many restaurants will be hurt, and no small part of the damage will be inflicted upon those who now cater primarily to the Negro trade.

If the Negroes desert their own restaurants, the Negro owners will have less business. Similarly, the white owner who caters to an integrated group of customers may find that he is gradually losing the trade of those white persons who may decide to patronize private clubs more than before or organize clubs. Whichever way the subject is viewed, there is likely to be an economic impact due to shifting customers in the restaurant business.

The biggest effect of all, however, inevitably will come in the field of employment. If white persons lose their jobs in factories and Negroes are employed instead, ill feeling will result.

Irrespective of the merits of the current controversy, many a Member of Congress who votes for a system of employment that could mean regulation of promotions or salary classifications by Government edict is bound to encounter a new wave of protest in the next election. It could make deep inroads inside both parties and furnish a real surprise.

Mr. HOLLAND. Mr. President, I shall read two or three paragraphs from it:

An area of confusion, if not chaos, in the retail business in America seems to be on the way due to an unprecedented stretching of the lawmaking power such as is being proposed by Congress—without the support of a single Supreme Court decision.

For Congress is being urged by the administration to yield, in effect, to a stampede of street demonstrations and pass a law which creates virtually a Federal dictatorship over the relations of private business and its customers.

A later paragraph:

If the proposed law on public accommodations, moreover, is held valid by the Supreme Court, there is no end to the powers that could be exercised on the mere pretext that it affects interstate commerce. The Constitution, of course, speaks only of the power of Congress to "regulate" interstate commerce—not the behavior of persons or their rights to select their own customers.

If it be conceded that all men are created equal and are presumably to be given equal opportunity to earn equal compensation when they do the same work, then a standardized system analogous to that which prevails under communism can be as logically applied by the Government here by merely invoking the doctrine of "equal pay for equal work." The private enterprise system would thereupon be materially changed. A political administration then becomes the judge of efficiency.

And more to the same effect. I read on:

If the Negroes desert their own restaurants, the Negro owners will have less business. Similarly, the white owner who caters to an integrated group of customers may find that he is gradually losing the trade of those white persons who may decide to patronize private clubs more than before or organize new clubs. Whichever way the subject is viewed, there is likely to be an economic impact due to shifting customers in the restaurant business.

Mr. HILL. Mr. President, will the Senator from Florida yield?

Mr. HOLLAND. I shall be glad to yield as soon as I have finished.

I close now by saying that I do not see how anyone could possibly argue with the fact that a great economic impact would surely come from this law if it were sought to be enforced and were enforced to change the nature of any business, as it would assuredly do.

I repeat what I said earlier, that I have been approached by Negro merchants and Negro operators of places of amusement who are deeply distressed by any effort to force them to accept white customers, because they say they believe they know the kind of white people who would accept that kind of treatment. In one case a committee of Negro businessmen referred to them as "poor white trash." They said they thought they knew what the result would be by way of violence and by way of racial trouble in the community, from which they felt that they—the Negroes—would be sure to suffer most in the long run.

How soon will Negroes generally understand that while their problems are many, while many good people are trying to help them in their struggle, if this situation is forced to the point where violence erupts, those in the minority cannot avoid being the ones who will suffer most. How soon will the agitators realize this?

I believe a duty rests upon the Senate to see to it that nothing is done which would create the kind of situation which would do great disservice to the very persons whom the proposed legislation is designed to serve.

The third of the columns by Mr. Lawrence is taken from the Washington Evening Star of February 7, 1964. It is entitled "Enforcement in Hotels and Cafes—Mountain of Legal Headaches Expected in Dealing With Proposed Racial Law."

While there is much meat in it—and that is the reason why I wish to have it placed in the RECORD—I do not propose to take the time of the Senate to read it in full. I ask unanimous consent that the article may be printed in the RECORD at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ENFORCEMENT IN HOTELS AND CAFES—MOUNTAIN OF LEGAL HEADACHES EXPECTED IN DEALING WITH PROPOSED RIGHTS LAW

(By David Lawrence)

It looks now as if enactment of a civil rights law prohibiting racial discrimination in hotels, motels, and eating places may prove to be a boomerang. It could hasten the day when the legislation itself will become a dead letter due to an inability on the part of the Federal Government, even with all its resources, to carry out an effective enforcement operation.

Under existing constitutional law, there is no sanction for the legislation. But the hope of its sponsors is that the Supreme Court will reverse all earlier decisions and bow to the advocates of integration.

Attempts to enforce even constitutional laws sometimes have resulted in bitter feeling, rather than an amiable adjustment of differences. The Nation's experience with the liquor prohibition laws is a case in point. In fact, after a dozen years of frustration over the problem of enforcement, another amendment to the Constitution turned this whole issue back to the States.

Already the effort to desegregate public schools is backfiring. The boycotts and disturbances in the North are more numerous than in the South, and are often characterized by violence. A New York City newspaper reported the other day that the Negro boycott of the public schools there "was in disregard for the law," and that it did more "to alienate black and white, and alienate them when they are young so they can carry it with them forever, than anything that has happened in this city in 25 years."

Some progress toward adjustment of racial disputes has been made in various parts of the country, but this may be adversely affected when the "public accommodations" rules become known to the public and when the problem of enforcement is more widely discussed than it is today. One businessman writes of this prospect as follows:

"Many large hotels and restaurants are now integrated, but reserve the right not to serve guests for dozens of reasons: Women in shorts or beachwear, men without jacket or tie, men or women who are loud, disorderly, or drunk, etc. Under Federal law, how could such a dining room refuse to serve a drunken Negro and not be subject to litigation? Aside from the trouble and expense of going into court, how could the hotel prove the Negro's rejection was due to disorderly conduct or excessive drinking if the plaintiff claims discrimination?"

Motels often do not rent to travelers with local license tags on their cars, or without luggage, or if they are in any way suspicious. This will provide excuses for discrimination. Undoubtedly word will get around in various communities that certain hotels, motels, and eating places actually do discriminate racially, and only white persons will be welcome. Nobody will advertise such a fact, but it will be spread by word-of-mouth.

The problem often is really not one involving any antiracial feeling on the part of the motel owner himself, but he discovers frequently that he can get more business by discrimination than by nondiscrimination.

The public accommodations law has been urged as a way to overcome these defects, but the prohibition experience argues the other way—that the businesses which comply with the law may find themselves at a disadvantage while their competitors use subterfuges to deny their facilities to those they do not choose to serve.

In the prohibition era, moreover, it took a vast army of Federal agents and large legal staffs to carry out an enforcement program involving customer relations. But bootlegging flourished and speakeasies were established to sell liquor in defiance of the law and the Constitution. Some persons were jailed, but a far greater number defied the law.

The big debate on the public accommodations section will come in the Senate, but all indications now are that the legislation will be enacted into law before summer. This means that the enforcement problem will be before the country soon thereafter, and a large number of lawsuits may be expected.

Meanwhile, the school-integration problem is reaching its most acute stage because neighborhood schools will no longer be protected from invasion by those who live outside the neighborhood. Efforts now are being made to produce a racial balance by transporting students from all parts of a city or county in order to integrate a larger and larger number of Negroes with whites.

This is encouraging enrollments in private schools. In some northern areas there is bitterness among white citizens who cannot afford to send their children to private schools and who resent the enforcement of integration.

Theoretically, the Supreme Court never ordered integration as such, but merely declared that segregation in public education is not constitutional. There has been no High Court decision on whether, under the Constitution, the States can retain their right to require children living in a certain neighborhood to attend schools in the districts geographically prescribed.

Mr. HILL. Mr. President, will the Senator yield?

Mr. HOLLAND. I am glad to yield to the distinguished Senator from Alabama.

Mr. HILL. Is it not correct to say that James Madison, who played such a leading part in the writing of the Constitution that he has become known in history as the Father of the Constitution, made it clear that the commerce clause of the Constitution was not a grant of a great many powers to the Federal Government, but, rather, was more of an inhibition——

Mr. HOLLAND. It was a limitation.

Mr. HILL. It was a limitation on the powers of the Federal Government. It was an inhibition against the States interfering with commerce moving across State lines.

As the Senator says, instead of being a grant of power, it was a limitation on the power, an inhibition, in order that commerce in the Thirteen Original States and the other States that would be admitted to the Union later, could move without one State interfering with or stopping in some way the development or impeding such commerce.

Is it not correct to say that the courts in the civil rights cases in the 1880's held that the 14th amendment gave no authority to Congress to legislate in this field, and that that amendment is exactly, word for word, line for line, as it was dealt with in the 1880's, when the Court held that there was no grant of such power as that asked for?

Mr. HOLLAND. The Senator is correct. One of the most amusing—if it were not so annoying—facts is that the very same session of Congress which submitted the 14th amendment to the States for ratification, established by statute the segregated school system for the District of Columbia, indicating with complete clarity that the amendment was not in any way proposed as a means of controlling the local school system.

Mr. HILL. Is it not correct to say that at that time what we now know as the District of Columbia was designated in the statute as Federal City?

Mr. HOLLAND. The Senator is correct.

I now continue with the discussion of my prepared text. I go to the question of the constitutionality of title II of the civil rights bill, which deals with public accommodations, in the matter of its direct impact upon the rights of States and upon the fact that it directly infringes upon States rights, which I believe is so clearly the fact that not much argument is required.

For example, Florida, the State which I represent in part, and over which Governor Bryant presides so capably as our chief executive, has a public law—509.092, chapter 509, Florida Statutes, volume 2, 1963—which reads as follows:

Public lodging and public food service establishments: Rights as private enterprises—Public lodging and public food service establishments are declared to be private enterprises and the owner or manager of public lodging and public food service establishments shall have the right to refuse accommodations or service to any person who is objectionable or undesirable to said owner or manager.

I believe that the State of Florida had full right to enact that legislation. The 10th amendment, to which the Senator from Alabama has so accurately referred, undoubtedly reserved that right to the States, because it was not mentioned; nor was there anything like it mentioned in the original Constitution; nor has anything like it been mentioned since. It was enacted by the State of Florida, which I represent in part, and which I will try to represent correctly in standing for the matters which we as a State have adopted in our Constitution or under our laws. This particular section is one adopted by the Legislature of the State of Florida.

There is no question, Mr. President, that if this force bill should become law it would conflict directly with that Florida statute and would overrule it unless the Federal statute, if enacted, is ruled by the U.S. Supreme Court to be unconstitutional, which I believe it is. That litigation would probably take many years.

In the interval, the owners of the thousands of fine hotels, motels, restaurants, boarding houses, and so forth, might be deprived of their constitutional rights to manage their own businesses which they have built up by hard work, sacrifice, and investment of their own hard earned money. Under the most favorable circumstances of the litigation their rights would be under serious question. In short, Mr. President, many small businesses in the State of Florida and in many, many other States across the Nation could be damaged or even destroyed by enactment of such a bill as this.

In addition to that economic tragedy, which also is a personal tragedy to me, the point of even greater significance is that enactment of this vicious, socialistic legislation strikes at the very heart of the Constitution upon which this Republic was founded and upon which our basic system of private enterprise, which we hold so high, lives and thrives.

There are other States which have dealt with the so-called public accommodations matter in a similar way to that which Florida has followed. I shall cite none of them at this time except the State of Tennessee, which I shall mention because I think the Senate will be interested in what that State has done in that particular field. The Tennessee statute on this subject is as follows:

Mr. President, this is from a document prepared by the Library of Congress, Legislative Reference Service, by Mr. Grover S. Williams, Legislative Attorney, American Law Division, and printed in pamphlet form. The Tennessee Code, section 62–710, reads as follows:

TENNESSEE CODE

Section 62–710. Right of owners to exclude persons from places of public accommodation—The rule of the common law giving a right of action to any person excluded from any hotel, or public means of transportation, or place of amusement, is abrogated; and no keeper of any hotel, or public house, or carrier of passengers for hire (except railways, street, interurban, and commercial) or conductors, drivers, or employees of such carrier or keeper, shall be bound, or under any obligation to entertain, carry, or admit any person whom he shall, for any reason whatever, choose not to entertain, carry, or admit to his house, hotel, vehicle, or means of transportation, or place of amusement; nor shall any right exist in favor of any such person so refused admission; the right of such keepers of hotels and public houses, carriers of passengers, and keepers of places of amusement and their employees to control the access and admission or exclusion of persons to or from their public houses, means of transportation, and places of amusement, to be as complete as that of any private person over his private house, vehicle, or private theater, or places of amusement for his family.

This is the Tennessee law, enacted by the legislature of Tennessee and approved by the Governor of Tennesseee.

I invite the attention of any Senator who may not have been able to follow my rapid reading of the statute to the fact that it does not apply to common carriers of any kind, but only to operators of taxis or private carriages, as well as to restaurant keepers, hotel keepers, motel keepers, and the like.

It may be of interest to Senators and to the general public, Mr. President—I hope the general public will get this point—to realize that Florida and Tennessee, two Southern States, have approached, by various actions, in a moderate but affirmative way the solution of civil rights problems. For instance both of these Southern States by State action some years ago eliminated the requirement of payment of poll taxes in order to vote in State and local elections. Later, when the anti-poll-tax amendment to the Federal Constitution banning the payment of poll tax as a requirement for voting for Federal officials was submitted to the States, both Tennessee and Florida ratified that amendment which has now become the 24th amendment to the Federal Constitution.

Mr. HILL. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. HILL. The distinguished senior Senator from Florida was the author of the poll tax amendment, the amendment to abolish the poll tax. He led the fight. He was the general of the army in the battle for the repeal of the poll tax.

Mr. HOLLAND. I thank the Senator from Alabama, who is now the general of the army, so far as I am concerned, in the pending debate. I wish to make it clear that I was happy to take some responsibility in the matter of abolishing the poll tax as a condition for voting in Federal elections in all States. I thought that was a right step to take. I thought it was an affirmative step which we could properly take, and that, above everything else, it would show that many of us in the South, in various ways which our feelings might permit us to move, could move toward solving the problems presented.

I recognize, however, that all States in the South are not alike, and the attitude toward many of these questions may not be uniform. But I am sure that every southern Governor whom I know during the time I served as Governor of my State and every southern Senator whom I now know is willing to move in any way he can, within the law, to better the situation. He is not willing to throw the Constitution of the United States in the ashcan. He is not willing to enact coercive legislation, the results of which he thinks will be not only destructive of the Constitution, but also so difficult of enforcement as to make the problem much greater and more serious. But we are trying to find ways in which to improve the situation, legally and lawfully and peaceably.

These were the only Southern States which did ratify the 24th amendment. I think that all Senators know that both Senators from Tennessee and both Senators from Florida strongly supported the action taken in the Congress on the 24th amendment and later followed up by urging their State legislatures to ratify the amendment. The Governors of both Tennessee and Florida joined actively in that effort. The legislative action speaks for itself. The result was that the Tennessee Legislature ratified the amendment by the vote of 22 to 1 in the senate and by the vote of 55 to 20 in the house of representatives. In the Florida Legislature, the vote was 36 to 6 in the senate and 105 to 3 in the house of representatives. Surely, these actions manifested an affirmative official recognition by both Tennessee and Florida and by the Tennessee and Florida officials at both Federal and State levels of the existence of civil rights problems and demonstrated an affirmative desire to correct the problem existing in the field of voting.

I wonder if the ardent proponents of the pending civil rights bill realize that by passing the pending measure they would deliberately override the solemn action of the States of Tennessee and Florida in adopting and retaining their private enterprise statutes which I have just quoted and which apply to the thousands of so-called public accommodations businesses in those two States. Do the advocates of the ultraliberal pending measure desire to show the Nation, as well as the public officials of the States of Tennessee and Florida, and other States which are seeking to approach the whole civil rights question in an affirmative but

moderate way, that there is no place in this whole picture for persons or officials of moderate convictions or even for States where the great majority of the people approve a just but moderate approach? If they want to eliminate the moderates as the Nation takes its painful, step-by-step approach toward determining what should be done in this terribly difficult field of civil rights, they will do so by ramming through this bill as it is with its several drastic, ill-advised, unconstitutional, and, I think, unenforcible provisions.

I thought for a long time before I decided to read any of my mail into the RECORD, as I close my consideration of the principal point I have been discussing today; that is, that coercive as the bill is, it is a mistaken psychological approach which can lead only to violence, only to a breakdown of law enforcement, only to a worsening of a condition which already shows up as being terribly bad for the country and the people. I have tried to make that the principal point in my statement.

I have received thousands of letters from persons opposing vigorously the provisions of certain sections of the bill. I have received many letters approving my own statements on the floor that I could gladly support some of the provisions of the bill if they were separate presentations.

If it were separately offered, I could vote for an expansion of vocational education. I did so last year when the Senate passed the vocational bill, which later became law.

I could vote for an expansion of the training-on-the-job, or apprenticeship, program. Both of these activities deal with economic opportunity for the advancement of underprivileged Negroes, whites, and everybody else.

I could gladly vote for the establishment of a mediation board to try to assist communities which are stricken by the situation which exists when racial conflicts break out in the communities.

I could gladly vote for the provision of technical assistance to communities struggling in the effort to bring about either token desegregation or, if in their judgment they wanted it, full desegregation in their schools.

I could vote for some other provisions of the bill. I have tried to be as open as I could on the floor of the Senate, and I have stated from time to time, and restate now, that I have received letters approving my positions in that regard.

The RECORD should show that I have at least 100 letters in opposition to the bill for every letter which approved the bill. I could go further and say that the number I have received in opposition is vastly greater than 100 to 1, and that most of those who have approved the bill have either shown a complete ignorance of the provisions of the measure or have picked out some provision of the bill which I might be able to support if it were separately presented, or, as in the majority of cases, I believe, represent the views of some organization agitating for its passage. Many of the letters read the same.

There are three letters which I thought might be of interest to the Senate in this regard, both because they show different points of view and because they come from different areas.

Among the thousands of letters which I received, one was from my own State. It was from an old friend of mine, a man almost as old as I am. He is a fine citizen. He lives in Tallahassee, Fla. I shall not place his name in the RECORD. I remember that only recently I received a telegram from the CORE people at Tallahassee, making certain statements as to what they had in store for the Senators from Florida in the event we did not yield to their will. I do not wish to subject any citizen of Tallahassee to possible mistreatment from such a source as that.

I read the letter:

> Conditions in Tallahassee have reached a point where it is not safe for white people to walk or drive in certain areas within our city.
>
> Laws are being violated and our local law enforcement officers are helpless to try to stop some of the activities of so-called civil rights demonstrations.
>
> This situation has been made worse by the attitude and orders handed down by officials in Washington, D.C.
>
> Something must be done immediately to bring our country back to a law-abiding nation of free people. Since our present situation was originated in Washington, I believe the place to stop it is in Washington.
>
> Every possible effort should be made to defeat the present civil rights legislation, but all-out efforts should not stop until law and order is restored and it is again safe for my children and grandchildren to walk on the streets of Tallahassee.

That is a cry from a disturbed person who has just about run the years of his allotted life. He is disturbed to see his peaceful community engaged in strife, and he is worried for the safety of his children and his grandchildren. Having lived there a number of years, when I was serving as Governor, I know something about the people and the quiet racial good will which prevailed at that time in Tallahassee.

In the red hills of Tallahassee, with the peaceful, living-together pattern of that good city—almost as fine a one as I have ever seen anywhere—I hate to see develop a situation such as that described in this letter from my old friend. It is a grievous thing.

Mr. President, when I lived for 4 years in the Governor's mansion in Tallahassee, the housing situation in Tallahassee was very different from that which prevails in many of the great cities of the country. On one street would be the residences of the white people, facing the street. In the next block, back of the block filled by the white residences, in many instances would be the residences of the colored people. The relations between them were just about as cordial and as friendly as it would have been possible to find anywhere. I would never hesitate to call on any of my Negro neighbors—and they were neighbors of the Governor's mansion—for any of the kindly services they could have granted, and I do not think they would have hesitated to grant them.

But today the pendency of this proposed legislation and the coercive drive to force on the people of the country a law which would not correct prevailing conditions, but, instead, would greatly worsen them, have resulted in responses such as this letter from my old friend. I am greatly concerned.

The next letter is from a fine woman who at one time served in China, as a missionary. She is not a Floridian; she lives in another good State.

Again, I shall not disclose her name or her address.

Her letter reads as follows:

> I, a missionary to China, and an American citizen, was arrested and confined in a Communist prison cell for 4½ years, plus 18 days, 2 years and 4 months of which time was solitary confinement. At the end of that time there was a mock trial, false accusations, no witnesses, no lawyers, and certainly no jury.

She underscores the words "no jury."

Mr. HILL. Madam President, will the Senator from Florida yield?

The PRESIDING OFFICER. (Mrs. NEUBERGER in the chair). Does the Senator from Florida yield to the Senator from Alabama?

Mr. HOLLAND. I yield.

Mr. HILL. I take it that in that situation there also was no confrontation of the witnesses.

Mr. HOLLAND. In her letter she writes "no witnesses." I do not know this good woman; but in her letter, her heart cries out. She describes that situation itself; and I am simply reading her letter into the RECORD, because the people of the United States should know that there are many good people who have this conviction. She, herself, writes that she is willing to face the closest racial relations, but that she fears this bill with all her heart.

I read further from her letter:

> When I read two of the provisions in the civil rights bill, I could not but feel that if those provisions in the bill are passed, there will be many citizens in this, our presumably free America, who will suffer as I did in Red China. And the tragedy is that I am sure, there are many people like me, who hate discrimination of any sort. This bill does not free our country from discrimination. It only changes the color from black to white.
>
> I know you know the provisions about which I am speaking, but for emphasis I would like to quote again (in part):

Then she quotes the FEPC provision and the public accommodations provision, and also mentions again the absence of provision for trial in criminal contempt proceedings, under various parts or provisions of the bill, when injunction suits have been brought by the Attorney General or when he has intervened, so as to bring in the full power of the Federal Government upon the States and the people.

Madam President, I am sorry that I cannot read all of her letter into the RECORD; but I believe that if I did, it would almost inescapably point to the place of residence of this good woman, and I do not care to do so. I would not take the risk of submitting her to further distress.

Her letter is only one of many distressing letters in my file, from people who—as she states—deplore discrimination of any sort, but feel strongly that the bill now pending is most dangerous and undesirable and wrong—and fear it.

The third letter comes from far away New Mexico, from a lawyer who, I understand, is highly respected in his community and also in the State in which he lives. I shall read the entire letter, although I shall not indicate his name or his address—for the obvious reasons I have already stated.

He has written to me as follows:

DEAR SENATOR HOLLAND: The Senate of the United States is at present considering the Civil Rights Act of 1963 which, I understand, has already been passed by the House and is up for a vote.

I do not know how you stand on this proposition—

I have never before heard of this gentleman; I do not know him, and he does not know me—

but I am sure that you are interested in just how the people of New Mexico feel about this particular law. Frankly, I want to state that I am strictly and unalterably opposed to the law. For purpose of clarification, however, let me state that I am not a segregationist and I feel that regardless of race, color or creed that all persons should be equally treated as far as public matters are concerned. In other words, anything of a governmental nature, for which each person pays taxes, should be equally available to all persons. However, I do not feel that the Government has any place in controlling private business or private property. Any time that the Government starts to tell a man how he must run his business, or who he must do business with, then they are encroaching upon private matters in which they have no right.

This bill in its present form seems to have these objectionable features and any time that you allow the Government to come in and tell the people how they must conduct their private affairs, you are getting to the same state that exists in the Soviet Union at the present time.

It seems to me that this bill, rather than being a bill aimed at equalizing the rights of American citizens as to race and color, is going far beyond this purpose. To me it is an attempt to impose Federal control over our private lives, and in such an attempt it can only lead us further down the road to a welfare state. We cannot continue to let the Federal Government whittle away our individual rights without eventually becoming a totally socialistic state. If we allow this to happen, then we are becoming communistic without allowing ourselves to be taken over by the Soviet Union. It all amounts to the same thing.

For the above reasons, I urge that you vote against the passage of this bill which I feel is strictly against our American concepts of individual liberties, private ownership and management of properties, and our system of private enterprise.

Yours very truly,

——— ———.

Madam President, when I say that I have picked out almost at random—although not entirely so—these three letters from among the thousands which have come to me—and I have received even thousands of letters from persons outside of my own State, who have written me in regard to this matter—and when I have read the substance of these three letters into the RECORD, it must be apparent to all who wish to read that there is grave doubt in the minds of large segments of the American people as to the wisdom, the constitutionality, and the enforcibility of various provisions of the pending bill.

Madam President, I close on the same note on which I began some 3 hours ago:

I believe this bill is psychologically as wrong as it could be. I believe that instead of approaching this problem on the basis of persuasion, good will, logic, and an effort to carefuly and kindly think through the problem, so as to discover what is tolerable to good people of the two races as all of us look toward the necessary adjustments, the pending bill is, instead, a force bill, a bill which would result in coercion, a bill which would result in compulsion, a bill which unquestionably would result in the use of unconstitutional methods. I believe it is clear to all who will take the time to study and to consider that instead of appealing to the best instincts of all our good people, the pending bill would appeal to the worst instincts of many of the very great number of the American people who definitely and clearly do not favor such a bill.

I believe it is clear, beyond question, that the bill would be extremely harmful to the entire Nation, because the provisions of the bill have been written in disregard of the very definite, long standing, and, in fact, traditional attitudes which have become deeply fixed in the hearts and minds and souls of very great numbers of the people of the United States. Furthermore, the bill would seriously interfere with what are the religious convictions of the American people.

Therefore, Madam President, it is obvious that this problem cannot adequately or properly be dealt with by merely forcing on the people of the Nation legislation of this kind, full of provisions based on coercion and compulsion—provisions to which I have referred from time to time during the course of my remarks.

Madam President, I now yield the floor; and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll; and the following Senators answered to their names:

[No. 132 Leg.]

Bartlett	Hayden	Miller
Bayh	Hickenlooper	Monroney
Beall	Hill	Moss
Brewster	Holland	Muskie
Case	Inouye	Neuberger
Church	Jackson	Pell
Cotton	Keating	Ribicoff
Curtis	Kennedy	Robertson
Dodd	Kuchel	Scott
Douglas	Long, Mo.	Smith
Fong	Magnuson	Talmadge
Goldwater	McCarthy	Thurmond
Gruening	McIntyre	Young, Ohio
Hart	McNamara	
Hartke	Metcalf	

The PRESIDING OFFICER. A quorum is not present.

Mr. McCARTHY. Madam President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Minnesota.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After a little delay, Mr. ALLOTT, Mr. BENNETT, Mr. HUMPHREY, Mr. ANDERSON, Mr. SMATHERS, Mr. MANSFIELD, Mr. CLARK, Mr. PEARSON, Mr. WILLIAMS of New Jersey, Mr. AIKEN, Mr. PROUTY, Mr. MORTON, Mr. DOMINICK, Mr. MUNDT, Mr. JORDAN of Idaho, Mr. DIRKSEN, Mr. BIBLE and Mr. MCGOVERN entered the Chamber and answered to their names.

The PRESIDING OFFICER. A quorum is present.

Mr. HUMPHREY. Madam President, may I inquire of the Chair how much time was required to get this quorum?

The PRESIDING OFFICER. The time was 23 minutes.

Mr. HUMPHREY. I thank the Chair.

Mr. HILL. Madam President, in my opening speech in this debate, I urged that we carefully consider the consequences of any legislation such as H.R. 7152 and of expedient action to satisfy the demands of the hour and the clamor of the day. I cautioned that in the name of so-called civil rights we would, in effect, be granting "special privileges" to a particular group. At that time, I addressed myself primarily to title II, the misnamed public accommodations section of the bill, and stated that I would, in my following speech, discuss and expose the bill, title by title.

Madam President, after some 4 hours and 20 minutes of discussion and exposure, title by title, of H.R. 7152 on March 23, I yielded the floor to the distinguished junior Senator from Florida. At that time I had proceeded with my discussion into title V of the bill. I had stated that title V would extend a meddling hand of the Federal Government into the social and economic activities of our States, our towns, our communities, and our people. I contended, as I contend again now, that continuing this bureaucratic so-called Civil Rights Commission is a waste of the taxpayers' money. I showed how many of the functions, for which the Commission was purportedly founded, are already being performed by the Department of Justice and, therefore, are a costly and unnecessary duplication. I opposed the initial creation of the so-called Civil Rights Commission and I have unswervingly opposed it since.

Under the guise of collecting information, the agents of the Commission have invaded our communities and have incited agitation and animosity where none existed before they came. The Commission has served as a propaganda organ for a certain and definite school of thought on racial questions. The hearings conducted by the Commission remind one of a television "spectacular." Each witness has been carefully chosen to present the exact testimony that will bear out the aims of the Commission. The aspects of study and collection of information has been lost in the frantic rush to promulgate the Commission's predetermined views.

I said I would do so, that every American might have an opportunity to know

the bill in its real form and to understand its far-reaching effects and implications and dangers to our democratic way of life. I have been encouraged that others have been endeavoring to expose the bill to the public and have actively sought means to do so. One such group is the junior chamber of commerce of my hometown of Montgomery, Ala. I commend the Jaycees on their efforts.

On February 18, 1964, the Montgomery Junior Chamber of Commerce passed the following resolution:

Whereas there is now pending for consideration before the U.S. Senate the Civil Rights Act of 1963; and

Whereas included in this act as title VII is the establishment of the Equal Employment Opportunity Commission; and

Whereas the Equal Employment Opportunity Commission shall be empowered under the provisions of this act with authority to usurp all the constitutional rights of management in the selection, promotion, and firing of its employees through constant Government supervision; and

Whereas included in this act as title II is the section covering public accommodations which empowers the Federal Government to supervise business enterprises which are privately owned in their choice of customers, clients, guests, or clientele; and

Whereas such unprecedented power being placed in the hands of any governmental agency, whether it be local, State, or Federal level, violates every principle contained in our free enterprise system and relationship between a government and its people; and

Whereas the national creed of the U.S. Junior Chamber of Commerce contains as its core the principle "that economic justice can best be won by freemen through free enterprise"; and

Whereas the preservation of our free enterprise system is our greatest weapon in the fight against communistic collectivism and should be preserved at all costs: Now, therefore, be it

Resolved, That every member of the U.S. Junior Chamber of Commerce who subscribes to and believes in this principle as pronounced in the national creed should endeavor with all his effort and ability to bring about the defeat of titles II and VII of this act and to prevent the creation of the Equal Employment Opportunity Commission.

That every Jaycee chapter which sincerely and honestly subscribes to the national creed should awaken the people of its community to this danger to our economic system.

That every responsible American should read and study this proposed legislation and every Jaycee chapter should endeavor to make available the truth concerning this unconstitutional invasion of all our property rights.

Following this, the Jaycees printed a pamphlet entitled "The Truth—A Photocopy of the Civil Rights Bill of 1963." After reciting the resolution and an analysis of the bill in the pamphlet, the Jaycees proceeded to print the complete text of H.R. 7152. The pamphlet has been widely circulated in an effort to apprise the people of the inherent evils and dangers of the so-called civil rights bill of 1963, and again I commend the Montgomery Jaycees on their efforts.

From a reading of its list of recommendations, one readily sees that the Commission has set out to ignore or destroy many of those principles upon which this Nation was founded and which have been the bedrock of our strength.

Possibly the most disturbing and far-reaching recommendation was contained in the Commission's 1963 interim report on the State of Mississippi. The report contained the recommendation:

That the Congress and the President consider seriously whether legislation is appropriate and desirable to assure that Federal funds contributed by citizens of all States not be made available to any State which continues to refuse to abide by the Constitution and laws of the United States; and, further, that the President explore the legal authority he possesses as Chief Executive to withhold Federal funds from the State of Mississippi, until the State of Mississippi demonstrates its compliance with the Constitution and laws of the United States.

A similar provision is contained in title VI of this bill, and I discuss it at length under that title, but let me point out that this recommendation is so abhorrent to our democratic system that the late President Kennedy emphatically stated that he did not have the power to cut off aid to a State as proposed and that he thought it would probably be unwise to give the President of the United States that kind of power.

This irresponsible suggestion purports to put a new toy and weapon into the hands of those who seek to disrupt and destroy our system of government through law. When their lawless demonstrations and disobedience of duly constituted authority fail to gain the concessions they desire, they then sound the call for the President to deny the citizens of a State the benefits of their hard earned tax dollars. The suggestion in and of itself is not only unfair, but is cruel and inhumane. It proposes to penalize and cause hundreds of thousands of innocent men, women, and children of all races to suffer.

While this recommendation has been one of the most publicized, and while it is one of the most drastic departures from our Government as established under the Constitution, it certainly does not stand alone in its violation of our Constitution.

The Commission has recommended that the constitutional reservation to the States of the power to set qualifications for voters be ignored. It is recommended that there be ignored the power to set qualifications for voters, although those qualifications are written into section 2, article I, of the Constitution and written again into the 17th amendment to the Constitution, providing for direct election of U.S. Senators. Yet we are asked to ignore those provisions, and we are asked to write title I into law, providing that a sixth grade education be substituted as satisfactory proof in States which require literacy or educational tests. The States have a right to require such tests, and they have had that right ever since the Constitution was written, more than 172 years ago.

The Commission has requested that the Bureau of the Census initiate a nationwide compilation of registration and voting statistics to include a count of persons of voting age in every State and territory by race, color, and national origin, who are registered to vote, and a determination as to the extent to which such persons have voted since January 1, 1960. This is nothing more than the deliberate codification of alleged discrimination in an attempt to gain preferential treatment for those whose race or nationality is considered to be in the minority. A mere compilation such as proposed by the Commission could not accurately portray voter apathy—the real reason that many, many names are not on voting lists.

Time and again we have seen that those who are entitled to vote have not taken the trouble to go to the polls. It is apathy, Madam President. The same thing applies to registration for voting. The fact that there may be those who are eligible to register but who are not registered voters does not raise a valid presumption as to discrimination.

Not content with the strife and antagonism that they themselves have engendered, the Commission has recommended that Federal voter registrars be appointed by the President and sent into the States to usurp the constitutional function of local officials registering prospective voters. As with the sixth grade education literacy test provision, which I have already discussed under title I, such a proposal violates section 2 of article I of the Constitution and the 17th amendment, which reserve exclusively to the States the right to determine the qualifications of voters. Such intervention in matters of State control clearly violates the ninth amendment to the Constitution, which states:

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

And it violates the 10th amendment, which says that:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

It contravenes the spirit of the sixth amendment, which states:

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed by the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

The appointment of Federal registrars violates the spirit of the sixth amendment because it would remove a local registrar from his duties and, in effect, condemn him as being guilty of a crime—the crime of unlawfully denying a qualified person of the right to exercise his franchise as a voter in violation of sections 241 and 242 of title 18 of the United States Code.

Regardless of whether or not such local registrar should ever be prosecuted, he would remain forever an accused who did not enjoy the right to a speedy and public trial under the sixth amendment nor an impartial jury of the State and area wherein the crime allegedly was committed. He would have been denied his constitutional right to be informed of

the nature and the cause of the accusations against him. He would have been denied the right to be confronted with witnesses against him and the right to have compulsory process for obtaining witnesses in his favor. And whether or not he employed the assistance of counsel would make no difference, for he would have no defense nor any right to present his defense, nor any forum before which he could plead his defense.

The Commission has recommended that the Federal Government expend vast sums of money to train our teachers and school officials to disseminate the Commission's views on education and race relations—views that have distinguished their authors only in their ability to create discord where harmony and cooperation once prevailed.

Proposals such as fair employment practices legislation are rated high on the Commission's list of recommendations. The many violations of individual rights that would occur under any such enactment are ignored by the members of this Commission which claims to seek to aid in the protection of those very rights. I shall have much more to say about the principle embodied in this proposal when I discuss title VII later in this speech.

Another recommendation made by the Commission in its 1963 report would put the Attorney General of the United States, whoever he may be, in charge of the legal affairs of every American citizen insofar as those affairs may involve a right under a Federal statute or the Federal Constitution. This recommendation suggests:

> That Congress empower the Attorney General to intervene in or to institute civil proceedings to prevent denials to persons of any rights, privileges, or immunities secured to them by the Constitution of the United States.

If such a provision were enacted into law, no American would have the privilege of conducting his own lawsuit based on a Federal statutory or constitutional ground if the Attorney General wished to intervene and take charge of it.

Here we may well pause to take note of the warning of the poet Tom Moore, when he said:

> O Freedom! Once thy flame has fled,
> It never shines again.

The Commission has also recommended that:

> Congress amend section 1443 of title 28 of the U.S. Code to permit removal by the defendant of a State civil action or criminal prosecution to a district court of the United States in cases where the defendant cannot, in the State court, secure his civil rights because of the written or decisional laws of the State or because of the acts of individuals administering or affecting its judicial process.

If this recommendation were implemented by appropriate law, it would have the effect—it might well have the effect—of abolishing State courts and all matters could be transferred to Federal courts for jurisdiction. It would have the effect of abolishing State jurisdiction in the 50 States at the whim of the Federal Government, at its discretion.

The Commission's recommendations run on and on in the endless pursuit of a government of the bureaucracy, by the bureaucracy and for the bureaucracy. No subject or principle is sacred enough to escape attempted emasculation by these self-appointed captains of our ship of state.

The advocates of so-called civil rights legislation tell us that the Government must be colorblind in the enforcement of our laws and the administration of our many Government programs, but in marked contrast to this philosophy, the Civil Rights Commission is color conscious. They seek to emphasize and call attention to race and national origin. In the voting booth, schoolhouse, store, factory, home, or courtroom, they demand that all take notice of the race of all persons involved and then grant special privileges and concessions to those of certain races and national origins. They seek to make natural selectivity a crime with conviction to be handed down by a bureaucratic judge, jury, and prosecutor; in most instances all one and the same person.

The Civil Rights Commission stamps its feet and cries for its desires without consideration of the consequences or effects of attainment of these goals. It seems totally unconcerned about the rights and constitutional principles that would lie trampled in the dust under its rampaging feet if this Senate were to insure its continued existence.

Madam President, as I have stated, I am opposed to the Civil Rights Commission, its enlargement, or its extension. I am opposed to it because my study of its recommendations leaves me with the conviction that the only program it offers the American people is a program based upon the thesis that all Americans must be deprived of their basic economic, legal, personal and property rights for the so-called benefit of a particular group of Americans solely on the basis of minority status. Last fall, the Wall Street Journal carried an editorial that I think is apropos at this time. It said, in part:

> In recent times, among other things, America's traditional tolerance toward minorities has shown a tendency to get twisted. If a person is a member of a minority, his rights are sometimes alleged to be superior to the majority, by virtue of his minority status.

Perhaps the wisest men who ever lived on this continent, or anywhere else, were the Founding Fathers, who conceived and wrote the Constitution. They knew so well the long and bitter struggle of man for freedom and for the right of self-government. Indeed this knowledge has been translated and inscribed in human blood on the sands of time. Their object—their sacrifices and their bloodshed—was not to inscribe on the pages of history only a thesis for self-government, but an instrument that would prevent the subjects of government from suffering tyranny at the hands of their rulers. This they had experienced and knew and understood firsthand. They understood and were ever mindful of the words of their ancestor, the great English political philosopher, Thomas Hobbes:

> Freedom is political power divided into small fragments.

They knew and understood that whenever all the powers of government are vested in one man, one body—one commission, one agency, or whatever the case may be—such government is a tyranny. And so they devised and wrote a Constitution which divided these powers of government into "small fragments." They provided that a part of these powers should go to the Federal Government on a national level, and they reserved the remainder of the governmental powers to the States. This was not by happenstance. They did so to prevent either level of government from tyrannizing its subjects.

When it came to defining the Federal Government, the Founding Fathers followed the same principle—the principle that freedom is political power divided into small fragments. They were mindful of the words of the great English jurist, the Earl of Mansfield, when he said:

> To be free is to live under a government by law.

So those wise, immortal Founding Fathers divided the powers of the Federal Government among the Congress, which is authorized to legislate; the President, who is authorized to execute the laws; and the courts, which are authorized to interpret the laws.

Virtually every recommendation the Civil Rights Commission has made conflicts with the fundamental propositions that freedom is political power divided into small fragments, and that to be free is to live under a government of laws, rather than a government of men.

In speaking of a government of laws rather than a government of men, I echo the thought expressed much more eloquently by a great advocate, Jeremiah Black, and a wise judge, David Davis, in the famous case of *Ex parte Milligan*, 4 Wall. 2. Senators will remember that in that case the question was whether a man could be tried by a drumhead court martial or whether he should have his right to be tried by a jury of his peers.

In arguing the unconstitutionality of the trial of his civilian client by a military tribunal, Jeremiah Black asserted:

> But our fathers were not absurd enough to put unlimited power in the hands of the ruler and take away the protection of law from the rights of individuals. It was not thus that they meant "to secure the blessings of liberty to themselves and their posterity." They determined that not one drop of the blood which had been shed * * * during seven centuries of contest with arbitrary power, should sink into the ground; but the fruits of every popular victory should be garnered up in this new Government. Of all the great rights already won they threw not an atom away. They went over Magna Charta; the Petition of Right, the Bill of Rights, and the rules of the common law, and whatever was found there to favor individual liberty they carefully inserted in their own system, improved by clearer expression strengthened by heavier sanctions and extended by a more universal application.

They put all those provisions into the organic law so that neither tyranny in the Executive, nor party rage in the legislature, could change them without destroying the Government itself.

In writing the opinion of the Supreme Court upholding Jeremiah Black's contention, Justice Davis declared:

By the protection of the law human rights are secured; withdraw that protection, and they are at the mercy of wicked rules, or the clamor of an excited people. * * * These precedents inform us of the extent of the struggle to preserve liberty and to relieve those in civil life from military trials. The founders of our Government were familiar with the history of that struggle; and secured in a written Constitution every right which the people had wrested from power during a contest of ages. * * * Time has proven the discernment of our ancestors; for even those provisions, expressed in such plain English words, that it would seem the ingenuity of man could not evade them, are now, after the lapse of more than 70 years, sought to be avoided.

Madam President, if I may interpolate at this point, Mr. Justice Davis then spoke of the attempts, 70 years before, to evade these great provisions; and I point out that at this time, 170 years after these great fundamental provisions which guarantee the liberties of the American people were firmly incorporated into the fundamental law of the land, attempts are—again—being made to evade, avoid, and discard them.

I read further from the opinion by Mr. Justice Davis.

Those great and good men foresaw that troublous times would arise, when rulers and people would become restive under restraint, and seek by sharp and decisive measures to accomplish ends deemed just and proper; and that the principles of constitutional liberty would be in peril, unless established by irrepealable law. The history of the world had taught them that what was done in the past might be attempted in the future. The Constitution of the United States is a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men, at all times, and under all circumstances.

Article I, section 1 of the Constitution of the United States, provides that:

All Legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Despite the fact that the Constitution vests all of the lawmaking power in the Congress and none in the President, time and time again the Civil Rights Commission has recommended the President issue Executive orders prescribing rules of conduct and establishing punishments for violation of these rules. Madam President, such action would clearly be the exercise of lawmaking power—power never granted the President, but, instead, reserved wholly and entirely to the Congress of the United States.

The Civil Rights Commission has ignored the Constitution, has abused the unlawful power it was given, and has harassed and intimidated our local officials. It has done nothing to deserve the approbation of us as free men, and its recommendations themselves are reason enough to sound the death knell for the Civil Rights Commission and the dangers it represents. The Civil Rights Commission has already spent some $3½ million of the taxpayers' money in its useless ventures.

Madam President, this unwarranted squandering of funds should cease.

When we talk of squandering funds on the recommendations of the Civil Rights Commission, let us keep in mind that these recommendations are woven throughout H.R. 7152, the bill we are now considering. The Santa Ana (Calif.) Register published an editorial on it. The editorial is entitled the "High Cost of 'Liberty.' "

Let us remember this editorial is from the Santa Ana (Calif.) Register, from a State known to be moderate on its racial thinking. The editorial was not published in a State as to which it might be charged that the people there are not as moderate as they should be. The editorial has the following to say about the squandering of funds:

The cost of liberty, Government style, will go up if the proposed civil rights bill, now pending in Congress, is passed. This bill will cost the taxpayer $100 million in administrative expenditures alone during the next 5 years.

The administrative expenses connected with the bill were broken down in this way—

And I quote further the words of the editorial:

To the Justice Department for enforcing new guarantees of voting rights and access to public accommodations and facilities, $923,920.

To Health, Education, and Welfare for technical help to schools as they desegregate, $10,095,000, and $699,870 to the Justice Department for legal work in this connection.

To Civil Rights Commission, operating under broader power granted in the proposed bill, $1,425,000.

To Justice Department for enforcing nondiscrimination in federally assisted programs, $66,350.

To proposed new Equal Employment Opportunity Commission, $5,760,000; and $75,000 to the Labor Department for special studies in this field.

To Commerce Department for special voting census to determine how many Negroes are denied franchise, $1,800,000.

The above-quoted figures, which represent roughly $21 million, are on a yearly basis, and it is claimed probably would be reduced to some extent if the program is placed in operation.

The tragedy in the situation lies in the ironic fact that liberty cannot be forced on anyone, and therefore the only thing that can happen here is more useless expenditure of the taxpayer's money.

I called it the "unwarranted squandering of funds." The editorial continues:

Liberty must occur on a voluntary basis and exists only when an individual is free to do whatever he desires, according to his wisdom and conscience.

Remember, this is from a California paper. This is its editorial thinking. This is not a southern press. The Santa Ana, Calif., Register goes on:

Opinions differ widely about liberty. Abraham Lincoln said that the world has never had a good definition of the word "liberty" and the American people, just now, are much in want of one.

Lincoln continued to talk about liberty by saying: "We all declare for liberty but in using the same word we do not all mean the same thing. With some the word 'liberty' may mean for each man to do as he pleases with himself and the product of his labor; while with others the same word may mean for some men to do as they please with other men, and the product of other men's labor. Here are two, not only different but incompatible things, called by the same name—liberty. And it follows that each of the things is, by the respective parties, called by two different and incompatible names—liberty and tyranny."

Today, the extent of difference of opinion as to what comprises liberty is indicated by the widely differing ideologies whose advocates claim to be correct in their particular concept of liberty.

This includes all political organizations and parties and other groups such as the churches. It also includes nations such as the United States, Britain, and Russia, all of whom proclaim to be championing the cause of liberty.

Yes, Russia has said that she is the champion of liberty.

Continuing to read from the editorial appearing in the Santa Ana, Calif., Register:

Thus, if liberty is to prevail, a basic definition that all can understand must be voiced. There must be a willingness by everyone to open his mind to a discussion of the subject.

Even superficial reflections about liberty reveal that its very nature precludes the use of force in its attainment.

That is exactly what the distinguished Senator from Florida in his masterful address on the floor of the Senate today said. I continue to read from the editorial:

A relationship between persons must be either voluntary or involuntary. Liberty remains inviolate in any voluntary relationship because, being voluntary, the act is in accordance with the wishes of the participants. This is liberty, and thus it is only involuntary relationships wherein liberty is violated.

I remind Senators again that this is a California press, not a southern newspaper. The editorial continues:

When this rule, in relationship to liberty, is applied to the recent integration actions of the Federal Government in schools, the farce that such action was an attempt at liberation, is clearly revealed.

All voluntary relationships rest on the principle of cooperation, either consciously or unconsciously. Such actions rest on the spirit of cooperation alone, not a special kind that is defined as a law and subject to enforcement.

Such a cooperative feature is evidenced by the fact that both sides of a deal enter into it willingly. Any solution of the civil rights problem based on other than voluntary agreements by those concerned, can result in nothing but enforcement by government and by force, which is a far cry from the accomplishment of liberty in its true form.

"Which is a far cry from the accomplishment of liberty in its true form," from a California newspaper.

Title VI is merely the third prong in the administration's effort to pitchfork the people of this country into acceptance of its preconceived notions as to what the order of society should be, regardless of the Constitution or the laws of the land. This title would purport to give the President the power to cut off

or deny funds to federally assisted programs if these notions are not adhered to. Under titles I, II, III, and IV of the bill, the Attorney General would be empowered to force acceptance of these notions through court orders and injunctions issued without a trial by jury. Under title V a Federal agency is continued to promote and promulgate these notions and to create agitation and harassment to gain acceptance of them. If these devices should fail, then under title VI the President could deny any people or group of people the benefits of the tax monies they have paid in and thereby coerce them into submission.

At first blush, title VI, which is designated "Nondiscrimination in federally assisted programs," appears to provide only that there shall be no racial discrimination in programs receiving Federal financial assistance, but it is far more than that. It strikes at the very roots of individual liberty and reposes more arbitrary power in the executive branch of the Government than any proposed statute ever attempted to do before. It surrenders to the executive branch powers belonging to the other two branches of the Government. It does so to such an extent that it undermines and destroys the separation of powers devised by our Founding Fathers as a safeguard against any form of tyranny. The Founding Fathers had sound reason for incorporating the principle of separation of powers of Government in the Constitution. They had learned the hard way that the concentration of such powers in one man, or in a set of men, is the chief characteristic and evil of despotic forms of government. James Madison, "the philosopher of the Constitution," who contributed so much to the writing of the Constitution that he is known as the father of the Constitution, set out the fundamental principle underlying the idea of separation of powers when he declared in the Federalist:

> The accumulation of all powers, legislative, executive and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny.

On April 19 of last year the late President Kennedy was asked at his news conference about the recommendation by the Civil Rights Commission that Federal funds be withheld from Mississippi until it conformed to certain racial and social dictates of the administration. The President was asked, and I quote the question:

> Mr. President, will you attempt to cut off Federal aid to the State of Mississippi as proposed by your Civil Rights Commission?

The President replied, and again I quote:

> I don't have the power to cut off the aid in a general way as was proposed by the Civil Rights Commission, and I think it probably would be unwise to give the President of the United States that kind of power.

The President was absolutely right; and the Constitution of the United States and a long line of Supreme Court cases sustain him. Title VI would give to the President powers which under the Constitution he cannot have and which under the Constitution the Congress cannot give him. Sections 1 and 8 of article I of the Constitution make this abundantly clear.

Section 1 reads:

> All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section 8 reads:

> The Congress shall have the power * * * to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

Article II, section 1, reads:

> The Executive power shall be vested in a President of the United States of America.

Article III, section 1, reads:

> The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish.

Under a representative democracy, Congress is the forum of the people, the forum in which all people can be heard through their representatives, where issues are presented, deliberation is had, debate is made, and by majority will laws are enacted. The product of this is a democratic form of government, not perfect by any means, but as yet the greatest form of democracy known to man.

In its deliberative processes, Congress defines the programs it enacts. As representatives of the people, it reflects their will and intent. In effect, the people set the requirements for the laws governing them and the programs under them. The people determine how their tax moneys should be spent and to which programs they shall be allocated. This is as the Constitution provides, and as it should and must be in a form of government of the people, by the people, and for the people. Not once, but many times, the question of restricting a program one way or the other and the funds for it have been presented to the Congress and decided by it—by the people—by the representative legislative process. In some instances restrictions have been accepted, in other instances restrictions have been rejected. But in either event, the people have spoken, they have legislated their will, and it is then for the executive branch to carry it out in this manner. This our forebears insisted on when they provided for separate branches of government and delegated the legislative powers of the people to the Congress—their elected representatives—in sections 1 and 8 of article I of the Constitution.

A long line of Supreme Court decisions confirm the intent and meaning of sections 1 and 8 of the Constitution. In the *Youngstown Co.* v. *Sawyer* case, 343 U.S. 579, commonly known as the Steel Seizure case, the Court in its majority opinion spells it out loud and clear in the following language:

> Nor can the seizure order be sustained because of the several constitutional provisions that grant Executive power to the President. In the framework of our Constitution, the President's power to see that the laws are faithfully executed refutes the idea that he is to be a lawmaker. The Constitution limits his functions in the lawmaking process to the recommending of laws he thinks wise and the vetoing of laws he thinks bad. And the Constitution is neither silent nor equivocal about who shall make laws which the President is to execute. The first section of the first article says that "All legislative powers herein granted shall be vested in a Congress of the United States." After granting many powers to the Congress, article I goes on to provide that Congress may "make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof." The Constitution does not subject this lawmaking power of Congress to Presidential or military supervision or control. It is said that other Presidents without congressional authority have taken possession of private business enterprises in order to settle labor disputes. But even if this be true, Congress has not thereby lost its exclusive constitutional authority to make laws necessary and proper to carry out the powers vested by the Constitution "in the Government of the United States, or any Department or Officer thereof." The founders of this Nation entrusted the lawmaking power to the Congress alone in both good and bad times. It would do no good to recall the historical events, the fears of power, and the hopes of freedom that lay behind their choice.

In the case of *O'Donoghue* v. *United States*, 289 U.S. 516, 530, the court said that the separation of powers of the Federal Government—

> Is not merely a matter of convenience or of governmental mechanism; its object is basic and vital; namely, to preclude a commingling of these essentially different powers of government in the same hands.

Justice Miller asserted in *Kilbourn* v. *Thompson*, 103 U.S. 168, 190, that the separation of powers among the three branches of government is "one of the chief merits of the American system of written constitutional law." Note that Justice Miller refers to constitutional law, and not law by Executive fiat.

The Youngstown case and other Supreme Court cases, some of which I have cited, have consistently held that the Congress cannot abdicate or transfer its legislative functions to the President and that an act of Congress constitutes an unconstitutional delegation of the legislative power of Congress to the President if such act confers upon the President the power to make a law or to determine to whom the law shall or shall not be applied, or to determine what the law should do or not do, or to determine what punishment shall be inflicted upon those who do not conform to the law. And this is precisely what title VI endeavors to do.

The enactment of title VI would introduce into the American system a new and radical concept in punishment. Enforcement of title VI would make it possible to penalize every participant and/or beneficiary of a federally assisted program as a means of punishing a single violator of the title, although the violator may not even be a participant in the program abolished, or be affected by it. For example, take the school milk and lunch program, which is designed to

provide 2 million American schoolchildren the nutrition necessary to insure a sound body and thereby help develop a sound mind. Now, under title VI it would be possible for Federal funds to be barred from the school lunch program if some State or local official or administrator of the program is accused of violating title VI, thereby denying to the children—the participants in the program and the beneficiaries of it—the school lunch program—the milk, the hot lunches, the nutrition—although as immature schoolchildren, they have no voice whatever in the policy of administering the program or in the policies of the particular school or school district in which it is being conducted. In this instance, the so-called violator who would thereby cause the cutoff of Federal assistance is not a beneficiary of the program involved, but to punish him and his alleged act, all participants and beneficiaries of the program—the schoolchildren—are penalized by its discontinuance. As another example, let us take the VA direct loan program provided for our veterans. In a sense, our veterans acquire a vested right to participation in this program in return for their years of service to our country. But here again we find it possible under title VI to deprive the individual veteran of receiving the benefits of the program if discrimination is charged under title VI.

Let us take another example. Let us consider the farmer, who for some 30 years has been under Federal programs involving Federal aid. If H.R. 7152 is enacted, the farmer would be required to hire people of all races, religions, and national origins, notwithstanding his belief that members of one group may be more reliable, more trustworthy, or, in short, more desirable than of another. He will no longer be allowed to exercise his independent judgment in this regard. Under the purposes of this bill and the powers conferred to carry them out, he may be forced to hire according to race, or religion, or national origin to "balance" those who work for him or be in violation of Federal law. The penalty for any such violation could mean exclusion from every federally assisted program in which he participates. What could this mean to the farmer of today, very few of whom can successfully operate without the Federal programs? It could mean, at the direction of the Attorney General and the Civil Rights Commission, exclusion from the benefits of: First, the Agricultural Stabilization and Conservation Service; second, the Commodity Credit Corporation; third, the Agricultural Marketing Service; fourth, the Soil Conservation Service; fifth, production credit associations; sixth, banks for cooperatives; and seventh, Federal land banks; and all other agencies or departments having to do with Federal financial assistance in the field of agriculture.

These are but a few examples of the far-reaching effects of title VI of H.R. 7152. In addition, there are the public assistance programs providing aid to the aged, the sick, and the needy. There are the hospital assistance programs and the programs that provide scholarships, laboratory equipment, library assistance, dormitories and other forms of help in connection with our schools and educational process. There are the housing programs. We could go on and on. The list is endless, but suffice it to say that title VI makes it abundantly clear that its provisions would apply to virtually all programs financially assisted by the Federal Government. At the same time, it would give the President and the executive branch of the Government unprecedented control over employment policies in connection with federally assisted programs.

I am glad to have had the opportunity on past occasions to take the lead in opposition to legislation to give the Federal Government the power to dictate the employment policies of our private businesses, and I am as violently opposed to the proposition at this time. From a standpoint of unconstitutional delegations of power to the executive branch by the Congress, title VII, the so-called "equal employment opportunity" provision, is more of the same of title VI.

Blackstone once said:

> In all tyrannical governments, the supreme magistracy, or the right both of making and of enforcing the laws, is vested in one and the same man, or one and the same body of men; and wherever these two powers are united together, there can be no public liberty.

So declared that great lawyer and philosopher, the lawgiver Blackstone, that where the right of making and enforcing the laws is vested in one man or in one body, "there can be no public liberty."

Madam President, I continue to believe in the American system of free enterprise, in the principles on which it was founded, in the right of an employer to select his employees, to promote them for merit and to discharge them for unsatisfactory performance, and because I so strongly believe these things and that they have always been a part of our American way of life, I am opposed to title VII.

It contains the weapons for the destruction of many civil and natural rights which the people of this country have enjoyed since its founding. It is based on the thesis that the best way to grant special privileges to a particular group is to deny the majority the rights they already possess. In the name of "equal employment opportunity" it seeks to establish a preference and a special "right" to employment based on "race, color, religion, or national origin." It seeks to force employers employing a certain number of employees in interstate commerce to give preferential treatment to any person of a racial or religious minority in order to avoid any charge of so-called "discrimination" against an applicant or an employee.

The commission and the positions created by title VII would be virtually autonomous in their authority and would be vested with the power to establish their own administrative guidelines. The legislation would give the chairman of the Equal Employment Opportunity Commission almost a free hand to interfere with virtually every aspect of employer-employee relationships. It would control and regiment compensation, terms, conditions, and privileges of employment including but not restricted to: Hiring, promotion, transfer, and seniority; discharge, suspension, and retirement; recruitment advertising and methods of recruitment; referrals for employment; apprenticeship training and other educational opportunity for or in employment; equality of access to facilities and services provided in employment; and equality of participation and membership in employee organizations and labor organizations.

The rules and regulations of the Equal Employment Opportunity Commission, if H.R. 7152 were to become law, could compel employers to reemploy dismissed employees and to employ rejected applicants who were considered incapable and unfit. The practices of the Equal Employment Opportunity Commission would destroy the merit system as a basis for employment, upgrading, demotion or transfer, and layoff or termination.

Take, for example, an employer who employs 50 men. Ten of these employees can be identified with a minority group. If the employer has to lay off 8 men, he would be less likely to discharge any of the 10 men who could claim discrimination—whether it existed or not—and file charges with the Equal Employment Opportunity Commission, causing him harassment, expense, and possible punishment.

Madam President, the motto of the New York Times is "All the News That's Fit To Print." It proudly proclaims this motto and displays it daily on its front page.

The New York Times is the most widely read newspaper in the country—indeed, it is the most widely read newspaper in the world. It prides itself on its objective and fair reporting, and claims to have the best staff of reporters of any newspaper.

One of the New York Times' most prominent and widely read reporters, Arthur Krock, wrote on this subject of FEPC and title VII, which creates the Commission, in the Times of March 13. I quote:

> The Illinois Fair Employment Practices Commission has just furnished a graphic illustration that when a political arm of government assumes jurisdiction over the hiring and firing policies of private business, the tendency is to expand this authority into autocratic control. The ruling of the Illinois FEPC, by which this tendency was strongly established has nationwide importance because title VII of the pending equal rights bill proposes to make this jurisdiction a Federal power, exercised by an Equal Employment Opportunity Commission.
>
> If Congress approves the pending measure, with title VII included, and the constitutionality of this section is affirmed by the Supreme Court, the way will be open to project the rationale of the Illinois FEPC ruling throughout the free enterprise system of the United States. Then a Federal bureaucracy would be legislated into senior partnership with private business, with the power to dictate the standards by which employers reach their judgments of the capabilities of applicants for jobs, and the quality of performance after employment, whenever the issue of "discrimination" is raised.
>
> The administration bill of which title VII is a part has never been submitted to either

House or Senate committees for the customary and essential hearings and analysis. Consequently, if the Senate motion to send the measure to committee fails of adoption, as is expected, only the Senate rules which permit unlimited debate unless terminated by cloture will expose the bill to the intensive examination made imperative by its vast new donations of Federal power in a domain long established as the private sector.

The assumption of authority by the Illinois FEPC stresses how vital this examination is to the general interest. The State commission ordered Motorola, Inc., to cease subjecting job applicants to its overall ability test on the finding that the test is unfair to "culturally deprived and disadvantaged groups." The test was compiled and copyrighted by Prof. Philip Surrager of the Illinois Institute of Technology in 1949 and, with some revisions, has been in use since then. He defined its objective as "not to exclude Negroes from whites * * * but to help evaluate the trainability of a prospective employee * * * and I know of no way to evaluate that a test in itself is discriminatory toward any group."

Nevertheless, exercising for the first time an authority over the ability tests an employer may use in screening applicants, a State FEPC examiner ordered Motorola, Inc., not only to disuse Surrager's questionnaire, but to offer a job to a Negro who charged he was denied a job because of his race. The Employers Association of Chicago, representing 1,400 companies in the area, challenged the order. And, in announcing that Motorola, Inc., would appeal the action "all the way to the Supreme Court if necessary," its attorney said:

"The question at hand is whether an employer in Illinois is going to be permitted to set the educational, moral, and aptitude standards for its employees, or whether the State will dictate the standards." If title VII survives the Senate debate, the scope of this "question at hand" will spread from Illinois to the Nation. Meanwhile the attorneys for Motorola, Inc., have contended that the company cannot depend on a fair hearing of its rebuttal because the hearing officer designated by the commission is a Negro.

The company's finding that the applicant had not passed the Surrager test is complicated, so far as his particular case is concerned, by the announcement of the Illinois FEPC that he passed it on reexamination in its own offices. But, in commenting on the examiner's order, the Chicago Tribune stated the issue in its broad perspective.

The examiner had also ruled that the questions in the test did not take into account "inequalities and difference in environment," thereby favoring the "advantaged groups." This, said the Tribune, "may be reduced to the absurdity that any test acceptable to the FEPC would be one which brought out no distinction whatsoever among competing applicants. How, then, is an employer to develop any basis for making a choice? * * * So here the doctrine is enunciated that a political appointee is going to dictate to business [its] standards of selection."

The New York Times—"All the News That's Fit To Print"—the leading newspaper of the East, the North—the most widely read newspaper in the world—objective and fair reporting—Mr. Krock said that "when a political arm of government assumes jurisdiction over the hiring and firing policies of private business, the tendency is to expand that authority into autocratic control."

In his very fine and masterful speech on March 23 the junior Senator from Florida, my distinguished colleague, Senator SMATHERS, made reference to the Chicago Tribune editorial regarding the Motorola situation. I think the message and warning in that editorial are of such importance to all of us that it is worth reading the editorial in its entirety at this time. The Tribune states:

A foretaste of what employers may expect if the "equal employment opportunity" provisions of the Federal civil rights bill become law has been provided here in Illinois under the State fair employment practices act. An agent for the commission enforcing the act has just told Motorola, Inc., that the State hereafter assumes to direct its hiring practices.

Motorola has been giving job applicants a general ability test devised by a professor at Illinois Institute of Technology and used by at least one other large Chicago employer.

A Negro applicant charged that he was denied employment because of his race. The corporation said he failed the test. The claimant said he had passed it. He did pass it on reexamination in the FEPC office, and the company was ordered to hire him. But the question of fact concerning the results of the original test is less germane than the excursions of the examiner beyond that point.

This official, Robert E. Bryant, decreed that Motorola must abandon ability tests for job applicants for three reasons: (1) That the test was unfair to "culturally deprived and disadvantaged groups"; (2) that the questions did not take into account "inequalities and differences in environment"; and (3) that the standards for passing were based on those of "advantaged groups."

This may be reduced to the absurdity that any test acceptable to the FEPC would be one which brought out no distinctions whatsoever among competing applicants and would therefore be meaningless. How, then, is the employer to develop any basis for making a choice in hiring?

The examiner's further dicta were not of a sort to reassure bedeviled employers. He said that "current circumstances and objectives" impose the demand that hiring personnel develop "general convictions of economic need" among minority groups and that executives "move positively" to achieve an unspecified balance in their work force.

As merit and ability demonstrated by testing is out the window, this would seem to be a prescription for reverse discrimination—i.e., that race, color, religion, or something else be given priority over judgments of a job applicant's prospective usefulness to his employer.

So here the doctrine is enunciated that a political appointee is going to dictate to business what standards of selection are to govern its employment policy. A business man is not to be allowed to decide the choice of workers or associates best fitted to advance his business interests. In the name of "rights," the employer's rights are canceled.

In our recent editorial discussion of the Federal "fair employment" section of the pending civil rights bill, we said that government was intent on legislating itself into partnership with private business and dictating hiring, firing, and promotion policies. The ruling in Illinois demonstrates that once the snout is in the tent, the rest of the camel will quickly follow.

This is not a southern newspaper speaking. This is the voice of the Chicago Tribune, a leading midwestern newspaper. The editorial continues:

The Federal Commission is empowered to bring charges of unfair practice on its own motion, and without a complaint; to turn loose its agents and lawyers on a business, with power to examine books and papers and to question employees or executives; and to require that an employer keep records of who applies for a job, who gets it, and who does not, and why.

All this is to be done under standards not prescribed, but vague, and subjective in nature, according to what the agent thinks is discrimination and what he guesses may have been in an employer's mind. Under such ground rules, the harassment of business and industry could be unrestricted and unlimited.

There are those who will argue that such fears as expressed by Mr. Krock and the Chicago Tribune are not justified and could not happen under this bill. Obviously there were those in Illinois who never thought that the situation that took place with Motorola could ever happen under the Illinois FEPC law. To those, I say that it is not a question of whether a Government agency would embark on a voyage as destructive to an individual business and the principles of free enterprise as did the Illinois Federal Employment Practices Commission; the question is whether we are going to give a Government agency the power to do so. The Chicago Tribune warned "that once the snout is in the tent, the rest of the camel will quickly follow." As Senator Daniel W. Voorhees of Indiana said on the floor of this Senate:

All history attests the danger of leaving instruments of usurption and oppression ready for the use of those entrusted with executive authority. The usurper will come at last. The hour of his advent is inevitable. The temptations of supreme and arbitrary power have never yet failed to develop a Caesar, a Cromwell, or a Napoleon, whenever the people have relaxed their vigilance and suffered their laws to pave the way toward despotism.

The New York Times and the Chicago Tribune were talking about a situation involving a private business and the denial of its right to hire on the basis of merit and qualifications. Title VII, however, also extends to nonprofit foundations and organizations. Thus, many of our nonprofit and great eleemosynary and religious institutions which contribute to scientific research, medical research and discoveries, and other programs of benefit to all the people, would be placed in a position whereby they would be compelled to hire the huckster or the quack regardless of the professional standards necessary to do the job.

Title VII does violence to both the letter and the spirit of our Federal Constitution. The proposal violates the first amendment by abridging freedom of speech, freedom of association, and freedom of religion. It violates the fifth amendment by denying an essential liberty of a free people through arbitrary restraints on freedom of association in business and in labor organizations; by denying liberty of contract in attempting to sandbag, intimidate, and compel employers to hire undesired persons and to deny employment to desired persons.

The bill denies the right of trial by jury, thus violating the sixth amendment. The proposal violates the ninth amendment by usurping the rights retained by the people. And the proposal violates the 13th amendment by imposing a form of involuntary servitude upon

employers. In addition, the measure willfully disregards the doctrine implicit in article V of the Constitution that only the people of the United States have the right to amend the Constitution.

Obviously, the Congress cannot enact legislation which forbids a person to hire another person of a certain race, color, religion, or national origin. This would be a denial of equal protection of the law and an unreasonable prior restraint on personal liberty. On the other hand, there is not a sentence, a clause, or a word in our Constitution which vests the Congress with the authority to enact legislation which, in effect, commands and chooses for our people whom their associates shall be. Compulsory hiring, as envisaged by H.R. 7152, would operate to curtail the right of association and would give legal recognition to guilt by association under the pain of penalty. The very existence of such a law would serve to choke off free expression of views and would impose an unreasonable restraint upon freedom of expression. Under the proposed legislation an offense will consist, not in aiding or abetting in the commission of some specific unlawful act against society, but in openly and knowingly associating with a person of one's own choosing, notwithstanding the good reputation and character of both parties.

Mr. President (Mr. KENNEDY in the chair), previously I have analyzed and discussed titles I, II, III, and IV. In this speech I have endeavored to put under the microscope titles V, VI, and VII. To say the very least, what we have seen has not been appealing. Those of us who are still interested in constitutional government—government by law rather than government by men—have been appalled at what we have seen under the lens.

Those of us who still believe in the blueprint of democracy as conceived by our Founding Fathers and as we have always known it, namely, separation of powers, limited Executive authority, and no special privilege, are as gravely concerned as ever.

As I have previously said, no longer is the issue regional. The winds have been blowing, and an awakening has occurred from coast to coast—North, South, East, and West. The people have come to realize that the racial problem is no longer only a southern problem, and that it cannot be solved by depriving the overwhelming majority of Americans of their rights, as proposed in H.R. 7152, or by mob violence and acts of civil disobedience.

From coast to coast—North, South, East and West—we know that all are involved in this problem.

Earlier today I read an editorial from the Santa Ana (Calif.) Register, which referred to the bill before us as "more useless expenditure of the taxpayer's money." It will be recalled that the California Register editorial went on to say:

> Any solution of the civil rights problem based on other than voluntary agreements by those concerned, can result in nothing but enforcement by Government and by force, which is a far cry from the accomplishment of liberty in its true form.

I said there has been an awakening from coast to coast. Now I read to the Senate the editorial thinking, expressed in the Haverhill (Mass.) Journal.

> Stripped of its high-sounding legalese, the proposed civil rights bill is essentially an attempt to abolish old injustices by creating new ones. It is a futile mission.

"It is a futile mission." Let us remember that this is not a southern newspaper. This is the editorial thinking of a Massachusetts newspaper, the land of Charles Sumner. The editorial continues:

> The law cannot move to guarantee equal opportunity in employment without first depriving every employer and employee of the time-honored right to enter into contracts upon their own terms. It cannot insure equal treatment in housing without denying every American the right to dispose of his personal property as he sees fit. It cannot force places of public accommodation to accept clients which the management finds objectionable without usurping the authority and responsibility of management in the handling of private investment. It cannot set forth a national policy aimed at establishing a neat, arithmetical racial and religious balance in every stratum of society without destroying the fundamental freedom of individual choice.
>
> Clearly, any legislative effort to protect the real or imagined civil rights of one group must inevitably involve an attack upon the civil rights of others. The realization of that fact should provide ample grounds for caution.
>
> Does all of this mean that Americans should ignore racial and religious discrimination by persuading themselves that the evil is inherent and irreparable?
>
> Not at all. It merely means that we must recognize that Government is actually powerless to resolve problems which stem from the failures of human nature, and that the only meaningful answer to racial and religious hatred rests in what the U.S. Supreme Court describes as "the inviolable citadel of the human heart and mind."
>
> Laws, however well-intentioned, cannot make good men out of bad men—and that is the awesome task which confronts us.

So, Mr. President, as I have already said, it is obvious that North, South, East, and West, there is an awakening of the people.

The PRESIDING OFFICER (Mr. HOLLAND in the chair). Does the Senator from Alabama yield to the Senator from Massachusetts?

Mr. HILL. I yield.

Mr. KENNEDY. The Senator from Alabama has been quoting the Haverhill Journal. Did the Senator from Alabama know that this paper is owned by Mr. Loeb who also owns the Manchester Union in New Hampshire?

Mr. HILL. No; I did not know it. But I suppose that that newspaper expresses much of the feeling and many of the opinions of the people of Massachusetts, New Hampshire, and New England, or else it would not survive in business.

Mr. KENNEDY. Does the Senator from Alabama realize that the Haverhill Journal has been in existence only a few years, and that it is owned and operated by a Mr. Loeb—a man whom the Senator from Massachusetts will recognize as being one of the most vehement and strongest opponents of this bill? I would add, for the RECORD, and also for the interest of the Senator from Alabama, that I believe the editorials of that newspaper on this subject reflects the personal opinions of only Mr. Loeb.

I feel that it is appropriate to draw this to the attention of the distinguished Senator from Alabama. I know that he would want to be stated accurately in his comments reflecting the opinion of the people of Massachusetts.

Mr. HILL. Certainly the Senator from Massachusetts has every right to his opinion of this newspaper and its editorial policies.

Again I say that this newspaper would not survive very long if it did not reflect a considerable body of opinion in Massachusetts and elsewhere in New England—the opinion of the people it serves. It is bound to have very considerable support, and is bound to express quite a bit of the feelings and opinions of the people in the area it serves.

Mr. KENNEDY. The only point I would make is that financially the Haverhill Journal is not a moneymaking effort; it depends for much of its income on revenues, from outside the boundaries of Massachusetts.

I also wish to point out that the creditable newspaper in Haverhill, Mass., is the Haverhill Gazette. That newspaper and its editor, Mr. Moran, express what I consider to be the sentiment of the people of Haverhill in regard to this proposed legislation.

I knew the Senator from Alabama would be interested, in connection with his own great interest in accuracy, in these observations.

Mr. HILL. Mr. President, I am glad to have the distinguished Senator from Massachusetts express his views and his feelings about this matter.

But again I return to the proposition that surely there must be in New England a considerable body of sentiment such as that which this newspaper in Haverhill, Mass., expresses, or else I should think the newspaper would not survive very long in the great State of Massachusetts.

Mr. KENNEDY. I appreciate that.

Mr. HILL. I would judge that perhaps the Gazette, to which the distinguished Senator from Massachusetts has referred, is a good newspaper; and no doubt it supported the distinguished Senator from Massachusetts, in order to help enable him to become a Member of this body. I, too, feel rather strongly that those who support me are much the wiser. [Laughter.]

Mr. KENNEDY. I appreciate the courtesy of the Senator from Alabama in yielding on this point. I merely felt that the people of my State who read the CONGRESSIONAL RECORD—and particularly the people of Haverhill—would feel that these comments were justified.

Mr. HILL. I have been glad to have had the Senator from Massachusetts express the views he has expressed this afternoon. In saying that others think

contrariwise, my statement is not a reflection on him. The greatness of our American system lies in considerable part in the fact that there can be differences of opinion, both among the people and among the newspapers. That is very important in connection with our freedom of speech and our freedom of the press.

So I have been glad to have the Senator from Massachusetts express his views. However, surely he will not deny that the Haverhill, Mass., newspaper that I have quoted must represent a segment of the body of opinion in that area, or else it would not be in existence.

The Wall Street Journal recently had this to say about demonstrations and acts of civil disobedience:

> Driving in rush-hour traffic in New York, as in other large cities, is no fun at best—which is presumably why a group of civil rights demonstrators chose to make it worse the other afternoon.
>
> The group blocked an approach to the huge Triborough Bridge, dumping garbage in the roadway and lying down, arms linked, in front of the cars, which soon were backed up for blocks. It was an ugly little spectacle, an inconvenience for many people just trying to get home. For some, perhaps worse; at least one car contained a pregnant woman. Or the life of a sick child on the way to the hospital might have been endangered.
>
> But the danger in this sort of tactic lies far deeper than individual inconvenience or harm. It rests on a totally inadmissible theory which increasingly is marring the whole civil rights movement. Some of its leaders hint that more such demonstrations may be in the offing.

I should like to interpolate that the distinguished Senator from Florida, in his address earlier today, referred to a planned demonstration in New York to paralyze the opening of the New York Fair.

Mr. HOLLAND. Mr. President (Mr. KENNEDY in the chair), will the Senator yield?

Mr. HILL. I yield.

Mr. HOLLAND. The Senator from Alabama has referred to demonstrations. I see further indications on the ticker in the cloak room to the effect that at least several of the four organizations in the area persist in their purpose to block the highways that give access to the New York World's Fair on the day of its opening.

I wonder if the distinguished Senator from Alabama believes that those people, in making the decision, are giving any consideration whatever to the fact that white people, colored people, American people, Canadian people, people from Europe, and people from all over the world will be driving to the fair. They will be interested in the very fine exhibits, built at great costs, which illustrate the growth of our country and of other countries, as well. They will be endeavoring to get there to express, among other things, their friendship for and interest in the United States, in the State of New York, and in the city of New York.

I wonder if they think they are encouraging a friendly and cordial feeling on the part of thousands of citizens from literally everywhere, who may easily be held up for hours on the highway or blocked completely from reaching the fair, and perhaps deprived of their opportunity—for some of them it will perhaps be their only opportunity—of seeing the fair. Is that a good way to create good will?

Mr. HILL. That is one of the worst ways to try to create good will, because I do not think that way could possibly succeed. Instead of creating good will it create anything but good will.

Mr. HOLLAND. Mr. President, will the Senator yield further?

Mr. HILL. I yield.

Mr. HOLLAND. Does the distinguished Senator recall that the Congress, both the other body and the Senate, granted $17 million Federal money to build a Federal building which would promote a Federal exhibit at the fair for the purpose of showing Federal interest in it and the desire of all parts of our Nation to encourage that very worthwhile effort? Does the distinguished Senator believe that the kind of proposed misconduct on the part of those misled demonstrators would encourage the United States to participate in similar great expositions in the future?

Mr. HILL. It would have the opposite effect. It would do much to discourage the people of the United States from participating. It might even cause them to refuse to participate.

Mr. HOLLAND. I think so, too. Will the Senator yield for another question?

Mr. HILL. I yield to the distinguished Senator from Florida.

Mr. HOLLAND. The fair invited the State which the Senator from Florida represents in part—the State of Florida—which is known to be a vacation center for a good many million people in the United States, both from New York and elsewhere, to participate in the fair by the construction of a building and the maintenance of as beautiful an exhibit or series of exhibits as the State of Florida could produce and exhibit there. The State of Florida accepted that invitation and spent a good many hundreds of thousands of dollars in the building of the structure, the sending of exhibits, the training of personnel and the payment of their salaries, so that they would be there and show, we thought, the cordial reception which we should accord to the generous invitation extended to us from New York.

Does the distinguished Senator from Alabama believe that the kind of treatment which the group of demonstrators proposes to give indicates any feeling of generosity, gratitude, or even understanding of the cordial relations between the great fair and the State of Florida, and the reaction which the State of Florida has shown as a good neighbor, and one seeking closer connections throughout the Nation, particularly since that area of the Nation has installed its great exhibit there? Does the Senator believe that that is reasonably generous requiting of the treatment which the State of Florida has shown to those who are behind the fair?

Mr. HILL. The action would not only fail to requite, but it would demonstrate a very definite lack of appreciation and a very ugly disregard of the fine contribution which the State of Florida has made to the fair.

Several weeks ago I had occasion to get a glimpse of the very fine and imposing structure that has been constructed there for the exhibit of the State of Florida. It is an honor to the State of Florida to have done what it has in putting that fine exhibit there. The proposed demonstrations would be a very ugly and, I might say, indecent action which would show complete lack of appreciation and gratitude for what the State of Florida has done.

Mr. HOLLAND. Mr. President, I thank the distinguished Senator. May I interpret his remarks as meaning that instead of showing even civil treatment, much less civil rights, to the response of the State of Florida and the participation of the State of Florida, the demonstrators in that one case—and the statement could be extended to every State and every nation which is exhibiting there—would show a completely callous disregard of the fact that we are there as their guests trying to make a greater fair by our participation?

Mr. HILL. As the Senator has said, the proposed demonstrations would show a complete willful carelessness and indecent regard for the fine contribution which the State of Florida has made.

In that connection, let me refer again to the Wall Street Journal. The editorial does not speak of the particular incident that we had in mind, but it speaks of the action taken on the Triborough Bridge. The editorial continues:

> The notion that it's perfectly proper to attack the general public—the majority of law-abiding, hard-working people—in pursuit of minority aims is a extremely distorted theory of rights. The essence of civil rights is that they should be as equal as the law and society can make them. But that proposition gives no one a right to vandalism.

The very thing that has been suggested would not only show an ugly, indecent, and loose disregard of the fine contribution of Florida, and lack of appreciation, but, as described in the Wall Street Journal, it would be vandalism.

Mr. HOLLAND. Mr. President, I appreciate that expression. Would it not be appropriate to say that demonstrators who in the very essence of their request are asking for equal courtesy from others are showing a complete disregard for that principle in showing discourtesy and indecent treatment to people who are trying to visit the great exposition in New York, including people who have come from Florida, other States, and many nations seeking to enlarge the attractiveness of the exposition by spending their own money to exhibit there?

Mr. HILL. The Senator will agree, will he not, that without the contribution of the Federal Government to the State of New York, to its World's Fair, without the contribution of Florida and that of other States and of other organizations, and without the visitation of many millions of people to the World's Fair, the fair could not hope to succeed?

Mr. HOLLAND. The Senator is correct. In addition to showing discourtesy to others, the demonstrators are fouling their own nests, if I may use that term.

Mr. HILL. I think that is a good way to put it.

Mr. HOLLAND. I thank the Senator for yielding.

Mr. HILL. The Wall Street Journal continues:

> Unfortunately this theory that civil rights means trampling on the rights of the public has also found its way into proposed legislation. The bill now before the Senate, along with its unobjectionable features, does seem to infringe what long have been accepted as individual rights of property. Perhaps that fact is encouraging the demonstrators in their random attacks on the public.
>
> It would seem in the interest of the civil rights spokesmen to disavow and discourage pigsty tactics without delay.

I like that term "pigsty." That is exactly what these tactics are.

Mr. HOLLAND. If the Senator will allow me to suggest, I think that term is somewhat in line with the suggestion the Senator from Florida made—that these people were fouling their own nests.

Mr. HILL. I think the term "fouling their own nests" and creating a "pigsty" go hand in hand.

I notice standing near me the distinguished Senator from Texas [Mr. TOWER]. I am sure he has seen on the farms and the plains of the West and Southwest, just as may be seen in the South, a good many pigsties; and I am sure he agrees with what I am reading now and what I have been saying.

Mr. President, time and again I have called for the rejection of the dangerous path of emotion, of expediency, of violence. The Wall Street Journal calls on the civil rights spokesmen to do so now. I have warned that emotion and expediency are the tinder from which mob actions explode into the flames of racial violence. What more timely example do we need than the recent deplorable and tragic violence in Jacksonville? We witnessed riots in Annapolis, Md., that required the use of firehoses and police dogs. We have seen sit-ins and lie-ins in New York City, and destruction of private property in Atlanta, Ga. We have seen school violence in Chicago, Ill., and parents parading in protest of their children being hauled out of their neighborhoods to forcefully mix schools in New York.

Earlier today the distinguished Senator from Ohio [Mr. LAUSCHE], on the floor of the Senate, told of a situation of mobs, violence, civil disobedience, and threats of all kinds and dangers in the city of Cleveland.

The Associated Press, in reporting on mass demonstrations in Cincinnati, Ohio, and Trenton, N.J., had this to say:

> Bayard Rustin, director of the march on Washington, said that Negroes will never get a strong civil rights bill through Congress "unless we stay in the streets."
>
> He said if Negroes in New Jersey do not get equal housing, jobs, and education, "I would like to see a crowd twice the size of this one surround the Governor's office and sit-in, sleep-in, lie-in, jump-in, and win."

There was a crowd estimated at 15,000 at this rally.

These are the threats and intimidations we are being demanded to react to. These are not carefully thought out solutions to the racial problem. These are demands "in the streets," as Rustin puts it, with the threat of continued acts of civil disobedience until the Congress responds. This, indeed, would be a unique, an un-American way to legislate.

Remember, it was acts of civil disobedience that precipitated the French Revolution, with all its terror and bloodshed, from which the French nation has never completely recovered.

It is time that we ask ourselves whether we are going to impose upon the American people a deprivation of their liberties in order to grant special privileges to a particular segment of the population. If the Congress enacts into law legislation such as this, then the constitutional liberties of all the people are imperiled for the specific benefit of a minority group. The enactment of this bill will only create more strife within our country when we should all be welded together in a wholehearted attempt to resolve whatever differences we have within the framework of existing law. That law is completely adequate to protect all citizens in their civil rights, and for this reason I fear that emotion and expediency are the driving forces behind the so-called civil rights bill now before us.

I have previously referred to various parts of that law in connection with specific provisions of this bill.

For the RECORD, let me submit a complete listing of the remedies now available to protect anyone's civil rights, regardless of race, color, or national origin. A great part of these laws already on the books were among the original civil rights acts passed to punish the South during the Reconstruction days following the Civil War. Patriotic Members of this body denounced them in those days as destructive of the liberties of all the people of this Nation, as I shall demonstrate. But first let us see what these laws are.

Section 1971 of title 42, which is derived from the act of May 31, 1870, provides that all persons otherwise qualified by law must be allowed to vote, without distinction as to race or color, in all elections whether State or Federal. That is in subsection (a).

In 1957, subsection (b) was added. That section makes it unlawful to attempt to or to intimidate, threaten, or coerce any other person for the purpose of interfering with his right to vote for Federal candidates in all elections.

Also in 1957, subsections (c), (d), (e), and (f) were added. Subsection (c) provides that when any person has engaged or there are reasonable grounds to believe that he is about to engage in any practice which would deprive any other person of any privilege accorded to him by subsections (a) and (b), the Attorney General of the United States is authorized to institute action for preventive relief in the name of the United States. The State involved may be joined as a defendant. Subsection (d) provides that it is not necessary for the party aggrieved to exhaust any administrative remedy provided by law. Subsection (e) says that in any such action the court has the right to declare that the complaining party is entitled to vote. Any election official refusing to obey such an order is declared in contempt, thereby losing, as I have demonstrated, his right to jury trial if the United States is a party and his right to the limitation of punishment otherwise provided by statute. Under this subsection, the court may appoint voting referees to determine, ex parte, the qualifications of would-be voters and report to the court. Subsection (f) contains provisions governing contempt proceedings.

As a further encroachment on the rights of the States, the Congress in 1960 added section 1974 of title 42 to the code. That section requires all election officials to keep records on Federal elections regarding applications, registrations, payment of poll taxes, or other acts requisite to voting for a period of 22 months. Any official who destroys such records is subject to a fine of $1,000 and imprisonment for a period of 1 year, or both. All the records so kept are subject to inspection on demand of the Attorney General. The district courts of the United States are given authority to compel the production of such papers.

Section 1975 of title 42, section (a) through (e) provides for the creation and duties of a Civil Rights Commission at Government expense.

Section 1981 of title 42, United States Code, which is derived from the act of May 31, 1870, reads as follows:

> All persons within the jurisdiction of the United States shall have the same right in every State and territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other.

Section 1982 of title 42, which is derived from the act of April 9, 1866, reads as follows:

> All citizens of the United States shall have the same right, in every State and territory, as is enjoyed by white citizens thereof to inherit, purchase, lease, sell, hold, and convey real and personal property.

Section 1983 of title 42, which is derived from the act of April 20, 1871, reads as follows:

> Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceedings for redress.

Subsections (2) and (3) of section 1985 of title 42, which are derived from the acts of July 31, 1861, and April 20, 1871, provide for damage suits against two or more persons who conspire to deprive any person of a long list of constitutional rights. The action may be brought against any one or more of the conspirators.

Section 1986 of title 42, which is derived from the act of April 20, 1871, subjects any person having knowledge of such a conspiracy to the same liability as

the conspirators if he has power to prevent or aid in the preventing of the carrying out of the object of the conspiracy and neglects or refuses to do so.

Section 241 of title 18, which is derived from the act of May 31, 1870, provides for a fine of $5,000 or imprisonment for 10 years, or both, if two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise and enjoyment of any right or privilege secured to him by the Constitution and laws of the United States, or if two or more persons go in disguise on the highway, or on the premises of another, with the intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured.

Section 242 of title 18 provides that whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any inhabitant of any State, Territory, or district to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States by reason of his color or race, shall be fined not more than $1,000 or imprisoned not more than 1 year, or both.

Section 1987 of title 42, which is derived from the acts of April 9, 1866, and May 31, 1870, provides that the U.S. attorneys, marshals, and deputy marshals, the commissioners appointed by the district and territorial courts, with power to arrest, imprison, or bail offenders, and every other officer who is especially empowered by the President, are authorized and required, at the expense of the United States, to institute prosecutions against all persons violating any of the provisions of sections 241 and 242 of title 18 and to cause such persons to be arrested, and imprisoned or bailed, for trial before the court of the United States having cognizance of the offense.

Section 1992 of title 42, which is derived from the acts of April 9, 1866, and May 31, 1870, provides that whenever the President has reason to believe that offenses have been or are likely to be committeed against the provisions of sections 241 and 242 of title 18, within any judicial district, it shall be lawful for him, in his discretion, to direct the judge, marshal, and U.S. attorney of such district to attend at any place within the district, and for such time as he may designate, for the purpose of the more speedy arrest and trial of persons so charged, and it shall be the duty of every judge or other officer, when any such requisition is received by him, to attend at the place and for the time designated.

Now, except for the statutes I have indicated which were passed for the special benefit of the Negro citizen in 1957 and 1960, all of these laws were on the books during the days of so-called Reconstruction in the South. No laws for the special benefit of one class of citizen, such as these, can be found in the historical jurisprudence of any nation on the face of the earth.

Mr. President, as we recall, many laws were passed in the Reconstruction era to grant alleged civil rights. They were stricken down by the Supreme Court because there was no power under the Constitution for the Congress to enact them. Congress had no power to enact such laws, and the Court declared them unconstitutional, and null and void.

On April 17, 1879, Senator Daniel W. Voorhees, of Indiana, delivered a denunciation of these laws on the floor of this Senate. I cannot improve upon his imperishable words. I quote him in part:

A centralization of power in the hands of the Federal Government over the local rights of the people and the States has been consummated which would have startled Alexander Hamilton in his day, although he believed in a monarchy.

* * * * *

Sir, these laws are not the offspring of that great instrument which has descended to us with ever-increasing strength and glory from the days of our Revolutionary ancestors. They emanate rather from that malignant spirit of political oppression and tyranny which preceded the French Revolution, and caused its fires at last to break forth; which filled the prisons of France with victims arrested on secret orders, and made every citizen tremble as one who fears a blow in the dark. They emanate from that spirit which ruled over Venice, when a whisper or a look of suspicion was more to be dreaded than the blow of a dagger, and when the silent and voiceless accusation doomed its object to walk the Bridge of Sighs into the caverns of a ruthless and lingering death. In English history there never was a period in which they could have been executed. Charles I lost his head, James II his throne, and George III his American colonies in attempting far less encroachments on the liberties of Englishmen than these laws perpetrate on the liberties of Americans. Dionysius, the tyrant of Syracuse, suspended a sword by a single hair over the heads of his guests at a banquet, and enjoyed their terror. The party but yesterday in power in this chamber has suspended over the heads of the American people and put into operation in their midst enactments far deadlier than the sword; for, without the unassailable safeguards of personal liberty, life itself is of no value.

* * * * *

We are in the very vortex of the whirlpool wherein every local privilege, every right of citizenship, all the sanctuaries of home, and of the Ship of State itself are being drawn down and dashed to pieces, and yet the cry that all is well, uttered by false pilots, lulls us into a sense of security and repose. I call upon my countrymen to awaken, for the hour of mortal peril to their institutions is here. * * * I invoke against them [these laws] the memories of the mighty dead who fell for independence; who enriched the soil of Massachusetts with their blood at Lexington, Concord, and Bunker Hill; who struggled with Washington at Brandywine, and charged under his eye at Princeton, Trenton, and Monmouth; who tasted death at Camden, the Cowpens, and Eutaw Springs, in order that we might be free; who yielded up their brave spirits on the plains of Yorktown in the precious hour of final victory. By these great souls, by their privations, sorrows, anguish, and pain, I implore the American people not to forget the value of those liberties which are now trampled under foot with every circumstance of scorn and contempt.

* * * * *

There are 15 sections in this title, and they embrace the assertion and enforcement of every right and privilege known to American citizenship. They were prepared and enacted for the purpose of placing the Negro on an exact equality in every particular with the white man before the law, and they consequently cover as much ground as the Constitution itself. For instance, the first section of this title provides for the right to make and enforce contracts, to sue, be parties, and give evidence; and the second section provides for the right to inherit, purchase, lease, sell, hold, and convey real and personal property. * * * The third section of this title relates to actions at law and suits in equity for damages by such as deem themselves deprived of any rights, privileges, or immunities secured by the Constitution and laws. The fourth section treats of conspiracies—first, to intimidate persons from accepting and holding office; second, to deter witnesses from testifying in any U.S. court to influence grand or petit jurors, or in any manner to impede or defeat the due course of justice; and third, to deprive any class of persons of the equal protection of the laws, or to prevent anyone from voting for the candidate of his choice. The section concludes by giving a right of civil suit for damages to anyone conceiving himself aggrieved under its provisions.

* * * * *

I will not stop to say this is monstrous. That will be the universal verdict. I will not pause to denounce such laws as wholly infamous, for that will be the judgment not only of the American people but of all the civilized nations of the world. Simply to call up and exhibit such a horrible death's head as this in the laws of a commonwealth pretending to be free is enough to excite the jeers, the hisses, and the execrations of every lover of liberty on the habitable globe.

Senator Voorhees then turned his attention to what is now section 1992 of title 42 of the code which allows the President to order the judge and other officials of any district court to a particular place and for a particular time for the purpose of the more speedy trial of persons charged with civil rights offenses. He said:

In the old and darker days of English jurisprudence we read of juries in a state of disagreement being carted through the circuit from one point to another until coerced into finding a verdict, but I think this is the first instance in civilized history where the court itself, with all its officers, was compelled to travel, to stop and to open for business at the discretion and the command of executive authority. The President, perhaps a candidate for reelection, has only to pretend to believe that offenses are likely to be committed and he can at once send the courts where he pleases, to remain as long as he orders, intimidating and overawing the inhabitants of any county, parish, or town that is politically opposed to him. The judges of the circuit and district courts of the United States are reduced to a state of itinerancy for political purposes whenever any administration from motives of party success shall order them to move on. * * * This conjuction of all the great powers of this Government in the hands of the Executive is not accidental nor the result of thoughtless action. It is the climax of a premeditated system for the complete withdrawal of all powers from the people and the States and for their centralization in the executive department. It is the logical conclusion of a well-wrought plan, perfect in all its details, for a revolution and ultimate monarchy. There was a party, when our Constitution was formed, in favor of what they styled a higher toned government; that is to say, a government further removed from the sovereign will of the common people. The idea of such a government was embraced in the draught of a constitution to the Convention of 1787 by the great leader of the Federalists providing for a hereditary monarchy and corresponding departments of government. There is a far

larger party today in this country in favor of the principles then enunciated than there was at that time, and the laws are now in force to put them at once into active operation.

Earlier in the debate there had been some argument that these laws were not to be dreaded because they had not been enforced except against the South. Senator Voorhees disposed of that in this prophecy:

Notwithstanding the derision of the Senator from Maine, all history attests the danger of leaving instruments of usurpation and oppression ready for the use of those entrusted with executive authority. The usurper will come at last. The hour of his advent is inevitable. The temptations of supreme and arbitrary power have never yet failed to develop a Caesar, a Cromwell, or a Napoleon, whenever the people have relaxed their vigilance and suffered their laws to pave the way toward despotism.

Later, he went on:

And what cause is to be assigned for all these violent departures from the original principles and purposes of this Government? Who will stand forth and justify them, and say why the very elements of civil liberty must now be destroyed in our midst? Is this massive structure of despotism, created by the laws I have pointed out, made necessary by the results of the war which ended 14 years ago; and must it be upheld for the government of the Southern States? If so, then indeed has the North paid a dearer price than has ever yet been estimated for the preservation of the Union. Time repairs the loss of treasure and assuages a nation's grief for her gallant dead, but for the loss of liberty there is no compensation, and after it there comes no resurrection. The conquest of the South at the expense of free elections and upright courts would be a most dismal and barren victory, recoiling with curses on this and all succeeding generations. What shall it profit the American people if they gain the whole earth and lose their own liberties?

Senator Voorhees spoke these words 85 years ago—nearly a century ago—but how appropriate and timely his expressions and warnings are today. I ask each Member of this body to ponder Senator Voorhees' remarks—I would hope that each American would have an opportunity to do so. They sum up the case, not for the people of the South, but for the people of the Nation. And, remember these are not the words and remarks of a southerner, but a Member of the Senate from the Hoosier State of Indiana.

Expediency of any kind is one thing. The sacrifice of liberty in its name is a shamfeul commentary on the honor and intelligence of a people.

For "what shall it profit the American people if they gain the whole earth and lose their own liberties?"

GEN. DOUGLAS MACARTHUR

During the delivery of Mr. HILL's speech,

Mr. HILL. Madam President, I ask unanimous consent that I may yield to the Senator from Arizona [Mr. GOLDWATER] without losing my right to the floor, so that he may insert some remarks to appear in the RECORD after my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GOLDWATER. Madam President, I thank the distinguished Senator from Alabama for yielding to me.

On the day following the one on which we lost the distinguished Gen. Douglas MacArthur, I made some remarks on his passing to an audience in Oregon, and I ask unanimous consent to have them printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

Yesterday a great American died. Nothing that I could say today would or should distract your thoughts from that very mortal fact.

What happened yesterday touched at more than the political present of this Nation. It touched the soul of the Nation. Douglas MacArthur was, as closely as a man may be, a reflection of that soul, a voice of it, and an exemplar of it.

He was everything that makes most of us so very proud to be American.

He was everything that makes the cynic and the skeptic uncomfortable.

He was brave, in a time when personal bravery is derided by some as recklessness.

He was unswervingly patriotic, in a time when pride in flag, destiny, and heritage is derided by some as unacceptably sentimental.

He was forthright and outspoken, in a time when the guarded word and the cautious evasion have become a gage of statecraft.

He was gentle as only the strong can be. He was wise in his strentgh, as only the good willed can be. He was proud among men and humble before God.

And there is not a man, women, or child in this country who is not diminished by his passing.

Every one of us should consider what he stood for and what he lived for. The deficiency of much we see around us, in comparison, should be apparent.

General MacArthur was a man of total commitment to the things in which he believed. How total, between the coffee break and the cocktail hour, is the commitment others give their belief.

General MacArthur was a man who was involved—involved in his Nation, in his time, in his civilization. How deeply involved can others be when comfort, not conscience, drives them?

General MacArthur was a man whose life often and perilously had been on the line for freedom. How many, in honesty, can say today that freedom's line is where their life is pledged?

General MacArthur's world was freedom's world and its only borders were the hopes of men. How stunted, in comparison, is the world of those who cannot see freedom's cause beyond their doorstep.

While any of those questions remain in doubt—while any of us remain in doubt—freedom itself remains in doubt and the age of liberation which MacArthur symbolized, the patriotism, the commitment, the integrity, dims.

You, all of us, this generation, is the only monument a truly great man can have.

Buildings cannot house nor stones memorialize a spirit.

General MacArthur's monument is shaping in the heroism of a helicopter pilot in Vietnam—in the desperate attempt of a young man to cross the Berlin wall—in the patient, proud resistance of all the men who are hunted, all the men who are shackled behind the bayonet borders of the Communist empire.

His monument can be no more than the commitment of this living Nation.

Those who do not care, who will not become involved, who see nothing but cloth when the flag is raised, who hear nothing but music when the anthem is played, will feel no loss today.

The smug, the comfortable, the cynical, the takers and the grabbers, the spoilers and the deeply spoiled have already lost the world which Douglas MacArthur fought for. Theirs is the real death. For it is the death of the soul.

It is they whom we should pity. And it is for us to live our lives so that the future will not be wrapped in the shrouds of their materialism but will be liberated by the best that is in man.

We have in our time known such a man. I pray to God that our children's time will know such men. That, simply, is the challenge of our time.

In a world when too many are ready to turn away or give up at the first risk—MacArthur returned.

Pray God his spirit never leaves.

Mr. GOLDWATER. Madam President I thank once more the Senator from Alabama for yielding to me.

Mr. HILL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 133 Leg.]

Aiken	Hartke	Metcalf
Allott	Hayden	Miller
Anderson	Hickenlooper	Monroney
Bartlett	Hill	Morton
Bayh	Holland	Moss
Beall	Humphrey	Mundt
Bennett	Inouye	Muskie
Bible	Jackson	Neuberger
Brewster	Johnston	Pearson
Byrd, Va.	Jordan, Idaho	Pell
Carlson	Keating	Prouty
Case	Kennedy	Saltonstall
Church	Long, Mo.	Scott
Clark	Magnuson	Simpson
Cotton	Mansfield	Smith
Curtis	McCarthy	Sparkman
Dirksen	McClellan	Tower
Dodd	McGee	Walters
Dominick	McGovern	Williams, N.J.
Douglas	McIntyre	Young, N. Dak.
Fong	McNamara	Young, Ohio

The PRESIDING OFFICER (Mr. KENNEDY in the chair). A quorum is present.

PRINTING AS A SENATE DOCUMENT OF A COMPILATION OF PUBLISHED SPEECHES BY THE LATE GENERAL OF THE ARMY DOUGLAS MACARTHUR

Mr. TOWER. Mr. President, all Americans were deeply touched a week ago on the passing of Gen. Douglas MacArthur, a man whose genius and brilliance in the military field were exceeded only by his absolute devotion to his duty to his country. He was a man of great courage and determination, a man of good judgment and wisdom. He was one of the really great Americans in our history, one who contributed to the success of our efforts in three wars, a man who had the inherent quality of greatness, one whose name, for generations to come, will roll from the lips of schoolboys like the names of Washington and Lincoln.

We Americans can think better of ourselves because we belong to a society that produced Douglas MacArthur.

I believe it would be appropriate for the Senate to have printed a compilation of his speeches, so that his words

may be readily available in his own trumpet tones to all Americans, particularly to American students now and in the future, for whom he fought so long, so many times, and so well.

I therefore submit a resolution that there be printed as a Senate document a compilation, to be prepared by the Library of Congress, of representative published speeches, or selections thereof, by General of the Army Douglas MacArthur.

I ask unanimous consent that the resolution be held at the desk for cosponsors through the close of business on Friday, April 17.

The PRESIDING OFFICER. The resolution will be received and appropriately referred; and, without objection, the resolution will be held at the desk, as requested by the Senator from Texas.

The resolution (S. Res. 308) was referred to the Committee on Rules and Administration, as follows:

Resolved, That there shall be printed as a Senate document a compilation, to be prepared by the Library of Congress, of representative published speeches, or selections therefrom, of General of the Army Douglas MacArthur.

PERSONAL STATEMENT BY SENATOR KUCHEL

Mr. TOWER. Mr. President, I ask unanimous consent that I may yield to the Senator from California for a few moments, without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KUCHEL. I thank my able friend from Texas.

Mr. President, I desire to have the RECORD show that the senior Senator from California is present. I regret that I was detained and could not reach the Chamber before 20 minutes elapsed during the last quorum call. I believe the senior Senator from California has a reasonably decent record of attendance in the Senate.

I thank the distinguished Senator from Texas.

Mr. TOWER. It was a pleasure to yield to the Senator from California. I would not want anything to be a blot on his marvelous escutcheon.

Mr. KUCHEL. Mr. President, I thank my able friend.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the 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 public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. TOWER. Mr. President, I wish to address myself in some detail to the Fair Employment Practices section of the bill, H.R. 7152, which, although the matter certainly should be considered separately, has been included in the proposed omnibus legislation as title VII.

The FEPC would subject a great part of American industry to bureaucratic whims, prejudices, and caprices to a degree never before contemplated. A hundred times a day an employer makes decisions affecting his employees. Under this title, every one of those decisions would be subjected to the scrutiny of a Government agent to determine the employer's state of mind when he made such decisions.

If he is a successful businessman, an employer is guided by the primary test of what, is his singular opinion, is best for his business. The employer discharges, promotes, demotes, transfers, and gives his orders with that thought as his controlling motive.

Each such act on his part requires selection and discrimination among his employees. Each such act is, therefore, subject to the charge that the race, religion, color, national origin, or sex of the employee or employees affected thereby determined, in part, his selection.

Unfortunately, most of us, when passed over for another, are prone to ascribe some reason other than that of relative competence. This bill would open the door for the continual harassment of the employer. The disappointed employee would have a Federal bureaucracy awaiting his beck and call into duty against the employer.

Managing one's business under the conditions of this Fair Employment Practices title would present an unhappy prospect to the employer who desired to comply with the law.

Employers have sometimes found it difficult under the National Labor Relations Act, which imposes the restriction that an employer not discriminate because of his employees' union activity. When a union was attempting to organize under this plan, any discharge or demotion of a union member, irrespective of the justification, insured a visit by a National Labor Relations Board investigator. The employer soon learned that to the test, "Will it be good for my business?" he had to add, "Will it subject me to a possible unfair labor practice charge?"

Mr. President, it is proposed to add five more considerations for the employer to worry about—race, religion, color, national origin, and sex.

There was one solution open to the employer under the National Labor Relations Act: He could sign a closed shop contract with the union, and, with all his employees members of the union, there could no discrimination. Of course, that discriminated against all prospective employers who were not members of the union, but that did not violate the law.

Mr. McCLELLAN. Mr. President, will the Senator from Texas yield?

Mr. TOWER. I yield to the Senator from Arkansas.

Mr. McCLELLAN. The Senator from Texas said the employer could evade or avoid the responsibility under the bill by signing a contract for a closed shop. I believe there are approximately 20 or 21 States in which an employer is forbidden by law from agreeing to a union shop. So in those States he could not agree to a union shop without violating the State law.

Mr. TOWER. That is absolutely correct.

Mr. McCLELLAN. So if an employer undertook to sign such a contract, he would find himself in another predicament; would he not?

Mr. TOWER. That is true.

Of course, under the National Labor Relations Act of 1935, immediately following its enactment this possibility would have been available to a greater number of employers than it is now, because at that time less than 20 States had on their statute books right-to-work laws.

Mr. McCLELLAN. Yes; I think only 11 States then had such laws.

Mr. TOWER. Yes. But since that time, approximately 20 States have put on their statute books right-to-work laws; and in such States an employer cannot sign a closed shop contract. Therefore he is subject to a great deal of harassment by the unions and by the Federal officials who are charged with the responsibility of implementing our labor laws.

Mr. McCLELLAN. Mr. President, will the Senator from Texas yield further to me?

Mr. TOWER. I yield.

Mr. McCLELLAN. Assuming that an employer undertook to do that in a State which had enacted a right-to-work law, and assuming that he undertook, let us say, to make an agreement for a closed shop, in a State which had a right-to-work law, would not that action raise a legal question—which would have to be resolved by the courts—as to whether these fair employment practice statutes in effect repealed section 14(b), I believe it is, of the Taft-Hartley Act, which authorizes the States, if they desire to do so, to enact statutes prohibiting a closed shop? Would not the question then arise as to whether that statute was repealed or whether the fair employment practice provision, or whatever it is called——

Mr. TOWER. It is called "equal employment opportunity," but it is the old "fair employment practices" proposal.

Mr. McCLELLAN. Yes. Would it not then raise the question of whether the new statute now proposed, by means of the pending bill, had preempted State laws already in existence?

Mr. TOWER. Yes. It would open up a whole Pandora's box of possibilities. Certainly, under section 14(b) of the Taft-Hartley Act, any State is competent to enact a right-to-work law, if it wishes to enact one and to enforce it, without any inhibition by the Federal Government.

I think the Senator from Arkansas has correctly pointed to the very interesting possibility that we might be getting into some implied repeal of section 14(b) of the Taft-Hartley Act, by means of the proposed enactment of the pending very extensive "fair employment practice" law.

Mr. McCLELLAN. If an employer in a State which had a right-to-work law entered, in dealing with a union, into a contract for a closed shop, could not a prosecution or litigation to restrain the employer from entering into such an agreement be based on the allegation that such an agreement would be in violation of the State law; and, in response, would not the employer be able to plead—although whether he could plead it successfully or not, I do not know—the defense that the pending bill—if then enacted—would, in effect, by implication, have repealed that provision of the Taft-Hartley Act, and thus would have preempted the States from enacting a right-to-work law?

Mr. TOWER. It is altogether conceivable that he might raise that as a defense; and if the matter were pursued through the Federal courts, and if ultimately it reached the Supreme Court, as presently constituted, it might be found that we had gone far beyond what we would seem to intend in the pending bill, and that actually the bill had done violence to section 14(b) of the Taft-Hartley Act.

No closed shop or union shop device is open to the employer under this fair employment practice title of the so-called civil rights bill which we consider here today.

The employer's employment rolls are certain to contain the names of people of various nationalities, various religions, various races, and two sexes. No matter what his selection might be, the possibility of a charge of discrimination would always be present when the employer advanced any employee. The chances that he would have to defend his action against unfounded charges would be even greater when business conditions required a reduction in force.

Loss of a job might, to some, create a resentment and a desire to "get even" with the employer responsible; and to others, a desire to attain reemployment and backpay. To either, there would be available the services of the Fair Employment Commission which would be created by this title.

It has often been said that no general is greater than his lieutenants who administer his policies and carry out his decisions. This is equally true of every business enterprise. The successful business is one with every job filled by the most competent man available. Governmental interference with that most important factor—the selection of the right man for the job—comes now at a very poor time, when it is generally agreed that a vital need in the world today is for more production.

In that connection, in recent years, we in the United States have been faced with a great problem as the Western European economies have gone through a fantastic period of rehabilitation, expansion, modernization, and growth. We have really not kept pace. We have very generously poured some of our dollars into Western Europe and into Japan to enable them to rebuild their war-ravaged industries. We find that they have instituted methods, machinery, and plants which in many cases are far more up to date than ours and outstrip us in per-man activity. They have managed to keep wages at reasonable levels, while our production costs in this country have been steadily mounting, to the extent that we have not been able to keep those production costs at competitive levels. Indeed, our production costs are well above competitive levels. We are being driven out of markets not only in other parts of the world, but in our own United States by foreign industry that can produce for less.

True, we still maintain the biggest industrial markets of any country in the world, both at home and abroad. But that is merely because we produce in greater volume. Over a period of years we have developed and refined sales and marketing techniques that have been successful. But we have been steadily losing markets. If the time ever comes when in competitive fields the Germans, the Japanese, the British, and the French can produce in sufficient volume to satisfy our needs and resort to successful sales and marketing techniques, we may find American industry going down the drain.

Now we are flying in the teeth of the notion that, for example—and it is a correct assumption—if an industrial plant is to operate at maximum efficiency and realized maximum per-man productivity, the employer must be free and uninhibited in the selection of the most competent men or women for the jobs that must be done. The effect of a further inhibition on the employment practices of management could result in creating more unemployment.

I believe that most perceptive observers would agree that while there are many impoverished people in this country, and while we would like to ameliorate and mitigate conditions of poverty that we see over the land, the best way to do it is to create more jobs. Employment is the key to a successful war on poverty—not a great deal of static governmental expenditure and not make-work WPA-type programs, or the revival of the CCC camps.

That is not the way to attack poverty, but a way in which we would mitigate poverty steadily over a long period of time and establish it as a permanent trend. So we should not be considering any proposed legislation now that would have the effect of imposing inhibitions and restrictions on management's employment practices, hamstringing management to the extent that it cannot develop maximum efficiency and maximum per-man productivity, so that management can produce at a lower cost, so that there will be a greater demand, so that there will be more incentive to expand production, thus creating more jobs and more consumption, which in turn would create more jobs, and so on.

That is precisely what we are doing. The time has come when I believe we must review the entire system of regulation of business. Rather than creating more agencies, more boards, more commissions, more administrators, more arbitrary bureaucrats and more narrowly and more narrowly proscribing business, we should review. Rather than hamstringing and harassing business, and imposing on business the arbitrary will and discretion of one man or two men, or an oligarchy of men, rather than allowing a businessman to use his own independent business judgment, which he has accumulated by virtue of experience and by virtue of success in business, the time has come when we should review this system and see if we cannot regulate the businessman a little less.

I believe we would all agree that it is the function of Government to preserve order in our society. That means in the economy as well. Laws that prohibit businessmen and big companies from abusing the economic power that they possess are desirable. I do not believe there is a Senator who would vote to repeal the antitrust laws, because the antitrust laws have been conducive of expanded business in our country and have been a business stimulus. But has not the pendulum swung too far in the other direction, to the extent that we are smothering business with rules, regulations, massive edicts, and fiats by Federal bureaucrats? Such rules, regulations, and policies are not made by the Congress, because we have abdicated our legislative authority and our legislative responsibility to bureaucrats and in many cases, left too much to the independent and arbitrary will and discretion of only one man or a handful of men who are not responsible to the people of the United States, and who are not elected officials.

So the Senate is considering another step in the direction we are taking.

How long will it be before business in this country is completely regimented and there is a completely planned economy? How long will it be before someone in an administrative agency will be telling a businessman whom he can hire and the worker where he can work? That is the direction in which we are steadily moving.

Mr. McCLELLAN. Mr. President, will the Senator yield at that point?

Mr. TOWER. I yield to the Senator from Arkansas.

Mr. McCLELLAN. Can the Senator from Texas conceive, with any degree of accuracy, the number and volume of additional records that the businessman—even a small businessman—would have to keep in respect to applicants for jobs or those whom he may not employ but would consider? Since the burden of proof would ultimately shift to the businessman, and he would have to protect himself, would not the businessman be required to keep a great volume of records? The way the title to which the Senator has referred is intended to operate, if a half dozen men were to apply for a job and one were colored, the businessman would have to make a showing with respect to all of the applicants. He would have the burden of establishing that he chose one of the five white applicants rather than the Negro because of some special reason that would absolve him from alleged guilt of discriminating against the colored person.

Mr. TOWER. The able, experienced, and distinguished Senator from Arkansas has asked a very sagacious question

that stems from his long experience in this body with matters of the kind about which we are speaking. As something of a neophyte to the business, it is difficult for me to try to make any prediction or prognosis as to the volume of records or the detail of forms and data sheets that would have to be kept by employers. It is my observation that every time a program begins a mass of paperwork is required; but inevitably administrators think of more and more paperwork that might be added, so I am sure any estimate that I would now make would be an underestimate over the long pull. Under the provisions of the act, the Commission could require a businessman to keep any type of record it decided he should keep to satisfy it in its quest for information or knowledge.

Mr. McCLELLAN. Mr. President, will the Senator yield further for a question?

Mr. TOWER. I yield further to the Senator from Arkansas.

Mr. McCLELLAN. What is "color" as defined by the bill?

Mr. TOWER. I am not sure I understand what it is.

Mr. McCLELLAN. The bill does not define it, does it?

Mr. TOWER. It is not defined. The term is ambiguous.

Mr. McCLELLAN. Suppose that one of the six people to whom I referred should be one-tenth Negro. Under the statute would he be considered colored, or would he be considered more white than black, so that color would not enter into the question of his possible employment or rejection?

Mr. TOWER. That is a very interesting question. If he had a multinational background, and there were some sort of obligation imposed by the commission on the employer, to hire, say, a certain percentage of people with one particular ethnic background, and another percentage of people with another ethnic background, the question would be difficult enough for anybody to resolve, but it would be left to the arbitrary will and discretion of the commission.

Mr. McCLELLAN. The pending bill does not undertake to define what is color and what is not color; does it?

Mr. TOWER. No; and we get into a real problem when we go into questions of color, religion, sex, or national origin. There can be all sorts of discussions along those lines.

Mr. McCLELLAN. In view of what the Senator has said, an employer may have had available a job which the commission had given to a woman. Although the woman could perhaps do the work, the employer would prefer a man on that job, because of a certain environment, the number and sex of the employees, the necessity for separate accommodations, and so forth, that would have to be provided. The circumstances might dictate that in all reasonableness a man should be employed to fill the job. As I recall, there is no exemption in the bill to meet that kind of circumstance.

Mr. TOWER. No exemption is provided in the bill. There is no escape hatch for the employer who finds himself in such a situation.

Mr. McCLELLAN. I think all womanhood would recognize that there are circumstances and situations in which, as a matter of propriety, in a sense, it would be better, and it would be the employer's judgment that it would be better, to have a man in a particular position. Yet no provision for exemptions and exceptions is provided in the bill that would enable the employer to make such a judgment and employ such persons without being subjected to examiners, inspectors, and so forth, who would be employed to enforce the act.

Mr. TOWER. What the Senator has said is absolutely correct. As has been pointed out, the massive burden of proof falls on the employer. He must prove that he has not discriminated in his hiring or firing. It is, of course, contrary to our traditional common law principle, one of the Anglo-Saxon concepts of law, and a right that had evolved even before Columbus discovered America, that an accused is innocent until he is proved guilty by the State. Of course, the rejoinder may be made that this would not be a criminal procedure; but regardless of whether the act itself contained provision for punishment, it certainly would be in effect punishment if a man were compelled to go to the expense of keeping records, to prove his good faith, to hire additional personnel to take care of the additional work that he would have to do for Uncle Sam if the bill were passed.

Mr. McCLELLAN. If I am not correct, I am sure the Senator from Texas will correct me. As I recall, the bill provides that the Attorney General may bring suits to enforce this particular title of the bill. Am I correct?

Mr. TOWER. Yes.

Mr. McCLELLAN. I am not sure whether it is true of this title, but I know it is of some of them, that the cost of such enforcement, even the attorneys' fees for the contestant, the one who brings the action or in whose name the action is brought, may, by the judgment of the court, be paid by the employer.

Mr. TOWER. That is correct. Of course, the employer must hire his own legal counsel to defend him in these matters.

Mr. McCLELLAN. Yes. Is there any provision in the title for protection of the employer if he is unduly harassed by suits brought against him? Is there any protection for the employer against attorneys' fees and other expenses?

Mr. TOWER. There is no protection. In the bill as now written and with the language in which it is now couched, it practically invites harassment. There may be an employer who, before the passage of the bill, and even after it, has had the best record of nondiscrimination in the country; but if there are people who are out to harass him and put him at an uncomfortable competitive disadvantage if someone has a real "mad" against the company, the employer may be harassed world without end, and he has no protection at all under the pending bill.

Mr. McCLELLAN. In other words, the employer could be harrassed at his own expense.

Mr. TOWER. An employer could be harassed at his own expense and be made to pay for it.

Mr. McCLELLAN. Does the Senator consider this bill to be discriminatory as between employer and employee with respect to the protection it affords to each? Is there any provision whereby either may recoup the costs by reason of the statute's being used?

Mr. TOWER. In his usual manner, the Senator has stated the issue clearly and lucidly. Quite obviously, it is a discriminatory measure that discriminates against the employer. I do not say that it necessarily discriminates in favor of prospective employees, because they conceivably could be the losers in this case, too.

Mr. McCLELLAN. I believe we can point out one further discrimination in this bill. There is no provision which would protect an employer from, or aid an employee in the case of a closed shop, if a man applies who is not a member of the union. He might be very competent, and the employer would like to employ him, but the employer could not employ him because of a collective bargaining contract with a closed shop. Does not this bill clearly discriminate against that man who wants a job, irrespective of his color?

Mr. TOWER. Certainly it does.

Mr. McCLELLAN. In other words, before he can get a job, he must join the union, whether he wants to do so or not. That is compulsory.

Mr. TOWER. He must pay tribute as a condition for earning his daily bread.

Mr. McCLELLAN. Therefore, I take it, the bill would further discriminate against an employee, irrespective of his race or color, merely because he did not feel that he wanted to belong to a union.

Mr. TOWER. The Senator is absolutely correct. So a man who obtained that particular job would have no protection whatever.

Mr. McCLELLAN. Irrespective of his color.

Mr. TOWER. Irrespective of his color, religion, sex, or national origin.

Mr. McCLELLAN. Will the Senator yield for a further question?

Mr. TOWER. I am delighted to yield to the Senator from Arkansas.

Mr. McCLELLAN. There is one exception in this particular title of the bill, is there not? An employee would not have to employ an atheist?

Mr. TOWER. That provision is in the bill; so it is obviously discriminatory against atheists.

It is provided in section 7, subsection (f), on page 35 of the bill:

> 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.

It seems to me that this would plainly render the provision in violation of the equal-protection-of-the-law clause.

Mr. McCLELLAN. As the Senator knows, we cannot pray in schools any more without being exposed to court harassment if we do so, if I interpret correctly the decision of the Supreme

Court. Yet we can deny an atheist the right to work.

Mr. TOWER. Just as the Constitution does not give sanction to any religious faith, neither was it intended that it should discriminate against a person who has no religious faith. I hold no brief for atheism. I do not sympathize with it at all. I cannot rationalize it. I would have some doubts whether I would employ an atheist to work in my office. I would be highly unlikely to do so. However, I do not believe that it is meet and proper for the Congress to enact a Federal law that everyone except an atheist can enjoy certain rights, privileges, or immunities established under the statute.

This, it seems to me, would be in flagrant violation of the spirit and the letter of the Constitution. If this is not a violation or a denial of the equal enforcement of the law, I do not know what is.

Mr. McCLELLAN. It is contained in the very title we are now discussing.

Mr. TOWER. The Senator is correct.

Mr. McCLELLAN. It would be flagrant discrimination against people, irrespective of their race, unless they acknowledged a Divine Being and were willing to accept the faith of some religion.

Mr. TOWER. The Senator is correct. Who is to determine what an atheist is?

Mr. McCLELLAN. There will have to be an army of experts inspecting and examining into everything.

Mr. TOWER. We may have to hire a Catholic priest, a Protestant minister, a Jewish rabbi, and then perhaps——

Mr. McCLELLAN. How about Malcolm X? He wants to be represented, too.

Mr. TOWER. We shall have to hire him, and we shall have to hire a Buddhist priest——

Mr. McCLELLAN. The Senator is correct.

Mr. TOWER. We would also need someone from the Islamic faith. There would have to be a large board of experts to determine who is an atheist and who is not. Of course, the poor, innocent agnostics might be caught in the middle of the act because they are in between.

Mr. President, this bill would discourage those who are considering starting a new business, frustrate the expansion of existing industry, and encourage many to give up their businesses entirely. If Federal Government is to inject itself to this extent into the operation of the Nation's industry, it may well find itself in complete charge under a Socialist state.

Proponents of the bill say that there is a great need for such a law, but they have failed to back up their opinion with any concrete evidence of widespread discrimination in employment against minority groups. Indeed, unless they can read an employer's mind, they cannot be sure why an employer takes any action he takes in regard to his employees.

Any attempted Federal administration of H.R. 7152, title VII, can only result in long years of incalculable mischief, which will see the bill effectively nullified through concerted violations, repealed by an indignant Congress, or stricken down as utterly unconstitutional by the sound judgment of the Supreme Court.

I believe that last comment contains a little wishful thinking.

Stricken down as utterly unconstitutional by the sound judgment of the Supreme Court.

Lately, it seems that the trend has been to ignore past sound precedents. The new judicial maxim is that we shall determine the validity and efficiency of the law on the basis of its social impact, not on the basis of whether it comes within the clear intent of the framers of the Constitution.

Mr. President, I believe that it is morally wrong to deny equal employment opportunities to any person because of that person's race, color, religious faith, national origin, or sex.

I say that in all sincerity. I have little patience with those who say that members of a certain minority group must prove themselves worthy of all the privileges, immunities, and rights of citizens, but who at the same time would deny them the opportunity to genuinely seek to make social or economic successes of themselves, when they genuinely desire and genuinely try. I hold no brief for that kind of attitude. I do not believe that it is morally right for Americans to be denied employment merely because of the color of their skin, because they have an alien background, or because they pursue a certain religious faith, on this ground alone, unless such ground is legitimate to the conduct of that particular type of business.

I am opposed to the enactment of title VII of this bill for the following reasons:

First. This is not a proper field for Federal legislation. A matter such as discrimination in employment or in labor union membership is best handled at the State or local level or through the force of public opinion.

Mr. President, public opinion can be a great force in this country. It has been a great force. Public opinion, when appropriately and properly marshaled—and by that I do not mean through mob action—can have a vast impact not only on holders of public office, but also in business institutions as well.

This legislation would involve the Federal Government in the most intimate detail of the operation of every business enterprise and every local labor union in the Nation, and in a matter in which the determinations to be made are extremely difficult. Moreover, there would be a considerable portion of hardships to both employers and workers. General enforcement of title VII of this act would be virtually impossible.

Second. The problem of racial and religious discrimination in employment is a problem in morality, in which public awareness and understanding has brought more progress than all the laws we could enact. Without the willingness of individuals to achieve progress in this field, this legislation will be as impossible to enforce comprehensively and effectively as were the prohibition amendment and the subsequent Volstead Act.

Our experiment with prohibition should be instruction as to the difficulty of trying to legislate morality in fields where there is a large and determined public resistance. The result tends to breed a contempt for the law and a public apathy about moral values.

The vast majority of Americans feel that discrimination in employment opportunities is morally wrong, and most business enterprises and labor unions, who actually control employment, now recognize that discrimination of this kind also is bad business, or bad for business.

Great progress has been made in this field by industry and labor and through the efforts of responsible community leaders. The progress has not been fast enough nor gone far enough for many Americans, but every sign points to its rapid acceleration without unconstitutional Federal intervention.

Mr. President, it is quite well known that there is wide opposition and deep concern about title VII of this bill. The title was not included at all in original legislation presented to the Congress. It was not in the original recommendation made by our late and grieved President Kennedy. It appeared, as from nowhere, out of the House committee. Over the years many important Americans have been opposed to fair employment practice legislation for a number of reasons.

I would like to remind the Senate of the views of the former majority leader of this body who now serves as our President.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. TOWER. I yield.

Mr. McCLELLAN. Does the Senator know, or has he made a check to determine, how many fair employment practice bills have been introduced in Congress on which no favorable action has been taken up to this time?

Mr. TOWER. I do not have the figure. There have been a great many. This is one of the legislative perennials that we get every session of every Congress.

There has rarely been extensive consideration or deliberation given to such measures. Perhaps the Senator, with his long experience, can give us the exact figure.

Mr. McCLELLAN. My recollection is that more than 200 such bills have been introduced. I have the exact figure in my office, and before the debate has been concluded I expect to put that figure in the RECORD and give more information about the subject. It is something like 200 in all. Not one of them has ever been successfully processed. As the Senator has pointed out, such a proposal was not contained in the bill originally. At the last minute it came out of nowhere.

Mr. TOWER. I thank the Senator. I hope he will include the figure in the RECORD, as a supplement and as supporting data for this discussion. If this section were to be considered independently, it would have very rocky going, based on past experience. Now this provision has

been thrown into the omnibus bill, and we are asked to accept something that has been consistently offered year after year and rejected as being bad legislation. President Johnson himself, when he was in the Senate, had this to say on the floor of the Senate, on March 9, 1949:

I sincerely believe that the right of unlimited debate in the Senate is an essential safeguard against potential total supremacy of the executive branch.

One of the other civil rights measures deserves some passing attention. That is the bill for the creation of a Fair Employment Practice Commission.

Mr. President, these are the words of Lyndon Baines Johnson:

This, to me, is the least meritorious proposal in the whole civil rights program. To my way of thinking, it is simple: If the Federal Government can by law tell me whom I shall employ, it can likewise tell my prospective employees for whom they must work. If the law can compel me to employ a Negro, it can compel that Negro to work for me. It might even tell him how long and how hard he would have to work. As I see it, such a law would do nothing more than to enslave a minority.

Such a law would necessitate a system of Federal police officers such as we have never before seen. It would require the policing of every business institution, every transaction made between an employer and employee, and, virtually, every hour of an employer's and employee's association while at work.

Those were the words of Senator Johnson in 1949. I commend him for his statement. It is one of the most succinct and pointed arguments that I have ever heard.

The fears of the former Texas Senator and many other distinguished Americans about fair employment practices legislation over many past years have been well founded.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. TOWER. I yield.

Mr. McCLELLAN. What is the date of that statement?

Mr. TOWER. March 9, 1949. Senator Johnson was then a freshman Senator.

Mr. McCLELLAN. If his judgment was sound then, it is good today. I do not know of anything that has changed.

Mr. TOWER. A very wise man once said that that which is fundamental is not new, and that which is new is not fundamental. I believe it is fundamental that the argument the Senator advanced in his eloquent and persuasive way was a most succinct and pointed and lucid argument, one which we can believe today.

Mr. McCLELLAN. I believe we can follow his counsel in our deliberations.

Mr. TOWER. I believe it would be appropriate for us to follow the counsel of the man who is now the President of the United States.

Title VII of this bill does not in fact provide for "equality of opportunity," but it seeks to establish a preference in employment and a special "right to employment," based upon "race, religion, color, national origin, or sex." This title seeks to force all employers to give favored consideration and treatment to any person of a religious or racial minority in order to avoid prosecution and punishment on a charge of "discriminating" against such a person.

The proposed title states in section 701:

The Congress hereby declares that the opportunity for employment without discrimination of the types described in sections 704 and 705 is a right of all persons within the jurisdiction of the United States, and that it is the national policy to protect the right of the individual to be free from such discrimination.

Mr. President, that meaningless declaration is simply an attempt to have Congress usurp an authority which it does not have and I think, cannot possibly exercise. In the first place, Congress could not possibly make a "right to employment" a civil right unless that right could be enforced by making it the duty of someone to provide employment for "all the people." Therefore, unless the Government takes over all the industry and trade, by public ownership or by dictatorial control, Government cannot enforce this declared right. The promise to do so is pure pretense.

If we assume that those sincerely supporting this bill really want to declare that "the opportunity for employment without discrimination is a right of all persons within the jurisdiction of the United States," then Congress is utterly powerless under the Constitution to do so.

It is not my understanding, by virtue of what I know about the Constitution, that there is established a right to employment that we must, by appropriate legislation, implement and, by appropriate administrative action, enforce.

The Declaration of Independence asserts:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness.

By declaring these rights to be God-given rights, natural and unalienable, the Declaration of Independence asserted that no government of men had bestowed them and no government could enlarge upon them, diminish them, alter them, or take them away.

The first 10 amendments to the Constitution—the Bill of Rights—enumerates certain natural rights which Congress shall not abridge, including, in the first amendment, freedom of religion, freedom of speech, freedom of the press, and freedom of assembly.

The ninth amendment to the Constitution makes clear that other rights than these enumerated do exist and are retained by the people.

I grieve for the ninth amendment. It seems to me to be one of which nobody in this country has any cognizance. Few know what the ninth amendment provides. Certainly the courts have never tried to enforce it.

The 10th amendment expressly limits the power of the Federal Government to those powers delegated to the Federal Government by the Constitution. The 10th amendment reserves all other powers to the States or to the people.

The 10th amendment has been steadily eroded over a period of years as the result of acts of Congress, executive decisions and practices, customs, and usages. It has been steadily eroded also by decisions of the Supreme Court of the United States. Probably we could achieve not merely a slow erosion of the 10th amendment by the enactment of this measure; perhaps we could knock it out altogether if we enacted the bill as it is now written and if it were, as it probably would be, sustained by the Supreme Court as presently constituted.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. TOWER. I yield for a question.

Mr. McCLELLAN. The 10th amendment no longer serves as an obstruction to those who want to make any kind of interpretation of the Constitution that they wish to make, does it?

Mr. TOWER. It no longer serves as an obstruction. Perhaps some have been reluctant to confront it directly and say that it has no validity. They have skirted around it and have had the effect of eroding the strength, intent, and effect of it. But so far nobody has been emboldened to say, "We will not recognize it as a part of the Constitution."

Mr. McCLELLAN. A moment ago the Senator from Texas spoke about the Declaration of Independence and the right to life, liberty, and the pursuit of happiness; and the principle that all men are created equal to pursue those objectives—to maintain life, to exercise freedom of choice, and to pursue happiness.

If the Senator from Texas, through his ingenuity and perhaps his frugality and industry over a period of years, is able to accumulate, as many others have, enough capital to establish a business in the pursuit of life and in the exercise of liberty and the pursuit of happiness, and if, then, he has the liberty and the right to pursue happiness and to reap the fruits of his industry, ingenuity, and frugality, would it not violate those rights to have the Federal Government step in and say, "You may do all those things. You may accumulate all the fruits of your own industry, ingenuity, and frugality, but you must share them with somebody else, whether that pleases you or not, whether that is within your definition of liberty, whether it is the way you want to pursue happiness or not. You must give it to someone of a certain color or a certain religion. If you do not, you are discriminating."

Does not that take away, in a measure, the right to life, liberty, and the pursuit of happiness of one who, through his ingenuity, industry, and frugality was able to create the job in the first place?

Mr. TOWER. It certainly does. It is essential to life, liberty, and the pursuit of happiness, that man should enjoy the maximum individual liberty and freedom of choice. Government is established in society to preserve order in society; but it is not a function of government, as we see it, and traditionally and historically have seen it, to establish a government that does not merely pre-

serve order in society, but attempts to order, regulate, and regiment society.

The more narrowly we proscribe the liberties of man, the more we inhibit him and oppress him to the extent that he will not use his ingenuity, his energy, his frugality, and his intellect to be a success in life, to produce something, to be something. If that time comes, we shall have weakened as a society. Our Republic will crumble and fall, and we shall pass into history as did the Roman Empire and many other great societies of mankind. We believe in equality in the eyes of God. Basically, our society is a Judaeo-Christian concept, which we accept because the Founding Fathers believed that every man, regardless of how humble or how mean he was, or regardless of his station in life, was equal in the eyes of God, and then concluded that he must also be equal in the eyes of the law.

We have established that principle; and I believe it has worked fairly well. As I recall, Anatole France cynically said, in speaking of equality under the law, something of this sort: "The law in its majesty equally permits the rich man to sleep under bridges and to beg alms, as well as the poor man."

But that is not characteristic of the law as we have known it in our country. For the most part, our law has dealt equally and fairly with men. When it has failed to do so, that has not been the fault of the law; it has been the fault of those who administered the law or the fault of the judges who interpreted it.

Mr. McCLELLAN. In other words, the human equation.

Mr. TOWER. Yes, the human equation.

So ours must be a government of laws, not a government of men.

On the other hand, in this bill we would be tampering with that basic principle of our Government; and the more we seek by means of intricate details to redress some grievance, either real or imagined, the more we tamper with the law, and the more likely we are to find that in attempting to prevent discrimination on one class of citizens, we may be imposing terrible discrimination on another class.

Mr. McCLELLAN. Mr. President, on this point will the Senator from Texas yield again to me?

Mr. TOWER. I yield.

Mr. McCLELLAN. Let us consider a hypothetical case—that of a man who had established and developed a business of his own, and who needed to employ someone. Let us assume that two persons applied.

We can apply this hypothetical situation to a situation involving religion or race or color or any of the other conditions named in the bill.

Let us assume that a member of the employer's own race applied—although we shall not specify which race; and let us assume that a member of another race, who was of another color, also applied. Let us further assume that, in the judgment of the employer, the two applicants had equal talents, equal skill, and were capable of equal or comparable industry, devotion, and loyalty. But let us assume that the employer decided that in view of his own personal pleasure and enjoyment in associations, he would prefer to employ the one who was of his own race.

Does not the bill undertake to take away from the employer that right and that discretion, and to substitute for them, not the law, but the judgment of a bureaucrat or other officer of the Government?

Mr. TOWER. The bill absolutely would do that. If the two men were equal, in terms of competence, ability, background, and experience, the employer would be likely to hire the one with whom he would most likely be compatible. Obviously, that would happen. So the other one could then imagine that he was aggrieved; he could protest, and he could invoke the provisions of the law now proposed.

On the other hand, the reverse situation might be the case: For fear of having the Federal law invoked against him, the employer might hire the man who was not of his own race and color. Then the man who was of his own race and color would be the aggrieved party.

Mr. President, in the face of these clear and explicit provisions of the Constitution, H.R. 7152 proposes that Congress assume a power it does not possess and, in fact, a power which is expressly denied to the Federal Government.

While H.R. 7152 purports to establish a new civil right, the bill would recklessly destroy the natural rights guaranteed in the Constitution. Title VII of the bill would violate the first amendment to the Constitution by abridging freedom of speech, freedom of religion, and freedom of association.

In connection with the first amendment's guarantees, I should like to cite two cases:

Adair v. *U.S.* (208 U.S. 173):

> A part of every man's civil rights is that he be left at liberty to refuse business relations with any person whatsoever, whether the refusal rests upon reason, or is the result of whim, caprice, prejudice, or malice; with his reasons neither the public nor the persons have any legal concern. It is also the right of the individual to have business relations with anyone with whom he can make contacts; and if he is wrongfully deprived of his right by others, he is entitled to redress.

Perkins v. *Lukens Steel Co.* (310 U.S. 127):

> Like private individuals and businesses, the Government enjoys the unrestricted power to produce its own supplies, to determine those with whom it will deal, and to fix the prices and conditions upon which it will make needed purchases.

Mr. President, this title of H.R. 7152 also would violate the fifth amendment, by denying an essential liberty of a free people, through arbitrary restraints on freedom of association in business and in labor organization: By denying liberty of contract, in attempting to compel employers to hire undesired persons and to deny employment to desired persons; by denying to a minority of those operating private enterprises the same liberty of contract and the same freedom of association which are preserved for the majority, thus violating the constitutional guarantee of "equal protection of the laws" which is implicit in the fifth amendment.

Title VII of the bill appears also to violate the ninth amendment to the Constitution, by proposing to usurp rights retained by the people. It also appears to violate the 10th amendment, because Congress could thus assume the power reserved to the States. And it appears also to violate the 13th amendment, by imposing a form of involuntary servitude upon certain groups of employers.

Mr. President, I address myself further to the 10th amendment. The reason why our American system has persisted as long as it has is that it has a certain resilience and flexibility. Rather than to have a rigid, unitary Constitution the Founding Fathers put together a basic law which resulted in having the States surrender certain of the authority they possessed to the Central Government; but the States reserved the remainder of it to themselves.

The whole idea behind the establishment of the Constitution was not to create in this country a unitary state, not to create only one government; but the impetus behind the drafting and the adoption of the Constitution was the desire to preserve the States.

They knew that confederation was too weak. It did not provide enough central authority. So in their wisdom, the Founding Fathers decided that we had better create sufficient central authority to exercise all the concomitants of nationality, such as the conduct of foreign relations, coinage of money, and other like powers that are necessarily identified with the national state, so that we could retain these other powers and responsibilities to ourselves and preserve the Union of States.

So the Constitution was adopted. It was never the intent of the Founding Fathers that the Central Government should preempt the States. To reemphasize that point, even after the Constitution was established and in operation, the 10th amendment was adopted. That amendment provided that all powers not delegated by the Constitution to the States, nor prohibited to the States by the Constitution, were to be reserved to the States, respectively, or to the people.

As I noted in my colloquy with the able and distinguished Senator from Arkansas [Mr. McCLELLAN], there has been considerable attrition and erosion of the police power of the State. But if the bill in its present form is enacted, particularly titles II and VII, which are the public accommodations and equal employment opportunities provisions, it will be the beginning of the end of the Federal system as we know it. Those two titles taken together are probably calculated to undermine or ultimately destroy the remainder of the police powers now exercised by the States.

We have talked about the durability of the system because of its resistance. It will have no flexibility and no resilience if we establish an absolutely unitary state. The reason ours is the oldest Constitution still in force and effect, and the reason why ours is the second oldest government in the world, second

only to that of mother England, even though we are a relatively young nation, is that our Constitution has given us a flexibility that has allowed a maximum amount of self-determination at the State and local levels. If we destroy that system, we shall have established a new system so rigid that ultimately it must crack by virtue of its own rigidity.

Mr. HILL. Mr. President, will the Senator yield?

Mr. TOWER. I am happy to yield to the distinguished Senator from Alabama.

Mr. HILL. Is not the great glory of our system that we have a system of checks and balances in the Federal Government? We have the President, the Congress, and the Judiciary, which are all separate and distinct branches of the Government, one more or less checking the others. In the same way, great powers are reserved to the States and not directly granted to the Federal Government. In the States also there is a system of checks and balances all the way through. Is that not correct?

Mr. TOWER. That is correct. In other words, we have a system of checks and balances that operates at three levels—the Federal level, the State level, and the local level. We do not see a concentration of all the power of the Federal Government in the hands of the Executive. At least it should not be that way. We do not see a concentration of all the power of State government in the hands of the Governor at the State level. Rarely do we find all the power of local government in the hands of the mayor at the local level. So we are protected by those three governmental structures with checks and balances that run throughout each system.

Mr. HILL. Also, the people themselves are the residuary holders of power that is not granted to the Federal Government, the State government, or the county, municipal, or other local government.

Mr. TOWER. The people possess all the power. By their social contract, which is the Constitution, they have surrendered the exercise—but only the exercise—of certain of their powers to the Federal Government. They have not surrendered power, but merely the exercise thereof.

Our central government system is worth preserving. If we destroy the State and the Federal system, the Constitution will go down the drain, and in only a few years we shall have a dictatorship. Then we shall be back where we started. We shall be in worse shape than we were when we started, because when the Colonies separated from the British Crown, they enjoyed a fair degree of self-rule.

Mr. HILL. Does not dictatorship in and of itself mean tyranny?

Mr. TOWER. Dictatorship is indeed tyranny. The dictatorship may be benevolent, but benevolent dictatorships have way of becoming rather unbenevolent.

We remember that Mussolini made the trains run on time.

Mr. HILL. Is it not true that many people thought that he was a wonderful man because he made the trains in Italy run on time?

Mr. TOWER. Yes.

Mr. HILL. Mussolini exercised his great power by imposing tyranny on the people.

Mr. TOWER. The Senator is absolutely correct.

Mr. HILL. The same was true of Hitler.

Mr. TOWER. Mussolini may have turned out to be a great benefactor. He got Italy into the war, which it lost. We then gave Italy the necessary money to get the country back on its feet, and it is now doing better than ever before. We cannot tell about these things.

Personally I do not desire to go through that kind of historical development. I wish to hand down to my children the kind of country that I inherited.

The bill is plainly calculated to destroy the powers of the States. When that happens, we shall no longer have a flexible system that is responsive to the will of the people.

In connection with what my distinguished friend from Alabama said about checks and balances, it occurs to me that the bill would tend to destroy not only checks and balances in the field of State power as opposed to Federal power, but the checks-and-balances system within the tripartite division of powers—executive, legislative, and judicial—because there would be a delegation of congressional authority to an executive agency. There would really be an abdication of the constitutional and legal responsibility of Congress to make policy. Therefore, the bill would be destructive of the checks-and-balances system.

It may also be assumed that the advocates of FEPC base their case on the 14th amendment. This follows from the scope of the proposal which apparently would be applicable to intrastate as well as to interstate enterprises, and from the predilection of its supporters to refer to employment as a "right."

Yet, even the most farfetched interpretation of the 14th amendment cannot provide any justification for a Fair Employment Practices Act on the Federal level.

In the first place, employment has no place within the framework of political rights protected by the Constitution. In the second place, employers are private citizens whose acts do not come within the scope of Federal laws that are based upon the 14th amendment.

The prohibitions of that amendment apply only to the State governments, not to individuals. The wording is clear:

> No State shall 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.

If such a Federal law can be enacted and held constitutional, there is no constitutional protection against laws which first deprive employers of their rights, as is partially attempted in this title, and finally deprive all persons of their rights—heretofore regarded as permanently reserved and safeguarded by the guarantees of individual liberty set forth in the Constitution of the United States.

The Supreme Court of the United States, the final arbiter of the constitutionality of laws enacted by Congress through the years, has held the line between the Federal powers delegated to Congress and those powers retained by the States and the people.

The Court has ruled uniformly that any power to create a civil right, unless specifically delegated to the United States by the Constitution, has been reserved to the separate States. The Court has been steadfast in its defense of freedom of religion, freedom of opinion, freedom of association, and that greatest of all rights, the right that the late Justice Brandeis called, "the right to be let alone."

It is not necessary to dig into the past to find decisions of the Supreme Court which mark out the limitations upon the power of Congress and hold such laws as H.R. 7152's title VII to be unconstitutional. Recent decisions of the Supreme Court are consistent with earlier decisions. No change of time or condition or circumstance has altered the Court's fundamental concept of the rights of the individual or of the demarcation between Federal and State powers.

The Court has drawn upon the language of earlier judgments to reaffirm its reasoning. In *Hodges* v. *the United States* (203 U.S. 1), the Court quoted and gave new vigor to the following language from Justice Miller's decision in the famous Slaughter-House cases of 1873:

> With these decisions, and many others that might be cited, before us, it is vain to contend that the Federal Constitution secures to a citizen of the United States the right to work at a given occupation or particular calling free from injury, oppression, or interference by individual citizens.
>
> Even though such right be a natural or inalienable right, the duty of protecting the citizen in the enjoyment of such right, free from individual interference, rests alone with the State.

In the case of *United States* v. *Wheeler* (254 U.S. 281), the Court demonstrated the continuity of its judgment and the steadfastness of its position by turning again to the Slaughter-House decision and quoting:

> It would be the vainest show of learning to attempt to prove by citations of authority that, up to the adoption of the recent amendments, no claim or pretense was set up that those rights depended upon the Federal Government for their existence or protection, beyond the very few express limitations which the Federal Constitution imposed upon the States—such, for instance, as the prohibition against ex post facto laws, bills of attainder, and laws impairing the obligation of contracts. But, with the exception of these and a few other restrictions, the entire domain of the privileges and immunities of citizens of the States, as above defined, lay within the constitutional and legislative power of the States, and without that of the Federal Government.

Mr. HILL. Mr. President, will the Senator yield?

Mr. TOWER. I yield.

Mr. HILL. Is it not true that the people adopted the 9th and 10th amendments to the Constitution to make clear, certain, and specific, exactly as the distinguished Senator has said, that all these rights and privileges were reserved to the States and the people themselves?

Mr. TOWER. That is absolutely correct. The Founding Fathers did not include the provisions contained in the 9th and 10th amendments when the Constitution was originally framed because, I suppose, they thought it would be absolutely clear that they were giving certain rights exercised by the States to the Central Government in order to enable the Central Government to deal with foreign states, to coin money, and the like; but, for emphasis, about 3 years after the adoption of the Constitution, they adopted the 10th amendment, which specifically reserved to the States powers not specifically delegated to the Federal Government nor prohibited by it to the States.

In the recent case of *West Virginia Board of Education* v. *Barnette* (319 U.S. 638), the Court declared:

> The very purpose of a Bill of Rights was to withdraw certain subjects from the vicissitudes of public controversy, to place them beyond the reach of majorities, and officially to establish them as legal principles to be applied by the courts. One's right to life, liberty, and property, to free speech, a free press, freedom of worship and assembly, and other fundamental rights, may not be submitted to vote; they depend on the outcome of no elections.

In *Douglass* v. *City of Jeannette* (319 U.S. 157), the Court speaking through Justice Jackson declared:

> In my view, the first amendment assures the broadest tolerable exercise of free speech, free press, and free assembly, not merely for religious purposes, but for political, economic, scientific, news, or informational ends as well.

In another recent opinion, the Supreme Court has declared:

> But freedom to differ is not limited to things that do not matter much. That would be a mere shadow of freedom. The test of its substance is the right to differ as to things that touch the heart of the existing order. If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion, or force citizens to confess by word or act their faith therein. If there are any circumstances which permit an exception, they do not now occur to us.

There are many opinions of the Supreme Court which might be cited, clearly demonstrating that the proposed act flings itself into the teeth of the Constitution. It is enough to quote here one final, beautiful passage from an opinion by one of the great liberals of our time, Justice Brandeis. He declared:

> The makers of our Constitution undertook to secure conditions favorable to the pursuit of happiness. They recognized the significance of man's spiritual nature, of his feelings, and of his intellect. They knew that only a part of the pain, pleasure, and satisfactions of life are to be found in the material things. They sought to protect Americans in their beliefs, their thoughts, their emotions, and their sensations. They conferred, as against the Government—the right to be let alone, the most comprehensive of rights and the right most valued by civilized men.

It will be argued, of course, that the power of the Federal Government to regulate interstate and foreign commerce provides a constitutional basis for the proposed title VII of H.R. 7152. But civil rights are rights assured to every member of a well-regulated community. The word "civil" is defined as "pertaining to the whole body of citizens."

In this light, the title reveals its inadequacies so quickly as to be guilty almost of indecent exposure.

In section 701, the title undertakes to declare that the "opportunity for employment without discrimination is a right of all persons within the jurisdiction of the United States."

And yet the fact that title VII would apply, at least in the first year, only to employers or unions having more than 100 employees or members, promptly limits the application of the act to persons "engaged in commerce or in objectives affecting commerce," and to employers and unions employing no more than 100 individuals. Thus, the right which the supporters of this proposal claim belongs to all Americans is immediately restrained from many Americans and given only to a specific few.

Indeed, the fact that title VII of H.R. 7152 is made applicable only to employers of over 100 persons, at least in the first year, who are engaged in interstate commerce or in operations affecting commerce, and the fact that it excludes States, municipalities, and religious and other nonprofit organizations proves that there is no intention by the backers of this bill to create what they loudly tout as a "civil right of all the people," even if Congress had the power to do that. I do not concede for a moment that Congress does.

It has been pointed out in discussions of this bill that in the first year it would affect only 21 million employees and 56,000 employers; in the second year 25 million employees and 116,000 employers; and thereafter 29 million employees and 259,000 employers. So most of the people of the United States are not expected to enjoy this so-called "civil right of all the people."

Here again it is made evident that the effect of this title is to destroy the freedom of private management in the major business enterprises of the Nation. When private enterprise in the great, essential industries of the Nation is ruined, then all little business and agriculture will become completely dependent upon Government-controlled big business and upon state socialism which will be an accomplished fact.

The attempted validation of the proposed title VII as a regulation of commerce is based upon two fantastic assumptions. The first is that commerce is "obstructed" by discriminatory practices. For this there is absolutely no evidence. It is simply an assertion with no foundation.

The second assumption is that there will be "more buying power" and "less waste of manpower" when there is no "discrimination" in hiring employees. But what difference is there in total "buying power" or "manpower" when "A" is employed instead of 'B?" If 10 white applicants are rejected in favor of 10 Negroes, there are still only 10 men employed.

Nothing in title VII of this bill could operate to create full employment in the United States. In fact, this whole approach to the problem of unemployment utterly ignores the fact that full employment can be created only by a fully active economy. It is a fact that our economy never can progress to full activity so long as the Government constantly harasses and controls that economy. Therefore, this proposed title VII, which would present only another much more drastic harassment on the private economy, would in fact create more unemployment than now exists.

It would be absurd to argue that employers refuse to increase their working force because they are unwilling to employ persons of a particular race or color. The increased growth in the number of minority group employees in all sections of the country in recent years proves that employers do not reduce or suppress employment simply because of discrimination. If they cannot get the workers they regard as best, they will take the next best; and if the "best" happens to be of one race or color, they will employ that race or color. Yet that exercise of trained judgment as to what is "best" is now to be denounced as discrimination.

The truth is that antidiscrimination laws will be a further burden on commerce and are unjust alike to employers and employees in setting up an arbitrary interference by the Federal Government with what would otherwise be the informed and normally just judgment of an employer as to how to build and maintain his most competent, harmonious working force. On this judgment depends a manager's success and the good will of the owners and customers of his enterprise. To hamper the free exercise of such judgment is obviously to burden and to obstruct commerce.

The effort to use the commerce power as the authority for title VII, to establish a so-called "civil right" which promptly is denied to a good many Americans by restricting the employers covered, deserves the condemnation and abrupt dismissal expressed in a dissenting opinion of the late Justice Holmes when he said:

> I should regard calling such a law a regulation of commerce as a mere pretense.

In the same opinion, Justice Holmes made this comment on legislation which attempted "to reconstruct society":

> I am not concerned with the wisdom of such an attempt, but I believe that Congress was not entrusted by the Constitution with the power to make it, and I am deeply persuaded that it has not tried.

Let us consider briefly the ways in which this bill would do violence to our American way of life.

Freedom to choose one's associates is a fundamental right reserved to the individual. And an integral part of that right is freedom from compulsion to associate, for forced association is not free. Congress has never been delegated any power to interfere with freedom of association except where abuse of this freedom results in a violation of the laws which the Congress has the power to enact and enforce. Yet, under section 704, it is made unlawful for any employer:

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

This means that an employer cannot freely express by speech or by advertisement the views that other citizens are free to express as to the desirability of hiring or promoting an individual, if he indicates a preference for persons of a particular race, color, religion, national origin, or sex, or if he indicates a preference against persons of a particular race, color, religion, national origin, or sex.

Yet if there is any one subject upon which free men and women have the right to express their opinion, it is upon matters involving race, color, religion, national origin, and sex.

Men and women have feelings, and free men and women are free to express those feelings. The people of the United States and of the other freedom-loving nations who fought with us in Korea will not find it easy to forget the hordes of North Koreans and Chinese Communists and their Russian backers who inflicted such a toll of suffering, death, and destruction upon Americans and their allies. It may be that lofty idealism requires all Americans to regard these other people as desirable, but it is likely that not all Americans would express that desirability. Nor should Americans be required to express desirability for anyone they do not wish to associate with.

And yet, here we have a law proposed which would attempt to deny to millions of employers and employees any freedom to speak or to act on the basis of their religious convictions or their deep-rooted preferences for associating or not associating with certain classifications of people. No one will contend that the dislike to associate with people who are unclean or dishonest or mean or cruel is a wrong which should be prohibited by law.

But, where was the Congress ever given the power to declare it to be a wrong for a person of one religion to dislike to associate with persons of a different religion? Where was the Congress ever given the power to declare it to be a wrong for an American to dislike to associate with persons of nations or races which have recently made war on America and treacherously killed or cruelly tortured the sons, brothers, or fathers of living Americans?

It may be a high type of morality to forgive immediately a vicious enemy and to clasp in friendship a hand that's stained with the blood of one's kith and kin; but where was Congress ever given the power to establish such a moral duty as a legal obligation?

It may be immoral for a man to have a prejudice against persons of a particular race, color, or religion just because he has found it particularly difficult to associate without discordant mutual misunderstandings with many persons of that particular race, color, or religion. But what is left of individual liberty if a man or a woman cannot choose associates in work or in play on the basis of either reason or prejudice, which are often indistinguishable? Where was Congress ever given the power to establish a state of morality to be enforced in the private selection of private associates for work or for play?

Under our Constitution, it has never been seriously questioned that a man has the right to set himself up in business, to select his own employees on the basis of such qualifications as he might within his own free and uncontrolled discretion consider advantageous to the undertaking, and to do all this without hindrance or interference. Yet personal freedom of contract is basic to the free enterprise system and to the whole American concept of individual freedom.

Yet title VII of H.R. 7152 would violate the liberty of contract guaranteed in the Constitution by compelling the making of contracts.

The far-reaching character of this provision of title VII is given its true perspective when we consider that laws have been enacted governing the form or substance of contracts voluntarily entered into; that laws make illegal certain types of contracts; that the labor laws require collective bargaining as a method of arriving at contracts, and affect the scope of the contracts. But the right of contract is left free to be exercised between voluntary parties.

Our history of encouragement to the men and women who give employment has been one of the compelling reasons for our unparalleled industrial success which again and again has served our Nation so well in time of need.

I believe it is most unfair for the proponents of this fair employment practices section to argue that it does not "force the hiring of certain minority group members." The whole purpose, design, and effect of the bill is just that—to "force the hiring" of persons whom an employer would not have voluntarily hired.

If the function of the bill is not to promote the hiring of certain minority group members, why are minority group members interested in the bill? Why is the bill being advocated? Obviously, it would mean intervention in the employment practices of management. Obviously, there must be some alleged discrimination, to remedy which the hiring of certain minority groups must be forced; otherwise, the bill would not have been advocated in the first place.

Let us be honest. The bill has a strong element of compulsion. It would compel employers to hire members of certain minority groups. It goes further than that. It does not really refer to one specific minority group. It could be Negroes, Indians, Anglo-Saxons, Italo-Americans, or Syrian-Americans. Ultimately, I think the effect of the bill would be to compel an employer in a given community to hire a given percentage of people of every nationality or ethnic background in the community.

If an employer, in a department store, for example, advertised for and hired only white salespeople, he would certainly be found guilty of violating this law on complaint of a Negro applicant whom he did not hire. He would then be compelled by an order enforceable by a court, to hire this rejected applicant, with, probably, the additional expense of paying backpay for the period during which he "unlawfully" employed and paid wages to an employee of his own choice. Any claim that such a law would not force the hiring of unwanted employees is simply and utterly without foundation.

It must also be pointed out that the bill not only authorizes Federal officials to dictate to an employer whom he shall or shall not hire, but it also authorizes a continuing supervision over his detailed management of his working force. All compensation, terms, conditions, or privileges of employment must be free from any discrimination. Every promotion, every assignment of duty, every privilege granted an employee, although decided on the basis of merit according to the employer's judgment, could be subject to review by the Federal commission on complaint that there was unlawful discrimination against some other employee. It is difficult to imagine a law more certain to insure the eventual destruction of private enterprise, by removing from private management all effective control of a working force.

The employer would be subject to a Fair Employment Practices Commission.

Mr. President (Mr. McINTYRE in the chair), in the bill this Commission is called Equal Employment Opportunity Commission. But I use, instead, the term "Fair Employment Practices Commission," because this is the term which is commonly and ordinarily understood, for virtually every previous proposal of this type has called for the establishment of what has been called or referred to as a "Fair Employment Practices Commission." Inasmuch as this part of the bill is essentially the same proposal—although now dressed up with a new name, "Equal Employment Opportunity Commission," which I suppose is designed to escape the stigma of the old term "Fair Employment Practices Commission"—we might as well call it what it is, so that people can understand it, since there have been dozens and dozens of previous proposals of this character, which time after time after time have failed to receive serious consideration by Congress.

While I am on the subject of terminology, there have been any number of

FEPC bills which have not been seriously considered. But now we are presented with a similar proposal, which was not even in the bill President Kennedy proposed last year. He considered it, but he did not even ask for it. Yet it now comes to us from the House of Representatives, where it originated in the House committee; and the House asks us to consider this proposed Commission as part of an omnibus bill—a bill with so many titles that no one can hope to become an expert on each and every one of them. But now we are asked to accept this proposal as part of the package, even though it has consistently, time and time and time again, been rejected.

So, Mr. President, the employer would be subject to a Fair Employment Practices Commission—or, according to the bill, an Equal Employment Opportunity Commission—having wide powers of rulemaking, investigation, and the issuance of orders.

The inquiries and investigations directed by the bill would vex and harrass business to the point where orderly plant management and efficient production would be impossible. A small businessman, already overburdened, would encounter new regulations, investigations, hearings, and litigation far beyond his time, his energy, or his finances.

Labor organizations would be subject to interference with and supervision of their internal affairs. And the law which would tell the employer who his workers should be today, could be reversed; and then the worker could be told whom his employer would be tomorrow—and where, and at what wages. Justice Brandeis has warned:

> Experience should teach us to be most on our guard to protect liberty when the Government's purposes are beneficient. The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well meaning but without understanding.

If title VII of H.R. 7152 became law, employment and promotion based on merit would be superseded by governmental decree, and the worker would be moved to look with distrust and suspicion upon his fellow workers. The worker could not feel secure in his job.

Suppose a plant employed 50 men. Ten of them could be identified with a minority group. If the employer had to lay off 8 men, would he be likely to discharge any of the 10 men who could claim discrimination—whether it existed or not—and who would take the case to the Equal Employment Opportunity Commission and into the courts, thus causing the employer expense, and probably, and no doubt certainly, punishment. We know that the natural thing for the employer to do would be to avoid trouble and to lay off eight of the average Americans, who could not claim discrimination, even if they were better workmen than the employees who belonged to a minority group. We can picture the resulting damage to the efficiency of management and to the morale and productivity of the workers in that plant.

If a law prohibited employers from discriminating against men and women with red hair, the inevitable effects would be to give red-haired persons a preferred status and to assure them of an unequally good opportunity to be employed and promoted, because, by favoring them, their employer would avoid any charge of discriminating against them. In like manner, this antidiscrimination title actually would compel discrimination against majority groups, in favor of minority groups.

A white employer would be safe from prosecution because he employed a Negro, instead of a white applicant. That would show he had no racial prejudice. But if he employed a white instead of a Negro, he might expose himself to an expensive litigation and find himself compelled, in the end, to hire a hostile employee.

Mr. President, I should like to indicate that in at least one instance the merit system of hiring already has been damaged by this sort of civil rights attitude on the part of Federal bureaucrats.

In a recent manpower report of the President it was stated that Negroes held 13.1 percent of the Federal jobs in the United States, although Negroes represented only 10.5 percent of the American population. Yet the President tells us in his manpower report that the hiring of the 13.1 percent of Federal employees was accomplished "solely on the basis of merit without irrelevant considerations of race or ancestry."

Mr. President, if we are to accept the thesis in this case, we must therefore admit that the Negro race in the United States is much more talented, and therefore has more merit for employment in Federal jobs than does any other race. That must be so if we are to believe the statistics.

Because there are only 10.5 percent Negroes in our population, and yet there are 13.1 percent of the Federal merit jobs held by that race, therefore that race must be more meritous than any other race.

Of course, Mr. President, this is all ridiculous. And it only serves to point out how impossible it is for the Government to legislate morality in this field. I would like to quote for the Senate from a newspaper article in the Wednesday, March 4, 1964, New York Times, written by Marjorie Hunter. That article appears under the headline "Negroes Gain 3 Percent in Federal Jobs," and continues as follows:

> President Johnson said today that impressive gains had been made in placing Negroes and other members of minority groups in higher paying Government jobs. "We had some catching up to do," the President said in releasing findings of a Federal employment study made last June. "These changes in the minority picture do not reflect special privilege."

When asked why the results were released nearly 9 months after the survey, a White House spokesman said that the data had just become available after processing.

Negro employment in the Government reached a record of 301,889 last June, an increase of 3 percent over the previous year, a study showed.

It found that the major percentage gains had been in better paying jobs in grades GS–9 through GS–18, paying $6,667 to $10,165 a year. Negroes held 7,016 jobs. This was an increase of 1,146 or 19.5 percent over the previous year. In grades GS–12 through GS–18, paying $9,475 to $20,000, Negroes held 1,952 jobs, an increase of 545 or 38.7 percent. Government jobs range from GS–1, paying $3,305 to GS–18. From June 1961 to last June, the survey said that there was a net increase of about 20,000 Negroes in Federal employment. The 2-year gain in grades GS–3 to GS–11 was 8,963, or 36.6 percent, and in grades GS–12 through GS–18, it was 915, or 88.2 percent.

As of last June, Negroes held 13.1 percent of the 2,298,808 Federal jobs, the study revealed. In the last Federal census, in 1960, Negroes represented 10.5 percent of the population. The study was made by the Civil Service Commission at the request of the President's Committee on Equal Employment Opportunity, created in 1961 by President John F. Kennedy. Mr. Johnson, as Vice President, headed the Committee. In hailing the gains, Mr. Johnson credited Mr. Kennedy, various Government agencies and departments, and the Committee. The President said:

> This is the result of affirmative and persistent efforts by the Federal agencies to hire, train, and promote solely on the basis of merit, without irrelevant considerations of race or ancestry.

The study showed that employment among Spanish-speaking persons totaled 51,682 as of last June, an increase of 2 percent over the previous year.

There were 2,178 such employees in grades GS–9 through 11, an increase of 304, or 16.2 percent.

In GS–12 through 18, employment for that group totaled 785, an increase of 161, or 25.8 percent.

Other findings were: American Indians in seven selected States held 10,569 Federal jobs, an increase of 18.6 percent.

Oriental-Americans in California, Oregon, and Washington, held 10,158 jobs, an 8.3 percent gain. Mexican-Americans in five Southwest States held 33,925 jobs, an increase of 1 percent.

Mr. President, this New York Times article speaks for itself.

We may be positive that as soon as a Fair Employment Commission, or a Equal Employment Opportunity Commission, or whatever we call it—it makes no difference—begins to push its way into the domain of private judgment, as the article I have read indicates it has already pushed its way into the field of Federal hiring judgment, and as an FEPC authority begins to operate in the hiring, promoting, and development of efficiency of employees, it will in a short time disintegrate the power of private management to fulfill its responsibilities to investors and to customers.

This fundamental evil in this proposed legislation lifts criticism of its details out of the mere faultfinding field into a demonstration of why it profoundly violates both letter and the spirit of the Constitution, which was adopted for the

purpose preventing zealous legislators from experimenting too recklessly with measures of moralistic reform. The Constitution, as we have seen, not only limits the lawmaking powers of the Congress to those expressly granted, but also provides explicity, in the 10th amendment:

> Powers not delegated to the United States * * * are reserved to the States respectively, or to the people.

Furthermore, in the Bill of Rights, the Congress is absolutely forbidden to make any law denying to individuals their fundamental liberties of speech, religion, and association.

Although the original conception of the creation of regulatory agencies to exercise quasi-legislative and quasi-judicial functions was perhaps sound because the economy had grown complex and national in scope, because the Government had increased in complexity to deal with problems of a complex, growing, and expanding economy, it was necessary, after the broad lines of policy and specific authorization by Congress had been laid down, that the detailed procedure of determining, for example, the rate for carrying a sack of potatoes from one point of the country to another should be left to some commission whose function it would be to carry out congressional policy.

We have departed far from that concept. We in the Congress have found it easy merely to delegate away authority that is constitutionally ours, responsibility that is entrusted to Congress by the Constitution and the people. Congress has vastly expanded the lawmaking power, and the judicial power as well, to the various regulatory agencies which Congress has established.

I am beginning to see these agencies as Frankenstein monsters that Congress has created. We have created such a vast and sprawling bureaucracy that not only do we see nameless, faceless administrators, commissioners, board members, who are not elected by the people, who have no responsibility to the electorate, making significant and important decisions that profoundly affect the lives of our people, but we also see a great machine that we ourselves can no longer adequately control and direct.

I wonder if we have not in them the harbingers of our own destruction as an integral, significant, and vital part of the governing process of the American people. We cannot exercise adequate and effective legislative oversight. We no longer really know how the money is spent. We know that from time to time our constituents become a little annoyed. "A little annoyed" is a massive understatement. They take high umbrage at the treatment they sometimes receive at the hands of administrators or regulators—Government functionaries of various sorts—who sometimes seem to have the impression that they are not in reality the servants of the people, but that their function is to plot and order the lives and the destinies of the people who pay their salaries.

Here we go again delegating away a little more responsibility, a little more authority, leaving a little more to the arbitrary will and discretion of a few men.

What do we propose to create? A commission of five men. Those five men are to determine whether a businessman employing thousands of people, investing millions of dollars, producing successfully and contributing to the economic growth of the country, has acted in good faith, or whether he has failed to act in good faith in his employment practices. We are to give the five commissioners the power to harass virtually every significant business institution in the United States.

The Senate is not powerful enough to do that. Even though it is composed of 100 Senators representing every State in the Union, representing not only the two political parties but the whole spectrum of political persuasion, yet it does not have that power. But the Senate will go along with the House to formulate a policy to confer immediate and direct power into the hands of five men. What powerful men they will be.

I have always understood that those of us in high office enjoy the exercise of political power. I suggest that if this commission is created, Senators who face the uncertain prospect of reelection might apply for these jobs. They might enjoy far more power than they ever enjoyed as Senators.

The Senate seems intent on divesting itself of whatever power it possesses. The Senate seems intent on divesting itself of power which it does not possess. The Senate seems to be reaching up into thin air to pull out some new and unusual right not specifically guaranteed in the Constitution, one that it believes someone should enjoy or at least it has perhaps often been pressured into believing that someone should enjoy.

I do not deprecate the Senate when I say that Senators respond to pressure. Certainly they do. I have cast one or two votes in the Senate which, upon reflection and hindsight, I do not believe were wise. In the heat of the moment I was made to believe it was a good idea because of the application of great pressure.

I do not question anyone's motives. But I do question the wisdom of the Senate saying in black and white that a right exists and that it intends to enforce that right.

A while ago, the Senator from Alabama referred to the 9th and 10th amendments.

Who are we to create rights?

Rights are inalienable and God-given. Rights are identified and secured by the Constitution. Rights reside in the people. The enumeration of the rights in the Constitution, according to the 9th amendment, was merely a recognition that some rights exist; that is, we recognize that there may be others. The framers of the Constitution said that they had not thought of all of them. So perhaps we do not wish to try to list them all. But the enumeration should not be considered to deny or disparage others. What the Senate proposes to do is to create one. I do not concede it has authority unless it chooses to amend the Constitution. Then perhaps it could, without flying directly into the teeth of the Constitution, adopt title VII, the so-called equal employment opportunities provision.

Mr. HOLLAND. Mr. President, will the Senator from Texas yield?

Mr. TOWER. I am glad to yield to the Senator from Florida.

Mr. HOLLAND. I congratulate the Senator from Texas on making his point so completely accurate on title VII, which proposes to set up an FEPC or an EEOC to regulate the distribution of jobs, the employment of personnel, the promotion of personnel, the demotion of personnel, and the firing of personnel in businesses employing 25 workers or more. Of course, he knows—as I do, too—that before many years it would be down to five employees and then perhaps down to one employee.

I congratulate the Senator. It seems to me that one of the most telling points in the whole picture is the fact that those who so ardently insist upon establishing this unconstitutional and unwise Commission overlook the basic fact that the principal unemployment among minority groups is not found in the Southland but instead exists tonight—while we are talking at this moment, as shown by the statistics from the appropriate Government bureaus—in the very States which have State FEPC commissions, and which have completely failed to demonstrate their effectiveness. The greatest percentage of unemployment among Negroes exists in the very States which have resorted to all the imaginable legalistic approaches to this question, which particularly includes State FEPC Commissions.

So I congratulate the Senator, not only for attacking the proposition as being unconstitutional and unwise, but also as being blind to the fact, that the suggested approaches have completely demonstrated their ineffectiveness in States where FEPC commissions have been established and have been functioning for years.

I thank the Senator for calling our attention to the complete unwisdom, the complete unconstitutionality, and the complete futility of the approach suggested.

I hope the Senator will continue to get in the good "licks" which he has been delivering.

Mr. TOWER. I thank the distinguished and esteemed Senator from Florida for his kind remarks, and for his excellent supporting observation.

I note that the bill could work to thwart the employment of certain minority groups, because it is so vastly comprehensive in character.

It deals, not only with race, color, religion, and sex, but also national origin.

There we open up a whole Pandora's box of possibilities. The only conceivable way the bill could be equitably administered would be to go into communities and say to each administrator—and in some of the communities in Texas, this would really be something—"You must hire so many Negroes, you must hire so many people of Mexican origin, you must hire so many people of Italo-American origin, you must hire so many people of German-American origin," and so forth.

Mr. HOLLAND. Would they ever get around us plain Americans?

Mr. TOWER. I do not know what would happen. I do not know what would happen when we got to the intermarriage of people of various national origins and backgrounds. We would have some trouble on our hands, because we are not all thoroughbreds. Many of us are a mixed people, with no pure ethnic strains.

We shall encounter all sorts of problems. So far as the application of FEPC in some Southern States is concerned, as the Senator knows, there are many owners of business establishments in the South who prefer to hire Negroes for certain jobs. They prefer to have them, they want them, they advertise for them, they provide them with jobs. Hotels, retaurants, and many other establishments of a similar nature prefer to hire Negroes. Those people stand to lose their jobs if the proposed law is equitably applied, because some white people will apply for these jobs.

Mr. HOLLAND. I should like to mention, also, that thousands of businesses in the Southland, some large and some small, belong to Negroes, and they prefer to employ Negroes. I have in mind Negro insurance companies, of which two very successful and important ones are in my State. There are others in other States, including the State which the Senator so ably represents. How will those businessmen feel when their preferred field of employment, which is among people of their own race, is attacked as an improper field to make exclusive for their employees?

Mr. TOWER. The reason why there is discrimination in employment is that in a sales position it stands to reason that the Negro will do a better selling job to other Negroes, because he understands them better.

If I were operating an insurance agency and wished to make inroads into the Negro trade, I would certainly employ Negro agents, because I would feel they would be more effective.

Therefore I believe the effect and purpose of the bill will thwart the employment opportunities for a great many people.

It seems to me that the act cannot possibly be equitably administered, when it is said that an employer is discriminating if he does not hire a certain percentage of this race or this religion or that sex. It is tantamount to a police state. It is absolutely a police state. That is what we have arrived at. It cannot possibly work equally for all and give everyone fair treatment.

Section 713 of this title provides for rulemaking. We know that the issuance of rules and regulations by a commission is lawmaking by the executive branch under the authority delegated by the Congress. But where Congress so obviously has no power to take the actions proposed in title VII, Congress equally has no power which it can delegate to a rulemaking commission.

And what kind of rules could we expect this commission to prescribe?

It is very likely this fair employment commission would rule that you cannot mention color or religion in advertising for employees, that you cannot ask for the photograph of an applicant, you cannot ask his birthplace, you cannot ask his original name, and you cannot ask what holidays he celebrates. We would see a host of restrictions upon the rights of free speech and free opinion, all under the guise of rule and regulation.

Mr. President, it long has also been considered that involuntary servitude is something that only can be suffered by an employee. But involuntary servitude may be of many varieties. A man who accepts obligations to another man is putting himself in the servitude of that man. The law which says that one man can be compelled, under the penalty of paying back pay, on penalty of contempt of court, to hire another man whom he does not wish to hire, means that the first man is compelled by law to make a contract to pay the second man wages, to furnish him with tools, to accept obligations under law that the employer accepts voluntarily toward other employees. The employer, thus, is forced into a servitude to the employee from a minority group.

Mr. President, let me review my position by saying that I have, in the past, voted against discrimination in Federal programs, and I believe that it is morally wrong to discriminate in employment.

On at least two occasions I have offered amendments to bills calling for the establishment of certain welfare programs, by providing that moneys spent under the authorization for such legislation shall not go to any facilities in which discrimination is practiced. They were turned down, I am sorry to say, by the Senate, with the exception of one, acceptance of which I was able to obtain. It was in connection with the Youth Conservation Corps measure, which has not yet been enacted into law by the House. It has been passed only by the Senate.

I do not believe discrimination is morally right. In my opinion it is morally wrong.

If I owned a business establishment serving the general public, everyone would be welcome in it. If I owned a business establishment in which I employed people, I would consider every applicant on the basis of his merit, not on the basis of his color or ethnic origin.

At a time in my life when I had only one employee, my personal secretary, she was a young Negro woman. She was in my employ for 2 years. She was a student of mine in the university. She was very efficient, very talented, and she acquitted herself well. Were she to present herself to my office for employment, I would employ her. I do not believe discrimination is right. But I am opposed to this title of the so-called civil rights bill because, in their eagerness to protect one civil liberty, the proponents of the proposal cast aside other fundamental and well-established civil liberties of at least equal importance.

This is not a proper field for Federal legislation. Discrimination problems are best handled at the State and local level and through the force of public opinion. I think Federal Government regulation of employment is absolutely foreign to a free enterprise society, and, indeed, to a free society of any kind.

Without the willingness of individuals to achieve progress in this field, this bill would be unenforcible and would incite violence. It could be enforced only in a Federal police state.

Attempts to legislate morality breed contempt for the law, as was so often the case of prohibition. I happen to think that Americans are awake to this problem and that men of good will throughout the United States are working quietly and privately to solve it in a fashion much more effective than the Federal Government's intervention plan.

It seems to me that a fair employment practices type law can only transfer the seat of persistent discrimination. Such a law cannot eliminate discrimination; only the hearts of men can do that. An FEPC law can, however, establish legal discrimination in a heartless Federal bureaucracy which has no rightful concern in the matter at all.

This proposed title of H.R. 7152 violates our Constitution. Moreover, it ignores the facts that Americans are aware of the problem involved, and it threatens any atmosphere of reason through which Americans might work to solve that problem.

Mr. President, coercion is no substitute for reason.

Let us understand why we have this problem. We have this problem because there is prejudice on the part of men. Prejudice is a state of mind; and rarely have any laws been enacted in this country that have changed an American's mind.

I can tell Senators a thing or two about why there is a biracial problem in the South. I can tell Senators that a few New England Yankees had more to do with that than we did. I can tell Senators that in the period immediately following the Civil War, it was Mr. Lincoln's idea that the newly freed slaves should be gradually mentored by the whites. Negroes had been enslaved. This is not to our credit. They were not educated. They were not prepared to accept the responsibilities of citizenship, except in certain communities. Lincoln knew this; and he reasoned that they would be just as good citizens as there were in this country if they could gradually be educated as to the responsibilities of citizenship; if they could gradually be taught; if they could gradually take their places. It was his idea that the native leadership could be reestablished as the leadership in this area. But with the awful shot that killed Lincoln, there rose to power embittered men, such as Thaddeus Stevens and Charles Sumner, who were determined to impose a vindictive punishment on the southern people. They did so.

It has taken us almost a century to pay off the debts incurred in our States by Reconstruction legislatures that appropriated for themselves such legislative supplies as champagne, gold watches, and ladies' underwear, and levied confiscatory taxes upon our people. But that is not of particular importance. We are doing pretty well down there now.

What is important is that in their eagerness to punish the native whites, they created a situation in which the whites were to develop and harbor for years the terrible prejudice against innocent Negroes who were exploited by the carpetbaggers, the military governments, and the self-seeking politicians, and set in positions of responsibility that they were not prepared to accept, and were segregated.

I could show Senators the gravestones in old churchyards in my State that existed before the Civil War. The names of the white and Negro members of those churches are on the gravestones. During the Reconstruction period, the idea was that if the poor black man was to be exploited, he must be kept away from the influence of the native whites. So the Negroes were placed in separate churches and separate schools. Then such propaganda agencies as the Freedmen's Bureau were established.

So my generation is not responsible for what that generation did or failed to do.

But we are the historical victims of the atmosphere of bitterness, vindictiveness, and defeat following the Civil War. Until this prejudice in the minds of men can be erased, there will never be a lasting solution of the biracial problem in the United States.

Such a solution can be achieved. There are men of good will in my section of the country, as indeed there are in every section of the country, who genuinely want to see the situation resolved, but who do not by Federal compulsion, who do not with harshness and vindictiveness, wish to shove something down people's throats to the extent that an atmosphere of bitterness and rancor is created that may make it difficult, if not impossible, for men of good will of all races to settle down to resolve their mutual discontent. Only when the minds and hearts of the people have been prepared can the winter of our discontent be made a glorious summer.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll; and the following Senators answered to their names:

[No. 134 Leg.]

Aiken	Gruening	McIntyre
Allott	Hart	McNamara
Bartlett	Hartke	Metcalf
Bayh	Hill	Monroney
Bible	Holland	Morton
Boggs	Hruska	Mundt
Brewster	Humphrey	Muskie
Cannon	Inouye	Neuberger
Case	Jackson	Pearson
Church	Keating	Pell
Clark	Kennedy	Prouty
Cotton	Kuchel	Scott
Curtis	Long, Mo.	Smathers
Dirksen	Mansfield	Tower
Dodd	McCarthy	Walters
Douglas	McGee	Williams, N.J.
Fong	McGovern	Williams, Del.

The PRESIDING OFFICER (Mr. BREWSTER in the chair). A quorum is present.

ORDER OF BUSINESS

Mr. DIRKSEN. Mr. President, will the Senator from Florida yield to me?

Mr. SMATHERS. Have I the floor?

Mr. DIRKSEN. I thought the Senator had.

Mr. SMATHERS. If I have the floor, I am glad to yield to the Senator from Illinois.

The PRESIDING OFFICER (Mr. BREWSTER in the chair). The Senator from Florida is recognized.

Mr. SMATHERS. I am happy to yield to the able Senator from Illinois.

Mr. DIRKSEN. I should like to inquire of the distinguished Senator from Florida how long he expects to hold forth this evening. It was my understanding that it could well be until 11 o'clock or thereafter. It would not be a firm commitment of course, but it is conceivable in the thrust of things which happen in the Senate, and the interposition of questions of one kind or another, that the Senator could hold forth until 11 o'clock.

Before he answers the question, however, I should like to address an interrogatory to him, only because, after discussing it with the distinguished Senator from Minnesota I thought there could be some assurance there could be no further "live" quorum calls tonight.

Mr. SMATHERS. In responding to the Senator from Illinois, I have no expectation whatever of suggesting the absence of a quorum tonight. I understand the inconvenience that would be caused to many Senators at this late hour—or even at a later hour—if they were to be forced to return to the Chamber, so I do not propose to ask for one.

It is conceivable that I may speak until 11 o'clock or after, as the able Senator from Illinois has suggested. It is more likely, however, that it would depend on the questions asked me, but even more likely that I shall conclude my remarks about 10:30.

Mr. DIRKSEN. It is possible.

Mr. SMATHERS. It is possible. I could also go on until 11 o'clock.

Mr. DIRKSEN. And possibly thereafter, if necessary.

Mr. SMATHERS. If necessary I could continue even a little longer; the Senator from Illinois is correct.

Mr. DIRKSEN. If there were suitable interrogatories, the Senator could talk until midnight.

Mr. SMATHERS. The Senator is correct; but I should say at the moment that I expect, from what I have prepared, and what I really wish to say, that I could probably stop at 10:30. However, I have enough to carry me on after 11 o'clock. If the Senator wishes to keep going I can do so until midnight, but I do not propose to suggest the absence of a quorum.

Mr. HUMPHREY. Does the Senator from Florida propose that the Senate vote on the bill at 10:30? Will the Senator from Florida yield for that question?

Mr. SMATHERS. Would the Senator like to suggest a vote on cloture?

Mr. HUMPHREY. No. I said on the bill.

Mr. SMATHERS. I am only suggesting that I make my speech. I may conceivably continue until 11 o'clock. That is the only suggestion I am making at this particular time, other than the fact that the bill is not very good. I am certainly suggesting that. I object to it in no uncertain terms.

Mr. HUMPHREY. Mr. President, will the Senator from Florida yield further? The Senator feels a little strongly about the bill. I know that he would not wish to leave the Senate in the situation where the only choice left for the Senator from Florida would be to vote on the bill. It is the intention to have the Senate session end at 11:30 although I thought perhaps it might run until 12, which is more reasonable.

Mr. DIRKSEN. Eleven o'clock is the witching hour.

Mr. HUMPHREY. Twelve o'clock is the witching hour in the Senate.

Mr. DIRKSEN. The Senator belongs to the wrong lodge.

Mr. HUMPHREY. This is daylight saving time. But the Senator was a little uncertain as to how long he would speak tonight. Ordinarily, he is much more decisive. It may be that he is somewhat weary at this hour of 8:30. I would suggest, if the Senator is not speaking as late as 11:30, that there be a quorum call. I would hope that the Senator would find good reason to lay down his arguments against the bill in such time as may be necessary for him to explain his position, and if he does not wish to talk until that time, there will have to be another speaker.

Mr. SMATHERS. Let me say to the Senator from Minnesota that it was my understanding that the Senator from Minnesota did not want Senators to speak at great length, and now he is urging me to carry on until 11:30.

Mr. HUMPHREY. I thought the Senator might wish to spare one of his colleagues.

Mr. SMATHERS. I have never intended to compete with the Senator from Minnesota with respect to length of speeches. I had thought possibly I might be able to say what I had to say within an hour, or 2½ hours, speak up until 11 o'clock or thereabouts, perhaps a little earlier, perhaps a little later, depending on the extent of the colloquy. If the Senator wishes to have a quorum call at 11:15 or 11 o'clock, I shall be present.

Mr. DIRKSEN. The Senator from Minnesota does not want a quorum call at all. Though I should like to have a vote on the bill tonight. If the Senator from Florida speaks for half an hour, or 2 hours, or 3 hours, it is planned to hold the Senate in session until at least 11:30; and it is desired to arrange the time accordingly.

Mr. SCOTT. Mr. President, will the Senator from Florida yield?

Mr. SMATHERS. I am glad to yield to the Senator from Pennsylvania, provided that in doing so I shall not lose my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCOTT. I wish to show how helpful I am. I have no questions.

Mr. DIRKSEN. Mr. President, knowing the mental agility and the cerebral dexterity of the distinguished Senator from Florida——

Mr. SMATHERS. I am grateful for that.

Mr. DIRKSEN. And knowing his physical robustness and capacity for

undertaking punishment at this late hour, I am confident that he can talk until well after 11 o'clock; and then, of course, our distinguished friend the Senator from Minnesota, might be on hand to ask him questions in sufficient number to carry on the debate until 11:30.

Mr. HUMPHREY. Do not depend on it.

Mr. DIRKSEN. That would satisfy the formula laid down.

Mr. HUMPHREY. Do not depend on it.

Mr. DIRKSEN. The Senator from Minnesota said 11:30.

Mr. HUMPHREY. Do not depend on it. It must be a reasonable hour.

Mr. DIRKSEN. The Senator had set the time for 11 o'clock.

Mr. HUMPHREY. Eleven thirty.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. SMATHERS. I yield.

Mr. CURTIS. This brings up the point of no quorum. If the Senator from Minnesota wishes a quorum call, it can be had now.

Mr. SMATHERS. I shall be happy to yield for that purpose.

Mr. HUMPHREY. Anytime any Senator wishes a quorum call, I shall be delighted.

Mr. CURTIS. Would that take care of the need?

Mr. HUMPHREY. The Senator can do as he wishes. There is a certain amount of time to spend on the bill. I would prefer to see it spent on sufficient speeches; but spend it as he will, the Senate will be in session.

Mr. DIRKSEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Illinois will state it.

Mr. DIRKSEN. Are these colloquies and all this intervening business of a sufficient order under the rule to justify another quorum call?

The PRESIDING OFFICER. The Chair is of the opinion that no business has been transacted since the previous quorum call.

Mr. SMATHERS. Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD an editorial which was printed in the last Sunday's edition of the Miami Herald entitled, "On Wisconsin." This is an excellent editorial written by that great publisher who is so admired by the able Senator from Minnesota, John S. Knight, and is an interpretation of the meaning, as he sees it, of the election in Wisconsin.

Mr. HUMPHREY. Mr. President, reserving the right to object——

The PRESIDING OFFICER. Is there objection?

Mr. HUMPHREY. Mr. President, reserving the right to object, if objection is entered, does that mean that there will have been no transaction of business?

The PRESIDING OFFICER. The Chair is of the opinion that it does not mean that.

Mr. DIRKSEN. It does not, Mr. President?

The PRESIDING OFFICER. If unanimous consent is granted, it counts as a transaction of business.

Mr. HUMPHREY. And if it is objected to?

The PRESIDING OFFICER. It does not count as business.

Mr. HUMPHREY. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. HUMPHREY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. Does the Senator from Florida yield for this purpose?

Mr. SMATHERS. Mr. President, I yield for that purpose, provided that in doing so I shall not lose my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. I thank the Senator from Florida. If the Senator from Florida should suggest the absence of a quorum or should yield for that purpose, would that not mean that he had consumed the time of another speech under the rules of the Senate?

The PRESIDING OFFICER. If the Senator from Florida yields and a quorum call is had, the Senator from Florida loses the floor, and this will be counted as a speech on his part.

Mr. SMATHERS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. SMATHERS. Would that count as a speech despite the fact that I have not made a speech?

The PRESIDING OFFICER. The Chair is of the opinion that the Senator from Florida has been speaking for a while now.

Mr. SMATHERS. The Chair is very flattering. The Chair ought to hear me when I am really making a speech.

Mr. DIRKSEN. Mr. President, is this a formal ruling by the Chair? Is an appeal from the ruling of the Chair in order? Does the Senator from Florida yield to me?

Mr. SMATHERS. I yield to the Senator from Illinois with the understanding that I do not lose my right to the floor or have it considered as a speech, so that he may propound a parliamentary inquiry.

Mr. HUMPHREY. Does it require unanimous consent to do so?

The PRESIDING OFFICER. Yes, except for a question. Is there objection?

Mr. HUMPHREY. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. SMATHERS. May I propound a parliamentary inquiry without losing my right to the floor and having it considered as a speech?

The PRESIDING OFFICER. The Senator may propound his inquiry.

Mr. SMATHERS. Mr. President, I have an amendment to the civil rights bill. If I should determine to offer that amendment and discuss the amendment to the civil rights bill, would that constitute business so that thereafter a Senator might suggest the absence of a quorum?

The PRESIDING OFFICER. If an amendment were offered, it would be sufficient justification for a Senator to suggest the absence of a quorum.

Mr. SMATHERS. I have decided not to offer the amendment, in view of the fact that so many Senators are present and because the Presiding Officer is eager to hear what I have to say.

I know he wants to remain in the Chamber. I am appreciative of that fact. Therefore, I shall proceed at this point with my prepared remarks.

While the able Senator from Minnesota is present, I may say to him and other Senators that this is the third time I have tried to make this particular speech. I have not been able to do so, even though it consists of a mere 80 pages. Even so, I have reached only page 29 because of the fact that Senators who are proponents of civil rights legislation have asked so many illuminating questions that I have occupied as much as 3 or 4 hours without completing the reading of my speech.

Mr. MUNDT. Mr. President, will the Senator yield for a parliamentary inquiry?

The PRESIDING OFFICER. Does the Senator yield for a parliamentary inquiry?

Mr. SMATHERS. I yield, with the understanding that I do not lose my right to the floor and without its being considered as another speech.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMATHERS. I yield to the Senator from South Dakota under those conditions.

Mr. MUNDT. There has been a ruling from the Chair that the Senator from Florida has been making his speech, and has now been speaking for 15 minutes, according to the rule. I have observed Senator after Senator conclude a speech and make the point of order that a quorum was not present. How long does the Chair believe the Senator from Florida must continue to speak before he is eligible to make the point that business has been transacted?

The PRESIDING OFFICER. The Chair is of the opinion that the previous comments of the Chair, in response to parliamentary inquiries, have not been formal rulings, and that any comments on the bill by Senators are speeches, but that no business has been transacted for the purpose of suggesting the absence of a quorum.

Mr. MUNDT. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. Does the Senator yield for that purpose?

Mr. SMATHERS. I shall be glad to yield again to the Senator from South Dakota under the same terms and conditions under which I yielded previously.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

Mr. MUNDT. How did it occur that when the Senator from Texas [Mr. TOWER] concluded his speech, which lasted a little longer than the speech of the Senator from Florida, but was in the same general category, he made a

point of order that a quorum was not present, and it was acceptable? There has been almost 20 minutes of a speech by the Senator from Florida. Why does he not have as much right as the Senator from Texas to take his seat so that a point of order can be made?

Mr. SMATHERS. That is what we are against in the bill—discrimination.

The PRESIDING OFFICER. If a Senator suggests the absence of a quorum, the Chair will direct the clerk to call the roll. The only way to stop it then will be to make a point of order that no business has been transacted. There has been no suggestion of the absence of a quorum.

Mr. DIRKSEN. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Florida yield?

Mr. SMATHERS. I yield to the Senator from Illinois, provided I do not lose my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIRKSEN. The distinguished Senator will not be charged with another speech if the absence of a quorum is suggested, will he?

The PRESIDING OFFICER. The Senator from Florida is recognized, and he has the floor. If he yields for the purpose of a quorum call, he will be charged with a speech.

Mr. AIKEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. Does the Senator from Florida yield for that purpose?

Mr. SMATHERS. I yield to the able Senator from Vermont with the understanding that I do not lose my right to the floor, and that it does not count against me as a speech.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. AIKEN. It has already been stated that the able Senator from Florida is suffering from cerebral dexterity, I believe it was called. In view of the fact that this attack has come upon him, is there nothing in the rules which permits the Senate to extend consideration to him in view of that affliction?

Mr. DIRKSEN. That is not an affliction. It is a glorious attribute.

Mr. SMATHERS. In some circles it is considered an affliction.

The PRESIDING OFFICER. The Chair does not believe it necessary to rule on that inquiry.

Mr. AIKEN. I will not question the decision of the Chair.

Mr. SMATHERS. I should like to propound a parliamentary inquiry, without losing my right to the floor and without it being considered a speech.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. SMATHERS. As I understand, the Chair stated that if a question were asked or a statement made by any Senator, that particular statement would be considered as one speech on the pending question. Throughout the afternoon and throughout the past few weeks we have observed Senators yield for the purpose of another Senator making a statement, or an insertion in the RECORD, and things of that character; and we have seen another Senator speak for 10 or 15 minutes about the bill in some instances in order to give his colleague a respite. I had not realized that statements made then, when the Senator had yielded, were considered as a speech against the interrogator.

The PRESIDING OFFICER. When a Senator who is recognized yields to another Senator, the second Senator is not recognized.

The original Senator has the floor. When the Senator is recognized, even though he yields to another Senator by unanimous consent, the second Senator cannot then ask for a quorum call or be charged with a speech without the consent of the Senator who is recognized.

Mr. SMATHERS. I thank the Chair.

I should like to have the attention of the Senate. I do not want to repeat that which I have already said. But because there were so many Senators who were not present on prior occasions to hear what I had to say I wish to say that I am talking about the civil rights bill, as it is inappropriately known, and its lack of deference to administrative procedures and State-created remedies.

I shall also speak at some length about other procedural defects in the bill. I expect to discuss that particular point a little further tonight. I am totally convinced that if Senators will stay and listen to me, they will be persuaded by what I shall say, that they will come to the same conclusion that I have reached with respect to the bill.

I would hope and presume that, as I speak this evening, if any Senator does not agree with that which I shall say, he will make that fact known so that we may get the RECORD straight. If he stays and listens to that which I shall say, does not object to it, and does not offer his reasons as to why he thinks it is not right, I shall assume that he thinks I am right.

LACK OF DEFERENCE TO ADMINISTRATIVE PROCEDURES AND STATE-CREATED REMEDIES; OTHER PROCEDURAL DEFECTS

An established principle of administrative and judicial procedure is that people should exhaust out of court procedures prior to resorting to litigation. One of the principal reasons for this rule is that litigation is time consuming, emotion provoking, and expensive to all parties and to the States and should be avoided where an adequate out-of-court remedy exists. The rule is also designed to relieve crowded court dockets.

Where congressional action results from State inaction, there is a similar policy to defer any Federal action until the State has had an opportunity to apply its own laws.

The bill violates both of these concepts. For example, section 205(a) provides for district court jurisdiction without regard to whether the aggrieved party shall have exhausted any administrative or other remedies that may be provided by law. And even though the State may have a perfectly adequate procedure for dealing with the problem at hand, section 204(e) of the bill permits the Attorney General to disregard the State remedy and to proceed in Federal court without even permitting the State a reasonable time to act under State law.

Perhaps, as has been previously noted, the most flagrant and dangerous departure from accepted rules of civil procedure is embodied in title IX. Under existing law, certain civil or criminal actions brought in the State courts may be removed to the Federal court in the district and division in which the action is pending. The law of removal provides that immediately upon the filing of a removal petition by the defendant and the posting of a minimum bond, the State court is divested of jurisdiction to proceed. No process of any kind can issue by the State court, no depositions can be taken, hearings scheduled or in progress must be suspended, and the State court is powerless to maintain the status quo. Title 28, section 1447(d) presently provides that an order of remand to the State court is "not reviewable on appeal or otherwise." This enables the State court upon remand by the Federal district court to promptly resume jurisdiction and proceed with the disposition of the cause and the enforcement of its orders. Any Federal questions are reviewable by the Federal courts through regular channels.

Title IX would add to section 1447(d) the words, "except that an order remanding a case to the State court from which it was removed pursuant to section 1443 of this title shall be reviewable by appeal or otherwise." Thus the jurisdiction of the State courts—in these cases alone—could be nullified for months by the simple filing of a petition to remove, followed by an adverse order of the U.S. district court, even though followed by an adverse judgment of the U.S. court of appeals upon the appeal. This seemingly simple amendment would permit the whim of the civil rights litigants—and none other—to destroy the efficacy of State courts. For all of the years past this right has been reserved to the U.S. district courts on the motion to remand and not to the litigant.

There are a large number of other instances in which standard procedures are not followed.

I digress to say that I cannot conceive that there is any Senator—certainly not the Senator from Wyoming [Mr. MCGEE], not the Senator from Pennsylvania [Mr. SCOTT], nor any of the Senators present tonight—who would want to destroy the right of his State supreme court or his State court system, to carry out that which has heretofore been a proper matter for it to adjudicate.

I would not believe any Senator would knowingly or willingly, even in civil rights cases, go before his own State court, or his own State bar association—whether it be the Wyoming Bar Association or the bar association of some other State—and say to that State bar association, "I am willing to adopt a procedure and vote for a procedure in connection with the so-called civil rights bill which would have the effect of negating the power of our State system of courts, and even our State supreme court, to act on this particular type and character of case."

It is inconceivable to me that any Senator recognizing that this is a Federal Union, that under our Constitution the Federal Government is, after all, only a government of limited power; that, with respect to the 10th amendment, all powers not specifically given to the Federal Government are reserved unto the State; and recognizing that each State has a right to establish its own system of jurisprudence, its own system of courts, and realizing that each Senator is elected by the people of his State, would want, with regard to this bill, to say, in effect, to the people, "We are going to take away, and knowingly take away from you and from the State system of courts, the authority and the jurisdiction which you have previously had in matters of this character."

Yet that is exactly what title IX would do. It would negate the right of State courts to act in matters of this character. When the various State bar associations understand what title IX provides, I do not believe that the Wyoming Bar Association, the Pennsylvania Bar Association, the Iowa Bar Association, the Maryland Bar Association, or any of the other bar associations around the country would be in favor of it.

And I do not believe that the State Supreme Courts of Maryland or Wyoming would want this section enacted into law. I believe they would not look with great favor upon Senators who voted to diminish their power and mitigate their rights and proscribe in many respects their jurisdiction in cases of that type.

There are a large number of other instances in which standard procedures would not be followed.

It has been suggested that the provision with respect to fees may encourage litigation. And there has been some criticism of a failure to follow traditional concepts of standing to sue. Without discussing all of these procedural deficiencies, it is apparent that in the aggregate the bill is a procedural monstrosity, and should be referred to proper committees of the U.S. House of Representatives and the U.S. Senate, for further study.

TITLE II—DISCRIMINATION IN PLACES OF PUBLIC ACCOMMODATION

I would like to devote more detailed attention to the next title of the bill, which I consider among the worst, if not the worst, provisions of the bill. I refer to title II on "public accommodations."

This title begins with a declaration that:

> All persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation * * * without discrimination or segregation on the ground of race, color, religion, or national origin.

This requirement would be applicable to inns, hotels, motels, and other establishments providing lodging to transient guests; restaurants, cafeterias, lunch rooms, lunch counters, soda fountains, and other facilities principally engaged in selling food for consumption on the premises; motion picture theaters, theaters, concert halls, sports arenas, stadiums, and other places of exhibition or entertainment, and all other establishments physically located within any of the foregoing or within the premises of which any of the foregoing is located.

The prohibitions of this title would be enforced by civil suits for injunctions against those who discriminate against or segregate or attempt to discriminate against or segregate the complainants in the establishments previously described. There would be an exclusion from the operation of this title of those establishments providing lodging for transient guests which are located within a building occupied by the proprietor as his residence and which contains not more than five rooms for rent or hire, the so-called "Mrs. Murphy" exclusion.

Mr. President, it is obvious that if it were a sound, logical, and legally defensible principle for the Federal Government to have authority under the commerce clause, or even under the 14th amendment, to regulate hotels, motels, or similar establishments, on the basis that their operations had something to do with interstate commerce, it is equally logical that no distinction could be drawn and no distinction should be drawn on the basis of the size of the house. If the Federal Government has authority to regulate the hotel or restaurant or motel of a businessman who is dealing with transients, and if the Federal Government has the right to say what he can do and what he cannot do with respect to his business, and if the Federal Government has the right to decide whom he can take in and whom he cannot take in, it is obvious that the next step would be to regulate the wages he could pay and the amounts he could charge. If that were a sound doctrine and a sound principle—as the bill purports to provide—then, in all candor and frankness, I believe the bill should also regulate everyone else, even Mrs. Murphy, or whatever may be the name of the lady who operates a house which has only three rooms, or even a house with only two rooms, or even a house with only one room for transients.

So long as she is in the business of taking care of tourists, if the doctrine is sound, it should be extended, and she should be regulated.

However, the proponents of the bill do not propose that that be done—for the reason that to a certain extent they are playing politics with the bill. They recognize that if such a provision were to be included, many local people, in addition to hotel and motel chains, would figuratively rise up on their hind legs and begin to go about in their communities preaching against this new Federal regulation.

So the authors of the bill have excluded those people from the coverage of the bill, even though if, as I said earlier, the principles were sound in its origin and were defensible legally, the same provision and the same principle should be applied to everyone in the business of taking care of transients.

Furthermore, the bill does not define very clearly who is a transient. Nowhere in the bill is there an adequate definition of, or even an attempt to define "transient." As the bill now stands, apparently the word "transient" means someone who moves across a State line; but the bill does not say under what circumstances, or when, one who crossed a State line would be regarded or held to be a "transient."

In that connection, I point out that one of my sons attends Princeton University, in New Jersey. Another of my sons attends the great university at New Haven, Conn.—Yale. I do not know whether, under the provisions of the bill, they would be considered "transients." In order to reach those universities from Florida, they cross several State lines; and they remain at those universities for perhaps 5 months at a time.

Under the bill, would the houses in which they are now living be held to be boarding houses subject to regulation under the bill, and would those houses be held to be engaged in interstate commerce, and thus subject to the provisions of the bill, under the commerce clause? In that event, would those who own and operate boarding houses for students at Princeton and Yale have to take in—under the provisions of the bill—any who might apply for accommodation? Perhaps the owners would not want to take in all who applied; perhaps they would think that some would not fit in with the groups already living in those houses. I know of certain houses which have only persons of certain religious groups. Although I know the employment title of the bill specifically exempts religious institutions, nevertheless, under the provisions of this particular title, if a man wished to operate a boarding house for students, and if he wished to have only Methodist students live there, if a student of another faith applied and were turned down, all that student would have to do would be to file a complaint in which he said he had been discriminated against because of his religion or his creed. In that case, he could allege discrimination because of his religion. Then the man who operated the boarding house would have to come into court and defend himself; and the burden of proof would suddenly be shifted upon him. He would have to prove that he did not have discrimination in his heart or soul. He would have to prove that he merely wanted to have only Methodists in his boarding house—but, somehow, under the bill such a restriction would suddenly become all wrong; or he would perhaps say that he merely wished to have only Presbyterians in his boarding house—but, under the bill, somehow, suddenly such a preference would become all wrong.

The bill goes entirely too far in that particular respect. When we talk about "Mrs. Murphy" and how unfair it would be to apply the bill to her, I am delighted to know that she has been excluded. If the legal concept is proper, she should be included in the title. But it is not a proper legal concept. That is why she has been left out. In some respects, it can be said that by so doing the proponents have set up a juxtaposition within themselves in that they are dealing with the commerce clause as the basis for their arguments on the one hand, and yet, on the other hand, they

would not give Mrs. Murphy equal protection of the laws. The proponents do not say to Mrs. Murphy, "You will be treated like any other citizen because you have only five rooms and because you are small. The moral principle that I have heard them talking about does not apply to you because of your size."

If the principle were sound, the bill ought to apply. Other "Mrs. Murphys" around the country know that, as do the authors of the bill. But these are merely some of the things that are wrong with the bill.

Mr. President, the ablest presentation, in my judgment, that was made with respect to this particular title before the Senate Commerce Committee during its hearings on the prior public accommodations proposal was that of the Governor of the State which I am privileged to represent in part. I speak of Gov. Farris Bryant. His reasoning should be made available to all Senators, not just to the members of that committee who were present during Governor Bryant's testimony.

I do not believe there were many Senators present when the Governor testified, which was unfortunate for them.

In order that this testimony may be given the widest possible attention for the light it sheds upon this proposal, I should like to read only a portion of his comments from the record of the hearing of July 29, 1963. He said:

I have seen some suggestions that the real contest is between human rights and property rights. That is not so. Property has no rights. Humans have the right to own property just as they have the right to speak, and to worship, and to travel from State to State.

One man owns a piece of property. He has earned it. He may have acquired it by saving money he otherwise would have spent for some other purpose, perhaps for the pleasure of travel.

He may have acquired it by borrowing and thereby risked the security of his age and his family.

He may have acquired it by working long hours while others rested or played.

In most instances that is the case. The Governor went on to say—

In any event, it is his—by law and by every principle of justice.

What this bill 1732 proposes to do is to take part of that right away from him and give it to someone else who has never earned it.

We are dealing here today with property rights. The only question is: Who shall have those property rights? Shall it be the man who has earned?—or the man who has coveted that which he has not earned?

The only "human rights" involved are the rights of some humans against the claims of other humans.

The debate in which we are now engaged is over the assertion of a new right: The right of nonowners of property to appropriate it from the owners. The new right is asserted in the name of equality. Differently stated, this is a debate between those who seek to preserve freedom in the use of property by its owners and those who would appropriate a part of the bundle of rights which make up that ownership, without compensation, to the public in the name of equality.

May I suggest, gentlemen, that the proper goal for the Congress to seek is not a transfer of property rights, but freedom. We would all agree that the traveler is free and should be free not to buy. He can pass a hotel or a motel he does not like because he does not like the town, he does not like the color of the hotel, or he does not like the name.

He can stop and go in, and when he sees the owner he can decide he does not like him because he does not like his mustache, or his accent, or his prices, or his race, or his other customers. He can turn around after he has gone in and observed what is there and walk out for any reason or for no reason at all.

Why not? He ought to be able to do these things. He is a free man. So is the owner of the property. And if the traveler is free not to buy because he does not like the owner's mustache, accent, prices, race, other customers, or for any or no reason, the owner of the property ought to have the same freedom.

That, it seems to me, is simple justice. The wonder is really that it can be questioned.

The argument is made that this invasion of property rights is nothing new—that our courts have for years upheld laws on zoning, minimum wages, collective bargaining, etc. I submit that the comparison is superficial, and the argument misleading. The difference in degree is so great that it amounts to a difference in kind. The same argument would sustain price control or rationing. The same argument would sustain the equal ownership of property—which can only be achieved through ownership of all property by the State in the name of the people.

We have heard a great deal in this last decade about the 5th amendment, about the 10th amendment, about the 14th amendment, and surely all of these deserve our respect and our attention. But I call your attention now to another amendment to our Constitution which has never been modified or superseded. It is in the ninth amendment to the Constitution and reads thusly: "The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people."

My petition, Senators, now is that you not deny or disparage the right of the people to own property—that you not further restrict their freedom.

There is much support from authorities on jurisprudence and constitutional law for Governor Bryant's thesis that property rights are a species of human rights. James Madison, who is often called the father of the U.S. Constitution, said in a speech to the Virginia Constitutional Convention on December 2, 1829:

It is sufficiently obvious, that persons now and property are the two great subjects on which governments are to act; and that the rights of persons, and the rights of property, are the objects, for the protection of which government was instituted. These rights cannot well be separated. The personal right to acquire property, which is a natural right, gives to property when acquired, a right to protection, as a social right.

Further on the solid grounding of property rights in the realities of nature, it was said in the 10th edition of Kent's "Commentaries on American Law" published in 1860, at volume 2, pages 400–401:

The sense of property is inherent in the human breast, and the gradual enlargement and cultivation of that sense, from its feeble force in the savage state, to its full vigor and maturity among polished nations, forms a very instructive portion of the history of civil society. Man was fitted and intended by the author of his being for society and government, and for the acquisition and enjoyment of property. It is, to speak correctly, the law of his nature; and by obedience to this law, he brings all his faculties into exercise, and is enabled to display the various and exalted powers of the human mind.

* * * * *

The sense of property is graciously bestowed on mankind for the purpose of rousing them from sloth, and stimulating them to action; and so long as the right of acquisition is exercised in conformity to the social relations, and the moral obligations which spring from them, it ought to be sacredly protected. The natural and active sense of property pervades the foundations of social improvement. It leads to the cultivation of the earth, the institution of government, the establishment of justice, the acquisition of the comforts of life, the growth of the useful arts, the spirit of commerce, the productions of taste, the erections of charity, and the display of the benevolent affections.

Dean Emeritus Roscoe Pound of Harvard Law School is one of the world's foremost authorities on jurisprudence. In his work "Jurisprudence," at volume IV, page 56, he said:

There is no more ambiguous word in legal and juristic literature than the word "right." In its most general sense it means a reasonable expectation involved in civilized life.

Developing this thought further in his book, "An Introduction to the Philosophy of Law," Dean Pound says at page 108:

In civilized society men must be able to assume that they may control, for purposes beneficial to themselves, what they have discovered and appropriated to their own use, what they have created by their own labor, and what they have acquired under the existing social and economic order.

* * * * *

A social interest in the security of acquisitions and a social interest in the security of transactions are the forms of the interest in the general security which gives the law most to do.

There are two quotations from legal scholars which might be added to Governor Bryant's comments on the applicability of the ninth amendment to this proposal. The first is from pages 58 and 69 of Patterson's book, "The Forgotten Ninth Amendment," where he said:

The entire context of the ninth amendment, and its historic background, definitely prove that it was intended solely as a protection of our unenumerated personal rights as individuals as distinguished from our public or collective rights. This concept is necessary to maintain an even balance in the Constitution.

The right of individuals to acquire property and to enjoy the fruits of their own labor are natural rights and are essential to the mental and spiritual happiness of the individual. This is true because human nature demands these rights. The right of private ownership of property is one of the freedoms and liberties that makes our system of government preferable to any other. It is one of the greatest sources of the moral strength of our Nation.

In Kelsey's 1936 law review article, "The Ninth Amendment of the Federal Constitution," in volume II of the Indiana Law Journal, at page 309, it is said:

The general, undefined, and illusive right "to the pursuit of happiness", the elemental right of self-preservation, and the general statement in the Virginian "reservations" as to the right to the "means of acquiring,

possessing and protecting property and obtaining happiness and safety," insofar as they are rights, and insofar as they contain elements not embraced within the enumerated rights, may be protected by the ninth amendment.

Mr. Justice Cardozo, in referring to property and property rights, used the phrase, "the bundle of privileges that make up property or ownership." I believe that is a fair conclusion to be drawn from all these legal authorities that a statute such as this, which would deprive a property owner of the privilege of making his own decision as to whom he will allow to use his property would violate his property rights, thus destroying what Dean Pound calls a "reasonable expectation involved in civilized life"; that it would, in the words of Patterson, deprive the individual of the "natural right" to "enjoy the fruits of his own labor," which is "essential to the mental and spiritual happiness of the individual"; that it would also deprive our Nation of "one of the greatest sources of its moral strength"; that the right of which the individual would be deprived is one of the "unenumerated" rights which has never been delegated to the central government and which is reserved by the ninth amendment to the individual. This is a loss which would be suffered by all Americans, without regard to differences of race, color, religion, or national origin.

In addition to the ninth amendment, there are other provisions in the Constitution which cast doubt upon the constitutionality of the public accommodations proposal. The 14th amendment is the provision upon which major reliance is usually placed in attempting to sustain the constitutionality of Federal action in the field of race relations. The Supreme Court, however, in a number of decisions has established the rule, derived from the clear wording of the amendment itself, that it inhibits only State action, not that of one individual against another. The Supreme Court decision which is on all fours with this bill is the *Civil Rights Cases*, 109 U.S. 3 (1883). The statute which was there held unconstitutional as beyond the powers of Congress under the 14th amendment was one passed in 1875, which declared that all persons within the jurisdiction of the United States should be entitled to the full and equal enjoyment of the accommodations, advantages, facilities, and privileges of inns, public conveyances on land and water, theaters and other places of public amusement, subject only to the conditions and limitations established by law and applicable alike to citizens of every race and color, regardless of any previous condition of servitude. In its opinion, the Court observed that "individual invasion of individual rights is not the subject matter of the amendment."

In the majority opinion, which was written by the very able and prominent Mr. Justice Bradley, it was stated:

> Positive rights and privileges are undoubtedly secured by the 14th amendment, but they are secured by way of prohibition against State laws and State proceedings affecting those rights and privileges, and by power given to Congress to legislate for the purpose of carrying such prohibition into effect, and such legislation must necessarily be predicated upon such supposed State laws or State proceedings, and be directed to the correction of their operation and effect. Until some State law has been passed, or some State action through its officers or agents has been taken, adverse to the rights of citizens sought to be protected by the 14th amendment, no legislation of the United States under said amendment, nor any proceeding under such legislation, can be called into activity—of course, legislation may, and should be, provided in advance to meet the exigency when it arises; but it should be adapted to the mischief and wrong which the amendment was intended to provide against; and that is, State laws or State action of some kind, adverse to the rights of the citizens secured by the amendment. Such legislation cannot properly cover the whole domain of rights, appertaining to life, liberty, and property, defining them and providing for their vindication. That would be to establish a code of municipal law regulative of all private rights between man and man in society. It would be to make Congress take the place of the State legislatures and to supervise them. In fine, the legislation which Congress is authorized to adopt in this behalf is not generally legislation, that is, such as may be necessary and proper for counteracting such laws as the States may adopt or enforce, and which, by the amendment, they are prohibited from making or enforcing, or such acts and proceedings as the States may commit or take, and which, by the amendment, they are prohibited from committing or taking.

Supreme Court decisions since the civil rights cases which, among others, have reaffirmed this doctrine are *Hodges* v. *United States*, 203 U.S. 1 (1906); *Shelley* v. *Kraemer*, 334 U.S. 1 (1948); *Burton* v. *Wilmington Parking Authority*, 356 U.S. 715 (1961); and *Peterson* v. *City of Greenville*, 373 U.S.—May 20, 1963. In the Greenville decision, which is now only a few months old, the Court said:

> It cannot be disputed that under our decisions "private conduct abridging individual rights does no violence to the equal protection clause unless to some significant extent the State in any of its manifestations has been found to have become involved in it."

The Supreme Court said, as recently as just a few months ago that, as between individuals, one could not adopt a law such as is sought to be adopted in the Senate, based upon one individual's rights vis-a-vis another individual's rights, and claim the protection of the 14th amendment as the basis for enacting the law.

If that is the argument—and I know that it has been made by many Senators who are proponents of the bill—not only are they flying directly in the face of all the outstanding juridical thought which has been written down on this particular subject, but I think it would be fair to say that they are even going in the face of the liberal Supreme Court of the United States on this particular point, when it decided this particular question as recently as May of 1963.

Mr. President, we should recognize the futility of legislation essentially involving a moral question, and should recognize that prejudices and discriminations will be practiced in every State, and in every city, so long as we all are as human as we are; and should recognize that such prejudices and discriminations will not be eliminated whether they exist in the State of Pennsylvania, the State of Vermont, or in any city of those great States. We just cannot enact a law and make one group of citizens, ipso facto, like another group of citizens. We cannot coerce them by law into making them like it. In some cases, it is obviously to be regretted, where there is open and unfair discrimination, but having existed as long as it has existed, which is from the first day of recorded history, or from the day of Adam and Eve—which many concede to be the earliest point in time—it has existed from that time until the present day. It will exist on into the future, even in the great State of Pennsylvania, the great State of Vermont, the great State of Nebraska, or any other State.

We can enact this bill and put the law on the statute books, and we can pass 600 pages of other laws with respect to discrimination and try to say to people, "You shall not discriminate, you shall not move over into new neighborhoods, you shall not object if we transport children by bus across the city." They will object to it, anyway, until the happy day comes when, through education, and possibly a greater exercise of religious influence, we labor somehow to diminish the problem and finally eliminate it. But it will never be eliminated by this bill.

Mr. SCOTT. Mr. President, will the Senator from Florida yield, without losing his right to the floor?

Mr. SMATHERS. I am glad to yield to the Senator from Pennsylvania with that understanding.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCOTT. Does the Senator not agree that there is nothing whatever in the bill which relates to the transportation of schoolchildren by bus from one district to another? I find nothing in the bill which pertains to any such provision.

Mr. SMATHERS. I agree that in the House an attempt was made to drop that particular section, but I have the strong feeling that there is some latitude within the bill that might depend upon one's interpretation which might permit it to be done.

I agree that some proponents of the legislation have said that they did not want that provision to be in the bill. I hope the Supreme Court of the United States, in looking at the legislative history of the act, will conclude that there is no authority in it to "bus" students from one area to another. That method is being tried in many areas today, even in the great Commonwealth of Pennsylvania. I am not aware that the Senators who represent the great Commonwealth of Pennsylvania have raised any great objection to the fact that such attempts are being made in their own State.

Mr. SCOTT. Mr. President, will the Senator yield further?

Mr. SMATHERS. I am glad to yield with the same understanding as before.

Mr. SCOTT. I am not aware that any such provision is contained in the bill. I am strongly of the opinion that it is not. I am so advising my constituents. The junior Senator from Pennsylvania has not at any time committed himself ir

favor of the arbitrary transfer by bus or any other means of transportation of children from one district to another, allegedly to eliminate what some people have called racial imbalance. I do not find such a provision in the bill. I have not advocated its insertion in the bill. I am not aware of any attempt to do it by force or compulsion in the Commonwealth of Pennsylvania.

I am of the opinion that the parents of the children, without regard to their color, prefer to keep their children as close to them as they can, and in schools as convenient as possible.

I am afraid that this may be one of those representations or notes of fear which are sounded from time to time to alarm people needlessly as to what is contained in the bill. I have received many letters alleging that in the bill there is a provision which would prevent the promotion of a white man, for example, over a Negro, or vice versa. There is nothing in the bill which would force the hiring of a Negro over a white man, or vice versa. The intent is that all men and women shall be treated on an equal basis and with equal justice under law. Workers who are entitled by seniority or capacity, or by the performance of their job, or ability to be promoted are not, under the terms of the bill, denied their right of promotion. There is no provision in the bill, or any arbitrary requirement, under which they would be denied promotions on merit, or denied their seniority rights, or anything of that sort. In my judgment, the bill seeks merely equal justice under law.

If the Senator feels that there is more in the bill than appears in its wording, I shall be only too glad to have the Senator's views on it.

Mr. SMATHERS. I thank the able Senator from Pennsylvania for his statement. I am sure the Senator agrees that among certain minority groups within the United States today a great effort is being made to eliminate what is called an imbalance with respect to how many white children and how many colored children are attending the schools. I am sure the Senator read about the incident that occurred in Cleveland last week, when some preachers got in front of a tractor and another one got behind the tractor in an attempt to stop the building of a school which had been judged by the school board to be in the proper place in which to build it. Those people had come there in an effort to stop the building of the school, in the face of the county's determination and the school board's determination to build it there, because they said it would be primarily and essentially a colored school, and they did not want it to be built there.

I know the Senator has read about that incident. I am sure he has also read about the fact that in the city of New York there has been considerable complaint by many parents, even colored parents, who have objected to the fact that their children have been bused from one area to another, in an attempt to integrate schools, to effect, on what the NAACP and CORE organizations would call a more evenly balanced racial base as between colored and white. That is going on. They are actually the ones who are most interested in this particular kind of legislation.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. SMATHERS. I shall be glad to yield in a moment. I should like to finish my thought first. They are the ones who want this particular provision in the bill. They are continuing to move in that direction. The bill does not specifically provide that "We do not mean by desegregation that there will be busing activity from one section to another"; but it does provide, at page 17, under section 407, subparagraph (a), that when the Attorney General receives a complaint that persons "are being deprived of equal protection of the laws by reason of the failure of a school board to achieve desegregation"—and I go down now to line 14—he shall "initiate and maintain appropriate legal proceedings for relief" if "the institution of an action will materially further the policy of the United States favoring the orderly achievement of desegregation in public education."

In other words, if a school is segregated, and it is the policy to desegregate, and the Attorney General does it, how is it possible to desegregate the school except by putting the children in buses and moving them across town? Yet, I understand that the Senator, as one of the proponents of the bill, says, "We do not believe in busing." However, how can desegregation be achieved in some instances without busing?

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. SMATHERS. I yield under the same conditions.

Mr. SCOTT. I said that I have no commitment to endorse and have not endorsed such a proposal, because it is not in the bill. We are seeking to secure the passage of the bill, with such perfecting amendments as would strengthen or improve it or which would bring about the primary objective of equal justice under law.

I say to the distinguished Senator from Florida that the New York incident to which he refers was brought about either under State or municipal law, and is not touched by Federal legislation. Almost all, if not all, of the provisions of the bill are already covered in various other legislation adopted by States or municipalities.

I know the Senator from Florida will immediately ask me, "Then why do we need Federal law?" The answer, of course, is that a Federal law would provide for equal and fair treatment under law for all persons in the Nation, and would provide overall guidelines by which laws of States might be judged. Under such guidelines the law of a State that is adequate would not be superseded by the Federal law. If the law of a State were inadequate, the Federal law would maintain fair and just and equal standards.

Conjuring up fears by reading into the bill that which is not in the bill, reminds me of a line in Shakespeare. Some of our colleagues may be enjoying the Shakespeare presentation downtown where the "Comedy of Errors" is on the bill—I do not mean on the civil rights bill but on the theatrical bill. Some of our colleagues have been lured by a most attractive invitation from the President of the United States and members of the Cabinet, some of whom may be unaware of the fact that the civil rights debate is taking place on the floor of the Senate this evening. Of course some of my remarks may be engendered in part by envy because I am unable to join them in the Shakespearean fantasy which entraps the mind and allures the spirit. The line from Shakespeare that I have in mind is, I think, from "Henry IV," when Owen Glendower, the dour Welshman, says:

> I can call spirits from the vasty deep.

Hotspur replies:

> Why, so can I, or so can any man; but will they come when you do call for them?

The Senator from Florida can call spirits from the vasty deep of his fears, of his concerns; but these spirits will not come when the Senator calls them unless those spirits are there to begin with. That is why I respectfully say to the Senator from Florida that he is calling spirits that have no existence, even evanescently; that he is summoning wisps of smoke from an area where there is no fire; and is calling down clouds from a clear blue sky.

If the Senator will forgive me, my reference to Shakespeare is perhaps occasioned by my possible misfortune in not being able to join our colleagues at the jollification provided by the executive branch. But does not the Senator really call forth spirits which have no existence, save in the channels of the minds of those who fear that which need cause no fear, because, indeed, they are not present?

Mr. SMATHERS. I shall first answer the Senator by saying that I join him in his deep regret that he is not with fellow Members of the Senate who are enjoying Shakespeare's "Comedy of Errors." I am grateful that the distinguished Senator from Nebraska [Mr. CURTIS] would rather listen to me than be attending the theater, hearing Shakespeare.

Mr. SCOTT. At the other "Comedy of Errors," I may say.

Mr. SMATHERS. In order to determine whether I am conjuring up any spirits which do not exist, and whether we are getting ready for a situation which will not happen, I am sure the able Senator from Pennsylvania will agree that in Philadelphia, New York, Cleveland, and in most of the areas of the South, there is, in fact, what amounts to school segregation.

Bucks County, Pa., is one of the most beautiful counties to be found anywhere in the United States. Yet in Bucks County are schools in which 99 percent of the students are white. In some schools 100 percent of the students are white.

Under the authority which the bill seeks to give to the Attorney General, he would have power, under the national policy, to bring about desegregation. The Attorney General would be given the right or authority to initiate and main-

tain legal proceedings for relief, so that the institution would further, in the words of the bill, "further the public policy of the United States favoring the orderly achievement of desegregation in public eudcation."

Furthermore, if we read the Department's own booklet on this bill, it says that the Department may sue in any instance in which full desegregation has not been achieved.

If a school is segregated because only people of a certain race happen to live in the neighborhood, how can it be desegregated except by "busing" some children from the other side of the town, children who are of another race, color, or religion?

I am sure the Senator knows of many schools which are totally of one color or another. If desegregation is to take place according to the policy—and that is what the bill seeks to do—how can it be done? The parents cannot be moved.

Powerful as the Attorney General is under this bill I do not believe he or anyone else in the Government can say to Mr. X, "You will have to take your family and move it 5 miles away, because we plan to bring about desegregation in the school."

How can it be done? It can only be done by "busing."

Mr. SCOTT. Mr. President, will the Senator from Florida yield?

Mr. SMATHERS. I yield, provided I do not lose my right to the floor.

Mr. SCOTT. I think the Senator has missed the purpose of the bill. The purpose of the bill is not to provide a pattern of salt and pepper, but to provide equal justice and equal treatment under the law. There may be a neighborhood which is all white, and if it is all white, presumably there would be white children attending the school. If the neighborhood were all colored, presumably the school would be attended by colored children. There is nothing in the bill which provides that one must take the pepper and mingle it with the salt, and vice versa. The bill merely provides that we must not discriminate against the right of any human being to equal opportunity of education, to equal opportunity to vote, to equal treatment under the law.

Mr. SMATHERS. That is very good.

Mr. SCOTT. The idea may be "a poor thing but mine own," as Shakespeare says.

Mr. SMATHERS. I agree that that is what the Senator says, but that is obviously not the case. If it were the case, there would not have been a student named Meredith attempting to enter the University of Mississippi, because in Mississippi the Senator from Pennsylvania wanted equal education opportunity provided. There was the "equal but separate" doctrine for a long time, and equal opportunities for education were provided. Sometimes that education was even better, so far as the Negroes were concerned, but they would not stand for that. Some of the minority groups said, "Oh, no; we want to go to the same schools that white people attend." That is what is happening. They actually want to mingle the salt and pepper that the Senator from Pennsylvania is talking about.

Mr. SCOTT. Mr. President, will the Senator yield at that point?

Mr. SMATHERS. I yield.

Mr. SCOTT. The Senator would, of course, concede that in Mississippi there are Negroes of college and university age.

Mr. SMATHERS. There are.

Mr. SCOTT. If the attempt has been made to introduce Negro students by "one fell swoop," which comes, I believe, either from Hamlet or Macbeth, or if they were to continue to seek to enter Negroes in the University of Mississippi, under the theory of "once more into the breach, dear friend, once more," which comes from Henry the IV, Part 1 or Part 2 or is it Richard III?—subject to the right to correct the RECORD.

Mr. SMATHERS. I am impressed by the Senator's knowledge.

Mr. SCOTT. Is it not proper that a long injustice, which has indeed, in my opinion, been done by the denial to the citizens of Alabama and Mississippi, or whatever State it might be, of the right to attend a university, is it so unusual for a start to be made with one or two or three? Does that make a preexisting situation right, when the institution was all white and Negroes were not permitted to enter it at all? Or is it not the beginning of rightness, or the first step toward equal treatment, when Meredith and others seek to enter those schools?

Mr. SMATHERS. The Senator from Pennsylvania does not stay on the point. I wish I were as erudite as he is and had some Shakespearean quotations to give.

Mr. SCOTT. Since we could not be at the theater, the Senator from Pennsylvania was seeking to be as entertaining as he could be and still make a point.

Mr. SMATHERS. I enjoy the Senator from Pennsylvania. He says his remarks are subject to his right to correction. I am sure he will not have to correct them, because, I doubt whether there are any other Senators who would know whether his quotations are right or wrong.

Mr. SCOTT. "Aye; there's the rub."

Mr. SMATHERS. The problem is that what he spoke about was equal opportunity for education; but that is not exactly what is wanted by the NAACP, and that is not exactly what is wanted by CORE.

For example, in Florida, over the past 5 years, we have been under an order to remedy the situation. There had been an unequal situation in the past. But in order to try to remedy it, Florida appropriated more money for colored students than it appropriated for white students. Florida appropriated more money for the construction of colored schools than it did for the building of white schools. It provided more funds for colored teachers than it did for white teachers, in order to bring the salaries of colored teachers up to where they would be equal and would afford the colored students the same opportunity for education that the white students had. But the Negroes do not want that. That is not what they want. They want better education, and they should have it. But what they want is the opportunity to eliminate segregation by law. They want to mix, and they want to move in. That is what they are doing.

The school that was being built in Cleveland was obviously a good school and would have been a desegregated school, so far as it could have been desegregated; but what was the hue and cry all about?

When I say "Hue and cry," I have no reference to the Senator from Pennsylvania.

What was the discussion about? The discussion and the controversy were over the point that some people thought that if a school were built in that particular location, it would be a predominantly white school because it was in a predominantly white neighborhood, and they did not want that. They said they wanted a school built somewhere else. They wanted it built somewhere else, and would then move students into it.

This is what they are seeking to do, and I am sure the Senator knows that. The Attorney General would be given authority by the bill to bring a suit against various county officers, school boards, and so on, if they did not desegregate in the way that apparently the Attorney General believes they should desegregate—not in the way the local community or the school board of Bucks County or even the State board of education in Pennsylvania might decide but, instead, in accordance with the views of the Attorney General, in Washington, or in accordance with the views of one of his agents whom he would send out to such an area or community. That is why we object to this particular part of the bill.

I do not think we would have any objection if the determination were to be made, under the bill, by the local school board. That is what the local school board in Cleveland tried to determine the other day, but could not accomplish.

Mr. SCOTT. Mr. President, will the Senator from Florida yield?

The PRESIDING OFFICER (Mr. RIBICOFF in the chair). Does the Senator from Florida yield further to the Senator from Pennsylvania?

Mr. SMATHERS. I am happy to yield again to the Senator from the Commonwealth of Pennsylvania.

Mr. SCOTT. I suggest to the Senator from Florida that the way for him to keep the Attorney General out of his hair is to have in his State a law such as that which the Commonwealth of Pennsylvania already has, and which already is adequate, and which provides not only for equal justice under law, but also for something the Senator has not mentioned—namely, the craving for equal dignity in American life. We do not expect the Attorney General to come in, in that connection. We are not entirely free from intolerance and bigotry; I do not think any American is entirely free from this evil.

Mr. SMATHERS. Does the Senator from Pennsylvania believe we shall ever be able to accomplish equal dignity by law, and that all college students in Pennsylvania will be able to go, for example, to the University of Pennsylvania, and that all persons will be equal from the time they are born until the time

when they die, even though some are born in poverty and have to work very hard all their lives, which is regrettable, and some never will be able to become Members of the Senate? I do not think it will ever be possible to accomplish equal dignity—certainly not by giving the Attorney General, or even the State of Pennsylvania, the authority to bring a suit for that purpose. I do not know what the Pennsylvania law with respect to equal dignity is; but, as all of us know, in life one gets pretty much what he earns.

All of us know of many colored citizens who have earned positions of great prominence and influence. They have earned them because of their ability and their demonstrated capacity in work. We know of some who have been born into poverty but who, nevertheless, have become great industrialists and have become fantastically wealthy. They have great dignity, but they have achieved it. They have not gotten it by law—because a legislature cannot give it to people, just by means of a law, any more than it would be proper to say, all of a sudden, of someone in the service, "This man is really a first lieutenant of considerable caliber." No; one who wishes to receive recognition or higher rank must demonstrate that he is capable of doing very well. He must demonstrate whether he has ability as great as that of others or whether his ability is greater than that of some others.

This is where I think the real point is often missed—when some try to legislate in connection with matters which are essentially personal or moral.

Mr. SCOTT. Mr. President, will the Senator from Florida yield again to me?

Mr. SMATHERS. I am happy to yield to the Senator from Pennsylvania.

Mr. SCOTT. Of course the Senator from Florida is entirely correct when he says dignity cannot be legislated. But it is possible to legislate equality of opportunity by law; and with a sense of equality and with a sense that the door which opens for one will open equally and just as quickly for another, the dignity comes with equality of treatment.

A lack of dignity is felt by persons who are denied the right to be called in court by their full names, rather than to be addressed, let us say, as in recent instances, only by their first names. The Supreme Court has indicated that dignity is something of which the law in its majesty will take cognizance, and that a judge shall not address a witness as "Mary" if the witness says, "I wish to be called 'Miss Hamilton'." The highest Court in the land has said that in such a case something of value is lost when a person is denied that aspect of dignity. The highest Court says that is wrong—that it is not proper to deny dignity; and the Court says that when dignity is denied, equality of opportunity and equality of treatment in a court of law or in a school or in a voting booth are denied. This is all we are getting at.

As Robert Burns well observed:

> The rank is but the guinea's stamp,
> The Man's the gowd for a' that!

That is all I am contending for—the right of a man to be treated like a man, exactly in the same way that the man who stands beside him is treated, no matter what his color may be.

I am trying to suggest that one achieves dignity through equality of treatment under the law; therefore, the law must treat one man in the same way that it treats another.

Mr. SMATHERS. I could not agree more with the Senator from Pennsylvania, up to a point; and I am delighted that he has quoted Burns.

Mr. SCOTT. Does the Senator from Florida think people are equal only up to a point?

Mr. SMATHERS. No, I do not think anyone is equal. I think people have to make their own way. I think they are entitled to equal opportunity—equal opportunity for education and equal opportunity for work; but I believe that some people take advantage of that opportunity more than others do, and accomplish more than others do, and learn more than others do, and develop more than others do in ability and in capacity to do things—things that others do not learn to do. So there is a vast difference between one man's capacity to work and another man's capacity to work. That is how the people determine who will be elected to the U.S. Senate and who will be elected to serve as Governors. That is how the people decide for whom they will vote. If everyone were equal, as the Senator from Pennsylvania puts it, in an election the two opposing candidates would come out in a tie, with the votes divided between them 50–50. But that does not happen, because people vote for the man they think has the most ability. That is why the people of Pennsylvania have voted for the able Senator from Pennsylvania. Probably they thought he was greater in ability and in capacity than whoever his opponent was—although I do not know who his opponent was; but apparently that was the view of the majority of the voters in Pennsylvania.

I agree with the Senator from Pennsylvania that under such circumstances people in court should not be called by their first names.

But if Dr. Bunche had been on the witness stand, he would not have been called by his first name; or if George Washington Carver had been on the witness stand, he would not have been called by his first name. If people with ability are put on the witness stand, they are regarded with respect, because of the ability they have demonstrated.

In our community, there are colored citizens who have achieved great positions with respect to their economic development and their educational development. We have city judges, in my home city, who are colored; and they are not called by their first names when they are in court. Why? Because they have earned the right to be called as they wish to be called and as they should be called. Why? Because they have done fine work and have accomplished a great deal.

It is on that basis that one man is called a private, another man is called a sergeant, another man is called a lieutenant, another man is called a captain, another man is called a major, and another man is called a colonel—because of the ability they have demonstrated in connection with their work.

Mr. SCOTT. Mr. President, at this point will the Senator from Florida yield again to me?

Mr. SMATHERS. I yield.

Mr. SCOTT. I dislike to interrupt too much; but in view of the frequent references to the State of Pennsylvania—which is a Commonwealth, not a State—I could not resist the temptation to ask the Senator from Florida to yield once more to me.

Mr. SMATHERS. I thank the Senator; and I yield to him.

Mr. SCOTT. When the Senator from Florida says the people of the Commonwealth of Pennsylvania wanted this Senator to serve in the Senate, I hope the people of that Commonwealth agree with the lucid and obviously judicious observations of the Senator from Florida; and I certainly am appreciative of his remarks, and would like to have them put in writing, at another time and place, and perhaps to be made use of.

Mr. SMATHERS. And no doubt the Senator from Pennsylvania will not run for reelection on a platform based on a claim that all men are equal. Instead, he will say to the people of Pennsylvania, "I can do more than my opponent can, and I have greater capacity than he has."

The Senator from Pennsylvania has been reelected over and over again; so apparently the people of Pennsylvania did not think he was "equal." Instead, they thought he was better.

The Senator has spoken about all men being equal, and has said that what they want is equality. They will never get it, because it is not in the nature of human beings to be equal.

Mr. SCOTT. Mr. President, will the Senator yield with the same understanding?

Mr. SMATHERS. I yield.

Mr. SCOTT. I did not desire to interrupt the Senator too soon. While he was referring to the Senator from Pennsylvania, who would willingly interrupt?

The Senator from Pennsylvania, who would not take advantage of his opponent, whoever he or she might be, by arguing his case on the floor of the Senate—which is the privilege denied to my opponent—would only say that obviously anyone who comes to the Senate may have come from one of many different origins.

I am like President Eisenhower. We were poor, but no one ever told us. I did not know that we were until I graduated from law school and got what was called an education. I am not arguing that people are born with the same inherent abilities. The Senator's tribute to me would long since have dissuaded me from such belief, even if I had ever held it. But I am arguing that people ought to be treated equally so that they may have an equal opportunity to attain everything which their talents, energy, and their commitment to their life, their career, and their work would warrant.

For that reason I made the point that if the law provides for equal opportunity, it should provide for people to achieve

whatever is in them to achieve, subject to the normal ups and downs of human pursuits. I do not believe that people are made better by law. I believe they are made to adhere to certain standards by law.

For example, my father taught me, as he said, "Your liberty stops where my nose begins."

That is true. The law exists to see that people do not abuse liberty. It also exists to see that they do not abuse privilege. The Senator has privileges by virtue of his honored position. Those privileges are not to be abused by him or by any other citizen of his Commonwealth. But he exercises those privileges within the limitations of the law which permits someone else to say, "I, too, could be a U.S. Senator from Florida some day long in the future, if I were given an opportunity by the educational system of Florida, by the laws of Florida, and the application of the laws of the United States as they pertain to Florida. If I am given the same opportunity that the able GEORGE SMATHERS had, I, too, may become a U.S. Senator."

That is what we do not wish to deny to citizens. Does the Senator agree?

Mr. SMATHERS. I totally agree with the Senator from Pennsylvania.

Mr. SCOTT. Then that is a good point for me to take my seat.

Mr. SMATHERS. That is why I maintain that the bill is not needed. I agree with the Senator. As I have said on the floor of the Senate—and the able Senator from New Hampshire [Mr. MCINTYRE] has heard me make the statement—I have not known anyone who chose to be born the color with which he was born, or had the wisdom to pick out where he wished to be born.

So I do not believe it is the right of any man to feel that he is superior to any other man on the grounds of race, color, religion, or creed.

But everyone should be entitled to have the right of equal educational opportunity and equal economic opportunity. I work for that. Most other people whom I know who come from my State know that we are desperately working to achieve that opportunity for all citizens, regardless of their race, color, or creed. But I do not think we shall achieve it by passing the bill, or that we shall facilitate equal opportunity for education or equal opportunity for jobs by passing the bill. On the contrary, I think what we would do would be to aggravate the situation. We would exacerbate a wound which already exists. We would bring about more division rather than more cooperation.

Furthermore, we would take away certain rights from the majority of people—not property rights, but the human rights to own property. We would take away their rights to use that property as they thought they could use it and as they expected to use it after they had worked hard and saved their money. We would take away their right to use it as they would wish to use it. We would give to other groups of citizens—in the present instance a minority group of colored citizens—in many cases superior rights by giving to them the authority of the Attorney General in cases in which they claim they have been discriminated against. We would put an employer in such a position that, when he would start to hire people in his business, he would be required to consider how many employees he already had of all races, colors, and creeds, or else it would be presumed that he was discriminatory. The employer must accept applicants for jobs irrespective of whether they have ability or not. We have heard a great deal about that situation.

If Senators doubt what I have said, I ask them to consider what happened in the Motorola case in Illinois recently. Illinois has an FEPC law. Several men applied for a job with the Motorola Co. The company gave to all applicants the same examination. One of the colored applicants claimed that the test was unfair and that he had been discriminated against. Even though "Mr. X" had already obtained a job on the basis of the manner in which he answered the questions in the examination, the FEPC examiner, or the equal employment opportunities examiner from Illinois, told the company that they had discriminated in their questionnaire because the company had not made allowance for "socially disadvantaged people"—whatever that means.

The Motorola Co. had to try to dismiss the man whom they had already hired—who then had a lawsuit against the company—and put the man who did not pass the examination in his place. The State is trying to make them do it. And soon the Federal Government will try to make other employers do it.

When we reach the point at which companies must hire and fire men on the basis of whether they are socially disadvantaged or not socially disadvantaged, or, as I believe the opinion stated, they come from a culturally benighted area, and the employer did not take that into consideration when he hired the man, what does it mean?

It means that an employer must hire a host of psychologists and geographers to be sure that the examination given to certain people meets all the criteria as to whether a man is socially disadvantaged or is not socially disadvantaged.

In the long run, we would not help the citizen we wish to help by taking the course proposed in the bill. We would give to that group of citizens special rights that other people do not have. We would take away from the man who owns a business, and who had built the business, and who had earned the business by sacrificing, risking, and working, his right to hire the man whom he wants to hire because he thinks that man can do the best job for him. Ability would be out the window under the employment title of the bill, if the bill were passed.

So I say that rather than helping the situation, the proposed legislation would hurt the situation.

Certainly the wise Senator from Illinois [Mr. DIRKSEN], the minority leader, has had enough foresight and perceptiveness to foresee what would happen if this bill passed, and he has offered some amendments. If the bill is to be passed, these amendments ought to be adopted, because in its present form the bill would give to certain groups superior rights which other citizens do not have, not on the basis of ability, but on the basis of color, religion, or creed, which I think would go too far the other way.

Mr. President, I regret the fact that the able Senator from Pennsylvania has left the Chamber. I thank him for having been present and having engaged me in this colloquy. I cannot help but want an answer, and I hope the able Senator from Wyoming [Mr. MCGEE] will give me an answer in a moment. In a situation in which there is a totally desegregated school in one area, consisting of all white children, and in another area there is a totally segregated school consisting of colored children, and the policy of the Government, under the provisions of the bill, is to give to the Attorney General the authority to desegregate schools, how will those schools be desegregated if the children are not "bused" from one school and moved into another? I do not believe families can be "bused." I do not believe a man can be made to move into another neighborhood. So how would desegregation be achieved without "busing"?

I know the proponents do not like to talk about "busing." There is an express provision in the bill which, in effect, states, "We do not mean busing."

But, Mr. President, how would desegregation be achieved in the example of the two schools that I gave? Would a third school be started, and would it be said, "We will take you in here one at a time?"

The other day General Motors made the statement that one of the reasons they were being picketed in California is that they do not have a quota for colored people. They said a demand for a quota had been made on them by an organization which represented colored citizens.

Under the FEPC provision of the bill there would be a quota. Those administering the law would say, "10 percent of the people in this area are colored, and that is the number that should be hired." Or "10 percent of this particular faith or 10 percent of that particular group should be hired." Are they to be hired regardless of how well they can do the job? I say that is contrary to everything we have believed in under the free enterprise system.

I heard the President say the other day—and I was proud that he said it—that the Soviet Union had more people and more resources, but that this country had more free enterprise.

As I have always understood free enterprise, I thought it was the right of a man to work hard, to take a chance, to hire whomever he wanted to hire, to have the right to be wrong, to have the right to make a mistake if it is his own mistake. That is what I had always understood to be the free enterprise system. When that right is taken away from the people, I think we have destroyed something that is vital and of great importance to the American people.

To get back to the case of Peterson against City of Greenville, a case which

was decided on May 20, 1963, the Court said:

It cannot be disputed that under our decisions "Private conduct abridging individual rights does no violence to the equal protection clause unless to some significant extent the State in any of its manifestations has been found to have become involved in it."

That is what the Supreme Court said as late as 1963.

As I said earlier tonight, the present Court is certainly a liberal Supreme Court. However, it said the equal protection clause of the 14th amendment cannot be used as between individuals. It might be used, and it is the only basis on which it could be used, when a State moved against an individual. But the Court recognizes the right of individuals, insofar as the 14th amendment is concerned, to do what they want to do with respect to each other.

An individual riding on a highway has a right to pick the place at which he thinks he may want to stay. He may decide not to stay there. He may not like the color of the hair of the man running it. He may not like something else about the place. He has a right to leave. If he has that right, certainly the man who owns the place should have equal rights. It is another question whether, morally, he should advertise for customers and not put in the advertising the policy that he follows; namely, "I do not take people of a certain color." Morally, I do not think he ought to do it; but I do not think a law can be enacted saying that he cannot do it. If that were done, we would infringe on a person's constitutional right to do with his own property that which he wants to do.

Mr. McGEE. Mr. President, will the Senator yield?

Mr. SMATHERS. I yield to the Senator from Wyoming without losing my right to the floor or being considered as having concluded my speech.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGEE. Mr. President, the Senator from Wyoming would dislike to think that the speech of the Senator from Florida was about to be concluded, but the Senator from Florida has raised a point which I think requires an observation. The point relates to the fact that an individual businessman owns a piece of property which is his and in regard to which he is entitled to conduct himself as he sees fit, in the tradition of our system.

It seems to me the question which is brought to a head is the old conflict between private property rights and human rights. In my judgment, the constitutional system was established to try to protect both, but whenever the two come in conflict it seems to me our constitutional fathers set up a system that was designed to create a priority. In a society in which we believe in people, in which we believe in the rights of man, we must make sure that we have sorted out our priorities.

I would question a judgment that had been handed down that private property rights should ever be permitted to precede human rights. I think such a policy stands not only in the American tradition; it stands in the unwritten law of mankind.

Therefore, it does not strengthen the cause which the Senator from Florida so eloquently represents to rationalize the possession of property rights as precedent to the rights of an individual person.

Mr. SMATHERS. I thank the able Senator. I should like to respond by saying that I do not believe the issue is property rights versus human rights. I think we are involved totally with human rights. The question is, Does the Senator, or do I, as a human being have the right to own a piece of property; and, owning that piece of property, have the right to do with it as I wish? Or are we saying, as it seems to me is proposed to be said in the proposed legislation, that if there are two human beings, one of whom has worked hard, sacrificed, and risked to acquire property, and another one, let us say for illustration, has not done anything but happens to be of a certain race or creed, the man who has done nothing must have the opportunity to share the property of the one who has worked hard? So the issue is not property rights; it is human rights.

Does a human being—not in the Communist system or the Socialist system, but in our system—and under our Constitution and free enterprise system, have the right to work hard, to acquire something, and to use it as he wants to use it; or does he have to give it away, or let it be used by persons for whom he does not particularly care?

Does a barber who has learned his trade—let us say it is a difficult trade—have to serve somebody he does not particularly want to serve? Under the pending bill, he does, if he works in a hotel or motel or has a shop in a place where transients may drop in, or if he operates at Yale University, where my son goes. While he is up there he is considered a transient under this bill. That barber will have to serve somebody he does not want to serve for his own peculiar reasons.

That almost constitutes involuntary servitude. We would be taking away from a man his right to exercise his ability and capacity in the manner in which he wishes to use them. Take that away and we have, I am afraid, irreparably damaged the concept of free enterprise.

Mr. McGEE. Mr. President, will the Senator yield further?

Mr. SMATHERS. I yield.

Mr. McGEE. Would the Senator not agree that there are two kinds of property, private property for one's own private living purposes, and property that is owned by reason of income which would depend upon a public service, such as a barbershop, motel, or restaurant? Whatever it may be in the generalization which the Senator has applied in terms of sacredness of private property, I own my own home which I do not offer the public, and I do not depend upon public participation in that property right of mine for any income for any other kind of service, and I have the right to draw the line on my own home. But, when I go into business that depends upon a public accommodation, it seems to me that I also assume, in entering business in that way, a public responsibility which then injects the element of human rights, not the private property rights to which the Senator was alluding. We should not lump those two in the same category, because it is completely misleading.

Mr. SMATHERS. Would not the Senator agree to go one step further, as to what he owns in his own home and what a man has earned and built up, say his own barbershop. The barber has six or more other barbers working for him, and there happen to be many transients coming through, but he wishes to serve only redheaded men with beards.

I believe everyone would agree that a lawyer who sits at his desk and has his name on the door, has a right to pick and choose his clients and that if he does not wish to represent someone, it is thus far agreed—it may not be if this bill is enacted into law—that he can represent only those whom he wishes to represent. It is the same with doctors.

Mr. McGEE. If I may inject the thought, I happen to be a Senator who is not a member of the bar, so I am in the best position——

Mr. SMATHERS. The Senator is fortunate, indeed, since for that reason he sometimes avoids a great deal of abuse. I know he is a fine member of the teaching profession. I do not believe he has to apologize for anything.

Mr. McGEE. I was raising the question of the Senator's analogy of the lawyer being able to pick and choose his cases. I was wondering whether this was a fair analogy to someone engaged in a general public service such as a barbershop or restaurant. A lawyer chooses his cases, first, I would hope, in terms of the principle involved, and second, perhaps the considerations are described in other terms, the pecuniary aspect of it, of course, because he has to make a living, so that the factor of prejudice in regard to race would rarely inject itself on that ground.

Mr. SMATHERS. If we are talking about principle with respect to public accommodations, and if the principle which he argues is right, is it not also right to apply that principle even to our "Mrs. Murphys"?

Mr. McGEE. My answer would be "yes." I believe that we are drawing an unfair line by trying to separate the "Mrs. Murphys." I believe human rights are indivisible by an imaginary line, and that we shall only complicate the question by trying to draw it somewhere just short of the total picture on human rights.

Mr. SMATHERS. I am delighted that the Senator has said that. I argued that earlier this evening. I have argued it before. If the proponents of the bill believe that there is a legal and proper principle involved, and that the bill provides that anyone who holds himself out to the public will take roomers or boarders, or whatever, people are transients between States, we logically and legally cannot draw a line on the little lady who has five rooms and is living

in her own house, because if it is a logical principle it must apply across the board.

Mr. AIKEN. Mr. President, will the Senator from Florida yield for a question?

Mr. SMATHERS. I am glad to yield to the Senator from Vermont for a question.

Mr. AIKEN. As I understand, the bill from the House provides that any home that has five rooms or more in which to board teachers or schoolchildren is exempt from the proposed law. So far as the rooms are concerned, however, in reading in paragraph (c), section 2 on page 7, it would appear to remove that exemption if the lady rents her five rooms and serves food to people who hire those rooms.

Does not the Senator from Florida have any interpretation of that provision?

It provides that if she serves or offers to serve interstate travelers, or if a substantial portion of the food which she serves, or gasoline or other products which she sells, has moved in commerce, she is covered. That is in section (c) on page 7 of the bill.

The apparent exemption is found on lines 15 to 20 on page 6:

(1) any inn, hotel, motel, or other establishment which provides lodging to transient guests, other than an establishment located within a building which contains not more than five rooms for rent or hire and which is actually occupied by the proprietor of such establishment as his residence.

Has the Senator made any interpretation of that language?

Mr. SMATHERS. I am not certain that I follow with exactitude what the Senator is saying.

Mr. AIKEN. That interpretation could make a difference in someone else's interpretation. It is very likely to make the difference between whether any civil rights bill will be enacted in this session or not.

Mr. SMATHERS. I believe that the able Senator from Wyoming, a strong proponent of the bill, would agree that what the bill seeks to do is to remove a certain group of people who have small roominghouses or establishments, but who nevertheless are, in effect, still taking care of transients overnight—perhaps for 2 months, perhaps longer. There is no exact definition in the bill of what a transient is, whether one has to stay 2 days, 2 weeks, or 2 months. There is no definition of what constitutes a transient.

What the Senator from Wyoming and I were talking about is the legal principle, whether having held oneself out to do business with the public, thereafter one has the right to pick and choose the clientele who stop at that hotel. If one does not have the right to pick and choose—which is what the proponents of the bill say—if that is a sound principle based on the commerce clause, it cannot very well be limited to the big hotels or the big motels and to establishments having over five rooms.

Mr. AIKEN. My question is this: Assuming that the bill as passed by the House undertakes to exempt roominghouses of not more than five rooms, does it also exempt the proprietor of those five rooms in the matter of serving meals to the occupants of the rooms?

Mr. SMATHERS. I must confess to the Senator that I do not know the answer to that question.

Mr. AIKEN. The question has been raised, and I believe we should have the answer. I have heard others raise the question as to whether the exemption with respect to the five rooms is not nullified by the provision in subparagraph (A) on page 7, which removes the exemption as regards meals.

Mr. SMATHERS. My staff tells me that the proponents do not intend to remove the exemption merely because food is served.

Mr. McGEE. Mr. President, will the Senator yield?

Mr. SMATHERS. I yield.

Mr. McGEE. My recollection is that when this question was before the committee, and some colloquy was had on the point, there was a clear understanding, for example, with respect to a roominghouse on a college campus, and that the serving of meals in such a situation was in conjunction with the roominghouse, as a student's room, rather than a general service to the public, which would be brought into interstate commerce. That was the intent. Whether the words mean that to a lawyer, is another question.

Mr. AIKEN. This is a question that must be answered. I think the executive branch should tell us what its interpretation of this question is before we are called upon to vote. We know that we have put our interpretation on wording in other bills that we have passed. Then we have found the executive branch putting its own interpretation on the wording, which was not the same as our interpretation. Therefore, I believe that the Attorney General or the President or someone else in the executive branch should clarify this point, so that it may be fully understood, that the serving of meals is not a separate matter from the renting of rooms. I have in mind people who work in a bank nearby and come in from surrounding towns, or farmers, or students in the school, or teachers. This is one matter which I believe should be cleared up.

Mr. SMATHERS. It seems to me, from a cursory reading of the language, that if the person served meals to interstate travelers of any character, that person would lose the exemption with respect to serving meals, and would be required to serve meals to everyone. It would not be necessary to remove that person from the exemption which he or she now has under the bill with respect to people who wish to stay overnight.

Mr. AIKEN. Is there a definition of "transient" in the bill?

Mr. SMATHERS. So far as I have been able to determine, there is no definition of "transient" in the bill.

Mr. AIKEN. Would it cover a vacationer? When does a person stop being a transient and become a vacationer?

Mr. SMATHERS. The Senator is absolutely correct. I am satisfied that the intent, according to the debate I have heard, is that what is actually meant is a vacationer. The Senator comes from a State where there are a number of vacationers; so does the Senator from Wyoming, and so does the Senator from Florida.

Under the bill it is intended that a person is considered a transient if he stays at a house, and that the exemption would apply if he stayed in the house no matter how long, provided the house has only five rooms or less. However, if the owner of the premises serves any other transients, the owner loses the exemption.

Mr. AIKEN. Some people come to Vermont intending to stop at a house overnight. Then they decide to stay for a much longer period.

Mr. SMATHERS. The Senator is correct.

Mr. AIKEN. Sometimes they stay for a month.

Mr. SMATHERS. They sometimes stay so long that they shorten their season in Florida. We are sometimes disturbed about it. However, the Senator is absolutely correct.

Mr. AIKEN. Some people spend most of their time going back and forth between Florida and Vermont. Assuming they come as transients, and they rent a room, and then decide to stay for 2 or 3 weeks, are they transients still?

Mr. SMATHERS. I do not know. I have asked that question. I have a son at Yale. He spends 5 months of the year there. He actually lives in Florida. Sometimes he lives with us in Washington. Is he a transient at Yale or a transient here in Washington or a transient in Florida? I do not know what the definition is.

Mr. AIKEN. I hope we can get a clear interpretation of some of the wording of the bill before we are called upon to vote on it.

Mr. SMATHERS. I hope so. Those who are against the bill give their own interpretation. Those who are for the bill give their interpretation. We shall be voting on something we do not understand. The Senator from Vermont very wisely observed that the executive branch puts its own interpretation on the wording. That is usually different from our definition in the Senate. The Supreme Court will probably put its third interpretation in it, or its fourth interpretation. I do not understand what the word "transient" means other than what it means in ordinary conversation. I do not know of any other definition.

Mr. AIKEN. A transient is someone who stays overnight. I know of some people who come to Vermont who intend to stay overnight, and then decide to stay 2 weeks.

Mr. McGEE. Would it not be influenced by the intent at the time, rather than by the beauty of the countryside?

Mr. AIKEN. Massachusetts has a rather strong public accommodation law. Under it, if the sign outside the building says "tourists accommodated," the owner comes under the law. If the sign says "guests accommodated," the owner does not come under the law. What is the difference between a guest and a tourist?

Mr. McGEE. I would take the western definition. We treat them all as guests, whether they are tourists or transients.

Mr. AIKEN. Is that regardless of the cost?

Mr. McGEE. That is known as western hospitality. We do not worry about semantics. We do not have as many lawyers out West as there are in other parts of the country.

We sometimes worry about the meaning of words, perhaps, in order to keep our cannibalistic groups from feeding on each other.

Mr. AIKEN. I wonder why a person who pays $20 or $25 a day to stay overnight somewhere should merit the title of guest.

Mr. McGEE. Mr. President, will the Senator yield?

Mr. SMATHERS. I shall yield in a moment. The Senator from Vermont is absolutely correct. We should understand what we are voting on. The bill needs to be amended, if it is to become law.

Mr. AIKEN. I am not speaking of amendments. We should have an interpretation from the executive branch with respect to some of these terms before we vote on the bill. Otherwise we might enact legislation on which we have our own interpretation, only to find that when it reaches downtown the lawyers there will decide it means something entirely different from what we understand it means. The definition should be made ironclad.

Mr. SMATHERS. If we had a letter from the executive branch we could do our job much better by putting an amendment in the bill which would with definiteness tell us what is meant by "transient" and "guest" and many other key words. Without having precise definitions, we do not know to whom the bill would be applicable.

I now yield to the Senator from Wyoming.

Mr. McGEE. I cannot let this opportunity pass without making an observation about the care that is being shown in making certain of the meaning of words. It is always a fascinating exercise to discuss what words mean. The meaning of words changes in each generation, in the course of time. The only person who could really give an absolute meaning of a word would be McGEE or the distinguished Senator from Florida [Mr. SMATHERS]. If we could be dictators, we could give absolute interpretations. So long as we are dealing with human language, we shall have a disagreement about the meaning of words. Thus, in any legislative body such as this, or any country such as ours, which has many interests, there is every excuse, at any time, not to act until one is certain. History does not give us that kind of luxury any more. Sometimes we have to make a decision with uncertainties, without meanings being totally clear.

I submit that so long as there are as many individuals interested in the specific semantics of the language as there are, we can never reach an absolute definition.

So, the choice is, Shall we do nothing, or shall we go too slowly and make certain that we do not make a mistake? Or shall we take a kind of step forward, with the kind of chance it represents, in order to produce timely action in the measure or tempo of our times? This is where the difference in philosophy comes in.

Those more cautious would think we had more time. Those who believe urgency is a greater factor would say it is worth taking a chance in order to take the edge off the urgency of a particular moment. That is what the situation really comes down to.

We shall never resolve a difference of meaning. Such differences will continue to fluctuate. But I submit, with all due respect, that the time is at hand when we must take the step, when we must act, when we must make a judgment. We cannot defer it.

A part of the colloquy on the floor of the Senate will make clear the general order of intent of Congress that will not be ignored downtown, even though we understand from time to time that there are, sometimes, misreadings of what a man meant when he said a certain thing.

But again, we must take chances. Therefore, I would hesitate to see us worry so much about the meanings of words and the absolute interpretations of where we go from here. I think it is important that we lay down some broad, general guidelines to move us another step toward the achievement of what we all agree is our dream of human rights.

The Senator from Florida has agreed that human nature cannot be legislated; that a law cannot be passed against human behavior. Those things certainly are true. But I believe that we can inhibit human prejudice, and I believe this is important. This is one of the areas that the history of our country has spelled out for us.

I can remember reading the debates in the Constitutional Convention, one of the great classical studies in parliamentary debate, legal argument, and philosophical exchange in the history of all modern nations. Many of those who spoke were cautious and worried about the meaning of words in the Constitution. Yet they still reached a general consensus from a broad outline, and those meanings have since changed and have changed with each succeeding generation. It is the looseness of interpretation that has kept the Constitution a breathing, living instrument, so that it could keep going. It failed to yield to Jefferson's worst fears.

He said that if we dealt in absolutes, or general terms, it would be necessary to overturn and rewrite the Constitution every 20 years; that each generation would have to have its own Constitution by starting a revolution. Fortunately, it has not been necessary to do that, because reasonable men were willing to take a chance on the spirit of the future.

I believe that is really a hallmark of what is capable of achievement in the proposed legislation.

Mr. SMATHERS. I thank the able Senator from Wyoming. I wish to comment briefly on what he has said. Before doing so, I wish to make a brief reference to the book which has been published by the Department of Justice with respect to the bill. The Department is strongly in favor of the bill. I refer to page 24, where the question is asked about transient guests. I shall read what is said. It gives an example of apartments rented on a month-to-month tenancy basis, which can be automatically renewed each month unless specifically terminated. Apparently one is covered by this provision if the tenancy is on a month-by-month basis, or even yearly.

I wish to call this to the attention of the able Senator from Vermont and ask him if his people would like this interpretation:

> Of course, coverage would be determined by the actualities of the arrangement; and whether or not the establishment caters to transient guests would be a question of Federal, not State or local, law.

In other words, what Vermont may pass or Massachusetts may pass would not be the guiding principle with respect to this particular bill. This particular bill, vague as it is, however the Attorney General wants to interpret it, is what will be applied in Vermont, Wyoming, and Florida.

Mr. AIKEN. Very well. I am not objecting to that so much, but cannot the Attorney General give us his definitions now instead of waiting until later?

Mr. SMATHERS. Someone who is in support of the bill should write to the Attorney General and ask him if he cannot supply that information.

Mr. AIKEN. The Attorney General will have to make clear his understanding of some of the provisions before the legislation is passed.

Mr. SMATHERS. The one thing which I say every apartment house owner, every motel owner, and every person who has a five-room house that he wishes to let out for rent ought to know is that the State or local regulation will not be applicable; it will be the Federal law as it is finally promulgated by the executive branch. The Senator from Vermont does not know what that will be, and I do not know what it will be. No Senator knows exactly what kind of interpretation will be given it by the executive branch.

Mr. AIKEN. I can understand why Federal law should prevail when Congress enacts legislation applicable to the 50 States. But I cannot understand why the Attorney General cannot give us his definition now rather than to wait until the legislation has been enacted. He must know now what his definitions of some of these provisions are or what his understanding is. I think he wants the bill to pass. I want some legislation to be passed, too. But I do not know any reason in the world why the Attorney General cannot give his interpretation to us before we vote on the bill.

If he does not choose to do so, he is bound to raise a suspicion in a good many minds that he intends to give a different interpretation than the one which is placed upon these provisions on the floor of the Senate, including my own.

Mr. McGEE. Mr. President, will the Senator from Florida yield?

Mr. SMATHERS. I yield to the Senator from Wyoming, so that he may re-

spond to the remarks of the Senator from Vermont.

Mr. McGEE. I suggest to the Senator from Vermont that the hearings in the Committee on Commerce, during which the Attorney General was interrogated on almost every word and every comma in the public accommodations section, and on which his able assistant, Mr. Marshall, was further cross-examined as to the meaning of the words, rather fully spelled out the definitions. That is not a fair rejoinder, but they are on record before the committee, and I should think it would be good advice if the leadership of the bill might extract, in rather condensed fashion, the words of both those members of the executive branch, so as to give us the meanings as they saw it, because it was a rather helpful, constructive point of view they injected, without jeopardizing fineness of the lines that were being drawn, that might otherwise be regarded as jeopardizing the interests of the individuals involved.

Mr. AIKEN. The Attorney General could give us some precise definitions and interpretations now. I do not want to go through an experience I had last year, when I asked an agency of Government a similar question, and was sent 2,400 pages of House hearings. They said I would find the answer in the hearings. That was not a good answer.

Mr. SMATHERS. I agree with the able Senator from Vermont. I do not propose to vote for this section at all; but if there is to be a vote on it, those who intend to vote for it and who want to see some law passed in this area, like the Senator from Vermont, should have some precise definition of the words involved.

Mr. AIKEN. I hope there may be such an understanding before the vote is taken, so that I can vote for it.

Mr. SMATHERS. I would hope so. I am a part of the leadership, but not in connection with this particular bill. Therefore, I cannot give the able Senator from Vermont any comfort in connection with this matter. But I totally agree with him that before the vote is taken, the wording of the bill should be more precise with respect to what is meant by "guest" and "transient" and several of the other terms which are rather loosely used in the bill, and are not defined anywhere in it.

Mr. AIKEN. I think public accommodations in fact should be covered by the bill; but certainly I do not want to vote for some proposed legislation, and later learn that, through misinterpretation, I had voted to give the Federal Government jurisdiction over homes.

Mr. McGEE. Well, Mr. President——

Mr. SMATHERS. I yield to the Senator from Wyoming, so that he may respond.

Mr. McGEE. I only wish the record to show that the Attorney General and his aids had not ignored this question or left it unanswered in any sense. At every opportunity they had spelled out what, in their view, the terms meant.

But I think the Senator has made a very useful suggestion—namely, that this information should be made available in specific form, in answer to specific questions about the meaning of these terms, so the definitions would be there, on the record.

I also believe they should not evade us in that connection—as, for instance, stating that the answers could be found somewhere in the midst of 2,400 pages. I think the Senator is correct as to that.

Mr. SMATHERS. And also that the Senator agrees with the principle that there should not be an exception for "an establishment located within a building which contains not more than five rooms for rent or hire and which is actually occupied by the proprietor of such establishment as his residence"—in short—places of the "Mrs. Murphy's," type; but, rather, that the provisions should apply to all who take in people for the night.

Mr. McGEE. In the committee, I lost on this point. Having lost, I now support the committee's decision, because I believe in majority rule. I think the bill encounters some complications in that connection; but other members of the committee, wiser than I, thought that provision strengthened the bill. Therefore, I take that one "in stride," although I believe it would be simpler if they did not try to draw those fine lines of exception.

Mr. AIKEN. I listened with interest to the colloquy of the Senator from Pennsylvania and the Senator from Florida in regard to the transportation of schoolchildren by bus from one school to another. There came to my mind the question as to the exclusion of the bus drivers from the protection of this clause—because if the bus drivers belonged to a religious organization or body, apparently they would not be covered by title VII of the bill.

Another point is that I do not believe there should be wholesale exemptions in the bill—such as exemptions for church property or religious property which is used for commercial purposes. Why should they be exempt? I know the Senator from Illinois has amendments covering some of those provisions.

Mr. SMATHERS. The Senator from Vermont has been a Member of this body for a long time; and he knows that frequently, when the proponents of a bill wish to try to get more votes for the bill they favor, they add "sweeteners" to the bill, in their attempt to get more Senators to vote for it. Certainly there are some "sweeteners" in this bill. One is the "Mrs. Murphy" provision; another is the exemption of busdrivers. Another is the exemption of religious institutions—whereas, in point of fact, if the principle is correct, it should be applied to everyone.

Mr. AIKEN. Another is the provision outlawing atheists—which is nothing more than an attempt at thought control, something which no government should attempt to do.

In connection with other bills, I have heard the argument, "Let us pass the bill as it is now, and amend it later." But we know that never works. I recall that when we passed the Taft-Hartley Act, Senator Taft offered amendments to correct obvious injustices in it the very next year.

He never was able to get his proposals approved, because at that time it was not considered politically expedient to let him do so.

That is why I say we cannot be too careful when we deal with proposed legislation, because we never may have a chance to correct injustices, or worse, which may inadvertently—or perhaps advertently—either one—be written into the bill.

Mr. SMATHERS. I fully agree with the Senator from Vermont. Of course, that is one of the reasons why possibly the bill should have received further study by a committee.

The Senator from Wyoming spoke very eloquently and very beautifully, as he always does, about the need for great rush and hurry and pressure in this particular case, because of the need for this proposed legislation. I do not happen to agree with that argument. I think great strides have been made in the last 10 years. As regards education and the rights of Negro citizens, many of whom, I am frank to admit, have had their privileges and guarantees long denied to them, I think that is true; but when we look back at what actually was occurring in the South at the time when the South itself had a great abundance of these colored citizens, and when we realize that at that time the general level of education of all southerners was rather low, and the general economic standing of the South, in relation to the rest of the country, was rather low; and, actually, there was very little opportunity to do—not only for the colored people, but also for the white people—what should have been done for them with respect to education; and when we remember that this area had Federal troops in it for something more than 10 years, and when we also consider the progress made in many respects in the past decade, certainly it is clear that the progress which has been made is amazing and is encouraging.

I am satisfied that if we would permit it to go forward, without pouring salt into the wounds and without exacerbating the problem, we would see much greater progress made in the next decade toward solution of the problems of segregation and intolerance and all the things that go with them—much more progress than we shall ever see if we proceed by means of this civil rights bill, if it is enacted.

Mr. AIKEN. I should like to ask another question, which either the Senator from Florida or the Senator from Wyoming can answer. Why was a sixth-grade education selected as a criterion for voting rights?

It seems to me a sixth-grade education as a requirement for voting might be used in some States to deprive many persons of their vote. So I do not know why that was selected. Probably this is the wrong time of day to ask this question, but I should like to obtain the answer.

Mr. McGEE. Will the Senator from Florida yield again to me?

Mr. SMATHERS. I yield.

Mr. McGEE. Let me say this is the wrong time of night to try to recall what happened in that connection. But my recollection is that an arbitrary decision had to be made at some level; and it was felt that in view of the experience, while such a criterion certainly would deprive some of the right to vote, nevertheless it seemed to be an arbitrary level that would result in better progress than that being made now—even though it could be argued that the right to vote could not be measured in terms of the number of school grades completed. However, it was necessary to put a floor under this provision.

Mr. AIKEN. In other words, that the requirement that a prospective voter must be able to show that he had completed the sixth grade in school would result in enfranchising more persons than it would defranchise?

Mr. McGEE. Yes; and that thus it would make possible greater progress than that now being made.

Mr. AIKEN. But it seems to me that requirement could be used to prevent a good many thousands of people from voting. Some of the ablest men in the country never finished the sixth grade.

Mr. McGEE. Yes. In fact, one of the wisest and most beloved men I have ever known—my father—never got further than the fourth grade; and today he is 89 years of age. So I think that is a case in point.

Mr. AIKEN. Yes. So, although I think there may have been a reason for the inclusion of a sixth-grade requirement in connection with voting, I would not favor the drawing of any educational line of that sort.

Mr. SMATHERS. I am not for that provision.

Mr. AIKEN. The language providing for ability to pass a sixth grade test was placed in the bill in order to overcome certain conditions which prevailed in a single State.

Mr. SMATHERS. The only thing I do not understand about that provision is that if we would say that a sixth-grade education constitutes a presumption for eligibility to vote, why do we not say that everyone who has graduated from the sixth grade is eligible to vote? Junior high school students and high school students have graduated from the sixth grade. If the sixth grade were to be made the dividing line, a man's intelligence would be based upon whether he had finished the sixth grade. I do not see why the writers of the bill did not go ahead and follow the principle that everyone in the sixth grade would be entitled to vote. Some people say that such a provision is a trifle ridiculous. That is why I agree with the Senator from Vermont. I think that whole qualification is ridiculous.

Mr. McGEE. I should like to submit another thought on the point which the Senator from Florida has raised. He has made a proper allusion to the rather steady progress that has been made in the field of civil rights in our country, particularly in recent years. I submit that small steps have been taken for a long time, but World War II was probably a basic demarcation line. The war uncorked many things in the thinking of our people. They discovered that the blood of a colored man was as red as the blood of a white man, and that after a battle a colored man was as dead, when shot, as any white man. That began to make people think.

Then, too, in many instances Americans moved to other parts of the country and saw things that they had never fully understood before. To the credit of many sections of our country, real steps were taken.

I shall never forget a time when I was interrogated by a group of students in Ghana, West Africa, a Negro nation. We were asked what we were doing about equal rights in America and about our race question in America. That question they had uppermost in their minds. When we entered the city of Accra, the capital, the front page of the newspaper had a picture of an American Negro hanging by the neck. They had been expecting our arrival. The caption on the picture was, "Will the American Senators explain this?"

They displayed that picture as depicting something that happened every afternoon in America, and that in our country the white man committed such acts to keep himself as busy as the pagans of ancient Rome who fed Christians to the lions. What a twisting of the history of our country that was. Nevertheless, the people of Africa were trying to perpetuate that thought.

Later we checked the photograph and discovered that it was an actual photograph of a lynching that had occurred in 1933. The photograph had been resurrected as a contemporary picture.

Those people wanted to know what we were doing for Negroes in our country. Finally, after we had tried to tell them some of the things that the Senator from Florida could have stated more eloquently about the steps we had taken, one of the bright young fellows on the university campus said, "Mr. Senator, if that is true and you are making all that progress—mind you, we do not believe it—how long will it be before you will have a Negro President of the United States?

That question required reflection for a few seconds. Finally one of our group replied, "About as long as it will be before there is a white man president of Ghana."

That response broke the ice. From that point on hostility was gone. The psychological edge was taken off. But this example in Ghana, which occurred only a couple of years ago, reflects the impatience and the misunderstanding, whatever we wish to call it, all around the world.

We are being watched. No longer is the question one which can be locked up in the closet of our Nation, within the States and within our Federal Union. The force of history has jerked it out of that closet and has cast it into the middle of the world, whether we like it or not. Others, for better or worse, are standing in judgment. Whether they are judging on the basis of facts and truth is irrelevant. At any moment there will be emotional stress such as we are going through at the present time. Those are not the real considerations. The question is what the people or the human mind thinks is the fact or is the truth. That makes a difference. That is the reason why there is the sense of urgency to which I referred earlier. That requires our sober, but substantive action on the question.

I believe that some sense of urgency exists at home. For psychological reasons it is imperative.

Need I remind the distinguished Senator from Florida that the question of timing is of the utmost importance at all intervals of great crises in the history of mankind. Timing is imperative.

Timing made the difference with Britain in the American Revolution. The Senator from Florida and I happen to believe in law and order. We believe there ought to be an orderly, steady progress by the human race. But our forefathers did not. In 1776 the Conservatives in our country did not wish to rock the boat. They thought there must be some legal way to achieve the goals of the Thomas Jeffersons, the Sam Adamses, and others who wanted to achieve independence. But the Adamses and Jeffersons finally came to the conclusion that there was something above law and order. They were impatient men. They would not be slowed down. As a consequence, they acted. They acted with a minority of the people, but they acted in time to create an independent Nation, and ultimately a great Republic.

It is that kind of timing that makes a difference. Had the British been shrewd, they could have sensed that timing, as a rare British voice did in those days. They could have extended to the rambunctious American Colonies an alternative which would have included dominion status. Some years were yet required for dominion status to appear on the scene. Had the British done that, there probably would have been no American Declaration of Independence—at least at that time. Thus once more the question became one of timing.

Only 2 years after the Declaration of Independence the British offered the American colonists everything that the colonists had demanded on the eve of the Declaration of Independence, but it was too late.

There are parallel incidents in many other places around the world. Sometimes it is the expectation of the human spirit and the expectation of the human soul that create an urgency that defies the minds of lawyers and parliamentarians and defies the give and take as we try to move ahead in our society.

I remind the distinguished Senator from Florida that there is a force which is loose that is quite beyond the total control or management of even Republicans and Democrats, and even U.S. Senators. We must not close that force out of our minds or take it off the centers that weigh our final judgment. We might forfeit our opportunity to keep the progress to which the Senator has alluded from moving in the right direction, in an orderly way, without more

violent, more destructive, and more disreputable consequences than we have had already. It behooves this body to look far enough ahead, and in time, or we shall forfeit our responsibilities as a legislative body.

Mr. SMATHERS. Again the able Senator from Wyoming has spoken eloquently and movingly. I regret that I could not at all agree with him in anything that he has said, and particularly his statement that the facts make no difference. For example, if the people of Ghana misunderstood our situation, the Senator contends that we should change our situation to conform, apparently, with the misunderstanding.

I do not believe that the people of Wyoming, Florida, Alaska, Vermont, or any other State in the Union wish to have their system of free enterprise, their constitutional rights, or anything else taken away from them because of what the people in Ghana happen to think.

Several nights ago the President of the United States appeared on television. Representatives of three networks interviewed him. He made the statement that we will not conduct our domestic policies on the basis of what the policies of 120 other countries are. I do not believe that is what we ought to do.

I do not believe that because the Australians or the New Zealanders think they should ship into our country more cattle—and the Senator from Wyoming will understand what I am now talking about—we should therefore permit Australia and New Zealand to ship in more cattle merely because those countries misunderstand what is happening in the United States.

There are fine people in Africa, but they have not long been in the enlightened group. We do not even call them the enlightened group today. We call them the backward nations, even in our own foreign policy. Are we to let those people influence us in an area of vital importance to the United States and to all American citizens, an area which would deprive them of the rights that they are entitled to? Should we change those rights because of what other people think?

I hope we have not gone that far off base yet. I hope we never do.

I do not think the Senator from Wyoming meant to say it that way. I think the Senator meant to say that possibly that was the impression which they had. Perhaps it was wrong. It does not mean that because those people have the wrong impression, our people have the wrong impression.

The vote in Wisconsin demonstrated that the people are beginning to understand the civil rights debate. The longer the debate continues, the better they will understand it.

I noticed that the Rhode Island Legislature, on Friday or Saturday, voted against a so-called fair housing bill by a vote of 62 to 31.

I noticed that on the west coast they have defeated such proposals, not because there should not be any such laws, but because the rush the Senator is talking about has begun to affront many American citizens.

We think this is a pretty good country. We think we have the best country on the face of the globe. This may be considered to be a 4th of July speech, but it is true. We have all these things, and we have obtained them under our system, and we do not have to rush into anything because of the demonstrations.

I do not agree with those who say we are either going to decide it here or there is going to be rock throwing and violence.

I totally agree with the statement made by the Senator from Ohio [Mr. LAUSCHE], a former mayor of Cleveland, and a Governor of his State five times, that we cannot permit a certain group of citizens who do not happen to like the way the law is at the moment to make their own interpretation, and to work and to move to fly in the face of all local and State law, in order to satisfy their own particular passions or emotions.

If they can do that, the day will come when the other 90 percent of the people can go the other way. That would be an unfortunate time. All our citizens must respect the law, whatever the law is. If it has not been set aside, it remains the law, whether it is a city, county, or State law.

I do not agree that the time has come in this Nation when we can say the facts or the truth are irrelevant. I do not think the Senator from Wyoming intended to say it that way. In fact, I know he did not.

Mr. McGEE. Mr. President, will the Senator yield?

Mr. SMATHERS. I yield.

Mr. McGEE. To make sure that we are in agreement that the Senator from Wyoming did not say what his distinguished colleague from Florida suggested might have been his meaning, let me put it another way. I am talking about the state of mind of the human race; that the psychology of people in general happens to make a difference. One of the parallels that comes to mind most readily is World War II. People did not think we would wage two wars. Once we got into the war, however, the people wanted a quick victory. They could not understand why we did not land 2 million men on the coast of Japan in 1942.

In order to take the edge off the anticipation, this country had to capture a few tufts of grass here and there. It had to send groups of bombers over Tokyo. It had to send an excursion into north Africa. Such activity gave an impression of action to satisfy public demand to win the war.

Mr. SMATHERS. The Senator is talking about public demand; he is talking about the United States.

Mr. McGEE. I am talking about the human mind and the emphasis of a human psychology, which is quite indistinguishable around the world, and I am suggesting that, on our sophisticated level, we are in that same kind of situation. I cited World War II as a case in point.

Let us take some of the most undeveloped areas of Africa as an illustration. We may say in a sophisticated manner that they are not ready for independence. But who is to say if they are?

I read the British debates in 1784 and 1785. One of the chief assertions made on the floor of the House of Commons was that they did not have to worry about the Colonies, because they were not ready for independence. They should have tried to tell Samuel Adams that in 1775.

So it is not a question of what a particular country believes; it is a question of what the people in the area involved believe.

The same is true of other colonial areas. If we had not promised the Philippines ultimate independence—even though it was delayed—we would have had a situation that would have blown up in our face. We were yielding to psychological forces which had been loosed, no matter what we might have told the people.

The same applies to the tragedy in other parts of Africa. If the French could have committed themselves to independence, though very long range, they would have forestalled the explosive psychological forces which plagued them there for years.

So there is something to be said for the public mind. No one has suggested that we yield or surrender or cater to all demands. We are saying merely that these forces are more powerful than, let us say, a legislative body in the United States, or a legislative body in London or in Moscow. These are forces that can be challenged. These are forces that can be directed. But we should have the imagination and good sense to move into the future with the confidence that we can provide that direction. We cannot take a chance by saying we can meet the challenge by not "rocking the boat." The boat is rocking and our hats are being blown off. We have not acted in this field for 100 years. It is time to act. We must meet the challenge, considering the goldfish bowl in which we live, to give meaning to and to show that we practice and are willing to practice what we preach.

All I am saying to the Senator is that we need to win the battle for time, and that we are not going to get it if we do not take a giant step in this substantive way.

Mr. SMATHERS. I like and respect the Senator and I will not answer his speech in the way some people, who I am afraid have less affection and regard for him, would answer it. I know the Senator believes that, but I think what he said bears reconsideration. The Senator from Florida does not think that the Senator from Wyoming has any greater regard for the welfare and future of the United States than any other Senator. This is not our problem. He said he felt that on our side we were trying to do these things. With respect to what this Nation is and has become, I am delighted to put my record against anybody else's with respect to what he has done in serving his country in time of war or anything else.

I like to consider myself a patriot. I like to think that the people think fairly well of me, and they have substantiated that feeling, not in some areas of the press, but in areas where the people know

me best and have elected me several times. They think I am a pretty good citizen and that I am concerned about the future of my State and about the future of the United States.

I am sufficiently concerned about the United States and where it is going that I do not wish to see the United States destroy that which has been almost its most valuable weapon. I do not wish to see it go against what the President of the United States said the other night, when he said—as I stated a moment ago—that the Communists are bigger, they have more resources, but we have the free enterprise system which after all is our secret weapon, and has been.

That may have sounded corny to some people, but it sounded great to me; and I believe it sounded great to most every American who lives here and enjoys what we have. They do not wish to see destroyed those privileges, those rights, and those opportunities which we have had, which, after all, are better than anyone has ever had anywhere else in the world. We can go anywhere in the world and look at the status of colored citizens, wherever they may be, and they are not as well off as those in the United States.

They do not have as much education, they do not have as much economic opportunity, they do not have as much medicine, they do not have as much of anything as we have in the United States. The Negroes of America are well off here. We want them to be better off, but we are not going to "gut" ourselves and give ourselves a "kamikaze" blow in the middle of the solar plexus, so to speak, just because a few nations happen to have a distorted view of what we are doing.

With respect to the problem of colored citizens, the Senator comes from the State of Wyoming. I do not know how many colored citizens reside in the State of Wyoming, but I would venture the guess that it is less than 1 percent. In the State of Florida there are about 12 percent. I have lived in an area where it has been as high as 30 percent. My contention is, as well as the contention of those of us who are in this fight on the other side, that we know as much about colored citizens as anyone else, because we have lived with them.

In the capital city of Tallahassee in my State, the Governor's mansion is on one side of the street and four colored families live on the other side of the street in the same block. We know something about the problem. We have lived with it for a long time. We maintain that we believe we are on the right track to solve the problem of our Negro citizens. And we want to solve it. We do not take a back seat to anyone with respect to our desire to see colored citizens have that which the Constitution guarantees to them. But we do not believe that the way to accomplish it is to attempt to change our system and give colored citizens superior rights which other citizens do not have, and in turn take away from many of the majority of the citizens of this Nation the basic, fundamental rights which have made them prosperous and independent—and made this country prosperous and independent.

Let me say to the Senator from Wyoming that we are moving in the right direction, and we are not going to be blown off course by the wind that may blow from Ghana. I am more concerned about the wind that may blow from Wisconsin, the wind that may blow from Florida, or the wind that may blow from New York. It is true, an image has been built up about us, but we have given away $160 billion, we have won two wars and we have helped many countries to obtain their independence. These are facts for which we need not apologize.

If other nations wish to misunderstand us, they can go ahead and misunderstand us. But we do not have to "gut" ourselves because some people insist on misunderstanding us, and print a picture and use it against us, or use it to embarrass us, even if it was taken in 1920.

That kind of thing is over with—it should never have happened in the first place, but it did—and we are making great progress. So I have to disagree with my able friend, whom I greatly admire. He is a splendid Senator. I do not agree at all, and I respectfully say that, with some of the conclusions which he has stated here tonight. Some are statements which in some respects I wish he had not made. In any event, having made them, I should be glad to go on with my speech.

Mr. HUMPHREY and Mr. McGEE addressed the Chair.

Mr. SMATHERS. I yield to the Senator from Wyoming.

Mr. McGEE. First I should like to say to the Senator from Florida that the real basis for my comments to him is to bring this debate to what I believe is the pinpoint of difference. We have the same goals. We want to make the same progress. We have the same patriotism. We love the same country. We hope to make it greater. We like to profess the same ingredients in the great question of free enterprise, but our only difference is in the sense of urgency. That is the difference which separates liberal from conservative, Republican from Democrat, or whatever other spectrum of philosophy we wish to sweep across. It is the timing. It is a question of the readiness to change, and how big a step we should take. That is why we have debates, and that is why we exchange differences of opinion in the public forums.

Mr. SMATHERS. I do not know what the Senator would call liberal or Republican, but with the exception of the civil rights bill, I do not know of any man who votes for more liberal causes than does the able Senator from Alabama [Mr. HILL]. I do not know of anyone who has done more than has the Senator from Alabama [Mr. HILL]. I do not know of anyone who has been responsible for providing more hospitals, providing education for not only Negro students but white students as well, to go to medical schools and elsewhere than has the Senator from Alabama. But he does not happen to agree with the Senator from Wyoming on this issue. Therefore, because he does not happen to agree with the Senator from Wyoming on this issue does not necessarily make him a conservative or a reactionary. I believe we can be very progressive and not be for this bill.

In my State, according to the Americans for Democratic Action, I am voted very high, but by the Americans for Constitutional Action, I am voted very low. So I must be quite a liberal. It is not judged on this particular vote; it is judged on many votes. But as to our thinking in this particular area, of course there is urgency; but it will not be settled by placing more laws on the books. It will be settled through education, through economic opportunity. That is why I argued on the tax bill that the best answer to the problem of civil rights is to have a strong economy to provide more jobs.

Why is it that of the people in the country who are unemployed, 8 out of every 10 are Negroes? Is it because they unfortunately lack the education they should have? We should provide it for them, but they are not going to get it because of this particular bill. They are not going to get it because they do not attend the schools which exist in their neighborhoods. We must elevate all the schools in the country—in the colored sections as well as in the white sections—and bring them all up to date. That is what we are desperately trying to do.

Mr. HUMPHREY. Mr. President, will the Senator yield without losing his right to the floor?

Mr. SMATHERS. I yield under those conditions.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. HUMPHREY. I thank the Senator for his courtesy. He always makes a persuasive argument, but I was moved and touched by the statement of the Senator concerning respect for law.

Does not the Senator believe that the Constitution of the United States is worthy of respect? I am sure he does.

Mr. SMATHERS. I absolutely do. I wish to see the Constitution observed and respected.

Mr. HUMPHREY. The Constitution is known as the supreme law of the land, is it not? The 14th amendment is a part of that Constitution, and the 13th amendment is a part of that Constitution. Is not that true?

Mr. SMATHERS. And so are the 9th and 10th amendments to the Constitution.

Mr. HUMPHREY. And so is the 15th amendment to the Constitution and the 10th amendment. They all are. But the Supreme Court rulings throughout the history of the country since the time of George Washington, Jefferson, Jackson, and Lincoln, and up to this very day, have been as much a part of the law of the land as the statutes enacted by the Congress.

Mr. SMATHERS. The Senator need not argue with me. I am a lawyer. I agree. The Brown case is the law. We know that.

Mr. HUMPHREY. If we speak of respect for law, why is there such flagrant disrespect of law? One State, the State of Mississippi, by action of its legislature, has passed a resolution ordering its State officials to resist integration and to resist efforts to eliminate segregation. Does the Senator expect his fellow citizens of America—not colored citizens—and, by the way, let us stop talking about colored citizens, and let us talk about citizens, because there are all shades of color——

Mr. SMATHERS. Mr. President, I should like to have the Senator make his speech on his own time. I heard the Senator from Illinois [Mr. DIRKSEN], at one time, refer to someone as a bag of bones. The Senator from Minnesota has been talking about this bag of bones for a long time. He has been talking about the bag of bones with respect to things that have not been happening, with respect to school integration, and with respect to many other things that have not been happening, as he says. However, he must recognize the fact that at the time of the 1954 Brown case decision there was no integration in any of the schools in the South. According to the figures of the Department of Justice, on October 15, 1963, 223 cities had integrated voluntarily. That is coming from nothing to something. Two hundred and fifty-three cities had at least 1 theater, and 306 at least 1 lunch counter, desegregated. That is coming up from nothing to something. That is doing a great deal in areas where this is occurring, because they had not even one before and now they have many. The Senator has no idea, not having lived in some of these areas, what conditions obtained in Mississippi or in South Carolina or in some other places.

Mr. HUMPHREY. I agree. Will the Senator yield?

Mr. SMATHERS. We are making progress. There are some wild people on our side, just as there are on the other side. There are some who try to ignore the Supreme Court decision. I tell them they cannot do it. We do not advise it. We do not do it in our State. We are integrating on a gradual basis. I cannot help thinking that gradualism—and I know that many people do not like the word—has much to commend it.

We are making progress. We are doing something. We are doing as much as reasonable people can expect to be done.

Illustrations are given about things that are not happening. They are the same illustrations. There are 50 States in the Union, and the Senator keeps talking about 1 State. That is no reason for doing violence to the Constitution, and destroying the basic rights of other people, because it is said something is happening in Mississippi. There has been some willful defiance of some Supreme Court decisions. I do not believe that defiance will be answered, and I do not believe it should be answered, by defiance on the part of other people in Cleveland or Chicago or New York or Jacksonville or anywhere else.

Mr. HUMPHREY. The bill does not call for defiance.

Mr. SMATHERS. No. What I am talking about is that some people say if we do not act we will have defiance.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. SMATHERS. I should like to have the Senator make his speech on his own time. I have carried the Senate until a quarter to 12, 15 minutes before midnight.

Mr. HUMPHREY. I thought the Senator would like to yield on the basis of his saying that I would not know what it was to face up to the problems. Will the Senator yield on that basis?

Mr. SMATHERS. Very well. I yield. I want the Senator to respond.

Mr. HUMPHREY. I should like to ask the Senator if he thinks that either the Senator from Florida or the Senator from Minnesota knows what it feels like to be a Negro and to be told he cannot come into a restaurant, to be told he cannot come into a hotel, to be told that he cannot send his children to school. The mother of the wife of the Governor of Massachusetts appeared on this morning's "Today" TV program. She told of the wife of the bishop of the Episcopal Church in Boston, who is colored. She said they went into a restaurant, and the restaurant operator did not know that the bishop's wife was colored, because she did not look colored. When the mother of the Governor of Massachusetts indicated to the waitress that the lady sitting at the table—a lady, not just a woman, but a lady—is colored, the manager came over and said to her, "You will have to leave. I will pay your bill, but you will have to leave."

How does the Senator think people feel under those circumstances?

What is happening is not so much economics, even though it amounts to economic deprivation. It is not so much education, even though we know people have been denied education. What is happening is humiliation, the lack of a sense of dignity which has been imposed upon people. What we seek to do with the passage of the proposed law is to provide by law that every citizen is equal. It means a great deal. I would not like to be told that I could not go into a public place because my income was too low.

Mr. SMATHERS. The Senator does not mean to say that there is not discrimination because of income. I know of clubs that the Senator and I cannot join.

Mr. HUMPHREY. I am not speaking about clubs.

Mr. SMATHERS. I know something about discrimination. I recall that when I was in the Marine Corps, some of us could not enter certain officer areas to eat. We had to eat Spam. Those at the club ate steak, because they happened to be aviators.

Mr. HUMPHREY. That is a dictatorship called the Military Establishment.

Mr. SMATHERS. I know what it is like. I know that if anyone is generally discriminated against today it is the people of the South. It is unfortunate, but it is true. All we have to do is to look around the country to see who is the victim of the most discrimination. Who is taken to the woodshed regularly? It is the South. What does the Senator think it is? It is discrimination. It is prejudice. That is the cause of it. I have been in places where I heard it said, "He is a southerner." I know a little about these things.

I know that there are Catholics and Jews and Presbyterians and Christian Scientists, and all kinds of people, who have been kept out of places.

We are not going to change it by passing a law. We shall not make everyone equal by passing a law. We had that debate earlier this evening with the Senator from Pennsylvania [Mr. SCOTT]. People can try to do it by passing a law, but they will not accomplish it. Unfortunately, people are going to think what they want to think with respect to other citizens. It cannot be changed by laws. It might be done by education. I am sure it can be done by education. It can be done by the exercise of more religion, I believe. It can be done by the establishment of biracial committees. It will not be accomplished by passing laws.

The Senator asked me whether I knew what it means. I did not choose to be born white. I think I am fortunate. I do not think I have any right whatever to claim any privilege over any other citizen because I happen to be born with different color. We will not eliminate that feeling from other people's hearts and minds by passing a law.

What I am trying to say is that there is before the Senate a far-reaching bill, with which it is attempted to pacify a few extremists, who say they are being discriminated against. I am sure Catholics have been discriminated against in Boston. I heard the former President talk about it at one time. I heard his father make an eloquent speech about it. Of course there was discrimination. Unfortunately there has been discrimination. Unfortunately there will be discrimination in the future. We cannot eliminate it by trying to pass a law.

Mr. GRUENING. Mr. President, will the Senator yield?

Mr. SMATHERS. I yield.

Mr. GRUENING. I understood the Senator to say that we will not eliminate it by passing a law. There is a law against arson. There is a law against murder. However, we still have arson and we still have murder. The law indicates that society is opposed to those practices. That is why we want laws against discrimination.

Mr. SMATHERS. I do not believe the comparison is any more logical than it would be to say that a cap pistol is the same thing as an atomic bomb. Of course we have laws against murder. Every nation has laws against murder if the nation is civilized. They have laws against arson. But I do not know that there are laws against discrimination everywhere, because nations have recognized that in human nature this is a human problem; it is a moral problem. But it is basically and essentially a human problem.

Of course, we are trying to stop murder by having a law against it, and we should have. But we will not stop this

particular kind of discrimination, I submit, by passing a law. What is proposed in this instance is to step in and take many basic rights away from other American citizens and give to a minority group a superior right that a majority of the people do not have.

Mr. HUMPHREY. Mr. President, will the Senator yield for a question?

Mr. SMATHERS. I yield.

Mr. HUMPHREY. What superior right is the Senator contemplating or is contemplated in the bill that other citizens do not have? Will the Senator name one?

Mr. SMATHERS. One important right which the colored citizen will have by virtue of the bill is to be hired, to get a job, when he has taken an examination and has come out even with another man. Because of the bill and the employer's fear that the Employment Commission will move against him after it has ruled that he has discriminated because he has not had a certain percentage of colored people in his plant heretofore, he will give the colored citizen the job.

The other night we discussed the Motorola case, in Illinois. All the applicants took an examination, both white and colored. Finally, one colored applicant objected, and the examiner said that Motorola should have given the job to the colored citizen, because it had not taken into consideration his uncultured background. It had not taken into account his history. When employers start doing that and do not hire people on the basis of ability, what happens? The company has to hire somebody not because he is the best, not even because he is equal, but because of his color. That was true in that particular instance. There will be other instances.

I had already said, before the Senator entered the Chamber, that in California General Motors had just announced that it was picketed because it did not submit to a quota system in the particular plants there. I say that is what the FEPC provision in the bill would lead to. It would lead to a quota system eventually and ultimately.

It is said that there are so many jobs, and they will be given to certain persons because they are citizens of a certain type, not because of their particular ability. I say that is where such persons get superior rights.

Mr. HUMPHREY. Mr. President, will the Senator yield for a further question?

Mr. SMATHERS. I yield.

Mr. HUMPHREY. Will the Senator name one State in which there is a quota system under FEPC?

Mr. SMATHERS. There has not been one yet, but that is what is being aimed at. I am afraid this is what the bill would lead to. We saw it happen in California the other day, where it was asked for; and there is no question in my mind that when a man has to submit his records, and he has always hired a certain group of citizens, or a certain type of citizens, to work for him, and the Government goes through his records and says, "You have employed all of one kind; you must have in your heart a feeling of discrimination against persons of another type," that person will have to protect himself against such a situation because, despite what the Senator says, he could finally go to jail or could be fined $300, and could in fact, become a sort of criminal. So he will protect himself by hiring a certain number of colored people in order to keep the majesty and might of the Federal law and its large bureaucracy off his neck.

Mr. HUMPHREY. Mr. President, will the Senator further yield?

Mr. SMATHERS. I yield.

Mr. HUMPHREY. Would the Senator from Florida be more pleased if we included in the bill an amendment which provided that there should be no quota system?

Mr. SMATHERS. I think the bill would be improved.

Mr. HUMPHREY. That might be a good amendment. It is only to satisfy those who are doubters, because if we do not expressly provide for a quota system, obviously it will not be included. But since we do provide in other sections of the bill—for example, in title VI—that the withdrawal of Federal funds should not relate to insured activities or guarantees, we might very well want to include that sort of restraint in the bill.

I have heard this argument made again and again. If there is that legitimate fear, which I do not see in the bill, but which others may see, perhaps we ought to remedy the alleged defect. I do not believe in a quota system. I do not believe in busing people—and this, by the way, is prohibited in the bill——

Mr. SMATHERS. I should like to ask the Senator a question. I have asked it of several other Senators, but none has given a satisfactory answer. Perhaps the Senator from Minnesota can give one.

It is said that it is the policy of the Federal Government to desegregate. Suppose there are two schools. On one side of the town is a school which is filled, 100 percent, with white students. On the other side of town is a school filled, 100 percent, with colored students. Students attend both schools as the schools nearest their homes. If the policy is to desegregate, how will desegregation be accomplished without "busing" from one school to another? Should a third school be built, so that the students can pile out there and go in equal numbers to that school? I do not know how desegregation can be accomplished, unless families are moved across town. We have already spoken about that, and it has been decided that that is not practical.

So while the Senator says there is a specific prohibition in the bill against "busing," as a matter of practical effect that is the only way it will be possible to accomplish desegregation, unless entirely new schools are built in entirely new locations.

Mr. HUMPHREY. Mr. President, will the Senator further yield?

Mr. SMATHERS. I yield.

Mr. HUMPHREY. I recognize there is a problem of what we call de facto segregation. It is not an easy problem to solve. But before we take ourselves off into that wilderness, why not get to the problems that are right on the subject, that are so obvious, like one's thumb; a situation in which there is obvious segregation; where there are segregated schools; schools that are unmistakably segregated and segregated strictly on the basis of race? It seems to me that we should try to solve those problems first, as the Senator says, by raising income through better jobs and training. I agree with the Senator; I do not want to have my remarks misunderstood. I think the long-term civil rights fulfillment will come through education, better training, higher levels of income, better jobs, and the like. But in the meantime, there are some things that can be done, and one of them is to abide by the law.

When I hear Senators complain about demonstrators, as I have heard in this Chamber, the worst demonstration of illegality is open defiance of the Constitution. Many a President has had to say that that kind of defiance would not be tolerated. Men from the South, like Andrew Jackson, refused to tolerate it.

We need to take into consideration what promotes these activities and the kind of motivation that inspires people to do what I consider to be disorderly and illegal acts. I do not condone them. I do not condone violence in former colonial countries. But I know that many times the British would say, "You simply do not understand the problems in these countries." Other people would say, "You do not understand the problems here." But finally the point was reached where people no longer would "take it," and they demanded their rights.

Mr. AIKEN. Mr. President, will the Senator from Florida yield?

Mr. SMATHERS. I yield.

Mr. AIKEN. I dislike to see Andrew Jackson brought into this controversy, because it is my understanding, under the sixth-grade requirement for voting, that Andrew Jackson could not even have voted, to say nothing of becoming President. That is why I say to the Senator from Minnesota that I do not think much of the sixth-grade requirement as a criterion for voting rights. I wish we could get rid of it.

Mr. SMATHERS. Andrew Jackson would not have been able to vote, despite the fact that he was the first territorial Governor of Florida.

Mr. HUMPHREY. He took a great deal of money and distributed it among the States.

Mr. President, will the Senator yield, so that we may recess?

Mr. SMATHERS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Florida will state it.

Mr. SMATHERS. I am making my speech. Earlier tonight it was ruled that I could make this one speech and, at the end of it, suggest the absence of a quorum, and so on. Must I conclude my speech before 12 o'clock midnight?

Mr. CURTIS. Mr. President, a parliamentary inquiry: Will the distinguished Senator from Florida have the floor when the Senate convenes on Tuesday?

The PRESIDING OFFICER. When the Senate takes a recess, it will, under the previous order, take a recess until 10 o'clock a.m., Tuesday.

Mr. CURTIS. Mr. President, if the Senate takes a recess now, while the distinguished Senator from Florida has not completed his speech, will he have the floor when the Senate reconvenes at 10 o'clock on Tuesday?

The PRESIDING OFFICER. If he is to have the floor until he finishes his speech?

Mr. CURTIS. But if he does not finish his speech, because the recess is taken——

The PRESIDING OFFICER. The Senator can make a unanimous-consent request.

Mr. SMATHERS. Mr. President, legislatively is this Monday or Tuesday?

Mr. HUMPHREY. Legislatively it is March 30.

Mr. SMATHERS. Mr. President, I wish to conclude my remarks in a very short time. I had hoped to conclude them before this.

But now that we have proceeded this long, I wish to make some comment in regard to an editorial which was written by John S. Knight, the publisher of the Miami Herald, the Charlotte News and Observer, the newspaper in Akron, and the Detroit Free Press. I think he is considered, in connection with this particular issue, not a conservative, and certainly not a reactionary. So I wish to read the editorial; and I wish to have the reporter have it recorded as though I were speaking it. I do not wish to see it in small print. I ask unanimous consent that it be printed as though I spoke it.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMATHERS. I now read the editorial:

"TIME FOR A STRATEGIC TIMEOUT: ON WISCONSIN? THE RIGHTS RUSH FUMBLES

"The large vote given Alabama's Gov. George Wallace in last Tuesday's Democratic presidential primary reflected growing disenchantment with civil rights legislation now before the U.S. Senate.

"As Arthur Krock of the New York Times has written, 'the only accurate poll is an election, and the voting in Wisconsin was an election in the opening phase.'

"Krock went on to say that 'the candidacy of Governor Wallace provided the only outlet for a protest against the pending Federal equal rights bill and the pressures used by some of its supporters. His capture of more than 25 percent of the party vote demonstrates that this protest is considerable and is continental rather than merely Southern in scope.'

"Wisconsin's Gov. John W. Reynolds offered the observation that 'we have prejudiced people in the North just as in the South.' Yet, this attempted rationalization of what happened in Wisconsin offers only a partial explanation of why Badger State voters cast more than 260,000 ballots for a hard-line Alabama segregationist.

"THE MILLENNIUM NOW

"As I see it, the militancy of the Negro struggle for civil rights legislation is alienating many normally fairminded people who have always been sympathetic to the Negro cause.

"I think we can assume that Negroes are fully entitled to all of the constitutional rights and freedoms accorded other citizens of this Republic.

"It is essential that they be given greater opportunities for employment. Substantial progress in this area has already been made through the cooperation of business and industry.

"The Negro will move forward as improved educational advantages lead to economic betterment. No sensible citizen would have it otherwise."

That is the argument I have been trying to make tonight; namely, that the real answer to this problem is in economic betterment and in education.

Mr. Knight goes on to say:

"Unhappily, the more aggressive Negro leaders are not content with orderly progress. They want the millennium, now.

"They encourage the nationwide rash of demonstrations, the unlawful sit-ins at cityhalls and State capitals, the pressures upon Members of Congress, mob action to awe school and other public authorities.

"Demands by Negro organizations that business concerns use a quota system in employment have led to violence and the destruction of property. These pressure tactics continue even though the Supreme Court has ruled there is no right to picket in order to achieve racial balance, or to eliminate racial imbalance.

"FAIR EMPLOYMENT?

"There is also rising resentment over a section of the civil rights bill now before the Senate which provides for an Equal Employment Opportunity Commission empowered to investigate the hiring, firing, and advancement policies of employers and labor unions.

"This provision would create an army of Federal inspectors empowered to inspect a firm's records and seek court action against alleged violators of the law.

"The burden of proof will fall upon the employer or the union. They must be able to show that they have not discriminated against Negroes because of race; they must prove that a dismissal had nothing to do with race; the employer must convince the Government of the absence of bias when promotions and pay increases are given.

"And so, ironically, as our flaming liberals prate about freedom for the many, they seek to place shackles upon the rights and liberties of the few."

That is the point I was trying to make earlier, although not nearly as well as Mr. Knight has made it. But this is what I mean when I say the bill would give superior rights to some of our citizens.

I continue to read from the editorial:

"Under the proposed law, the EEOC could become a vicious bureaucracy with powers to harass all business and industry suspected of unfair and discriminatory practices.

"This is not, I submit, the American way. We cannot preserve our cherished freedoms by supinely accepting this forerunner of a police state.

"TENSION'S REAL

"Part of the Wisconsin protest, as evidenced in the primary, is attributable to the fears of many workers in breweries, packinghouses, and other industries that they may be displaced as the pressure for Negro employment increases.

"This subject is seldom discussed in print, but it has become a source of increasing tension in all of our large industrial cities. Under present law, the apprehensions of non-Negro employees may have little foundation in fact, but they do exist and will be felt in future elections.

"EXTREMISTS RULE

"Arthur Krock has suggested that Negro leaders might well ponder the Wisconsin vote as a warning against the extremism which has characterized their tactics.

"The proposed civil rights bill is far more radical in its provisions than the draft originally favored by the late President Kennedy.

"It will be recalled that last October, James Farmer of the Congress of Racial Equality charged Attorney General Robert F. Kennedy with 'betraying' the civil rights cause. 'The Attorney General,' said Farmer, 'is asking his troops to retreat before they've reached the line of battle.'

" 'The Attorney General—and through him the administration,' added Farmer, 'has cynically, politically, and tragically attempted to pull the rug out from under our effective legislation.'

"This was the 'gratitude' given the Kennedys who labored so assiduously to advance the civil rights cause.

"Apparently, our late President's youngest brother—Senator EDWARD (TED) KENNEDY—has forgotten these insults.

"CORE's position is that you have to be 100 percent for its program, or you are automatically classified as an enemy of the Negro.

"Its Brooklyn chapter has just announced a plan to tie up traffic on five major arteries leading to the New York World's Fair on opening day. Nice people.

"Unfortunately, the voices of responsible and less radical Negro leaders are all but lost in the clamor of the extremists. Anyone who dissents or protests is promptly branded an 'Uncle Tom' and given no further consideration.

"PLEASE, DON'T PUSH

"At one stage in our history, the great industrial barons were contemptuous of public opinion.

"The Ku Klux Klan—through its devious and secret activities—was a powerful force in U.S. politics some 40 years ago.

"Law and order broke down in the 1930's when the new industrial unions were coming into power.

"In time, the extreme positions represented by these influences became intolerable, and the needed corrections took place.

"The Klan withered under attack and faded away into obscurity.

"Business and labor are today responsible, progressive, and dedicated to the national welfare.

"I am making no invidious comparisons, but seek only to point out that public opinion is always the ultimate master of our destiny.

"Americans can be led, but never pushed."

Mr. President, I yield the floor.

TRANSACTION OF ROUTINE BUSINESS

By unanimous consent, the following routine business was transacted during the session of the Senate today:

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON DEPARTMENT OF DEFENSE PROCUREMENT FROM SMALL AND OTHER BUSINESS FIRMS

A letter from the Assistant Secretary of Defense, Installations and Logistics, transmitting, pursuant to law, a report on procurement from small and other business firms, for the period July 1963–February 1964 (with an accompanying report); to the Committee on Banking and Currency.

REPORT OF NATIONAL ADVISORY COUNCIL ON INTERNATIONAL MONETARY AND FINANCIAL PROBLEMS

A letter from the Secretary of the Treasury, transmitting, pursuant to law, a report of the National Advisory Council on International Monetary and Financial Problems, for the 6-month period ended June 30, 1963 (with an accompanying report); to the Committee on Foreign Relations.

REPORT ON KENNEWICK DIVISION EXTENSION, YAKIMA PROJECT, WASHINGTON

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a report on the Kennewick division extension, Yakima project, Washington (with accompanying papers); to the Committee on Interior and Insular Affairs.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the ACTING PRESIDENT pro tempore:

A concurrent resolution of the Legislature of the State of Hawaii; to the Committee on Post Office and Civil Service:

"SENATE CONCURRENT RESOLUTION URGING THE CONGRESS OF THE UNITED STATES TO REJECT LEGISLATION ELIMINATING THE COST-OF-LIVING ALLOWANCES TO FEDERAL EMPLOYEES

"Whereas there is now pending before the House of Representatives of the United States, legislation, if enacted into law, that would eliminate the cost-of-living allowances to Federal employees, and that such legislation will probably be considered in the Senate of the United States in the near future; and

"Whereas the affirmative action on such legislation will result in the taking away of a very substantial portion of the income of such employees and thereby reduce their standard of living from which they have been accustomed and entitled to; and

"Whereas the loss of such funds would seriously jeopardize the continued economic growth and prosperity of Hawaii due to the diminution of spendable income in the economy of Hawaii in the amount of approximately ten and a half million dollars per annum; and

"Whereas the spendable income attributable to the cost-of-living allowances in Hawaii supports approximately 250 secondary jobs and generates from one and a half to $2 million dollars per annum in tax revenues for the State of Hawaii; and

"Whereas the impact resulting from the stoppage of the cost-of-living allowances will be of a most serious nature affecting our State and its citizenry: Now, therefore, be it

"Resolved by the Senate of the Second Legislature of the State of Hawaii, Budget Session of 1964 (the House of Representatives concurring), That the Congress of the United States be and is hereby respectfully requested to reject legislation eliminating the payment of the cost-of-living allowances to Federal employees; and be it further

"Resolved, That duly certified copies of this concurrent resolution be sent to the Honorable CARL HAYDEN, President pro tempore of the U.S. Senate, and the Honorable JOHN W. MCCORMACK, Speaker of the U.S. House of Representatives, the Honorable HIRAM L. FONG and the Honorable DANIEL K. INOUYE, U.S. Senators from the State of Hawaii, and to the Honorable THOMAS P. GILL and the Honorable SPARK M. MATSUNAGA, U.S. Representatives from the State of Hawaii."

A resolution of the Senate of the State of Alaska; to the Committee on Labor and Public Welfare:

"SENATE RESOLUTION 37

"Whereas the earthquake disaster has had a grave impact on the public education program and system of the state through the destruction of school facilities and the loss of revenues vital to the existence of education; and

"Whereas the Federal support for the State's education program emanating from Public Laws 815 and 874 for matching money for school buildings and facilities and for grants to schools affected by Federal activities in the area could be expanded to meet the unprecedented situation facing the school systems in Alaska; and

"Whereas U.S. Senator WAYNE MORSE has introduced S. 2725 to amend Public Law 815 to release funds to replace the schools lost or ravaged in Alaska; and

"Whereas the magnitude of the disaster in Alaska strongly suggests the need for making Public Law 874 funds available on the basis of total enrollment at the discretion of the President and for a period of need to be determined by the President: Be it

"Resolved, That the President and the Congress are most earnestly and urgently requested to give early and favorable attention to S. 2725 and to make Public Law 874 funds available to Alaska on the basis of total school enrollment in order that the public education program of the State of Alaska may be sustained during the period in which the state is striving to rebuild its economy and overcome the disastrous effects of the earthquake on its economy and vital programs; and be it further

"Resolved, That copies of this resolution be sent to the Honorable Lyndon B. Johnson, President of the United States; the Honorable Carl Hayden, President pro tempore of the Senate; the Honorable John W. McCormack, Speaker of the House of Representatives; the Honorable Anthony J. Celebrezze, Secretary of Health, Education, and Welfare; the Honorable Wayne Morse, U.S. Senator; and the Members of the Alaska delegation in Congress. Passed by the senate April 10, 1964.

"_____ _____,
"President of the Senate (pro tempore).

"Attest:

"EVELYN K. STEVENSON,
"Secretary of the Senate.

"Certified true, full and correct.

"EVELYN K. STEVENSON,
"Secretary of the Senate."

A postcard in the nature of a memorial from the Citizens Committees for America, signed by L. G. Motsleigh, of Richmond, Va., remonstrating against the enactment of the civil rights bill; ordered to lie on the table.

RESOLUTIONS OF GENERAL COURT OF COMMONWEALTH OF MASSACHUSETTS

Mr. SALTONSTALL. Mr. President, on behalf of my colleague, the junior Senator from Massachusetts [Mr. KENNEDY], and myself, I present for appropriate reference three resolutions of the General Court of the Commonwealth of Massachusetts. The first resolution asks for the enactment of legislation to provide more defense work in the area; the second relates to the urban mass transportation bill, and the third one providing for the designation of Columbus Day as a legal holiday. I ask unanimous consent that these resolutions be printed at the proper place in the RECORD.

There being no objection, the resolutions were received, appropriately referred, and, under the rule, ordered to be printed in the RECORD, as follows:

To the Committee on Armed Services:

"RESOLUTION OF THE COMMONWEALTH OF MASSACHUSETTS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION PROVIDING FOR MORE DEFENSE WORK FOR THIS AREA

"Whereas a number of the largest employers in the Commonwealth have been forced to lay off a great many workers because of a decline in defense business; and

"Whereas the loss of this business and the resulting unemployment of these workers adversely affects the economy of an area which has contributed greatly to the national defense in the past: Therefore be it

"Resolved, That the General Court of Massachusetts respectfully urges the Congress of the United States to enact legislation which will provide that this area will receive a sufficient share of defense work from the Federal Government to warrant continued maximum employment locally; and be it further

"Resolved, That a copy of these resolutions be transmitted forthwith by the secretary of the Commonwealth to the President of the United States, the presiding officer of each branch of the Congress, and to the Members thereof from the Commonwealth.

"House of representatives, adopted, March 25, 1964.

"WILLIAM C. MAIERS,
"Clerk.

"Senate, adopted in concurrence, April 1, 1964.

"THOMAS A. CHADWICK,
"Clerk.

"Attest:

"KEVIN H. WHITE,
"Secretary of the Commonwealth."

To the Committee on Banking and Currency:

"RESOLUTION OF THE COMMONWEALTH OF MASSACHUSETTS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION GENERALLY REFERRED TO AS THE URBAN MASS TRANSPORTATION BILL

"Whereas approximately 70 percent of our citizens live in urban areas and are affected by urban transportation or the lack of public urban transportation; and

"Whereas transit companies are caught in the vicious cycle of rising costs and declining revenues, while the costs of highway construction have increased greatly as their physical limits have been reached; and

"Whereas cities and towns lack the financial resources to cope with these staggering problems; and

"Whereas the increasingly complex and vital area of urban transportation is a national problem; and

"Whereas there will be a tremendous financial loss to the Nation as a result of the abandonment of rights-of-way which can only be replaced at many times their present value; and

"Whereas the proposed long-range program before the Congress provides the Federal aid needed by local communities to effectively combat these problems: Therefore be it

"Resolved, That the General Court of Massachusetts hereby urges the Congress of the United States to enact the legislation generally referred to as the urban mass transportation bill; and be it further

"Resolved, That a copy of these resolutions be sent forthwith by the secretary of the Commonwealth to the President of the United States, to the presiding officer of each branch of the Congress, and to the Members thereof from the Commonwealth.

"House of Representatives, adopted, March 25, 1964.

"WILLIAM C. MAIERS,
"Clerk.

"Senate, adopted in concurrence, April 1, 1964.

"THOMAS A. CHADWICK,
"Clerk.

"Attest:

"KEVIN H. WHITE,
"Secretary of the Commonwealth."

To the Committee on the Judiciary:

"RESOLUTION OF THE COMMONWEALTH OF MASSACHUSETTS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION MAKING COLUMBUS DAY A LEGAL HOLIDAY

"Whereas the discovery of this continent by Chistopher Columbus on October 12, 1492, was an event of great historical importance; and

"Whereas he was a man of exemplary character and showed he possessed courage in the highest degree; and

"Whereas the esteem in which he is held has increased in leaps and bounds with the passing of time; and

"Whereas the people of this country are greatly indebted to him above all other people for his extraordinary achievement; and

"Whereas it is the desire of the vast majority of our citizens to honor this great man and his memory by having a day set aside to be known as Columbus Day: Therefor be it

"Resolved, That the General Court of Massachusetts respectfully urges the Congress of the United States to enact such legislation as may be necessary to declare October 12 of each year to be a legal holiday to be known as Columbus Day; and be it further

"Resolved, That copies of these resolutions be transmitted forthwith by the secretary of the Commonwealth to the President of the United States, to the Presiding Officer of each branch of Congress and to the Members thereof from this Commonwealth.

"House of representatives, adopted, April 1, 1964.

"WILLIAM C. MAIRES,
"Clerk.

"Senate, adopted in concurrence, April 6, 1964.

"THOMAS A. CHADWICK,
"Clerk.

"Attest:

"KEVIN H. WHITE,
"Secretary of the Commonwealth."

FLOOD CONTROL—PETITION

Mr. KEATING. Mr. President, I present a petition signed by 153 citizens of Wellsville, N.Y., relating to flood control. I ask unanimous consent that the petition be printed in the RECORD, without the signatures attached, and appropriately referred.

There being no objection, the petition was referred to the Committee on Public Works, and ordered to be printed in the RECORD, as follows:

WELLSVILLE FLOOD CONTROL PETITION

Hon. JACOB K. JAVITS,
U.S. Senator,
Senate Office Building,
Washington, D.C.
Hon. KENNETH B. KEATING,
U.S. Senator,
Senate Office Building,
Washington, D.C.
Hon. CHARLES E. GOODELL,
Congressman, 43d District, New York,
House Office Building,
Washington, D.C.:

We, the undersigned taxpaying citizens of Wellsville, N.Y., do ask your support in remedying the design defects in our flood control project.

The U.S. Corps of Engineers now says that a design figure of 21,000-foot-per-second flow should have been used, rather than the 12,000-cubic-foot-per-second flow to which the project was constructed.

Since 1959, three floods have exceeded the design limits of the works and we barely escaped a major disaster this March.

It is our understanding that money is now available to complete the Wellsville project without further congressional appropriation.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WALTERS:

S. 2730. A bill for the relief of Dr. Jorge A. Picaza; to the Committee on the Judiciary.

By Mr. HARTKE:

S. 2731. A bill to permit an additional 5 years to be disregarded, in determining average monthly wage of an individual for purposes of arriving at benefits payable to him under title II of the Social Security Act, if such individual has been involuntarily separated from employment held for 10 years or more under circumstances involving his loss of private retirement rights; to the Committee on Finance.

(See the remarks of Mr. HARTKE when he introduced the above bill, which appear under a separate heading.)

By Mr. MCNAMARA (for Mr. ENGLE):

S.J. Res. 167. Joint resolution with respect to the proposed location of a nuclear powerplant at Bodega Head, Calif.; to the Joint Committee on Atomic Energy.

RESOLUTION

TO PRINT AS A SENATE DOCUMENT A COMPILATION OF REPRESENTATIVE PUBLISHED SPEECHES, OR SELECTIONS THEREFROM, OF THE LATE GENERAL DOUGLAS MACARTHUR

Mr. TOWER submitted a resolution (S. Res. 308) to print as a Senate document a compilation of certain speeches, or selections therefrom, of General of the Army Douglas MacArthur, which was referred to the Committee on Rules and Administration.

(See the remarks of Mr. TOWER when he submitted the above resolution, which appear under a separate heading.)

AMENDMENT OF SOCIAL SECURITY ACT RELATING TO RETIREMENT BENEFITS

Mr. HARTKE. Mr. President, it is a tragic circumstance for any worker, after spending 10, 20, or 30 years of his life as the employee of a company under a private retirement plan, to find suddenly that through no fault of his own he is not only out of a job but also without the retirement protection he had counted on. Yet all too often that is the case when a company ceases operations, transfers work to another plant and closes down, or makes, for business reasons, a decision which cripples the human prospects of its workers. The recent closing of the South Bend Studebaker plant is a case in point, but there are numerous others.

In such a case, workers with long service may find themselves deprived of the pensions they would have received otherwise. At 50 or 55, there is no demand for their special skills, and if they can find employment it is often at lower pay. This, through no fault of their own, not only loses them their private retirement benefits but, by the inclusion of years late in life with partial unemployment and low-paid jobs in the base of their social security calculations, deprives them also of a portion of the old age retirement benefits from the Federal system they would otherwise receive.

Therefore, Mr. President, I introduce a bill to aid in such situations. It would allow for the exclusion of 10 years instead of 5 years from the social security calculations base, with the second 5 years drawn from those following the involuntary unemployment of a long-service employee deprived thus of his private retirement benefits. I request unanimous consent for the printing of the bill at the conclusion of these remarks.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2731) to permit an additional 5 years to be disregarded, in determining average monthly wage of an individual for purposes of arriving at benefits payable to him under title II of the Social Security Act, if such individual has been involuntarily separated from employment held for 10 years or more under circumstances involving his loss of private retirement rights, introduced by Mr. HARTKE, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) paragraph (2) (A) of section 215 (b) (2) of the Social Security Act is amended to read as follows:

"(2) (A) The number of an individual's 'benefit computation years' shall be equal to the number of elapsed years (determined under paragraph (3) of this subsection)—

"(i) in the case of any individual, reduced by five years, and

"(ii) in the case of an individual who, after having been employed for not less than 10 years for the same employer, was involuntarily separated from employment

with such employer under circumstances involving the loss of his rights in a private retirement plan provided by such employer, reduced by five additional years occurring within the period following his separation from employment with such employer; except that (iii) the reduction provided in clause (ii) shall be made only if, and to the extent, that the average of the individual's wages and self-employment income for the period referred to in such clause would be increased by the application of such reduction, and (v) the number of an individual's benefit computation years shall in no case be less than two."

(b) Subparagraph (B) of section 215 (b) (2) of such Act is amended by inserting "(i)" after "(A)".

SEC. 2. The amendment made by the first section of this Act shall apply with respect to applications for monthly benefits under title II of the Social Security Act filed on or after January 1, 1965, and with respect to applications for lump-sum death payments payable thereunder for deaths occurring on or after such date.

NOTICE OF POSTPONEMENT OF HEARINGS ON SENATE BILL 2296, RELATING TO THE CREATION OF GUADALUPE NATIONAL PARK

Mr. BIBLE. Mr. President, the Public Lands Subcommittee of the Senate Interior Committee had heretofore scheduled hearings on April 21 on S. 2296, Senator YARBOROUGH'S bill to create a Guadalupe National Park. Many citizens from Texas have indicated their intention to testify in favor of the bill.

Because of the limited time that is available in which committees can sit during the current extended debate, it appears impossible to give the measure the consideration to which it is entitled.

I have, therefore, postponed hearings on the measure until adequate time is available to properly consider the measure.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. BAYH:

Statement by him relating to retirement of William Patrick Flynn as chairman and chief executive officer of Indiana National Bank, Indianapolis, Ind.

THE ALASKA DISASTER GROWS—NOW A FIFTH CITY, CORDOVA, IS ALSO HARD HIT

Mr. GRUENING. Mr. President, the earthquake and resulting tidal waves which hit Alaska on March 27 grow in magnitude as a disaster as their consequences are more fully ascertained.

Within a few days after that fatal and unprecedented convulsion, it was certain that the cities of Anchorage, Alaska's metropolis; Seward, ocean terminus of the Alaska Railroad and the port of entry to western Alaska; Valdez, terminus of the Richardson Highway and port of entry to the area lying east of Prince William Sound; and Kodiak, western Alaska's fishing center, that these four urban centers had suffered incredible damage, their economy having been partially or wholly destroyed as well as hundreds of homes. In addition, a half-dozen smaller villages have been destroyed and there is widespread damage to the railway and highways. But the first impression was that Cordova, the fifth of the five principal cities lying close to the coast of central and western Alaska, had escaped serious damage.

Unfortunately, that is not the case. For the wide-ranging Alaska earthquake, which has lowered the level of Kodiak about five and a half feet, so that the city itself must be removed to higher ground to safeguard it from high tides which would flood it, produced the opposite but perhaps little less destructive effect on Cordova. This city, a fishery center for salmon, crab, and clams, former ocean terminus of the Copper River & Northwestern Railway, and prospective entry by a highway being constructed up the Copper River Valley, was raised nearly 6 feet—about the same distance that the level of Kodiak was lowered. The consequences of that upheaval are graphically described in a telegram which I received last night from the city's Mayor William Sherman. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

Senator ERNEST GRUENING,
U.S. Senate,
Washington, D.C.:

Boat harbor wiped out; no water 209 out of 215 moorings; unusable low tide; 6 a.m. today one vessel laid over, spilled 500 gallons diesel, enormous fire hazard; Alaska State ferry slip not usable three-quarters of time, only contact between coast and interior Alaska other than Anchorage; no grids for repairs and bottom painting; north of Juneau marineway servicing 400 vessels out of service due to low water; 7 canneries out of service due to low water; 450 boats stored in canneries cannot be put in water, only available fishing fleet between Southeastern and Bristol Bay with prospects of excellent years is out of service due to low water; harbor only one of all-year use available for service to interior Alaska if dredged.

Alaska Steamship Co. and Standard Oil Co. cannot lay at dock in low water; Coast Guard moorings in very poor condition; only station between Juneau and possibly Kodiak; 3,500 people this area depend entirely on fisheries for livelihood; without immediate assistance to restore harbor the economy will suffer catastrophic decline with resulting disaster effects to State of Alaska; urgently request dredging and approach of north breakwater rehabilitating entire harbor area.

WILLIAM SHERMAN,
City of Cordova Pro Tempore Mayor.

Mr. GRUENING. Thus it is clear that the full consequences of this monumental disaster to Alaska are not yet fully appraised and that massive help will be needed.

The Committee on Interior and Insular Affairs, authorized to be a special committee to cope with the Alaska disaster, will meet later this morning—for it is now after midnight—under the chairmanship of Senator CLINTON ANDERSON to hold hearings on a bill to amend the Alaska Statehood Act and provide suitable legislature remedies. The bill, which includes a provision for earthquake insurance retroactive for Alaska, sponsored by Senator JACKSON, is cosponsored by Senators MAGNUSON, BARTLETT, BIBLE, KUCHEL, ENGLE, INOUYE, FONG, Moss, and myself. I hope there will be other cosponsors.

The problems which now confront Alaska are manifold and will be with us for some time. I expect to keep the Senate apprised of them and what is being done about them.

Pertinent is an excellent editorial, entitled: "The Kind of Relief Alaskans Must Have" which appeared in last Thursday's Anchorage Times. I ask unanimous consent that it be printed at this point in my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Anchorage Daily Times, Apr. 9, 1964]

THE KIND OF RELIEF ALASKANS MUST HAVE

How can friends in the other 49 States help Alaskans recover from their earthquake losses?

There is no pressing need for emergency clothing, food or medicine, yet that is what Alaska is receiving from well-meaning friends and organizations.

Alaskans should be pointing the way for more effective help. But what should they suggest?

During a discussion of this question, Father Zabriskie came up with the best suggestion we have heard. He suggested that Alaskans urge their outside friends to press their Senators and Congressmen for favorable action on legislation to provide Federal relief.

This touches on the most critical need in the entire State.

It has already been shown that Alaskans have the will, the enthusiasm and the energy to restore the broken economy of the State and of themselves.

Their greatest need is an opportunity to carry on without a debt burden that is beyond the point of reasonableness.

Thousands of Alaskans are under contract to make monthly payments for many years to come on houses that no longer exist, are no longer inhabitable or are in need of major repairs. These good people cannot undertake to buy new houses or to rent additional living space if the payments must continue on the old one that has disappeared or been damaged.

The businessmen also need help. The little man with a tiny store is usually in debt for his merchandise. Now he finds his merchandise ruined but the indebtedness still to be paid off. How can he get new stock to reopen his store if he is to have both a new debt and an old debt? This same problem with more digits confronts the big businessman.

Only the Federal Government is in a position to help.

The first thing Uncle Sam must decide is whether he wants this State to carry on as it was before the earthquake.

If the answer is affirmative, finding a way to restore the stricken cities to their pre-earthquake status is Federal responsibility.

Alaskans are under the impression that the development of this State is in the best interests of the Nation. They got this impression from the words of national leaders who, during the past quarter century, have said so in no uncertain terms.

During World War II the military leaders said they could not defend a wilderness. Congress then created the unprecedented Alaska public works program with Federal assistance for financing community facilities.

During and since the war, Congress responded to many Alaska problems with unprecedented action for airports, health programs, and even a dowry to get the new State started.

Alaskans have made their decisions. They are here to stay and are ready and willing to continue their work. The only decisions remaining to be made are those that must be made in Washington.

MacARTHUR ON BOMBING

Mr. SCOTT. Mr. President, I ask unanimous consent that an editorial entitled "MacArthur Told the Truth on Bombing," by Ray Cromley, published in the Washington Daily News on Monday, April 13, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Daily News, Apr. 13, 1964]

MacARTHUR TOLD THE TRUTH ON BOMBING

(By Ray Cromley)

It is true, as Gen. Douglas MacArthur said, that the British Government did tell the Indian Government to tell the Chinese Communist Government that General MacArthur and the U.S.-United Nations forces in Korea would not be allowed to bomb or enter Manchuria in the drive north of the 38th parallel after the brilliant Inchon landings.

The British did this at the request of the U.S. State Department.

This roundabout message was sent shortly before the Red Chinese entered the war as General MacArthur's forces swiftly advanced northward.

It was intended, U.S. diplomats say, to keep the Red Chinese out of the action. It didn't.

The background of the story is this:

It was known in Washington that the Red Chinese were arguing whether or not to enter the Korean conflict.

Some of the top Reds said they had to come to the aid of a neighboring Communist country; they claimed there was no way out of it.

Some argued that there was a strong danger of getting into a war with the United States.

They said this might mean they'd have to evacuate the coastal cities and some strategic areas of Manchuria.

The Chinese Reds weren't certain how much aid they would get from the Russians. Some argued they needed more time to build their strength after their takeover of mainland China.

With this in mind, there were lengthy Defense-State conferences. At the end, there was agreement that everything possible should be done to keep the Red Chinese out.

Sending the message to Mao Tse-tung was only the first step.

The Pentagon ordered General MacArthur to halt his American and non-Korean U.N. troops well short of the Korean-Manchurian border. He was told that only South Korea troops should be allowed to advance up to the border areas.

The U.S. Defense chiefs also ordered General MacArthur to make assurances to the Red Chinese they would not be cut off from the electric power they were getting from the major North Korean powerplant in the Yalu area.

General MacArthur opposed these two orders. They were not carried out.

Once the Red Chinese entered the war, preparations were made at the Pentagon for all eventualities. These included preparations for the possible evacuation of United States-U.N. forces from Korea.

This turn of events nearly ended efforts to secure any agreement with the Red Chinese up to the time of the truce talks.

The British did make an attempt to talk to Red Chinese representative Wu when he appeared before the United Nations. They wanted to explore what could be done to get the Chinese Communists to agree to peace.

Wu accepted a luncheon engagement. But he wouldn't talk.

As a result, the British, whose Ambassador in Peiping was being ignored by the Red Chinese, were about fed up.

One British source says, "By this time we were disillusioned with the Chinese Communists. There weren't any areas for discussion."

So the war moved on until the Red Chinese began to lose. Then they asked for truce talks.

ORDER FOR RECESS UNTIL 10 A.M. TUESDAY, APRIL 14

Mr. HUMPHREY. Mr. President, I ask unanimous consent that when the Senate recesses tonight, it recess until 10 o'clock a.m. on Tuesday, April 14, 1964.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS UNTIL 10 A.M. ON WEDNESDAY

Mr. HUMPHREY. Mr. President, I ask unanimous consent that when the Senate completes its business on Tuesday, April 14, 1964, it recess until 10 a.m. on Wednesday, April 15.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 10 O'CLOCK A.M. TUESDAY, APRIL 14

Mr. HUMPHREY. Mr. President, if there is no further business to come before the Senate, I move, pursuant to the order previously entered, that the Senate stand in recess until 10 o'clock a.m. on Tuesday, April 14.

The motion was agreed to; and (at 12 o'clock and 13 minutes a.m.), on Tuesday, April 14, 1964, the Senate took a recess, under the order previously entered, until 10 o'clock a.m. of the same day.

EXTENSIONS OF REMARKS

Mr. David Saul Klafter, of Chicago, Wins FEAA Award

EXTENSION OF REMARKS

OF

HON. EDWARD R. FINNEGAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 13, 1964

Mr. FINNEGAN. Mr. Speaker, the Free Enterprise Awards Association, Inc., a nonprofit corporation chartered by the State of New York, annually presents its national American Success Story Awards to members of the American business community who have achieved outstanding and successful careers in business. These awards symbolize what can be accomplished by any individual because of the opportunities available in our free and competitive society. Through recognition of the recipients of American Success Story Awards, the Free Enterprise Awards Association promotes incentive and champions the freedom of the American democratic system.

One of this year's recipients of the FEAA awards is Mr. David Saul Klafter of Chicago, a resident of the Ninth Congressional District, which I am privileged to represent. Mr. Klafter, 75, was cited "for his enduring contributions to the history of architecture and his unswerving devotion to civic and philanthropic causes." The son of Hungarian immigrants, he was a newsboy at the age of 4 and worked in a cigar factory at 7. A self-taught architect he had, by the time he was 17, designed 16 two-story apartment buildings and at age 21 passed the State architect's licensing examination.

Since then, Mr. Klafter has left the mark of his individualistic talent on scores of Chicago's finest office buildings, theaters, synagogues, factories, homes, and shopping centers; and many of his innovations in hospital and other designs are today's standards. Mr. Klafter is now a member of the Architects Examining Board of Illinois and devotes much of his time to civic and philanthropic causes, serving on the executive boards of over 40 such groups.

Mr. Speaker, I firmly believe that the future of this great Nation is indivisibly linked with our ability to continue to produce men with Mr. Klafter's initiative, acumen, and drive. It is with great pleasure, therefore, that I join with the Free Enterprise Awards Association in paying tribute to Mr. Klafter on this occasion.

Foreign Aid

EXTENSION OF REMARKS

OF

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 13, 1964

Mr. GUBSER. Mr. Speaker, on March 18, I called to the attention of this body the fact that current planning for military hospital construction is proposing a drastic reduction in the spaces available for medical care to military retirees and their dependents. For example, current planning for the replacement for Letterman Hospital in San Francisco proposes a reduction of exactly 300 operating beds. A similar situation exists at other hospitals. Current policy, when implemented, will bring about a reduction of

2,937 beds from the constructed bed capacity of 9 existing military hospitals.

Today, I call attention to the fact that on March 24 of this year, according to the Associated Press, the United States gave to Communist Poland a $6.1 million grant to complete the building of a children's hospital in the city of Krakow in Poland. This will bring to a total of $10.4 million the U.S. contribution to that particular hospital, and will provide for a total of 300 beds therein.

It would appear that, in practical effect, we are deducting 300 beds from those available for our own military retirees in the San Francisco district alone, and transferring them to the city of Krakow, in Communist Poland.

It is an old adage that "charity begins at home." However, medical care for our own military retirees, who have preserved this Nation and made possible our ability to continue to distribute largesse around the world, is not charity at all, but the discarge of both a legal and a moral obligation. It would be bad enough if we were distributing charity abroad while denying it at home, but the situation is worse than that. We are distributing money as charity abroad, to nations which are our avowed enemies, which we still owe as an obligation to the longtime defenders of our own land.

The inconsistency as well as the injustice of the situation becomes even more apparent when we face the fact that these distributions of largesse gain us, not friends, but the ever-increasing bitterness and jealousy of the recipients. No better evidence of this fact is needed than what President Sukarno, of Indonesia, said publicly, in the presence of our Ambassador, on March 25 of this year, "I say go to hell with your aid."

It is high time that we restrained our spendthrift, giveaway policies, in favor of more consideration for our own people.

Retirement of William Patrick Flynn, Chairman and Chief Executive Officer, Indiana National Bank, Indianapolis, Ind.

EXTENSION OF REMARKS

OF

HON. BIRCH E. BAYH

OF INDIANA

IN THE SENATE OF THE UNITED STATES

Monday, April 13, 1964

Mr. BAYH. Mr. President, there are still some great rags-to-riches stories, exemplifying the very heart of the American dream, abounding in our land today.

Few are more compelling than the story of William Patrick Flynn who, at the age of 65, has retired as chairman and chief executive officer of Indiana National Bank at Indianapolis, Ind. I hasten to add that retirement for Mr. Flynn means that he will now remain a member of the board and will be chairman of the bank's executive committee.

William P. Flynn was born on the west side of Indianapolis. His father was a farmer and later supervisor of the Indianapolis Street Railway Co. In 1915, when he was 16, young Flynn took a job as office boy for a life insurance company. But he quit that job to take advantage of his first great opportunity. He accepted an offer of a 50 percent salary increase to become a bank messenger. His decision meant that his weekly pay would increase from $4 a week to $6 a week.

From messenger boy, he was promoted first to clerk, then to bookkeeper, then to receiving teller. His rapid rise was noticed, and in 1918—when only 19 years old—Mr. Flynn became one of the youngest men appointed to the responsible position of assistant national bank examiner with the Seventh Federal Reserve District in Chicago.

In 1922 he became bank examiner for the Indianapolis Clearing House Association. He returned to the Indiana National Bank in 1930 as vice president in charge of the credit department. In 1940 he was elected to the board of directors, became executive vice president in 1944, president in 1952, and board chairman in 1957.

He is now a director of the insurance company where he started as an office boy, as well as the retiring chief officer of the bank where he started as a messenger boy.

In addition, Mr. Flynn serves as a director of a number of business, civic, and religious organizations. He is a director of the English Foundation, the United Fund of Greater Indianapolis, the Indianapolis Civic Progress Association, the Indianapolis Hospital Development Association, the Indianapolis-Marion County Building Authority, the Indianapolis Chapter of the American Red Cross, the Indianapolis Symphony Orchestra, and many others.

In 1961, Mr. Flynn was named a Knight of St. Gregory by Pope John XXIII for his leadership in fundraising campaigns for the archdiocese.

Mr. President, I submit that the example of personal, civic, and religious advancement set by William P. Flynn is one that commends itself to the youth of our Nation. He is to be congratulated for a life filled with service to his fellow man.

Washington Report

EXTENSION OF REMARKS

OF

HON. BRUCE ALGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 13, 1964

Mr. ALGER. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following newsletter of April 11, 1964:

WASHINGTON REPORT

(By Congressman BRUCE ALGER, Fifth District, Texas)

FREEDOM ASSAULTED

Using unprecedented naked power and disregard for reasonable procedure in passing important legislation, the Democratic leadership of the House this week rammed through two bills which may well prove to be decisive steps in putting an end to the freedom of the people of the United States. In passing the food stamp plan and the cotton-wheat bill the fundamental philosophies of the two parties were never brought into clearer focus. The real coalition in Congress, Northern and Southern Democrats, were almost unanimous in trampling on the parliamentary rights of the minority and in adopting the two measures.

THE LEGISLATION

1. The food stamp plan (H.R. 10222) to provide stamps to welfare recipients for the purchase of food: It is declared to be "an essential instrument in the war on poverty." The report on the bill states: "H.R. 10222 improves, expands, and makes permanent the food stamp program that now is operating successfully on a pilot and experimental basis in 43 areas in 22 States, covering some 380,000 persons."

In opposing the bill, the minority members of the Agriculture Committee said: "The establishment of a nationwide food stamp plan is not needed; it would be extremely expensive and inefficient; it would destroy the rights and usurp the responsibilities of local and State governments; it would aggravate the problems of commodities now held in surplus stocks by the Government; it would add hundreds of new employees in the Department of Agriculture; it would give the Secretary of Agriculture new broad and sweeping powers; it would be adverse to the needy people it is designed to help; and it would be of little benefit to U.S. farmers.

In the power move in which the House engaged, the food stamp plan was brought to the floor ahead of the cotton-wheat bill in a reported arrangement between city members who wanted the stamp plan and rural members who wanted the cotton-wheat program, thus assuring passage of both.

2. The cotton-wheat bill (H.R. 6196): The cotton bill was passed by the House with two very important amendments (the McIntire and Jones amendments) to protect States rights and lessen Federal control. The wheat bill was never considered by the House. In fact, it had not even been accepted by the Subcommittee of the House Agriculture Committee prior to the passage of the bill by the Senate and its return to the House. The entire wheat bill was added as a Senate amendment to the cotton bill after the Senate had stricken both the McIntire and Jones amendments from the latter.

Under these circumstances the House was asked to approve a 71-word resolution to send to the President without any amendment, with only 1 hour of debate, the entire cotton-wheat program.

Both bills were rammed through the House by keeping the Members in session until 12:30 midnight and by using a House-approved recess to honor the memory of General MacArthur as a device for an additional questionable recess to give some legality to highly irregular House procedure. Never in the history of Congress has there been a greater display of ruthless power, which resulted in an incident which to my knowledge is without precedent, the booing of the Speaker of the House of Representatives.

QUESTION OF PRINCIPLE

To detail all the parliamentary maneuvering and to discuss at length all the provisions of the legislation would take pages. The most I can do in the space of a newsletter is to alert the people as to what was done and the question of principle involved in the legislation.

1. The wheat bill is the same program turned down by the farmers in a nationwide vote last year. It established a two-price system in wheat; it is going to be more costly to the taxpayers both in supporting the sub-

sidies and in higher prices for food; it increases the potential for greater wheat surpluses; it opens further the floodgates for socialism. Approval of this legislation implies approval for greatly expanded minimum wage laws, medicare, wholly owned Federal housing, and complete Federal direction of urban renewal, together with all the other big government, big spending Federal projects, and welfare programs.

2. The cotton bill adds an additional subsidy to the two already in effect, giving cotton a triple subsidy; it gives unhealthy power to Federal-oriented cooperatives at the expense of private cotton merchandisers; places unusual control of cotton in the hands of the Secretary of Agriculture. It is claimed it will correct the market. Actually, it adds an additional subsidy to correct a problem created by a previous subsidy. It was sold to the cotton people as a temporary 2-year program. Those who bought this forget that we have been operating on temporary agriculture subsidy programs for over 30 years.

After months of study of the cotton legislation and in protest against being asked to approve a wheat program which had never been before the House, I opposed the bill. I am convinced, as are many members of the Agriculture Committee, including some from cotton States, that passage of this bill will, in the end, tremendously damage the entire industry and may even mean the end of privately owned cotton trading enterprises.

THE POLITICAL ASPECT

Many of the cotton people of Dallas do not agree with me at this time. I received a number of letters and personal telephone calls indicating political reprisal if I voted against the bill. Under such circumstances I have only one course—to follow reason and my conscience and vote according to my own judgment, knowing all the facts and the probable effect of the legislation. Political expediency cannot be the deciding factor in voting on such vital legislation if a Representative is to remain true to his convictions. I believe my vote was in the best interest of the cotton industry and am prepared to debate the issue with any leaders of the industry, presenting all the facts as I know them to be.

In the passage of these two bills and the manner in which it was done, freedom in America was seriously assaulted this week. Who knows what new blows are being planned to weaken the private enterprise system and the remaining freedoms of the American people?

APRIL 11, 1964.

BRUCE ALGER,
Member of Congress.

Where is the Roosevelt Memorial?

EXTENSION OF REMARKS
OF
HON. EVERETT G. BURKHALTER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Monday, April 13, 1964

Mr. BURKHALTER. Mr. Speaker, this is a particularly wonderful time of the year to be in Washington. The singular beauty of the city is enhanced by trees and flowers but most wonderful of all to me is the flood of the people from all over the Nation who come here to visit the seat of National Government.

They come here by the hundreds to see their Representatives at work in the Capitol. They come here to see the great art museums, the majestic memorials and monuments, and invariably to ask, "Where is the monument to President Roosevelt?"

To answer this question is most embarrassing. For all Members of Congress know that the memorial to President Franklin D. Roosevelt is still on paper. Disagreements among the various committees involved, arguments over location, contrary views of what is appropriate and what is not appropriate have resulted in a situation which has produced no national memorial to the man who brought this country back from the brink of revolution.

Thirty-two years ago this month, farmers in the Midwest were threatening to hang the officers of the court involved in foreclosure sales. Masked men were seizing milk trucks and dumping milk in the roadway. Irate Nebraska farmers threatened to tear down the new State capitol building unless help was forthcoming from the legislature.

Homes were being foreclosed at the rate of a thousand a day, unemployed workers in Detroit raided grocery stores filling their baskets and leaving without paying. In St. Louis, hungry men demanding food at city hall were shot by police in an effort to control the mob. In Chicago, 55 persons were charged with tearing down a brick building and carrying it away. People lived in packing boxes on the river front, they slept in empty street cars. Heart disease complicated by malnutrition was the entry in hospital registers when people, dying from starvation, were brought in to spend their last hours under a roof.

From Pennsylvania to Wyoming, jobless miners bootlegged coal. In cities, jobless veterans sold apples and shoestrings for paltry pennies. Fields of unpicked cotton extended from New Mexico to the Carolinas because the sale price of cotton would not pay for the picking. There were vineyards and orchards with fruit unpicked in the country and starvation in the streets of the cities.

Ten thousand striking miners in southern Illinois organized a coal caravan—the cars in the demonstration stretched for 48 miles. Communist-led demonstrations were at every hand.

In this chaotic and fearful situation, Franklin D. Roosevelt, in his inaugural address, had stated:

First of all, let me assert my firm belief that the only thing we have to fear is fear itself, unreasoning, unjustified terror.

We are stricken by no plague of locusts. Plenty is at our doorstep, but a generous use of it languishes in the very sight of the supply. Primarily, it is because the rulers of the exchange of mankind's goods have failed through their own stubbornness and their own incompetence and have abdicated. The moneychangers had fled from their high seats in the temple of our civilization. We may now restore that temple to the ancient truths.

Then came the national bank holiday and on March 9, 1933, within 5 days of his taking office, the special session of Congress convened to pass, sight unseen, the emergency banking bill which extended Federal help to reopen the banks.

Sixty million people gathered around their radios the next Sunday night to hear the first of the fireside chats.

Small wonder that the children and the grandchildren of those people ask when they come here, "Where is the Roosevelt memorial?"

And from the inaugural date on March 4, 1933, for the next 100 days, this House and Members of Congress stood by the President and remade the figure of Government in our time.

Franklin D. Roosevelt re-created the modern Presidency, according to William Leuchtenberg:

He took an office which has lost much of its prestige and power in the previous 12 years and gave it an importance that went well beyond what even Theodore Roosevelt and Woodrow Wilson had done. Clinton Rossiter has written: "Only Washington who made the office and Jackson, who made it, did more than Roosevelt to raise it to its present condition of strength, dignity, and independence."

His most important formal contribution in the opinion of many historians was the creation of the Executive Office of the President on September 8, 1939, Executive Order No. 8248 set up the Executive Office with six assistants with a "passion for anonymity." It did more than that, it placed in the hands of the President as drivers at the reins of government. This authority has been increased and enlarged today but it all dates from the Executive order.

Small wonder students of government from around the world look for a memorial to this man who saved representative and democratic government.

Franklin Roosevelt perfected the art of the newspaper news conference and the fireside chat over the radio. His press conferences were rough and tumble, his fireside chats as cozy as a chat with grandfather. And the White House mail multiplied 50 times.

The financial center of the Nation shifted from Wall Street to Washington under the New Deal; John Dillinger, a notorious bank robber was shot to death in Chicago after he had escaped from a number of jails and led a spectacular career in crime through a dozen States, impotent to stop him.

Reform in the 1930's was economic reform and much of the force and power of the New Deal came from organized labor and brought fruit in the Committee for Industrial Organization.

Here, under sponsorship of Government organizers, set up a whole new concept to organized labor, a movement that was to have much to do with the sweep and the power of organization for the next 30 years.

Nor were the arts neglected as many a post office built in those troubled times can attest.

Art projects, theatrical projects, dance projects, the National Youth Administration, the Civilian Conservation Corps were adjuncts of the more widespread WPA, which kept many a family together, and the PWA which built badly needed buildings and gave jobs to thousands in permanent construction.

Alphabetical agencies gave fodder to the cartoonists, the comedians, and the hardheaded. And they saved the lives of thousands, gave new hope to the entire country, and laid the groundwork for today's flexible Government the most powerful in the world.

Spring in Washington is a glorious time, a time to welcome the thousands of visitors who come here for a pilgrimage to this magnificant complex. But it brings a most embarrassing question from the lips of hundreds: "Where is the Roosevelt Memorial?"

It is difficult to believe that the memorial to the man who brought us back from the brink of revolution exists today only on paper.

The Pending Urban Mass Transportation Act

EXTENSION OF REMARKS
OF
HON. EVERETT G. BURKHALTER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Monday, April 13, 1964

Mr. BURKHALTER. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following newsletter:

THE PENDING URBAN MASS TRANSPORTATION ACT: A QUESTION-AND-ANSWER ANALYSIS OF THE NEED FOR THIS FEDERAL LEGISLATION

In the near future, the Urban Mass Transportation Act of 1963—one of the major legislative proposals of the current session of Congress—is expected to be called up for a vote by the House of Representatives.

The Senate already has acted favorably upon the Urban Mass Transportation Act, and it has been the subject of thorough committee hearings in the House of Representatives.

Originally proposed by the late President Kennedy and his administration, the Urban Mass Transportation Act is being strongly supported by President Johnson. Appeals for its enactment have been made twice to Congress by President Johnson—once in his state of the Union message and the other time in his message on housing and community development.

"Urban mass transportation is one of the most urgent problems facing the Nation and this Congress," said President Johnson.

"Efficient transportation systems are essential to our urban communities," President Johnson explained. "The proper mixture of good highways and mass transit facilities should be developed to permit safe, efficient movement of people and goods in our metropolitan centers.

"I urge early enactment of the mass transit program (H.R. 3881) as basic to the development of our Nation's cities," President Johnson asserted.

The Institute for Rapid Transit, using the question-answer technique, herewith presents the views of knowledgeable leaders in the transit industry on the need and justification of the Urban Mass Transportation Act:

Question. What is the need for this legislation?

Answer. After many years of concentration on improving highways and other facilities for the private automobile, it has become obvious that the automobile alone cannot possibly supply all of the urban transportation requirements. The cost alone of providing enough urban highways to provide the total transportation requirements would be fantastic and prohibitive. Furthermore, it would be a grossly uneconomic use of land to provide for not only the required highways but also the parking facilities required by these highway constructions. This continuing need for mass transportation facilities is especially apparent in the peak hours of travel to and from the central business districts and other increasingly congested sections of the metropolitan areas. It is the belief of the transit industry that improved transit facilities could attract substantial numbers of patrons and thereby relieve congestion on highways and streets.

Question. Isn't it possible to private industry to provide the mass transportation needs without any Federal or other governmental assistance?

Answer. Experienced operators, planners, and other students of the transit industry are in general agreement that it is no longer attractive to private industry to make substantial capital improvements which are required for the long overdue modernization and expansion of such facilities. There is not sufficient revenue coming through the fare box to provide either the basis for low-interest bonds or the capital to finance these improvements. To attempt to finance these capital improvements through the fare box would raise fares so high that not only would transit riding be reduced, but a financial hardship would be imposed on those persons who must depend solely on transit services.

Question. Aren't privately owned urban transportation properties profitable?

Answer. There are certain privately owned transit companies which are profitable operations, but the trend for many years has been for the privately owned transit companies to withdraw in favor of public transit authorities or similar governmental agencies. The fact of the matter is that since World War II, many privately owned transit companies have failed, resulting in either public operations or abandonment of transit services in the community involved.

The last 25 years have seen a shift from private to governmental operations in such cities as Boston, Chicago, New York, Miami, Memphis, Cleveland, and Los Angeles. In the last year or two, the privately owned transit properties have disappeared in St. Louis, Dallas, and Pittsburgh. This problem is not only restricted to the large and medium-size cities, but includes numerous smaller cities as well. For example, privately owned properties in recent years have given way to public operations in such cities as Long Beach, Sacramento, and Bakersfield, Calif.; Savannah and Rome, Ga.; Michigan City, Ind.; Tacoma, Wash.; San Antonio, Tex.; New Castle, Pa.; Janesville, Wis.; Jonesboro, Ark.; Greeley, Colo.; Staunton, Va., and Jamestown and Ithaca, N.Y.

Question. Would not this act be the death knell to private transit operators?

Answer. This act plays no favorites between the publicly owned and the privately owned transit operations. Under the provisions of this act, all Federal grants or loans would be made to State or local governmental bodies. In no case would assistance be rendered directly to an operating transit organization, whether publicly or privately owned. The sponsoring State or local governmental agency would make the necessary improvements in transit facilities. These improved facilities in turn would be operated by the existing transit operator, whether it is privately or publicly owned. In fact, this act might very well help to continue certain private operations which are having great difficulty in continuing on their own.

Question. Do proponents of this bill feel that improved transit can handle all of the transportation requirements of a modern city?

Answer. On the contrary, just as most Americans do, proponents of this bill recognize and enjoy the advantages of the private automobile and look to improvements in highways where required.

Transit experts also recognize the fact that no one form of urban transportation can handle all of the transportation requirements in large cities and metropolitan areas. In other words, the proponents of the Urban Mass Transportation Act are recommending a balanced approach to the urban transportation problem—an approach embracing the private automobile, the bus, the commuter railroad, and rapid transit, as required for a given urban community.

Question. Has the Federal Government recognized this need for a balanced transportation approach?

Answer. The answer to this question is found in section 9 of the Federal Aid Highway Act of 1962 approved October 23, 1962, amended chapter 1 of title 23, United States Code, by the addition of a new section 134, which reads as follows:

"It is declared to be in the national interest to encourage and promote the development of transportation systems, embracing various modes of transport in a manner that will serve the States and local communities efficiently and effectively. To accomplish this objective, the Secretary (Commerce) shall cooperate with the States, as authorized in this title, in the development of long-range highway plans and programs which are properly coordinated with plans for improvements in other affected forms of transportation and which are formulated with due consideration to their probable effect on the future development of urban areas of more than 50,000 population. After July 1, 1965, the Secretary (Commerce) shall not approve under section 105 of this title any program for projects in any urban area of more than 50,000 population unless he finds that such projects are based on a continuing comprehensive transportation planning process carried on cooperatively by States and local communities in conformance with the objectives stated in this section."

Question. Would this proposed transit legislation be harmful to existing highway legislation?

Answer. By no means would this be a threat to highway legislation. For instance, Mr. Rex Whitton, Administrator of the Federal Bureau of Public Roads, testifying before the House Banking and Currency Committee, agreed that the Urban Mass Transportation Act would in no way impede the progress of the vast highway construction pragram.

On the subject of balanced transportation planning Mr. Whitton also told a subcommittee of the House Banking and Currency Committee:

"On the other side of the coin, financial aid from Federal or State sources has not been available in substantial amount for mass transportation improvements, and there has been no solid organizational apparatus developed through which such aid could be quickly applied. As a result, implementation of public transit aspects even of well-balanced plans has lagged behind the highway program in urban areas."

Question. Why have mass transportation improvements lagged behind highway improvements?

Answer. Mass transportation improvements have lagged far behind urban highway improvements primarily for two reasons. First of all, since World War II, emphasis was placed on highways and the private automobile with the thought that such improvements would take care of all the urban transportation requirements. Secondly—and probably more important—substantial

financial assistance was available from the Federal Government for automotive facilities. Not only are 90 percent matching Federal funds available for urban highway improvements under the $41 billion interstate and defense highway program of 1956, but funds also have been available for many years for urban areas under the Federal assistance programs for urban, primary, and seconday highways. Similar Federal assistance up to now has not been forthcoming for mass transportation improvements.

Question. Would not section 134 of the Federal Aid Highway Act of 1962 mentioned in an earlier answer take care of the mass transportation requirements in our metropolitan areas?

Answer. No, it would not. Section 134 of the 1962 Highway Act requires that highways to be eligible for Federal assistance after July 1, 1965, must be part of an areawide transportation plan that includes all forms of transportation as required. In other words, the Highway Act itself now recognizes the need for transit by insisting on balanced transportation planning, but unfortunately it provides financing for the highway phases but not for the mass transit phases of any plan. Passage of the Urban Mass Transportation Act would at least in part answer this need.

Question. What type of transit improvements does the industry believe are needed under the Urban Mass Transportation Act?

Answer. The type of improvements would be determined by the physical layout, the size and population density of the city and surrounding metropolitan areas. Such requirements would be determined locally to fit the needs of the individual cities and areas.

The objective of the act, as expressed by Dr. Robert C. Weaver, Administrator of the Housing and Home Finance Agency, is "to provide the people in the community a choice so that if they want to have mass transit they can have it." Dr. Weaver has explained further that if a community decides to depend solely upon the automobile, it can make this choice. But he also has pointed out, in testimony before the House Banking and Currency Committee, that a community should "not be forced to use the automobile because of the lack of a decent mass transit system."

Question. Is the Institute for Rapid Transit supporting the Urban Mass Transportation Act solely for the purpose of expanding rapid transit facilities?

Answer. No; the Institute for Rapid Transit wholeheartedly supports the balanced approach to urban transportation. This includes not only the coordination of public and private transportation, but also the proper coordination of the various forms of mass transportation, such as rapid transit, commuter railroads, and buses.

The Institute for Rapid Transit is an operators' association whose board of directors is made up of the general managers of the larger transit operations throughout the country. While the transit operations represented have plans for expansion or implementation of rapid transit facilities, it should be recognized that these organizations also are the operators of the larger transit bus systems throughout the country. These operators are not trying to favor one form over the other, but are trying to utilize each—rapid transit and the bus—to its fullest effectiveness.

Question. Why can't surface transit vehicles operating over streets and highways provide all of the transit requirements?

Answer. To make transit more attractive, scheduled speeds must be increased and regularity of service must be assured. This is difficult if not impossible to attain with surface transit vehicles competing with automotive traffic in congested areas. These objectives in such areas can only be attained through the provision of transit service on a grade-separated, private right-of-way.

Long experience with rapid transit on its grade-separated, private right-of-way has shown that scheduled speeds of two to four times that of surface transit vehicles are easily attainable. Existing rapid transit lines, free from the interference of street traffic and the elements, have demonstrated the highest possible degree of regularity of service.

Question. Is not the need for rapid transit restricted to only the largest metropolitan areas?

Answer. Obviously, the need for rapid transit grows with the size and the density of population in the areas involved. However, we believe that the ability of rapid transit to handle large masses of people provides an economical method of supplying the high capacity required for the peak hour movements in and out of congested areas. We believe that the demonstrated ability of the Cleveland "rapid" to perform this function and the plans for such systems in such cities as Atlanta, South Jersey, and Washington, D.C., are indicative of the desirability of rapid transit in the important medium size metropolitan areas.

Question. Isn't the Urban Mass Transportation Act really a big city bill?

Answer. No; the transit industry definitely does not look upon this act as a big city bill. It is true that the problem of transportation might be more complex in the large metropolitan areas, but it probably is actually more serious in the smaller cities. Obviously, the automobile is relatively more effective in the smaller cities than the larger. This has resulted in great difficulties in the continuance of transit service in such areas. On the other hand, in any urban area, there always will be substantial numbers of people who will not have access to an automobile and who are handicapped unless some form of public transportation is provided. These people dependent upon public transit include families who do not own automobiles, members of large families having only one automobile, and those who are unable to drive, such as the handicapped, the young people, and the old.

There are also those who are able to drive, but prefer public transportation over driving in congested areas or who do not want to incur the cost of parking in downtown areas. Federal assistance is vitally needed to assure transit service for these groups of people in the small as well as the large cities.

Question. Could not financial assistance to transmit be provided by State and local governments without the Federal Government's help?

Answer. Actually, many metropolitan areas are providing assistance to transit operations in various manners. Unfortunately, however, because of the great demand on the local and State tax dollar brought about by our expanding urban populations, it is impossible to finance adequately the mass transportation improvements that are needed solely at the local level. Consequently, an imbalance has developed in urban transportation facilities because local levels of government have had Federal assistance available for the highway requirements. If Federal funds can be justified for highways in urban areas, it would seem logical that similar assistance be provided for mass transit.

Question. Isn't it true that Federal highway assistance represents a nationwide program, while transit assistance would be solely local in nature?

Answer. It is true, of course, that the Federal Government's Interstate Highway System includes rural as well as urban areas. But it also is true that much of the cost of the Federal Interstate Highway system is being incurred in the urban or metropolitan areas.

While only approximately 5,000 miles, or 13 percent of the total of 41,000 miles of highways in the new Federal interstate system are being built in urban areas, the proportional cost of the construction of this system in urban areas is equal to 45 percent of the total cost of the interstate highway program.

Question. Would the Urban Mass Transportation Act be a giveaway program by the Federal Government?

Answer. By no means. First, it should be understood that the public assistance would be only for capital improvements, not for the operations of transit. It also is important to realize that local governmental bodies and/or States would be required to provide a substantial contribution of their own before being able to qualify for Federal assistance for mass transit improvements. The Federal Government would provide up to two-thirds of the cost of the mass transportation facilities and equipment that could not be financed from estimated revenues. To retain responsibility at the local level, the remaining one-third of the cost of such improvements must be provided by local governmental agencies, but this local agency must be a body other than the transit operator.

In addition to the Institute for Rapid Transit, the Urban Mass Transportation Act of 1963 is being actively supported by many organizations. Among these are: American Institute of Architects; American Institute of Planners; American Municipal Association; American Transit Association; Association of American Railroads; National Association of Home Builders; National Housing Conference; Railway Progress Institute; United States Conference of Mayors.

Other organizations supporting the Urban Mass Transportation Act also include many local chambers of commerce throughout the Nation.

SUMMARY OF H.R. 3881: THE URBAN MASS TRANSPORTATION ACT

1. It would authorize a long-range program of financial assistance to States and local governmental bodies in providing, through both public and private transportation organizations, the mass transportation facilities necessary for the orderly growth and development of urban communities. It would replace a temporary program of loans and demonstration grants voted by Congress in the Housing Act of 1961.

2. Federal grants would be provided for up to two-thirds of the cost of mass transportation facilities and equipment that could not be financed from estimated revenues. This portion of the cost—that which cannot be financed from revenues—is designated the "net project cost." Local and/or State funds would be required for the remaining one-third of the net project cost. In all instances, the local contribution would have to come from a governmental agency or body other than the transit operator itself. Repayments of the local grant could be made later from any surplus revenues, but there also would have to be proportional repayments of the Federal grant if there were surplus funds.

3. Federal loans would be authorized only where the total project cost could be financed by this method with reasonable assurance of repayment. Such loans also would be made by the Government only when the funds could not be obtained in the private market on reasonable terms. Also, Federal loans could not be used to supplement grant funds.

4. H.R. 3881, as presently drafted, authorizes $500 million for appropriation spread over 3 years. Actual budget outlays in the next fiscal year are estimated at only $10 million.

5. Both grants and loans would be subject to strict planning requirements. A major requirement would be the preparation

of a program for a unified or coordinated urban transportation system. Such a transportation plan in turn would be an integral part of a comprehensive development plan for the urban area.

6. For an initial 3-year period, Federal loans and grants on an emergency basis would be authorized on the basis of less provision of a 50-percent Federal grant, rather than a two-thirds grant. The remaining one-sixth Federal grant in such instances would become available if full planning requirements were met within 3 years from the date of the grant agreement.

7. A research, development, and demonstration program would be authorized for all phases of urban mass transportation to replace the present demonstration grant program authorized under the 1961 act. H.R. 3881 would add $30 million from the $500 million grant authority to the present $25 million demonstration grant authority.

8. An adequate relocation program for families displaced by urban mass transportation projects would be required. Federal grants would be authorized for relocation payments to individuals, business concerns, and nonprofit corporations on the same basis as in the Federal Government's urban renewal program.

HOUSE OF REPRESENTATIVES

TUESDAY, APRIL 14, 1964

The House met at 12 o'clock noon.

Rev. Father Joseph F. Thorning, Ph. D., D.D., pastor of St. Joseph's Church, Carrollton Manor, Md., and professor of Latin American history, Marymount College, offered the following prayer:

Heavenly Father, author of Life and of Love, let the Light of Thy countenance shine brightly upon the Speaker of this House and upon all the Members of the U.S. Congress.

Impart, we beseech Thee, Thy choicest blessings to the President of the United States of America and to the conscientious, talented, experienced public servant to whom our Chief Executive has confided the supreme direction of Western Hemisphere affairs.

Grant to the noble people of the United States of Brazil the divine graces and human wisdom necessary to consolidate and to promote their recent triumph over evil forces that threatened to engulf their vast, vital nation in chaos, defeat, and Soviet slavery. May this South American victory be advanced by a new determination to mobilize and develop rich human and material resources in accord with the principles of brotherly love and social justice. In the efforts to attain such important goals, we pledge our help before God and invoke divine blessing with a view to new triumphs for the Brazilian and inter-American ideals of "order and progress."

As we in North America, including Canada, rededicate our minds and hearts to the good neighbor relationship, we are happy to recognize that this policy of statesmanship has now been reinvigorated, with the support of both political parties, by the practical measures of self-improvement and economic partnership embodied in the Alliance for Progress.

In Thy presence, dear Savior, we understand how true are the words of the Bible which teach that "a brother helped by a brother is a strong city." In that spirit we consecrate our souls to a broad program of cooperation in the fields of education, nutrition, housing, and good health from the Caribbean, where Cuba, a captive nation, implores our aid, to the Republic of Chile, where, as never before in her history, human rights are at stake.

We seek these celestial favors in the name of our most Holy Redeemer, the Christ of the Andes. Amen.

THE JOURNAL

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

REV. JOSEPH F. THORNING, D.D.

Mr. ROONEY of New York. 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 New York?

There was no objection.

Mr. ROONEY of New York. Mr. Speaker, for many years now, the House of Representatives has been privileged to have the invocation on our annual Pan American Day delivered by the Reverend Joseph F. Thorning, D.D., who offered the beautiful opening prayer a few moments ago. Dr. Thorning was the recipient of the highest decoration of the Guatemalan Republic, the Order of the Quetzal. According to Ambassador Carlos Alejos, it was bestowed because "this priest-scholar upheld freedom against the Soviet-dominated regime of Col. Jacobo Arbenz and led the crusade among intellectuals which culminated in the liberation of the Guatemalan people after the 10th Inter-American Conference in Caracas, where Dr. Thorning served as special adviser to the U.S. senatorial delegation." Dr. Thorning is known as the padre of the Americas and is the recipient of many other national decorations from Latin American countries. He is pastor of St. Joseph's Church, Frederick, Md.

THE LATE MAJ. GEN. MELVIN J. MAAS

Mr. QUIE. 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 Minnesota?

There was no objection.

Mr. QUIE. Mr. Speaker, it is my sad duty to inform the Members of the House of the death of a former colleague of many here and of a great American.

Maj. Gen. Melvin J. Maas died April 13, 1964, at Bethesda Naval Hospital. His death came 10 years to the day after he was appointed by former President Eisenhower as Chairman of the President's Committee on Employment of the Handicapped. This post, which he held until his death, was the last of many high positions which he held during his life. It is to his credit and to the credit of his home State, Minnesota, that General Maas' activities throughout his life can be summed up under one general heading—"service to his country."

General Maas was born in Duluth, Minn., 66 years ago. His career included 16 years as a Congressman from Minnesota; service in the U.S. Marines in three wars, during which he rose from a private in Marine aviation in 1917 to major general in 1952; and after blindness overtook him, he devoted his life to aiding the handicapped.

General Maas was first elected to Congress from the Minnesota Fourth District in 1926. He served until 1933 and then again from 1935 to 1945. In 1933, he received national recognition and the Carnegie Silver Medal for heroism when he disarmed a man in the House galleries who was threatening Members with a loaded revolver. During his career in Congress, he specialized in legislation promoting aviation, national defense, and measures to improve the unemployment situation. As a member of the Foreign Affairs Committee, he sponsored several international conferences designed to bring about better relations with foreign powers.

Prior to World War II, Congressman Maas recognized the need for strong defenses. He sponsored legislation to fortify Guam and was joint author of legislation setting up a promotion system for the Navy. He was also sponsoring author of the Naval Reserve Act of 1938 which governed the Naval and Marine Corps Reserve until passage of the Armed Forces Reserve Act. He was the congressional author of the legislation creating the first military women's reserve.

A few men in each generation blend into one lifetime special competence and excellence in several fields. General Maas was such a man. He was not only a farsighted Congressman, but an outstanding Marine.

He entered the Marine Corps April 6, 1917. During the First World War he served with Marine aviation in the Azores, as an enlisted man. He received a commission in 1926. In the summer of 1941, he returned to active duty and served at sea on the staff of Adm. William Halsey and in 1942 with Adm. Frank J. Fletcher in the Solomons campaign. He also served as a Marine Corps observer with Gen. Douglas MacArthur in Australia and New Guinea. For service with the Army Air Force at the Battle of Milne Bay in 1942, he received the Silver Star. He also won the Legion of Merit in combat, as well as 12 other decorations.